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Executive Orders

EXECUTIVE ORDER JML 25-40

State of Emergency—City of Tallulah Water System

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, a state of emergency was declared through Executive Order No. 25-018;

WHEREAS, Executive Order No. 25-018 has been renewed and extended every thirty (30) days through JML 25-028, which is in effect through Sunday, April 13, 2025;

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to address disasters resulting from natural or man-made events that cause or threaten loss of life, injury, or property damage, as well as emergencies, which include actual or potential conditions created by such disasters, in order to ensure that preparations by the State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, La. R.S. 29:724(B)(1) empowers him to declare a state of emergency or disaster by executive order which has the force and effect of law;

WHEREAS, La. R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, a declaration of emergency activates the state's emergency response and recovery program under the command of the director of the Governor's Office of Homeland Security and Emergency Preparedness ("GOHSEP");

WHEREAS, the City of Tallulah has approximately 8,601 persons that depend on the Tallulah Water System;

WHEREAS, the Louisiana Department of Health has determined that the Tallulah Water System is continuously at risk of failure and unable to provide safe and accessible water to the residents of Tallulah on a consistent basis;

WHEREAS, the failure of the Tallulah Water System would impact the health and safety of the citizens of the City of Tallulah;

WHEREAS, the failure of the Tallulah Water System would greatly impact the operability and sustainability of critical infrastructure within the City;

WHEREAS, the State of Louisiana desires to avoid the failure of the Tallulah Water System and to protect the city's citizens and critical infrastructure;

WHEREAS, there is a need to continue Executive Order Number JML 25-028 because the Louisiana Department of Health is still working to repair the Tallulah Water System in order to provide safe and accessible water to the residents of Tallulah on a consistent basis.

NOW THEREFORE, I, JEFF LANDRY, 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: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721 *et seq.*, and more specifically, La. R.S. 29:724, a state of emergency is hereby declared to exist within the City of Tallulah in the Parish of Madison.

Section 2: The Director of GOHSEP and the Louisiana Department of Health are hereby authorized to undertake any activity authorized by law deemed appropriate in response to this declaration;

Section 3: The Louisiana Department of Health shall identify and designate an experienced certified operator to serve as the operator for the Tallulah Water System within three days of the signing of this order.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code, (R.S. 39:1551, *et seq.*), and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*), and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any goods or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this event.

Section 6: This Order is effective Friday, April 11, 2025, and shall continue in effect until Sunday, May 11, 2025, unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 11th day of April, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2505#047

EXECUTIVE ORDER JML 25-41

Renewal of State of Emergency Threat of Subsidence, Subsurface Instability, and Presence of Hydrocarbons in Sulphur Mines Salt Dome Area

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation Number 160 JBE 2023;

WHEREAS, Proclamation Number 160 JBE 2023 has been renewed and extended every thirty (30) days through JML 25-29 which is in effect through Sunday, April 13, 2025;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers the Governor to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, local, state, and federal agencies began monitoring subsurface seismic activity occurring in the vicinity of the Sulphur Mines salt dome in Calcasieu Parish in December of 2021, with a true seismic monitoring array being ordered by the Office of Conservation, which came online in January of 2023;

WHEREAS, the Office of Conservation began investigating unexplained hydrocarbon bubbling within the area of concern in January of 2023, as well as monitoring seismicity, and the rate of subsidence in the area of concern;

WHEREAS, on Wednesday September 20, 2023, in response to this subsidence and seepage, Commissioner of Conservation, Monique M. Edwards made a declaration of emergency under the authority of Louisiana Revised Statutes 30:1 *et seq.*, ordering the operator of the salt cavern underneath the area of subsidence to undertake all necessary activities to evaluate and abate any deterioration of the cavern's integrity;

WHEREAS, the State anticipates that further assistance may be needed to assist Calcasieu Parish in their response to this continuing threat; and

WHEREAS, it is necessary to continue the measures provided in Proclamation Number 160 JBE 2023 to further protect the health and safety of the citizens of Louisiana;

NOW THEREFORE I, JEFF LANDRY, 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: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721 *et seq.*, a state of emergency is hereby declared to exist in the Parish of Calcasieu, as a result of seismic activity, lost cavern integrity, increased hydrocarbon bubbling, and accelerated subsidence, that collectively indicate a potential for structural failure that could potentially threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness is hereby authorized to undertake any activity authorized by law which he deems appropriate in response to this declaration.

Section 3: All departments, commissions, boards, agencies, and officers of the State or any political subdivision thereof, are authorized and directed to cooperate in actions, the State may take in response to this incident.

Section 4: This Order is effective upon signature and shall continue in effect from Friday, April 11, 2025, to Sunday, May 11, 2025, unless amended, modified, or terminated sooner.

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 11th day of April 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2505#048

EXECUTIVE ORDER JML 25-42

Renewal of State of Emergency—Hurricane Ida

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake, or other natural or manmade causes, in order to ensure that preparations of this state will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, Governor John Bel Edwards declared a state of emergency in response to the imminent threat posed by Hurricane Ida on August 26, 2021, in Proclamation Number 165 JBE 2021;

WHEREAS, Proclamation Number 165 JBE 2021 has been renewed and extended every thirty (30) days through JML 25-030, which is in effect through Sunday, April 13, 2025;

WHEREAS, Hurricane Ida made landfall on the Louisiana coast as a major hurricane on Sunday, August 29, 2021, bringing devastating winds, widespread power-outages, and severe damage to Louisiana and its citizens.

WHEREAS, on August 27, 2021, President Joseph R. Biden approved an Emergency Declaration for the State of Louisiana, authorizing appropriate assistance under Title V of the Stafford Act, to be coordinated by the United States Department of Homeland Security and the Federal Emergency Management Agency;

WHEREAS, on August 29, 2021, President Biden approved a Major Disaster Declaration for the State of Louisiana, authorizing individual and public assistance for all impacted parishes;

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing

procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, damage from this storm continues to pose a threat to citizens and communities across the Gulf Coast and create conditions that place lives and property in the state in jeopardy;

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to continue to exist statewide in the State of Louisiana as a result of the threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to continue to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations continue to be suspended for the purpose of the procurement of any goods or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: Pursuant to R.S. 29:724(D)(1), the provisions of R.S. 39:126 regarding prior approval of change orders continue to be suspended.

Section 6: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this severe weather event.

Section 7: This Order is effective upon signature and shall continue in effect from Friday, April 11, 2025 to Sunday, May 11, 2025, unless amended, modified, or terminated sooner.

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 11th day of April, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2505#049

EXECUTIVE ORDER JML 25-43

Amended State of Emergency
Office of Motor Vehicles

WHEREAS, the Governor is responsible for meeting the dangers to the state and people presented by emergencies and disasters;

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to address disasters resulting from natural or man-made events that cause or threaten loss of life, injury, or property damage, as well as emergencies, which include actual or potential conditions created by such disasters;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, La. R.S. 29:724(B)(1) empowers him to declare a state of emergency or disaster by executive order which has the force and effect of law;

WHEREAS, pursuant to R.S. 29:274 (B)(1), JML 25-032 declared a state of emergency through Saturday, April 19, 2025;

WHEREAS, R.S. 29:724 authorizes the Governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, the Department of Public Safety and Corrections, through its services, offices, and officers, has general authority for the security and physical safety of the citizens and property of Louisiana, the enforcement of laws and regulations pertaining to criminal conduct, the rehabilitation of youthful offenders, automobile and highway safety, motor vehicles and drivers, and fire protection;

WHEREAS, the Department's public safety services include the Office of Motor Vehicles which is charged with performing the functions of the state relative to the examination and licensing of drivers of motor vehicles within the state, the suspension and revocation of such licenses, the approval of driver education programs, issuance of vehicle title and registration certificates, recordation of liens against motor vehicles, and the collection of appropriate fees and motor vehicle sales tax;

WHEREAS, the OMV has consistently experienced system outages, leading to the closure of field offices and preventing public tag agents from processing driver's licenses, vehicle registrations, and reinstatement transactions;

WHEREAS, the OMV application and database are over 50 years old and operate on more than 400 programs written in a programming language that is over 60 years old, making support options both limited and costly due to its outdated and complex nature;

WHEREAS, the OMV system has not been purged since 2008;

WHEREAS, modern applications instituted to create public efficiency are instead taxing the mainframe and causing crippling delays for the public;

WHEREAS, the Office of Motor Vehicles has continually experienced issues with searches for VIN numbers, driver's license numbers, and license plates;

WHEREAS, the current mainframe lacks redundancies, leaving the system vulnerable to disruptions;

WHEREAS, the current mainframe is out of space for new license plates, new indicators on driver's licenses, and new flags on driver's licenses;

WHEREAS, it is imperative for the Office of Motor Vehicles to procure and implement a modernized system to effectively carry out its responsibilities, including driver examination and licensing, license suspension and revocation, vehicle title and registration issuance, lien recordation, and the collection of motor vehicle-related fees and taxes;

WHEREAS, past administrations attempted to procure a new system for OMV but failed to implement it.

NOW THEREFORE, I, JEFF LANDRY, 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: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist as a result of the emergency conditions that currently threaten the safety and property of the citizens in Louisiana.

Section 2: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551 *et seq.*), Louisiana Public Bid Law (R.S. 38:2211, *et seq.*), and the Louisiana Information Technology Procurement Code (R.S. 39:196-200), and their corresponding rules and regulations are hereby suspended if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with this emergency.

Section 3: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 4: This Order is effective from, Thursday April 17, 2025, and shall continue in effect until Saturday, May 17, 2025, unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 17th day of April, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2505#050

EXECUTIVE ORDER JML 25-44

Flags at Half-Staff
Representative Billy Wayne "Coach" Montgomery

WHEREAS, former Louisiana legislator Billy Wayne "Coach" Montgomery passed away on April 14, 2025, following a lifetime of service to the people of his community;

WHEREAS, he was born on July 7, 1937, to George and Verda Montgomery in Provencal, Louisiana;

WHEREAS, he is a graduate of Provencal High School and Northwestern State University, and pursued higher education at Louisiana Technical University, earning his master's degree and beyond;

WHEREAS, he honorably served our nation in the United States Army from 1959-1964;

WHEREAS, he taught and coached for many years at Haughton High School, leading the basketball teams to the state championship game several times, winning twice, and coaching the team to many victories over his years there;

WHEREAS, he also coached for Lafayette High with a successful record;

WHEREAS, he served Haughton High School as assistant principal and retired as the principal;

WHEREAS, he spent 20 years serving Bossier Parish as a member of the Louisiana House of Representatives;

WHEREAS, he was known to build non-partisan coalitions and was known for his advocacy across many areas;

WHEREAS, his efforts were vital for obtaining state funding for a \$60 million campus for Bossier Parish Community College, for expanding Interstate 49 in North Louisiana, and he was also instrumental in helping to construct the Louisiana Sports Hall of Fame and Northwest Louisiana History Museum in Natchitoches;

WHEREAS, following his service to our state as a legislator, he continued his public service as a legislative liaison and project manager for the Bossier Parish Police Jury from 2008 - 2021;

WHEREAS, he also served as chairman of the Shreveport-Bossier Sports Commission, serving as its chairman;

WHEREAS, in recognition of his work, the Haughton High School basketball court and Bossier Parish Community College basketball court was named in his honor;

WHEREAS, he received numerous accolades and honors throughout his lifetime, including induction into the Louisiana Political Hall of Fame, induction into the Louisiana Sports Hall of Fame as the 2011 recipient of the

Dave Dixon Louisiana Sports Leadership Award, induction into the Ark-La-Tex Museum of Champions, induction into the Louisiana Association of Basketball Coaches Hall of Fame, induction into the Long Purple Line, Alumni Hall of Distinction at Northwestern, the Distinguished American award from the North Louisiana chapter of the National Football Foundation, “Mr. Louisiana Basketball” in 2009 by the Louisiana Association of Basketball Coaches, “A Leader of the Century” in 2002 by the Shreveport Times, and the International Police Award in 1990;

WHEREAS, he will be remembered for his legacy of service, leadership, and passion for education and athletics, in addition to his lifetime of service to his community;

WHEREAS, he is survived by his significant other, Susan M. Jorden; sons, Kipper W. Montgomery and wife, Dawn, and Trever Montgomery and significant other, Tara Illies; granddaughter, Grace Ann Montgomery; grandson, William Wolf, and wife, Kaitlyn; great-granddaughter, Ophelia Rose Wolf; granddaughter, Anna Marie Wolf; brothers, Doyle Montgomery, and wife, Penny, and Ronny Montgomery; sister, Dorothy Nichols, numerous nieces and nephews and first wife, Gwendolyn Duke.

WHEREAS, Louisiana owes a debt of gratitude to his many outstanding contributions to our state.

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

Section 1: As an expression of respect and to honor Representative Billy Wayne “Coach” Montgomery, 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 until sunset on April 22, 2025.

Section 2: This Order is effective upon signature and shall remain in effect until sunset, April 22, 2025.

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 21st of April, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2505#051

EXECUTIVE ORDER JML 25-45

Renewal of State of Emergency—Cybersecurity Incidents

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies, including those caused by breach of cybersecurity, in order to ensure that preparations of this State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, pursuant to R.S. 29:724(B)(1), Governor John Bel Edwards declared a state of emergency on December 28, 2023, in Proclamation Number 236 JBE 2023 in response to the threat of intentional cybersecurity breaches of public entities throughout the State of Louisiana;

WHEREAS, Proclamation Number 263 JBE 2023 has been renewed and extended every thirty (30) days through JML 25-034, which is in effect through Sunday, April 20, 2025;

WHEREAS, there have been severe, intentional cybersecurity breaches of public entities throughout the State of Louisiana;

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, it is necessary for the State to continue to work cooperatively to mitigate any damages, current or future from cybersecurity breaches and to address cybersecurity vulnerabilities in current systems;

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to continue to exist statewide in the State of Louisiana as a result of the imminent threat to the citizens of the State.

Section 2: The Director of the Governor’s Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to continue to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in actions the state may take in response to the effects of this cybersecurity event.

Section 5: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are further authorized and directed to take all actions necessary to preserve the security and

confidentiality of any data related to this emergency, including the execution of Memoranda of Understanding (MOUs), Non-Disclosure Agreements (NDAs), and/or any other related documents.

Section 6: Any departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, that may be affected by this cybersecurity emergency are directed to work with state officials to ensure there is a coordinated response to this event and are further directed to comply with the requirements of the Database Security Breach Notification Law, R.S. 51:3071 *et seq.*

Section 7: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551 *et seq.*), Louisiana Public Bid Law (R.S. 38:2211, *et seq.*), and the Louisiana Information Technology Procurement Code (R.S. 39:196-200), and their corresponding rules and regulations are hereby suspended if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with this emergency.

Section 8: This Order is effective upon signature and shall continue in effect from Thursday, April 17, 2025 to Saturday, May 17, 2025, unless terminated sooner.

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 17th day of April, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2505#052

EXECUTIVE ORDER JML 25-46

Period of Mourning—Flags at Half-Staff in Remembrance of Pope Francis

WHEREAS, Pope Francis, the leader of the Roman Catholic Church, passed away on April 21, 2025;

WHEREAS, he was born as Jorge Mario Bergoglio on December 17, 1936, in Buenos Aires, Argentina to his father Mario and his mother Regina Sivori;

WHEREAS, he was ordained a priest on December 13, 1969, and he made his final profession with the Jesuits on April 22, 1973;

WHEREAS, he was appointed Provincial of the Jesuits in Argentina on July 31, 1973, and he held that office for six years;

WHEREAS, he served as Rector of the Colegio de San José, as well as a parish priest, in San Miguel from 1980 to 1986;

WHEREAS; on May 20, 1992, Pope John Paul II named him titular Bishop of Auca and Auxiliary of Buenos Aires;

WHEREAS, on December 21, 1993, he was named Vicar General of the Archdiocese of Buenos Aires;

WHEREAS, on June 3, 1997, he was named Coadjutor Archbishop of Buenos Aires;

WHEREAS, on February 28, 1998, he was named Archbishop, Primate of Argentina and Ordinary for Eastern-rite faithful in Argentina who have no Ordinary of their own rite;

WHEREAS, on February 21, 2001, Pope John Paul II named him Cardinal, with the title of San Roberto Bellarmino;

WHEREAS, in October 2001, he was appointed General Relator to the 10th Ordinary General Assembly of the Synod of Bishops on the Episcopal Ministry;

WHEREAS, he was elected Supreme Pontiff on March 13, 2013, choosing the name of Francis as his papal name;

WHEREAS, he served as leader of over one billion Catholics, and he inspired millions around the world with his acts of charity and mercy;

WHEREAS, he leaves behind a legacy of service and generosity that will continue to live on;

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, call upon all citizens to join in prayer for Pope Francis, and by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: To honor and remember the life of Pope Francis, in a period of mourning, 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 to sunset from Wednesday, April 23, 2025 to Saturday, April 26, 2025.

Section 2: This Order is effective upon signature and shall remain in effect until sunset, April 26, 2025.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 21st day of April 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2505#053

EXECUTIVE ORDER JML 25-47

French Quarter Terrorism Attack Memorial Commission

WHEREAS, in the early morning hours of January 1, 2025, at approximately 3:15 a.m., a vehicle was deliberately driven into a crowd on Bourbon Street in an act of terrorism, resulting in multiple fatalities and numerous injuries;

WHEREAS, the victims, their families, and their friends are enduring unimaginable pain and loss, and this senseless act of violence has deeply affected the fabric of our community, calling for strength, solidarity, and a commitment to collective healing during this time of grief;

WHEREAS, the victims of this attack will forever be remembered in Louisiana;

WHEREAS, in order to honor those killed, those who survived, and those whose lives were changed forever by the terrorist attack, a memorial should be permanently displayed in New Orleans;

EXECUTIVE ORDER JML 25-48

Return to In-Office Work

WHEREAS, all those affected by this tragedy should have a space to not only honor, cherish, and respect the memories of those lost, but also gain some comfort, strength, peace, hope, and serenity;

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

Section 1: The French Quarter Terrorism Attack Memorial Commission is hereby established within the Office of the Governor.

Section 2: The Commission shall be comprised as follows:

A. Five family members of victims or victims of the attack. Other victims or victims' family members may serve as ex-officio members of the Commission.

B. The First Lady of Louisiana, or her designee.

C. The Senior Coordinator for Victims Advocacy in the Office of the Governor, who shall serve as its chair.

D. The Lieutenant Governor, or his designee.

E. The President of the Louisiana State Senate, or his designee.

F. The Speaker of the House of Representatives, or his designee.

G. The Mayor of New Orleans, or her designee.

H. The New Orleans City Council President, or her designee.

I. A resident of the French Quarter.

J. A business owner in the French Quarter.

K. A law enforcement officer.

Section 3: The Commission shall make a recommendation to the Governor within one year of this executive order for the establishment of a permanent memorial in the City of New Orleans in honor of the victims of the attack.

Section 4: The Commission shall meet monthly or at the call of the chair.

Section 5: The Commission shall consider all possible revenues to fund the memorial, including public and private sources.

Section 6: The Commission shall be staffed by the Office of the Governor.

Section 7: The Commission shall welcome input, via public comment and any other means, from all interested parties.

Section 8: All departments, commissions, boards, offices, entities, agencies, and officers of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Commission in implementing the provisions of this Order.

Section 9: This Order is effective upon signature.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 22nd day of April, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2505#054

WHEREAS, the State of Louisiana is committed to serving its citizens effectively, efficiently, and with accountability at all times;

WHEREAS, it is in the best interest of Louisiana's citizens for state employees to return to physical offices or facilities to enhance public service and maximize the use of state-owned assets;

WHEREAS, many leading private sector employers have recently increased in-person work requirements;

WHEREAS, the federal government has recently increased in-person work requirements;

WHEREAS, research continues to affirm that in-person work promotes collaboration, cohesion, efficiency, and accountability for employees and supervisors;

WHEREAS, ongoing disparities across departments and within job classifications for state employees have created issues of fundamental fairness and difficulty in recruiting employees to some departments;

WHEREAS, increasing in-office work expectations for state employees will promote public trust;

WHEREAS, pursuant to R.S. 39:4, the Division of Administration oversees all administrative functions of the state as outlined in law;

WHEREAS, pursuant to R.S. 39:8, the Governor may delegate authority to the Commissioner of Administration as he deems necessary;

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

Section 1: All existing telework arrangements shall end no later than June 30, 2025, except those that are medical accommodations approved in accordance with the policies of the respective state department, agency, board, or commission as required by R.S. 46:2594.

Section 2: No later than June 30, 2025, all state departments, agencies, boards, and commissions under the Governor's authority shall require their employees to perform their duties at a designated physical office or facility.

Section 3: No later than May 15, 2025, the Commissioner of Administration shall issue a policy in furtherance of this directive. This policy shall provide guidelines and limitations to ensure uniformity by departments, agencies, boards, and commissions. The Commissioner of Administration, upon request of an agency head, may approve exceptions to this directive. Any such exception shall be in conformity with the policy guidelines and limitations to be issued by the Commissioner of Administration.

Section 4: All departments, agencies, boards, commissions, and officers of the state, and any political subdivision thereof, are authorized and directed to cooperate in the implementation of this Order.

Section 5: All departments and agencies not subject to my authority, including those under the authority of independent elected statewide constitutional officers, are

strongly encouraged to implement and comply with the policy and guidelines to be issued by the Commissioner of Administration.

Section 6: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 23rd day of April 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2505#055

EXECUTIVE ORDER JML 25-49

Renewal of State of Emergency Department of Transportation and Development

WHEREAS, pursuant to R.S. 48:757, Governor John Bel Edwards declared a state of emergency on October 5, 2017, in Proclamation Number 109 JBE 2017 for repairs to certain roadways on the campus of Southern University and Agricultural and Mechanical College including F Street and H Street (also known as Farm Road);

WHEREAS, in Baton Rouge, Louisiana on the campus of Southern University and Agricultural and Mechanical College, certain roadways, including F Street and H Street (also known as Farm Road), are in need of immediate repairs due to the partial collapse of H Street and its slope destabilization;

WHEREAS, the damage has created significant drainage problems, which have been exacerbated by flooding that continues to be experienced in the area, which could result in loss of life and property;

WHEREAS, Southern University has requested that the Department of Transportation and Development assist in providing matching funds and manpower to assist in making the necessary repairs to the campus roadways and enhancements;

WHEREAS, the Department of Transportation and Development has funds available for use as a match and manpower to help repair the compromised roadways and enhancements on Southern University's campus;

WHEREAS, R.S. 29:724 confers upon the Governor the power to suspend the provisions of any regulatory statute prescribing the procedures for the conduct of state business if strict compliance with the provisions of any statute would in any way prevent, hinder, or delay necessary action in coping with an emergency;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., a state of emergency was declared through Proclamation Number 109 JBE 2017.

WHEREAS, R.S. 48:757 permits the use of state funds on roads outside of the state and federal highway

system upon a finding and declaration of an emergency by the Governor.

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

Section 1: Pursuant to R.S. 48:757, a state of emergency is hereby declared on the campus of Southern University in the City of Baton Rouge for the areas surrounding F and H Streets, for the limited purpose of authorizing the expenditure of state funds to make the necessary repairs to the campus roadways and enhancements.

Section 2: Pursuant to R.S. 29:724, the prohibitions in R.S. 48:757, proscribing the performance of work on a non-state highway system road or street, are hereby suspended to allow for the Department of Transportation and Development to perform the necessary actions to cope with the emergency on Southern University's campus.

Section 3: The Secretary of the Department of Transportation and Development is hereby authorized to provide funds for the express purpose of meeting the total match that is required to perform the necessary repairs and to provide the manpower necessary to make the repairs to the non-state highway system campus roadways, including F Street and H Street and its enhancements, slope, and drainage.

Section 4: This Order is effective upon signature and shall continue in effect from Friday, April 25, 2025 to Sunday, May 25, 2025, unless terminated sooner.

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 25th day of April, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2505#056

EXECUTIVE ORDER JML 25-50

Flags at Half-Staff—Speaker of the House Edgerton Lewis “Bubba” Henry

WHEREAS, former Louisiana legislator Edgerton Lewis “Bubba” Henry passed away on April 23, 2025;

WHEREAS, he was born on February 10, 1936, in Jonesboro, Louisiana;

WHEREAS, he was married to Frances Turner Henry for 67 years. They have two children, Patrick E. Henry and Lori Henry Taylor, and two beloved granddaughters, Mary Elizabeth Gordon and Mona;

WHEREAS, he is a graduate of Baylor University and Louisiana State University Law School;

WHEREAS, he served in the Legislature with honor and distinction over a twelve-year period, from 1968 until 1980;

WHEREAS, he was part of the “Young Turks,” a group of legislators committed to bringing reform to the Louisiana Legislature;

WHEREAS, in 1972, he was elected as Speaker of the House and later succeeded himself as Speaker;

WHEREAS, he instituted lasting reform in the Legislature, including establishing committee staff, the legislative fiscal staff, publishing committee schedules and agendas, and more to increase efficiency and transparency in state government;

WHEREAS, he served as chairman of the 1973-1974 Constitutional Convention, which created the new Louisiana Constitution of 1974;

WHEREAS, he received numerous awards and recognition for his work, including receiving honors from the Citizens Conference on State Legislatures and from President Gerald Ford in the Oval Office;

WHEREAS, after leaving the Legislature, he continued to serve our state as Commissioner of Administration from 1980 to 1984;

WHEREAS, as Commissioner of Administration, he helped plan for the State Capitol Complex to consolidate state offices near the State Capitol;

WHEREAS, outside of state government, he served his community in many roles, including but not limited to the Louisiana Association of Business and Industry, Council for a Better Louisiana, the Public Affairs Research Council, the Greater Baton Rouge Food Bank, Boys Hope and Girls Hope, Louisiana Appleseed, and the Greater Baton Rouge Food Bank;

WHEREAS, he was a man of faith and was devoted to University Baptist Church, where he served as Deacon and Trustee;

WHEREAS, following his career in government, he became a partner at Adams & Reese and founded the firm’s Government Relations practice;

WHEREAS, he was known for his humor, wit, and intelligence, which he used to serve the state, calling himself a “humble country lawyer;”

WHEREAS, he will be remembered for his legacy of service, leadership, and serving as a model of statesmanship who truly embodied Louisiana;

WHEREAS, Louisiana owes a debt of gratitude to his many outstanding contributions to our state.

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

Section 1: As an expression of respect and to honor E.L. “Bubba” Henry, 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 until sunset on April 26 and April 27, 2025.

Section 2: This Order is effective upon signature and shall remain in effect until sunset, April 27, 2025.

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 25th of April, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2505#057

EXECUTIVE ORDER JML 25-51

Flags at Half-Staff—Justice Harry Thomas Lemmon

WHEREAS, the Honorable Justice Harry Thomas Lemmon, Associate Justice on the Supreme Court of Louisiana from 1980-2001, passed away on April 18, 2025;

WHEREAS, he was born in Morgan City to Earl and Gertrude (Blum) Lemmon in 1930;

WHEREAS, he was a graduate of Morgan City High School, Southwestern Louisiana Institute, and Loyola Law School, where he graduated top of his class;

WHEREAS, he worked as chemist for four years;

WHEREAS, he honorably served our nation in the United States Army for two years;

WHEREAS, while at Loyola Law School, he met Mary Ann Vial, who would become his wife for 64 years, and they started a family together;

WHEREAS, he began his legal career at the firm of Vial, Vial, and Lemmon in Hahnville;

WHEREAS, he was elected to the Louisiana 4th Circuit Court of Appeal in 1970, and he was elected to the Louisiana Supreme Court in 1980, serving until 2001;

WHEREAS, he was committed to legal education, teaching law school pro bono at Loyola, Tulane, and Louisiana State University;

WHEREAS, his commitment to education extended to educating fellow judges, as he led the Louisiana Judicial College for over 20 years;

WHEREAS, at Loyola Law School, he chaired the Ainsworth Lecture Committee as well as on the Visiting Committee;

WHEREAS, with Professor Frank L. Maraist, he co-authored the Louisiana Civil Law Treatise on Civil Procedure;

WHEREAS, he had extensive civic involvement, including serving on the Board of Directors of Associated Catholic Charities, the American Judicature Society, and the American Inns of Court, as well as chairing the Board of Governors of the Louisiana Judicial College and the American Bar Association’s Appellate Judges Education Institute, and he served on multiple Louisiana Law Institute committees;

WHEREAS, he was recognized for his extensive legal and civic contributions through many awards and recognitions including the Morgan City High School Athletic Hall of Fame, the Louisiana Bar Foundation’s Distinguished Jurist Award, the Loyola Law School St. Ives Award, an honorary degree from LSU, induction into LSU Law Center’s Hall of Fame, honorary membership in LSU’s Order of the Coif, and an honorary Doctor of Laws from Loyola Law School;

WHEREAS, he is survived by his loving wife of 64 years, Mary Ann Vial Lemmon, District Judge of the Eastern District of Louisiana. He is also survived by his six children and thirteen grandchildren: Andrew, his wife Joni, and his son Stuart; Mary Lauren and her children Patrick and Mary Elise; Roslyn and her children Mary Ann "Annie," Noah, and William; Carla, her spouse Shawn, and their children Adam, Nate and Ben; Jake and his children James, Luke, Mark, and Matthew; and Patrick and his spouse Michelle Hynes.;

WHEREAS, throughout his life, he demonstrated unconditional love, faith, and kindness, and he will be remembered for his legacy of service and dedication to the legal community, the judiciary, his friends, and his family; and

WHEREAS, Louisiana owes a debt of gratitude to his many contributions to our state.

NOW THEREFORE, I, JEFF LANDRY, 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 Justice Harry Thomas Lemmon, 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 until sunset on May 1, 2025.

Section 2: This Order is effective upon signature and shall remain in effect until sunset, May 1, 2025.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana on this 30th day of April, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2505#058

EXECUTIVE ORDER JML 25-52

Make Louisiana Healthy Again Enhancing Nutrition in the Supplemental Nutrition Assistance Program

WHEREAS, pursuant to Executive Order 14212, "Establishing the President's Make America Healthy Again Commission," signed by President Donald J. Trump on February 13, 2025, the President acknowledged the current health crisis facing the United States, and announced the policy of the United States Government to "aggressively combat the critical health challenges facing our citizens," including childhood chronic diseases caused by an inadequate diet;

WHEREAS, the Stanford University of Medicine conducted a study in 2014 that found that banning the purchase of sugar-sweetened drinks with food stamps is likely to reduce obesity rates and type-2 diabetes among low-income Americans;

WHEREAS, the federal Supplemental Nutrition and Assistance Program ("SNAP") is administered by the Food and Nutrition Service, under the umbrella of the United States Department of Agriculture ("USDA");

WHEREAS, the states of Arkansas and Indiana have requested waivers from the USDA to ban sugary drinks, sodas, candy, or other unhealthy items from being purchased with SNAP benefits;

WHEREAS, the states of Idaho, Iowa, Nebraska, Utah, and West Virginia have expressed an intent to seek waivers from the USDA to ban sugary drinks, sodas, candy, or other unhealthy items from being purchased with SNAP benefits;

WHEREAS, the American Diabetes Association found in 2023 that approximately 14.2% of Louisiana's adult population has diagnosed diabetes, estimated that 34.4% of Louisiana's adult population have prediabetes, and that these medical conditions cost billions of dollars in direct medical expenses and indirect costs due to lost productivity due to diabetes;

WHEREAS, the Louisiana Department of Health estimates that approximately 40% of adult Louisiana citizens are obese;

WHEREAS, the United States Department of Health and Human Services reports that 35.6% of Louisiana children between ages 10 and 17 are overweight or obese;

WHEREAS, soft drinks, sodas, candy, and energy drinks are leading causes of obesity and type-2 diabetes among Louisiana's population, including low-income families;

WHEREAS, it is in the best interest of the State of Louisiana to incentivize healthy lifestyle choices for Louisiana citizens, reduce taxpayer subsidies of soda purchases for individuals enrolled in the SNAP Program, and reduce the consumption of unhealthy food items that contribute to obesity, diabetes, and other diseases;

WHEREAS, studies show that participants who participate in programs used to incentivize healthy foods purchase significantly more fruits and vegetables, and even reduce the purchase of sugary drinks;

WHEREAS, SNAP is administered at the state level by the Louisiana Department of Children and Family Services ("DCFS"), and is the agency authorized to submit a waiver to permit Louisiana to request the USDA to allow Louisiana to prohibit the purchase of certain food categories using SNAP benefits;

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

Section 1: The Secretary of DCFS shall, no later than October 1, 2025, prepare and submit a waiver request to the USDA to exclude soft drinks and candy from eligible foods defined in 7 U.S.C. 2012(k) and 7 C.F.R. 271.2.

Section 2: Should this waiver request be granted, the Secretary of the DCFS shall prohibit the purchase of soft drinks and candy with SNAP benefits provided through the SNAP program.

Section 3: The Secretary of DCFS shall also determine ways to incentivize the purchase of fruits and vegetables, such as a Double Up Program, providing participants money back for every dollar spent on fruits and vegetables, up to a certain monthly limit.

Section 4: The Louisiana Legislature is urged to pass Senate Bill 14 of the 2025 Regular Legislative Session and determine whether other ineligible drinks and food should result in additional waiver requests.

Section 5: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in the implementation of this Order.

Section 6: I also urge and request that the United States Congress pass legislation addressing these issues, including House Bill 479 and/or Senate Bill 561, both pending before the 119th Congress (2025-2026).

Section 7: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 30th day of April, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2505#059

EXECUTIVE ORDER JML 25-53

Bond Allocation 2025 Ceiling

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

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

WHEREAS, pursuant to the Act and Act No. 51 of 1986, Executive Order No. JML 2024-123 was issued to establish:

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

WHEREAS, the Louisiana Housing Corporation (hereafter the “Corporation”) has applied for an allocation of the 2025 ceiling to be used in connection with providing funds for the acquisition, construction, rehabilitation, and equipping of residential rental housing for individuals and families of low and moderate income.

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

Section 1: The bond issues, as described in this Section, shall be and are hereby granted allocations from the 2025 ceiling in the amounts shown:

Amount of Allocation	Name of Issuer	Name of Project
\$10,000,000	Louisiana Housing Corporation	Barret Senior Lofts Series 2025
\$19,500,000	Louisiana Housing Corporation	BW Cooper Senior Series 2025
\$9,750,000	Louisiana Housing Corporation	Fairfield Building Lofts Series 2025
\$21,000,000	Louisiana Housing Corporation	Imperial Terrace Series 2025
\$12,000,000	Louisiana Housing Corporation	King Oaks V Series 2025
\$24,000,000	Louisiana Housing Corporation	Lafitte VII Series 2025
\$17,000,000	Louisiana Housing Corporation	Sabine Trace Series 2025

Section 2: The allocations granted herein shall be used only for the bond issues described in Section 1 and for the general purpose set forth in the “Application for Allocation of a Portion of the State of Louisiana's Private Activity Volume Cap” submitted in connection with the bond issues described in Section 1.

Section 3: The allocations granted herein shall be valid and in full force and effect through June 30, 2025; therefore, any unused amount of the 2025 ceiling allocation shall be deemed returned as of July 1, 2025.

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 30th day of April, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2505#060

Emergency Rules

DECLARATION OF EMERGENCY

Department of Health Office of Public Health

Registration of Foods, Drugs, Cosmetics, and
Prophylactic Devices (LAC 49:I.Chapter 5)

The Department of Health, Office of Public Health (LDH/OPH), pursuant to the emergency rulemaking authority granted by R.S. 40:4(A)(13) and R.S. 3:1483(L), hereby adopts the following Emergency Rule for the protection of public health. This Emergency Rule is effective on May 2, 2025, and is adopted in accordance with R.S. 49:962 of the Administrative Procedure Act (R.S. 49:950, et seq.).

This Emergency Rule amends §501 to provide for additional definitions, to amend existing definitions, and to repeal certain existing definitions; adds a new §516 to provide for the issuance of permits to in-state and out-of-state processing facilities; amends §§517-519; adds a new §521 to provide for distillate potency testing, batch testing, and certificate of analysis; repeals §§527-531 in accordance with Act 752 of the 2024 Regular Session; amends §533 and §535; adds a new §534 regarding variances in package contents; and adds §539 regarding additional enforcement provisions. New language is adopted in §516, §§517-521, §533, §535, and §539, including disclosure of ownership information of hemp firms, allowing for the revocation of the registration of a hemp product for the cause of failure to provide a certificate of analysis meeting regulatory requirements, and allowing for exemptions to provisions triggering automatic revocation of all productions from a firm when multiple registrations are revoked within a two-year period when those revocations are the direct result of regulatory changes implemented by the department.

Title 49

PUBLIC HEALTH—FOOD, DRUGS, AND COSMETICS

Part I. Regulations

Chapter 5. Registration of Foods, Drugs, Cosmetics and Prophylactic Devices

§501. Definitions

[Formerly 49:2.2100]

A. Unless otherwise specifically provided herein, the following words and terms used in this Chapter of Title 49, and all other Chapters of Title 49, which are adopted or may be adopted, are defined for the purposes thereof as follows.

Adult-Use Consumable Hemp Product—Repealed.

Consumable Hemp Product—any product derived from industrial hemp that contains any cannabinoid, including cannabidiol, or THC, and is intended for consumption or topical use. This special class of products includes, but is not limited to, the following: food, animal foods or feed, hemp flower, and pet products.

Consumable Hemp Products Database—repository of information on products and firms that are registered with the Cannabis Program of LDH/OPH that fall into the category of consumable hemp products.

Department—for the purposes of this Chapter, the Office of Public Health, Louisiana Department of Health.

Distillate—the product of condensation of an evaporated substance to produce a highly-concentrated solution.

Industrial Hemp-Derived Cannabidiol Products (IHDCP)—Repealed.

Industrial Hemp-Derived Cannabidiol Products Database—Repealed.

Liquid Concentrate—concentrated water-soluble liquid containing THC components derived from consumable hemp that can be consumed directly or added to a food or beverage.

Manufacturer—the person, whether permitted or not by the department as a consumable hemp processor, who manufactures a consumable hemp product into the final form in which it will be distributed or offered for sale.

Package—container or wrapping in which any consumer commodity is enclosed for the purposes of display or delivery to retail purchasers; in the context of consumable hemp products, this term refers to a group of individual servings offered together as a single unit.

Related Entity—an entity that shares at least 50 percent direct or indirect common ownership with another entity.

Serving—total quantity of discrete units or of liquid in a package a processor recommends for consumption at one time; in the context of consumable hemp products, this term refers to discrete (i.e., separate and completely unattached to other servings) pieces of a solid substance, containers of a beverage, or one milliliter of a tincture, extract or distillate designed for oral or sublingual use.

THC—any combination of tetrahydrocannabinol, THC components, and tetrahydrocannabinolic acid.

THC Components—any isomer, analog or derivative of the tetrahydrocannabinol molecule.

Tincture—an extract of plant material produced using an organic solvent, frequently mixed with a carrier oil and optional flavorants to generate a finished product; this category does not include liquid concentrates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(L), R.S. 40:4(A)(13), R.S. 40:5(A)(8)(17) and R.S. 40:604.

HISTORICAL NOTE: Adopted by the State Board of Health, September 1968, amended by the Department of Health, Office of Public Health, LR 46:358 (March 2020), LR 47:479 (April 2021),

§516. Consumable Hemp Processors; Permits

A. Any person seeking to manufacture or process consumable hemp products in Louisiana must first obtain from the department a separate annual consumable hemp processor permit for each facility in which such manufacturing or processing will occur. No person shall process or manufacture any consumable hemp product in Louisiana at a facility for which a current valid annual consumable hemp processor permit has not been issued by the department.

B. The department shall issue an annual consumable hemp processor permit, or renewal thereof, for a processing or manufacturing facility located in Louisiana if all of the following conditions are met.

1. The applicant and facility comply with all applicable requirements of LAC Title 51, Part VI, §103.

2. The applicant pays the annual permit fee as required by R.S. 3:1483(A)(1) or successor statute.

3. The applicant discloses the legal name and ownership interest of each person owning more than a 5 percent interest in the applicant.

4. The applicant submits the online or physical application form prescribed by the department.

5. The applicant and facility comply with all applicable requirements of Part VI of Chapter 10-a of R.S. Title 3, this Section, and this Chapter.

C. The department shall issue an annual consumable hemp processor permit, or renewal thereof, by endorsement for a processing or manufacturing facility located in another state if all of the following conditions are met.

1. The applicant demonstrates that it holds a current valid permit for the facility issued by the state's health department, or equivalent agency, pursuant to a regulatory scheme under which an inspection of the facility is conducted prior to initial permit issuance to ensure compliance with compulsory sanitary and manufacturing requirements substantially equivalent to those set forth in LAC 51, Part VI and the issuing agency has authority to conduct additional inspections as it deems necessary to ensure continuing compliance therewith.

2. The applicant pays the annual permit fee as required by R.S. 3:1483(A)(1) or successor statute.

3. The applicant discloses the legal name and ownership interest of each person owning more than a 5 percent interest in the applicant.

4. The applicant submits the online or physical application form prescribed by the department.

5. The applicant and facility comply with all applicable requirements of Part VI of Chapter 10-a of R.S. Title 3, this Section, and this Chapter.

6. The applicant consents to the personal jurisdiction of Louisiana courts and administrative tribunals for matters related to denial, issuance, revocation, or suspension of a permit, license, or registration under this Chapter.

D. Annual consumable hemp processor permits shall be issued on a fiscal year basis, expiring on June 30 of the fiscal year of issuance. The department shall prorate the annual fee for permits applied for and issued subsequent to July 1 of a fiscal year. Permit renewal applications, together with the

required fee, must be submitted to the department no later than 30 days prior to permit expiration. The provisions of R.S. 49:977.3(B) shall apply to a timely-submitted renewal application.

E. Individuals seeking an annual consumable hemp processor permit shall provide to the department proof of being at least 21 years of age and a notarized attestation, given under penalty of perjury, stating that the individual has not been convicted of a felony under the laws of the United States, the state of Louisiana, or any other state or country, or been convicted in this or in any other state or by the United States of soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place, letting a disorderly place, or illegally dealing in controlled dangerous substances.

F. Juridical entities (e.g. corporations or limited liability companies) seeking an annual consumable hemp processor permit shall provide to the department a notarized attestation, given under penalty of perjury and executed by the secretary, managing member, or other authorized individual, stating that no officer or shareholder/member owning more than five percent of the entity has been convicted of a felony under the laws of the United States, the state of Louisiana, or any other state or country, or been convicted in this or in any other state or by the United States of soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place, letting a disorderly place, or illegally dealing in controlled dangerous substances.

G. Notice of final denial of a requested facility permit shall state the specific reason(s) for the denial and shall include notice of right to an administrative hearing concerning same, which right shall expire unless the applicant files, in the manner specified therein, a written request for an administrative hearing with the department within 20 calendar days of receipt of the notice. Any such request timely received shall be forwarded by the department to the Louisiana Division of Administrative Law. In addition to any method of service authorized by this Title, service of the notice on the applicant may be effected through any means authorized by LAC 51:I.109. Additionally, service may be made by electronic mail sent to any email address provided by the registrant to the department as part of or subsequent to the permitting or registration process, and shall be deemed effective even if returned as undeliverable.

H. The department may revoke or suspend a consumable hemp processor permit if the permit holder, or the facility for which the permit was issued, no longer complies with the prerequisites and conditions for obtaining or holding such permit set forth in this Chapter. Except as otherwise provided in Subsection I of this Section, revocation or suspension shall occur by issuance of an Order Revoking/Suspending Permit, the issuance, format, service, and administrative appeal of which shall be in accordance with the applicable requirements set forth in §518.B-C of this Chapter. If the state health officer determines, in his sole discretion, that immediate implementation of the order is necessary to abate a potential danger to the public life, health, or safety, and includes that finding in the order, the

order shall be deemed an emergency order and shall not be stayed pending the decision of the Division of Administrative Law.

I. A permit issued by endorsement pursuant to Subsection C of this Section shall be automatically suspended or revoked if the out-of-state permit upon which it is based lapses, expires, or is suspended or revoked by the issuing agency. It shall be the affirmative duty of the holder of a permit issued by endorsement to inform the department of any such lapse, expiration, suspension, or revocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(L), R.S. 40:4(A)(13), R.S. 40:5(A)(8)(17) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§517. Registration of Consumable Hemp Products

A. Each separate and distinct consumable hemp product must be registered with the department-annually and initially within 90 days of the effective date of these regulations or prior to marketing the products in the state of Louisiana, whichever comes first.

B. ...

C. In lieu of the annual examination and administration charge normally collected under R.S. 40:628(B), the applicant for a consumable hemp product registration must provide (both initially and on or before July 1 of each subsequent year) the department with a packet that includes:

1. - 6. ...

7. for each separate and distinct product, photographs or renderings of the product that accurately depict the Title 49, Part I entirety of the product, including all accessories or physical items included or sold with the product, whether attached or not. The department may require the submission of a specimen of the actual product and all included accessories if it determines in its sole discretion that submitted renderings or photographs do not allow a sufficient determination that the product meets all applicable requirements of this Chapter;

8. for each separate and distinct product, a detailed written description of how individual servings will be packaged and marketed for sale. A product whose label fails to comply with the requirements of §533 of this Chapter will not be registered. A product packaged, labeled, or marketed in a manner that physically or functionally combines individual servings, resulting in a functional or suggested product serving size that exceeds five milligrams of total THC per serving, shall not be registered and shall be subject to revocation of registration pursuant to §518 of this Chapter;

9. the address and identifying information of any facility in which the product will be manufactured or processed, together with an indication of whether a current valid annual consumable hemp processor permit has been issued by the department for the facility; and

10. the legal name of the manufacturer of the product, together with the legal name and ownership interest of each person owning more than a five percent interest in the manufacturer.

D. ...

E. No person is authorized to distribute any consumable hemp product in the state of Louisiana unless such product is currently registered and entered into the consumable hemp products database by the department, except that if a firm submits product labeling and supporting documentation for

review to the department and does not receive a written response within 60 business days of that initial submission, the product may be sold after the sixtieth business day by any permitted wholesaler or retailer until the submitting party receives notice in writing from the department that the product in question is accepted or rejected for registration. Upon the expiration of the 60 business days, the department will send written notice, via electronic mail only, confirming the “pending” status of any application and, if known, a date by which a final determination will be made.

F. ...

G. No consumable hemp product shall be registered if one or more of the following conditions concerning dosage vehicles apply:

1. - 3. ...

4. it is explicitly or clearly intended or characterized as being for rectal or vaginal insertion, including, but not limited to, vaginal or anal suppositories; this prohibition shall not apply to products that are topical personal lubricants;

5. it includes floral hemp material, or constitutes a vape cartridge, vape pen, e-cigarette or a substantially similar item designed to facilitate inhalation; or

6. it is an alcoholic beverage as defined in R.S. 26:2.

H. ...

I. The department shall not register any consumable hemp product whose sale in Louisiana is prohibited under Part VI of Chapter 10-a of R.S. Title 3, particularly 3:1484(A)(3), 3:1484(B)(1)(b)(iii), and 3:1484(B)(4), or any rules of the department promulgated thereunder. Except as provided in Subsection J of this Section, the department shall only register consumable hemp products manufactured in a facility for which a consumable hemp processor permit has been issued by the department; any existing registration of consumable hemp products manufactured in a facility for which a consumable hemp processor permit has been not been issued by the department shall be deemed to meet the criteria for revocation under an Emergency Order pursuant to §518.D of this Chapter. This Subsection shall take effect on July 15, 2025.

J. Notwithstanding any provision of this Chapter to the contrary, a consumable hemp product manufactured in a facility for which a consumable hemp processor permit has not been issued by the department may be registered only by a person holding a consumable hemp processing permit issued by the department for a facility located in Louisiana, who shall ensure that the manufacturer meets all applicable requirements of §516 of this Chapter, that the facility meets applicable sanitary and manufacturing requirements substantially equivalent to those set forth in LAC 51, Part VI, and that such product meets all applicable requirements of this Chapter and of Part VI of Chapter 10-a of R.S. Title 3. Such person must have access to and retain for at least three years the records required by §521 of this Chapter, and shall make such records available to the department upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483(L) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended, LR 47:479 (April 2021), LR 48:1290 (May 2022), LR 48:2982 (December 2022), LR 49:1940 (November 2023), LR 51:

§518. Revocation of a Consumable Hemp Product Registration

A. The department may revoke the registration of a consumable hemp product if:

1. - 2. ...

3. the product, including any accessories or physical items included therewith, is materially modified in a way that makes the photographs, renderings, or specimen submitted in connection with the registration no longer an accurate depiction thereof;

4. the product, product label, product packaging, or product marketing no longer complies with the prerequisites for registration set forth in, or otherwise violates any applicable provision or requirement of, this Chapter or Part VI of Chapter 10-a of R.S. Title 3;

5. The manufacturer of the product fails to comply with any requirement of this Chapter concerning the product, including §521; or

6. The sale of the product in Louisiana is prohibited under Part VI of Chapter 10-a of R.S. Title 3, particularly 3:1484(A)(3), 3:1484(B)(1)(b)(iii), and 3:1484(B)(4), or any rules of the department promulgated thereunder.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483(L) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 49:1941 (November 2023), LR 51:

§519. Consumable Hemp Products Labeling Requirements: Certificate of Analysis

A. - C.4. ...

5. a cannabinoid profile listing all major phytocannabinoid constituents by percentage of dry weight;

6. - 10.d. ...

11. a cannabinoid profile for the “active ingredient” (cannabinoid-containing distillate or isolate used in formulating the finished product) listing all major cannabinoid constituents by percentage of dry weight.

D. Repealed.

E. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483(L) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended, LR 47:480 (April 2021), LR 48:1290 (May 2022), LR 48:2982 (December 2022), LR 49:1940 (November 2023), LR 51:

§521. Distillate Potency Test; Batch Testing; Certificates of Analysis

A. A consumable hemp processor or manufacturer shall obtain a certificate of analysis (COA) of the distillate or concentrate used to produce any consumable hemp product. The COA shall include the information required by §519.C.5 of this Chapter.

B. A manufacturer shall obtain a COA of each batch of consumable hemp product that it manufactures. The COA shall include the information required by §519.C.1-10 of this Chapter.

C. A consumable hemp processor or manufacturer shall not sell or distribute in Louisiana any consumable hemp product from a batch whose COA indicates an exceedance of any of the maximum contaminant limits set forth in §519.C.1-10 of this Chapter or indicates that the product

otherwise violates any requirements of this Chapter or Part VI of Chapter 10-a of R.S. Title 3.

D. The COAs required by this Section shall be retained for at least three years and shall be made available to the department upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483(L) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§527. Consumable Hemp Products Labeling Requirements: Marketing for Inhalation Prohibited

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1482(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 47:480 (April 2021), amended LR 48:1291 (May 2022), repealed LR 51:

§529. Consumable Hemp Products Packaging Requirements: Hemp Flower Packaging

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:1291 (May 2022), repealed LR 51:

§531. Consumable Hemp Products Labeling Requirements: Adult-Use Products

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483 and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2983 (December 2022), repealed LR 51:

§533. Consumable Hemp Products Labeling and Packaging Requirements: Serving Sizes, Packaging Limits, and THC Content

A. Labeling must clearly indicate the amount of THC per serving in a product, the serving size, and the number of servings per package.

B. Consumable hemp beverages must meet the following requirements:

1. a serving must be 12 fluid ounces or greater;
2. a serving must not include more than 5 mg THC;
3. a container may not contain more than one serving;
4. a container must be tamper-evident;
5. a package may not include more than four containers.

C. Consumable hemp tinctures must meet the following requirements:

1. a serving must be one milliliter and may not contain more than one milligram of THC;
2. a container may not exceed 30 mL;
3. containers must include a dropper that readily dispenses precisely one serving.
4. tinctures must be oil-based and may not include any concentrated water-soluble liquid that can be consumed directly or added to any food or beverage
5. packaging must be child-resistant by design.

D. Products other than beverages and tinctures must meet the following requirements:

1. an individual serving must not include more than 5 mg THC;
2. a package must not contain more than 40 mg THC;

3. packaging must be child-resistant by design;
4. each serving must be a discrete unit.

E. Packaging of consumable hemp products may not be designed explicitly to appeal to children by means of the employment of naming, branding, or use of a logo bearing a substantial similarity to that of conventional food or beverage products already on the market.

F. Labeling on THC-containing products must bear a disclaimer that consumption of such products may cause the user to fail a pre-employment or routine drug screen.

G. Nonedible topical consumable hemp products shall not be subject to the requirements of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483 and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2982 (December 2022), LR 49:1940 (November 2023), LR 51:

§534. Consumable Hemp Products Labeling Requirements; THC Content

A. Labels on consumable hemp products must accurately reflect the contents of the packaging with a variation of no greater than 15 percent. This 15 percent variance allowance shall not be construed to allow a product to exceed the THC content maximum limits, including the per serving maximums, set forth in Part VI of Chapter 10-a of R.S. Title 3 and §533 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483 and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§535. Penalties for Violations of Requirements to Register Consumable Hemp Products [Formerly §531]

A. Any person who violates the provisions requiring registration of consumable hemp products is subject to the penalties provided for by R.S. 3:1484 and other sanctions as provided for by the State Food, Drug, and Cosmetic Law. Any person who violates the provisions requiring registration of consumable hemp products is subject to the penalties provided for by R.S. 3:1482 and other sanctions as provided for by the State Food, Drug, and Cosmetic Law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483 and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended, LR 47:480 (April 2021), LR 48:1290 (May 2022), LR 48:2982 (December 2022), LR 49:1940 (November 2023), LR 51:

§539. Additional Enforcement Provisions

A. The department may, randomly or based upon a complaint, procure a COA on a specimen of any registered consumable hemp product offered for sale in Louisiana to determine compliance with applicable requirements of this Chapter and Part VI of Chapter 10-a of R.S. Title 3. An appropriate Chain of Custody document shall be utilized for such purpose.

B. If a COA obtained in accordance with Subsection A of this Section shows that the product does not meet the requirements of this Chapter or Part VI of Chapter 10-a of

R.S. Title 3, the registration of such product may be revoked by order issued pursuant to §518 of this Chapter, which order shall note the costs paid to procure the COA, including laboratory and shipping costs. Such product shall not thereafter be registered by any person for two years.

C. If the department revokes a product registration pursuant to Subsection B of this Section, the registration holder shall reimburse the department for the costs paid to procure the COA within 30 days of the revocation becoming final (i.e. not subject to further appeal or review). If such reimbursement is not received within 30 days, the registration holder shall additionally owe the department a civil penalty equal to three times the costs paid to procure the COA. If such additional civil penalty is not paid within 30 days of demand, the department may revoke all other product registrations held by the registration holder.

D. The department may revoke all other consumable hemp product registrations held by a person who has more than two consumable hemp products registrations revoked by the department within a two-year period. For three years thereafter, the department shall not accept any product registrations from such person or related entity, nor register any product manufactured by such person or related entity.

E. The department may revoke all consumable hemp processor permits held by a person who has more than two consumable hemp products registrations revoked by the department within a two-year period. For three years thereafter, the department shall not issue a consumable hemp processor permit to such person or to any related entity.

F. If the department revokes within a two-year period the registration of more than two consumable hemp products produced by a manufacturer, then the registration of all other consumable hemp products produced by such manufacturer may also be revoked. For three years thereafter, the department shall not register any products produced by such manufacturer or related entity.

G. A revocation of a consumable hemp product registration that occurs solely due to a change in law shall not be considered a revocation for the purposes of Subsections D, E, and F of this Section.

H. The provisions of this Section shall apply to the extent that they are more specific than any conflicting general enforcement provisions set forth in this Chapter or Title.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483 and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

Public Comments

Comments on this Emergency Rule may be directed to the attention of Tiffany Meche, Director of Sanitarian Services, at 628 North 4th Street, P.O. Box 4489, Baton Rouge, LA 70821-4489.

Bruce D. Greenstein
Secretary

2505#031

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Opening of 2025 Spring Inshore Shrimp Season

The Wildlife and Fisheries Commission received information regarding biological sampling for brown shrimp in state inshore waters. The Department of Wildlife and Fisheries provided the commission with data that projected the date when brown shrimp will reach marketable size. After considering biological information and public input, the commission took action to set the spring inshore shrimp season within state inshore waters. Notice of any opening, delaying or closing of a season by the Wildlife and Fisheries Commission will be made by public notice at least 72 hours prior to such action.

In accordance with the emergency provisions of R.S. 49:962 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and shall have the authority to open or close outside waters and to increase the minimum mesh size provided in R.S. 56:499 for any trawl, skimmer net, or butterfly net for the duration of any special shrimp season or regular shrimp season extension, the Wildlife and Fisheries

Commission does hereby set the 2025 Spring Inshore Shrimp Season in Louisiana state waters to open as follows:

That portion of state inside waters from the Mississippi/Louisiana state line westward to the eastern shore of South Pass of the Mississippi River to open at 6 a.m. on Monday, May 19, 2025.

That portion of state inside waters from the eastern shore of South Pass of the Mississippi River westward to the western shore of the Freshwater Bayou Canal to open at 6 a.m. on Thursday, May 8, 2025.

That portion of state inside waters from the western shore of the Freshwater Bayou Canal westward to the Louisiana/Texas state line to open at 6 a.m. on Thursday, May 22, 2025.

The commission hereby grants authority to the secretary of the Department of Wildlife and Fisheries to delay or advance these opening dates if biological and technical data indicate the need to do so, and, to close any portion of Louisiana inside waters to protect small juvenile white shrimp if biological and technical data indicate the need to do so, or enforcement problems develop. Notice of any opening, delaying or closing of a season by the secretary of the Department of Wildlife and Fisheries will be made by public notice at least 72 hours prior to such action.

Kevin Sagrera
Chairman

2505#013

Rules

RULE

Department of Agriculture and Forestry Office of Animal Health and Food Safety and Agricultural Chemistry and Seed Commission

Commercial Feed (LAC 7:XVII.Chapter 1)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:1391 et seq., notice is hereby given that the Department of Agriculture and Forestry ("Department"), through the Office of Animal Health and Food Safety, has amended LAC 7:XVII.101, 103, 117, 119, 121, 123, 127, 136, 137, 139, 141, and 167 of the Commercial Feed Rules and Regulations. The Rule change incorporates recent statutory changes for raw milk and raw milk products in animal feed, pursuant to Act 699 of the 2024 Regular Session. The Rule change further incorporates statutory changes set forth in Act 101 of the 2024 Regular Session, which includes modifications to the state chemist responsibilities to include annual determination of the value of protein and any other substance guaranteed as a commercial feed; defines "guarantor" as well as establishes that a guarantor may apply for registration as a feed manufacturer and for authority to label feeds for sale in Louisiana. Further amendments being made pursuant to Act 101 clarifies the term "adulterated" as it relates to injury to the health of humans or animals, and provides additional criteria for "adulterated," including the presence of any drug defined by the Federal Food, Drug, and Cosmetic Act. The Rule change also includes amendments that are technical changes, merely updating and cleaning up existing language to be consistent with other sections within the same Chapter and with relevant statutory provisions. This Rule is hereby adopted on the day of promulgation.

Title 7

AGRICULTURE AND ANIMALS

Part XVII. Feed

Chapter 1. Commercial Feeds

Subchapter A. Official Feed

§101. General Provisions, Definitions and Terms

A. ...

B. When not in conflict with existing provisions of R.S. 3:1391 et seq. or this Chapter, the Commission incorporates by reference the "Model Regulations for Pet Food and Specialty Pet Food Under the Model Bill," published in the 2024 *Official Publication of the Association of American Feed Control Officials*.

C. The following commodities are hereby declared exempt from the definition of commercial feed, under the provisions of R.S. 3:1391(3): raw milk, raw meat, and hay, straw, stover, silages, cobs, husks and hulls when unground unprocessed, and when not mixed or intermixed with other materials; provided that these commodities are not adulterated within the meaning of R.S. 3:1396.

D. - E. ...

F. Definitions

Commission—the Louisiana Agricultural Chemistry and Seed Commission.

Feed—any commercial feed manufactured and distributed for consumption by livestock.

Guaranteed Feeding Units—the minimum crude protein, minimum crude fat, maximum crude fiber and minimum or maximum minerals expressed as percentages or other required official units of measure, based on weight and indicated on the label as being contained in the commercial feed.

Guarantor—the entity listed on a commercial feed label or package that guarantees quality, quantity, and safety of the product.

Process—any method used to prepare, treat, convert, or transform materials into feeds or feed ingredients. A "process" feed term can be used to further describe an ingredient name as long as the ingredient is not nutritionally altered from the original.

Raw Milk—the lacteal secretion from any species other than human, that has not been pasteurized in accordance with the processes recognized by the U.S. Food and Drug Administration.

Raw Milk Products—any animal feed or feed ingredients made from raw milk that has not undergone pasteurization or other thermal processing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1391 and R.S. 3:392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:219 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2524 (October 2012), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Agricultural Chemistry and Seed Commission, LR 51:647 (May 2025).

§103. Label Format

A. Commercial feed, other than customer-formula feed, shall be labeled with the information prescribed in this regulation on the principal display panel of the product and in the following general format:

1. a quantity or net weight, in both standard (avoirdupois) and metric units;

A.2. - B.8. ...

C. If the feed is manufactured with raw milk or raw milk products:

1. The express words "WARNING: NOT FOR HUMAN CONSUMPTION – THIS PRODUCT HAS NOT BEEN PASTEURIZED AND MAY CONTAIN HARMFUL BACTERIA," shall be displayed in a conspicuous manner and shall not be smaller than the height of the minimum form required by the Federal Fair Packaging and Labeling Act for the net quantity statement in the table below:

Panel Size		Minimum Warning Statement Type Size
≤ 5 in. ²	----	1/16 in.
> 5 - ≤ 25 in. ²	----	1/8 in.
> 25 - ≤ 100 in. ²	----	3/16 in.
> 100 - ≤ 400 in. ²	----	1/4 in.
> 400 in. ²	----	1/2 in.

2. When pet food or specialty pet food consists of raw milk, the words, “Raw (BLANK) Milk” shall appear conspicuously on the principal display panel. “BLANK” is to be completed by using the species of animal from which the raw milk is collected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1394, R.S. 3:1393 and R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:223 (March 1985), amended LR 11:943 (October 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2524 (October 2012), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Agricultural Chemistry and Seed Commission, LR 51:647 (May 2025).

§117. Adulterants

A. For the purpose of R.S. 3:1396(1), the terms poisonous or deleterious substances include but are not limited to the following:

A.1. - A.5. ...

6. any new animal drug which is unsafe within the meaning of Section 512 of the Federal Food, Drug and Cosmetic Act.

7. any filthy, putrid, or decomposed substance, causing the material to be unfit for feed.

B. A commercial feed may be considered adulterated if:

1. the manufacture, processing, packaging, distribution, or use does not comply with the requirements of Title 21, Code of Federal Regulations, Part 507, Subparts A, B, C, E, and F where applicable; or

2. it is, in whole or in part, the product of a diseased animal or of an animal or of an animal which has died otherwise than by slaughter which is unsafe within the meaning of Section 402(a)(1) or (2) of the Federal Food, Drug, and Cosmetic Act.

C. All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds so that the finished product contains no more than four viable prohibited weed seeds per pound and not more than 200 viable restricted weed seeds per pound.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1396.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:223 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2525 (October 2012), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Agricultural Chemistry and Seed Commission, LR 51:648 (May 2025).

§119. Good Manufacturing Practices

A. For the purposes of enforcement of R.S. 3:1396 (8), the commission adopts the following as current good manufacturing practices:

1. the regulations prescribing current good manufacturing practice, hazard analysis, and risk-based

preventive controls for food for animals, as published in the *Code of Federal Regulations*, Title 21, Part 507, Subparts A, B, C, D, E, and F; Sections 507.1 - 507.215;

2. the regulations prescribing good manufacturing practices for medicated feeds as published in the *Code of Federal Regulations*, Title 21, Part 225, Sections 225.1-225.115; and

3. the regulations prescribing good manufacturing practices for medicated premixes as published in the *Code of Federal Regulations*, Title 21, Part 226, Sections 226.1-226.115.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392, 1396, and 1398.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:223 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2525 (October 2012), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Agricultural Chemistry and Seed Commission, LR 51:648 (May 2025).

§121. Fees

A. ...

B. Each registrant filing a label with the commission shall pay to the commission a labeling fee of \$10 per label.

C. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1401 and 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:223 (March 1985), amended LR 11:944 (October 1985), amended by the Department of Agriculture and Forestry, Office of the Commissioner, Feed Commission, LR 30:198 (February 2004), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Agricultural Chemistry and Seed Commission, LR 51:648 (May 2025).

§123. Deficiency Assessments and Penalties

A. ...

B. The value of crude protein will be calculated as follows:.

1. The quarterly average price of four feedstuff protein sources shall be used. These are 46.5-48 percent soybean meal, 41 percent cottonseed meal, 60 percent corn gluten meal, and 46-50 percent meat and bone meal from ruminant and porcine sources. The average price will be determined using the Monthly National Grain and Oilseed Processor Feedstuff Report and the Monthly National Animal By-Product Feedstuff Report, published by the United States Department of Agriculture, Agriculture Market Service, AMS Livestock, Poultry and Grain Market News. The average value for each month of the preceding quarter will be used for calculation purposes.

C. For all other guarantees, a deficiency assessment of ten percent of the retail purchase price of the feed if the deficiency or excess, where applicable, is greater than ten percent of the guarantee.

D. Penalties shall be assessed as provided for in R.S. 3:1400. If an official sample shows that feed ingredients bought by a feed manufacturer is deficient, any penalties from this deficiency shall be paid by the supplier of the ingredients to the manufacturer that bought the ingredients.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1391, 1392, and 1400(5).

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:224 (March 1985), amended LR 11:944 (October 1985), amended by the Department of

Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2525 (October 2012), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Agricultural Chemistry and Seed Commission, LR 51:648 (May 2025).

Subchapter B. Pet Food

§127. Label Format and Labeling

A. - O. ...

P. If the pet food is manufactured with raw milk or raw milk products:

1. The express words "WARNING: NOT FOR HUMAN CONSUMPTION – THIS PRODUCT HAS NOT BEEN PASTEURIZED AND MAY CONTAIN HARMFUL BACTERIA," shall be displayed in a conspicuous manner and shall not be smaller than the height of the minimum form required by the Federal Fair Packaging and Labeling Act for the net quantity statement in the table below:

Panel Size		Minimum Warning Statement Type Size
≤ 5 in.2	----	1/16 in.
> 5 - ≤ 25 in.2	----	1/8 in.
> 25 - ≤ 100 in.2	----	3/16 in.
> 100 - ≤ 400 in.2	----	1/4 in.
> 400 in.2	----	1/2 in.

2. When pet food or specialty pet food consists of raw milk, the words, "Raw (BLANK) Milk" shall appear conspicuously on the principal display panel. "BLANK" is to be completed by using the species of animal from which the raw milk is collected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392, 1393, and 1394.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:224 (March 1985), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Agricultural Chemistry and Seed Commission, LR 51:649 (May 2025).

§136. Adulterants in Pet Food

A. For the purpose of R.S. 3:1396(1), the terms poisonous or deleterious substances include but are not limited to the following:

1. soybean meal, flakes or pellets or other vegetable meals, flakes or pellets, which have been extracted with trichlorethylene or other chlorinated solvents;

2. sulfur dioxide, sulfurous acid, and salts of sulfurous acid when used in or on pet food or pet food ingredients which are considered or reported to be a significant source of vitamin B1 (Thiamine);

3. any new animal drug which is unsafe within the meaning of Section 512 of the Federal Food, Drug and Cosmetic Act.

4. any filthy, putrid, or decomposed substance, causing the material to be unfit for pet food.

B. Pet Food may be considered adulterated if:

1. the manufacture, processing, packaging, distribution, or use does not comply with the requirements of Title 21, Code of Federal Regulations, Part 507, Subparts A, B, C, E, and F where applicable; or

2. it is, in whole or in part, the product of a diseased animal or of an animal or of an animal which has died otherwise than by slaughter which is unsafe within the meaning of Section 402(a)(1) or (2) of the Federal Food, Drug, and Cosmetic Act.

C. All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds so that the finished product contains no more than four viable prohibited weed seeds per pound and not more than 200 viable restricted weed seeds per pound.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and 1396.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Agricultural Chemistry and Seed Commission, LR 51:649 (May 2025).

§137. Fees for Pet Food

A. Each application for registration of pet food with the commission shall be accompanied by a registration fee of \$40.

B. Each registrant filing a label for pet food with the commission shall pay to the commission a labeling fee of \$10 per label.

C. Registration shall expire on the last day of June of each year. An additional \$50 late fee will be charged for renewal registrations filed after the last day of June. A late fee will not be charged on initial registrations or registrations of new products filed after the last day of June.

D. If a registrant had no sales in a given quarter, he must still file a tonnage report and pay a minimum tonnage fee of \$10 for that quarter. A registrant shall keep all records necessary to accurately indicate the tonnage and kind of pet food sold and shall permit the commissioner or his authorized representative to examine these records and to verify the statement of tonnage. Tonnage reports shall be made on forms supplied by the commissioner and suitable for providing the necessary tonnage and statistical information. The tonnage reports and inspection fees shall be due and payable on the first day of October, the first day of January, the first day of April and the first day of July. If the report is not filed and payment made within 30 days after the date due, a penalty of 25 percent of the amount due shall be assessed against the registrant. If payment is not made within 30 days after the due date, the amount of fees due, plus the penalty, shall constitute a debt and become the basis of a judgment against the registrant. All information as to the amount of pet food sold and business practices of the registrant obtained from tonnage reports or from inspection of records and books shall remain confidential and shall not be revealed by the commissioner or his employees to the public or to any other person.

E. The inspection fee shall be collected only once on each lot of ingredients. To achieve this end, the following provisions shall apply.

1. No fee shall be paid on a pet food if a previous manufacturer has paid the fee.

2. No fee shall be paid on customer-formula pet food if the inspection fee has been paid on the pet food, which are used as ingredients therein.

3. No fee shall be paid on pet food, which are used as ingredients for the manufacture of registered commercial feeds. If the fee has already been paid, credit shall be given for that payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1401.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:226 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2525 (October 2012), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, Agricultural Chemistry and Seed Commission, LR 51:649 (May 2025).

§139. Deficiency Assessments and Penalties for Pet Food

A. For the purpose of assessing penalties for protein deficiencies in pet foods, as provided for in R.S. 3:1400(A)(1), the value of crude protein will be updated each quarter.

B. The value of crude protein in pet food will be calculated as follows.

1. The quarterly average price of four feedstuff protein sources shall be used. These are 46.5-48 percent soybean meal, 41 percent cottonseed meal, 60 percent corn gluten meal, and 46-50 percent meat and bone meal from ruminant and porcine sources. The average price will be determined using the Monthly National Grain and Oilseed Processor Feedstuff Report and the Monthly National Animal By-Product Feedstuff Report, published by the United States Department of Agriculture, Agriculture Market Service, AMS Livestock, Poultry and Grain Market News. The average value for each month of the preceding quarter will be used for calculation purposes.

C. For all other guarantees, a deficiency assessment of ten percent of the retail purchase price of the pet food if the deficiency or excess, where applicable, is greater than ten percent of the guarantee.

D. Penalties shall be assessed as provided for in R.S. 3:1400. If an official sample shows that pet food ingredients bought by a pet food manufacturer is deficient, any penalties from this deficiency shall be paid by the supplier of the ingredients to the manufacturer that bought the ingredients.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1400.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:226 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2525 (October 2012), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Agricultural Chemistry and Seed Commission, LR 51:650 (May 2025).

Subchapter C. Processed Animal Waste Products as Animal Feed Ingredients

§141. Definitions and Quality Standards

A. The commission adopts the definitions of R.S. 3:1381 and 1391 and those that appear in §101.F this Chapter.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:226 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2525 (October 2012), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Agricultural Chemistry and Seed Commission, LR 51:650 (May 2025).

Subchapter D. Probation of Registrants

§167. Public Hearing on Cancellation of Registration/Denial of Application for Renewal of Registration

A. ...

B. When the commission determines that just cause may exist to cancel or deny renewal or registration, the commission shall give written notice to the registrant of intent to conduct an adjudicatory hearing on the matter. The notice shall be issued in accordance with R.S. 49:975.

C. An adjudicatory hearing on the cancellation of a registration and/or denial of renewal of registration shall be conducted in accordance with the requirements of R.S. 49:950 975 et seq., including all rights, notice requirements, evidentiary standards and rights to rehearing and appeal, set forth therein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392, 1393 and 1400 and R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:228 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2527 (October 2012), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Agricultural Chemistry and Seed Commission, LR 51:650 (May 2025).

Mike Strain, DVM
Commissioner

2505#026

RULE

Board of Elementary and Secondary Education

Immunizations
(LAC 28:LXXIX.1101 and LAC 28:CLVII.303)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) has amended LAC 28:LXXIX in *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators* and LAC 28:CLVII in *Bulletin 135—Health and Safety*. Acts 675 and 460 of the 2024 Regular Legislative Session provided for additional parental information regarding immunizations for students enrolling in or attending Louisiana schools. The revisions further clarify these provisions. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators **Chapter 11. Health** **§1101. Immunization**

A. - D.1. ...

E. No student attending or seeking to enter any school shall be required to comply with the provisions of this Section if the student or the student's parent or guardian submits either a written statement from a physician stating that the procedure is contraindicated for medical reasons, or a written dissent from the student or the student's parent or guardian is presented.

F. - J. ...

K. Prior to student participation in activities, programs, presentations, or lessons during which information regarding immunizations is shared, notification and the opportunity to exempt students from participation in the activity shall be provided to parents or guardians.

1. Notification shall be provided for all individuals presenting information including, but not limited to, school/school district personnel and/or a contracted or volunteer non-school person.

2. On-campus vaccine clinics, including school-based health centers where immunizations will be administered, shall be in compliance with the provisions of this Subsection.

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, 44:411, 17:170(D), R.S. 17:170.4, and 17:170(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3078 (December 2005), LR 35:1232 (July 2009), LR 35:2348 (November 2009), LR 39:1443 (June 2013), repromulgated LR 46:1674 (December 2020), amended LR 50:973 (July 2024), LR 50:976 (July 2024), LR 51:51 (January 2025), LR 51:650 (May 2025).

Title 28 EDUCATION

Part CLVII. Bulletin 135—Health and Safety

Chapter 3. Health

§303. Immunizations

A. - D. ...

E. No student attending or seeking to enter any school shall be required to comply with the provisions of this Section if the student or the student's parent or guardian submits either a written statement from a physician stating that the procedure is contraindicated for medical reasons, or a written dissent from the student or his parent or guardian is presented.

F. - J. ...

K. Prior to student participation in activities, programs, presentations, or lessons during which information regarding immunizations is shared, notification and the opportunity to exempt students from participation in the activity shall be provided to parents or guardians.

1. Notification shall be provided for all individuals presenting information including, but not limited to, school/school district personnel and/or a contracted or volunteer non-school person.

2. On-campus vaccine clinics, including school-based health centers where immunizations will be administered, shall be in compliance with the provisions of this Subsection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:170, 17:170.2, and 17:170.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:1029 (April 2013), amended LR 45:35 (January 2019), LR 48:2549 (October 2022), LR 50:976 (July 2024), LR 51:45 (January 2025), LR 51:651 (May 2025).

Tavares A. Walker
Executive Director

2505#020

RULE

Office of the Governor Division of Administration Racing Commission

Jockey Fee Schedule (LAC 46:XLI.725)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, notice is hereby given that the Racing Commission formally amends LAC 46:XLI.725. The Rule change is an increase in the fee for jockeys who are unplaced (second place finish or worse) in races with purses of \$5,000-\$9,999 by an additional \$10 and an increase in the fee for jockeys who are unplaced (third place finish or worse) in races with purses of \$10,000-\$14,999 by an additional \$10. To keep the fee schedule consistent, jockeys who are unplaced with purses greater than \$15,000 now receive an additional \$10.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLI. Horseracing Occupations

Chapter 7. Jockeys and Apprentice Jockeys

§725. Jockey Fee Schedule

A. Prior to the start of each race conducted by an association licensed by the commission, sufficient money shall be on deposit with the horsemen's bookkeeper in an amount equal to pay the losing mount fee of a jockey for that race. In the absence of a special agreement, the fee of a jockey shall be as follows.

Purse	Win	Second	Third	Unplaced
\$499 and under	\$27	\$19	\$17	\$16
500-599	30	20	17	16
600-699	36	22	17	16
700-999	10%	25	22	20
1,000-1,499	10%	30	25	22
1,500-1,999	10%	35	30	28
2,000-3,499	10%	45	35	33
3,500-4,999	10%	70	60	55
5,000-9,999	10%	90	80	75
10,000-14,999	10%	5%	85	80
15,000-24,999	10%	5%	5%	85
25,000-49,999	10%	5%	5%	90
50,000-99,999	10%	5%	5%	105
100,000 and up	10%	5%	5%	130

B. Failure, refusal and/or neglect of a trainer to timely deposit or have deposited the aforesaid jockey fee for a horse entered to race, on or before the time specified herein, shall be a violation of this Section. Each such violation shall be punishable by a fine of not less than \$200 and the failure to pay such fine within 48 hours of imposition thereof shall be grounds for suspension. Additionally, an amount equal to the jockey fee actually earned by the jockey in accordance

with the aforesaid schedule shall be paid to the jockey earning same within 48 hours of the imposition of the aforesaid fine, and failure to pay said jockey fee within the time specified herein shall be an additional grounds for suspension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:150 and R.S. 4:151.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:431 (December 1976), amended LR 3:28 (January 1977), LR 4:276 (August 1978), LR 5:23 (February 1979), LR 12:12 (January 1986), amended by the Department of Economic Development, Racing Commission, LR 16:112 (February 1990), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 35:2756 (December 2009), LR 44:915 (May 2018), LR 51:651 (May 2025).

Stephen Landry
Executive Director

2505#030

RULE

Department of Health Board of Medical Examiners

Occupational Therapists and Occupational Therapy Assistants (LAC 46:XLV.Chapters 1, 19, and 49)

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 Administrative Procedure Act, R.S. 49:950 et seq., the Board of Medical Examiners (board) has amended its rules governing Occupational Therapists and Occupational Therapy Assistants.

The Rule changes amend the standards of practice for occupational therapy practitioners, update licensure qualifications, introduce new definitions, revise continuing education requirements, restructure the Occupational Therapist Advisory Committee, establish rules governing the practice of dry needling and the supervision of unlicensed personnel and volunteers, amend the rules concerning the supervision of Occupational Therapy Assistants, and make typographical changes. The amendments are set forth below. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 1. General

Chapter 1. Fees and Costs

Subchapter G. Occupational Therapists and Occupational Therapy Assistants Fees

§171. Scope of Subchapter

A. The rules of this Subchapter prescribe the fees and costs applicable to the licensing of occupational therapists and occupational therapy assistants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:907 (November 1984), amended by the Department of Health, Board of Medical Examiners LR 51:652 (May 2025).

§173. Licenses and Permits

A. For processing an initial application for an occupational therapist's license, a fee of \$150 shall be payable to the board.

B. For processing an initial application for an occupational therapy assistant's license a fee of \$100 shall be payable to the board.

C. For issuing a temporary permit, a fee of \$50 shall be payable to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014, 37:1270, 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:907 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:237 (February 2004), amended by the Department of Health, Board of Medical Examiners LR 51:652 (May 2025).

§175. Annual Renewal

A. For processing an application for annual renewal of an occupational therapist's license, a fee of \$100 shall be payable to the board.

B. For processing an application for annual renewal of an occupational therapy assistant's license a fee of \$75 shall be payable to the board.

C. If the application for renewal is received beyond the deadline designated by the board, a late renewal fee of \$35 shall be payable to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014, 37:1270, 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:907 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:237 (February 2004), amended by the Department of Health, Board of Medical Examiners LR 51:652 (May 2025).

§177. Reinstatement of License

A. For processing an application for reinstatement of a license which has lapsed by expiration and nonrenewal, additional fees as determined by the board shall be payable to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:907 (November 1984), amended by the Department of Health, Board of Medical Examiners LR 51:652 (May 2025).

Subpart 2. Licensure and Permits

Chapter 19. Occupational Therapists and Occupational Therapy Assistants

Subchapter A. General Provisions

§1901. Scope of Chapter

A. The rules of this Chapter govern the licensing of occupational therapists and occupational therapy assistants to engage in the practice of occupational therapy in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health, Board of Medical Examiners LR 51:652 (May 2025).

§1903. Definitions

A. As used in this Chapter the following terms shall have the meanings specified.

AOTA Guidelines—American Occupational Therapy Association (AOTA) official documents and professional policies that undergo scheduled review and updating. These documents are used by the AOTA and its membership to guide education, practice, advocacy, and policy on behalf of the profession.

Applicant—a person who has applied to the board or a license to engage in the practice of occupational therapy in the state of Louisiana.

Application—a request directed to and received by the board, for a license to practice occupational therapy in the state of Louisiana, in a manner prescribed by the board.

Approved Course—program, course, seminar, workshop, self-study, independent study or other activity meeting the *standards* and approved by the AOTA, by an AOTA approved provider, the National Board of Occupational Therapy (NBCOT), or the Louisiana Occupational Therapy Association (LOTA).

Board—the Louisiana State Board of Medical Examiners.

Client—a person, group, or population for whom the occupational therapy practitioner is providing service.

Client Care Conference—a meeting between the supervising occupational therapist, who must have previously evaluated and/or treated the client, and an occupational therapy assistant to discuss client progress or lack thereof, client issues, revision of goals, initiation, modification or termination of an individual program plan, assessment of utilization of additional resources, discharge and any other information which may affect a client's plan of care. The minimum standard of frequency for this meeting is monthly for each individual client. This meeting can be conducted using a variety types and methods as outlined in §4926 of this document.

Client-Related Tasks—routine tasks during which volunteers or unlicensed personnel (i.e., aide or tech) may interact with the client under direct supervision of the Occupational Therapy Practitioner (OTP).

Compact Privilege—a privilege to practice granted by a remote state.

Consultation—process of assisting a client, agency, or other provider by identifying and analyzing issues, providing information and advice and developing strategies for current and future actions.

Direct Supervision—supervision in which the supervisor is personally present and immediately available within the treatment area to give aid, direction, and instruction when occupational therapy procedures or activities are performed.

Dry Needling—a skilled intervention that uses a thin filiform needle to penetrate the skin and stimulate underlying neural, muscular, and connective tissues for the management of neuromusculoskeletal conditions, pain, and movement impairments.

Education—an intervention process that involves the imparting of knowledge and information about occupation and activity. Education also denotes an area of occupational performance.

Evaluation—the comprehensive and ongoing process of planning, obtaining, documenting, and interpreting data necessary for intervention. This process is focused on the

client's wants and needs and on identifying those factors that act as supports or barriers to performance.

General Supervision—minimal standard of supervision consisting of a client care conference at least monthly for each individual client.

Good Moral Character—as applied to an applicant means that the applicant has not, prior to or during the pendency of an application to the board, been guilty of any act, omission, condition, or circumstance which would provide legal cause under R.S. 37:3011 for the suspension or revocation of occupational therapy licensure; the applicant has not, prior to or in connection with their application, made any representation to the board, knowingly or unknowingly, which is in fact false or misleading as to a material fact or omits to state any fact or matter that is material to the application; and the applicant has not made any representation or failed to make a representation or engaged in any act or omission which is false, deceptive, fraudulent, or misleading in achieving or obtaining any of the qualifications for a license required by this Chapter.

License—the lawful authority to engage in the practice of occupational therapy in the state of Louisiana, as evidenced by a certificate duly issued by and under the official seal of the board.

Louisiana Occupational Therapy Practice Act or the Act—R.S. 39:3001-3014 as hereafter amended or supplemented.

Non-client Related Task—tasks not directly involving a client, i.e., clerical activities and preparation of the work area or equipment.

Non-skilled Task—tasks that do not require judgment, interpretation, or adaptation. The following are elements of a non-skilled task:

- a. The outcome is predictable.
- b. The client's condition and the environment are stable and will not require judgment or interpretation.
- c. The client has demonstrated previous performance ability with the task.
- d. The task process has been clearly established.

Occupational Performance—the act of engaging in any occupation including activities of daily living (ADL), instrumental ADLs (IADL), health management, rest and sleep, education, work, play, leisure, and social participation.

Occupational Therapist—a person who is licensed to practice occupational therapy, as defined in this Chapter, and whose license is in good standing.

Occupational Therapy—the therapeutic use of everyday life occupations with persons, groups, or populations (clients) to support occupational performance and participation. Occupational therapy practice includes clinical reasoning and professional judgment to evaluate, analyze, and diagnose occupational challenges (e.g., issues with client factors, performance patterns, and performance skills). Occupational therapy interventions may include occupations and activities, interventions to support occupation (including but not limited to physical agent modalities), education and training, advocacy, group, and virtual interventions. Occupational therapy services include habilitation, rehabilitation, and the promotion of physical and mental health and wellness for clients with all levels of ability-related needs. These services are provided for clients who

have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction. Through the provision of skilled services and engagement in everyday activities, occupational therapy promotes physical and mental health and well-being by supporting occupational performance in people with, or at risk of experiencing, a range of developmental, physical, and mental health disorders.

Occupational Therapy Assistant—a practitioner who is licensed to deliver occupational therapy services in the practice of occupational therapy under the supervision of, and in partnership with an occupational therapist licensed under this chapter. Under the appropriate level of supervision of an occupational therapist, an occupational therapy assistant may perform all interventions stated in the definition of occupational therapy, including physical agent modalities, with the exception of dry needling.

Occupational Therapy Code of Ethics—an official document of the AOTA designed to reflect the dynamic nature of the profession, the evolving health care environment, and emerging technologies that can present potential ethical concerns in research, education, and practice.

Occupational Therapy Practice Framework: Domain and Process (OTPF)—an official document of the AOTA that presents a summary of interrelated constructs that describe occupational therapy practice.

Occupational Therapy Practitioner—occupational therapists and occupational therapy assistants.

OTAC—Occupational Therapy Advisory Committee of the Louisiana State Board of Medical Examiners (LSBME)

Physical Agent Modalities—those modalities that produce a response in soft tissue through the use of mechanical devices, light, water, temperature, sound, or electricity. Physical agent modalities are characterized as adjunctive methods used in conjunction with or in immediate preparation for patient involvement in purposeful activity.

Re-evaluation—reappraisal of the client's performance and goals to determine the type and amount of progress or lack thereof. The re-evaluation occurs as often as needed to review and interpret the effectiveness and efficiency of the occupational therapy plan.

Position Statement—an official AOTA stance on the provision of services, practice of occupational therapy, or role of occupational therapy.

Referring Healthcare Professional—licensed healthcare professionals who may refer clients to occupational therapy for direct service intervention for their specific medical conditions. Qualified referring healthcare professionals consist of physicians, dentists, podiatrists, optometrists, physician's assistants, or advanced practice nurse practitioners.

Screening—process of reviewing available data, observing, or administering screening instruments to identify a person's potential strengths and limitations and the need for further assessment.

Service Competency—the ability to provide occupational therapy services in a safe and effective manner. With respect to an occupational therapy assistant, this means one who is appropriately trained and qualified to perform occupational therapy in accordance with the

current Standards of Practice for the relevant population and setting.

Standards for Continuing Competence in Occupational Therapy—an official AOTA document that serves as a foundation for analyzing the continuing competence of the OTP.

Standards of Practice for Occupational Therapy—an official AOTA document that defines the minimum standards for the practice of occupational therapy.

Supervising Occupational Therapist—the occupational therapist who is providing general supervision to an occupational therapy assistant and who is readily available to answer questions about the client's intervention at the time of the provision of services.

Temporary Permit—an applicant who is currently licensed and in good standing to practice in another jurisdiction and meets the requirements for licensure by endorsement or an applicant who has completed the academic and supervised field work experience requirements specified under §1907 of this Chapter and has applied for and is waiting examination or examination results, may obtain a temporary permit while the application is being processed by the board.

Unlicensed Personnel—an employee who provides supportive services to the OTP, commonly referred to as OT Aide, OT Tech, or Rehab Tech. Unlicensed personnel do not provide skilled OT services but perform specifically delegated client and non-client related tasks.

Unprofessional Conduct—acts or behavior that fail to meet the minimally acceptable standard expected of occupational therapy practitioners including, but not limited to, conduct that may be harmful to the health, safety, and welfare of the client, conduct that may reflect negatively on one's fitness to practice, or conduct that may violate any provision of the most current AOTA Code of Ethics.

Volunteer—a non-compensated individual who is volunteering their time to support occupational therapy services. Volunteers do not provide skilled OT services but perform specifically delegated non-skilled client and non-client related tasks.

Wellness—an active process through which individuals become aware of and make choices toward a more successful existence. Wellness is more than a lack of disease symptoms. It is a state of mental and physical balance and fitness.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:422 (March 2004), LR 41:2136 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:652 (May 2025).

Subchapter B. Qualifications for License

§1905. Scope of Subchapter

A. The rules of this Subchapter govern the licensing of occupational therapists and occupational therapy assistants who, in order to practice occupational therapy or hold themselves out as an occupational therapy practitioner or as being able to practice occupational therapy in the state of Louisiana, must meet all of the criteria set forth in the Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health, Board of Medical Examiners LR 51:654 (May 2025).

§1907. Qualifications for License

A. To be eligible for a license, an applicant shall:

1. be of good moral character as defined by §1903;
2. be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the United States Citizenship and Immigration Services (USCIS) of the United States, Department of Homeland Security, under and pursuant to the Immigration and Nationality Act (66 stat. 163) and the commissioner's regulations thereunder (8 CFR);

3. have taken and passed the National Board for Certification in Occupational Therapy (NBCOT) Examination;

4. file an application for licensure in a format prescribed by the board;

5. present proof of current certification by the NBCOT in a manner as prescribed by the board;

6. submit proof of proficiency in the English language by passing the Test of English as a Foreign Language (TOEFL) with a score acceptable to the board if a non-native English speaker.

B. The burden of satisfying the board as to the qualifications and eligibility of the applicant for licensure 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.

C. In addition to the substantive qualifications specified in §1907.A, to be eligible for a license, an applicant shall satisfy the procedures and requirements for application provided by §§1911 to 1915 of this Chapter and the procedures and requirements for examination provided by §§1917 to 1935 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:422 (March 2004), LR 41:2136 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:655 (May 2025).

§1909. Waiver of Examination Requirements for Licensure

A. The board may waive the examination and grant a license to any applicant who presents proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or a territory of the United States which requires standards for licensure considered by the board to be equivalent to the requirements for licensure of this Chapter, provided that such state, district, or territory accords similar privileges of licensure without examination to holders of a license under this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health, Board of Medical Examiners LR 51:655 (May 2025).

Subchapter C. Application

§1911. Purpose and Scope

A. The rules of this Subchapter govern the procedures and requirements applicable to application to the board for licensing as an occupational therapy practitioner in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health, Board of Medical Examiners LR 51:655 (May 2025).

§1913. Application Procedure

A. Application for licensing shall be made in a format prescribed by the board.

B. Application and instructions may be obtained from the board's web page or by personal or written request to the board.

C. An application for licensing under this Chapter shall include:

1. Proof, documented in a form satisfactory to the Board that the applicant possesses the qualifications set forth in this Chapter;

2. Such other information and documentation as the Board may require to evidence qualification for licensing.

D. All documents required to be presented to the Board or its designee must be the original thereof. For good cause shown, the Board may waive or modify this requirement.

E. The board may refuse to consider any application which is not complete in every detail, including submission of every document required by the application. The board may, in its discretion require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

F. Each application submitted to the board shall be accompanied by the applicable fee, as set forth by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:237 (February 2004), LR 41:2137 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:655 (May 2025).

Subchapter D. Examination

§1921. Dates, Places of Examination

A. The dates on which and places where the NBCOT certification examination for occupational therapy practitioners are given are scheduled by the NBCOT.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:422 (March 2004), amended by the Department of Health, Board of Medical Examiners LR 51:655 (May 2025).

Subchapter E. Temporary Permit

§1937. Temporary Permit in General

A. With respect to applicants who do not meet or possess all of the qualifications and requirements for licensing, the board may, in its discretion, issue such temporary permits as are, in its judgment, necessary or appropriate to its responsibilities under law.

B. A temporary permit entitles the holder to engage in the practice of occupational therapy in the state of Louisiana only for the period of time specified by such permit and creates no right or entitlement to permitting or renewal of the permit after its expiration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health, Board of Medical Examiners LR 51:656 (May 2025).

§1939. Permit Pending Examination; Reexamination; Renewal

A. The board shall issue a temporary permit to practice occupational therapy to an applicant who has completed the academic and supervised field work experience requirements specified under §1907 of this Chapter and has applied for and is waiting examination or examination results. The temporary permit shall be valid for three months and is non-renewable.

B. An occupational therapy practitioner holding a temporary permit issued under this Section may practice occupational therapy only under the direct supervision of an occupational therapist licensed by the board, who shall provide such direct supervision for not less than 50 percent of the temporarily permitted OTP's assigned caseload which is seen in conjunction with the supervising OT on a weekly basis.

1. An occupational therapy assistant holding a temporary permit under this Section shall practice under the supervision of no more than two licensed occupational therapists.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 14:351 (June 1988), LR 41:2137 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:656 (May 2025).

§1940. Provisional Temporary Permit Pending

Application for Visa

A. The board may issue a provisional temporary permit to an applicant for any license or permit provided for by these rules who is otherwise completely qualified for such license or permit, save for possessing an H-1 or equivalent visa as may be required by these rules, provided that the applicant has completed all applicable requirements and procedures for issuance of a license or permit and is eligible for an H-1 or equivalent visa under rules and regulations promulgated by the USCIS.

B. A provisional temporary permit issued under this Section shall be of the same type and scope, and subject to the same terms and restrictions, as the license or permit applied for, provided, however, that a provisional temporary

permit issued under this Section shall expire, and become null and void, on the earlier of:

1. 90 days from the date of issuance of such permit;

2. ten days following the date on which the applicant receives notice of USCIS action granting or denying the applicant's petition for an H-1 or equivalent visa; or

3. the date on which the board gives notice to the applicant of its final action granting or denying issuance of the license or permit applied for.

C. The board may, in its discretion, extend or renew, for one or more additional 90-day periods, a provisional temporary permit issued hereunder which has expired pursuant to §1940.B.1, in favor of an applicant who holds a provisional temporary permit issued under this Section and who has filed a petition for H-1 or equivalent visa with the USCIS, but whose pending petition has not yet been acted on by the USCIS within 90 days from issuance of such provisional temporary permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:1144 (September 1993), amended LR 41:2138 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:656 (May 2025).

Subchapter F. License Issuance, Termination, Renewal and Reinstatement

§1943. Issuance of License

A. If the qualifications, requirements, and procedures prescribed or incorporated by §§1907 to 1915 are met to the satisfaction of the board, the board shall issue to the applicant a license to engage in the practice of occupational therapy in the state of Louisiana upon payment of the license fees set forth by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2138 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:656 (May 2025).

§1945. Expiration of License

A. Every license issued by the board under this Chapter shall expire and thereby become null, void, and to no effect each year on the last day of the month in which the licensee was born.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 24:1499 (August 1998), LR 41:2138 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:656 (May 2025).

§1947. Renewal of License

A. Every license issued by the board under this Subchapter shall be renewed annually on or before its date of expiration by submitting to the board an application for renewal in a format prescribed by the board, together with the renewal fee set forth by the board and documentation of satisfaction of the continuing professional education requirements prescribed by Subchapter H of these rules.

B. Renewal application and instructions may be obtained from the board's web page.

C. The renewal of a license which has expired for 60 days or less may be renewed by submitting to the board an application for renewal in a manner prescribed by the board together with the late renewal fee prescribed by the board.

D. Current NBCOT registration or certification is not a prerequisite to renewal of a license to practice as an occupational therapy practitioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1003 (September 1994), LR 24:1499 (August 1998), LR 30:237 (February 2004), LR 30:423 (March 2004), LR 41:2138 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:656 (May 2025).

§1949. Reinstatement of License

A. A license which has expired may be reinstated by the Board subject to the conditions and procedures hereinafter provided.

B. An application for reinstatement shall be made in a format prescribed by the board, together with appropriate proof of continuing education, and the applicable late renewal and reinstatement fees as prescribed by the board.

C. Reinstatement of a license that has expired for two years or more may include additional fees and requirements as the board deems appropriate, including but not limited to reexamination in accordance with Subchapter D, satisfaction of the requirements of Subchapter H with respect to continuing professional education, and/or complying with all requirements and procedures for obtaining an original license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1003 (September 1994), LR 30:423 (March 2004), LR 41:2139 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:657 (May 2025).

§1951. Titles of Licensees

A. Any person who is issued a license as an occupational therapist under the terms of this Chapter may use the words "occupational therapist," "licensed occupational therapist," or may use the letters "OT" or "LOT," in connection with their name or place of business to denote their licensure. In addition, any person currently licensed by the board and certified or registered by and in good standing with the NBCOT, may use the words "licensed occupational therapist registered" or "occupational therapist registered" or "LOTR" or "OTR."

B. Any person who is issued a license as an occupational therapy assistant under the terms of this Chapter may use the words "occupational therapy assistant," "licensed occupational therapy assistant," or may use the letters "OTA" or "OTA/L" in connection with their name or place of business to denote their licensure. In addition, any person currently licensed by the board and certified as an assistant by and in good standing with the NBCOT, may

use the designation "licensed certified occupational therapy assistant" or "COTA/L" or "certified occupational therapy assistant" or "COTA."

C. Use of Title of Doctor. A licensee who has earned a doctoral degree in occupational therapy (OTD) or a doctoral degree in a related area of practice or study may do the following:

1. In a written communication, use the initials OTD, DrOT, PhD, or EdD, as applicable, following the licensee's name.

2. In a written communication, use the title "Doctor" or the abbreviation "Dr." preceding the licensee's name, if the licensee's name is immediately followed by an unabbreviated specification of the applicable doctoral degree held by the licensee.

3. In a spoken communication while engaged in the practice of occupational therapy, use the title "Doctor" preceding the licensee's name, if the licensee specifies that he or she is an occupational therapy practitioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:423 (March 2004), LR 41:2139 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:657 (May 2025).

Subchapter G. Occupational Therapy Advisory Committee

§1957. Constitution of Committee

A. To assist the board in the review of applicants' qualifications for licensure and renewal of licensure under this Chapter, the board shall constitute and appoint an Occupational Therapy Advisory Committee (advisory committee) which shall be organized and shall function in accordance with the provisions of this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1003 (September 1994), amended by the Department of Health, Board of Medical Examiners LR 51:657 (May 2025).

§1959. Composition; Appointment

A. The advisory committee shall comprise nine members, eight of whom shall be occupational therapists and one of whom should be an occupational therapy assistant, unless no qualified OTA seeks appointment. Members shall be licensed by the board and practicing and residing within the state of Louisiana, consisting, more particularly, of one licensed occupational therapy practitioner proficient in and representing each of the following areas of occupational therapy practice insofar as it is practical:

1. administration and management;
2. developmental disabilities;
3. education;
4. geriatrics;
5. mental health;
6. physical disabilities;
7. pediatrics;
8. assistive technology; and
9. community practice/wellness

B. The board will receive nominations and/or suggestions for replacement members for expiring terms. There should be three candidates per position open for review by the board.

C. Insofar as possible or practical, in its appointment of members to the advisory committee, the board shall maintain geographic diversity so as to provide membership on the advisory committee by occupational therapists residing and practicing in north, central, southwestern, and southeastern Louisiana.

D. Of the board's initial appointment of members to the advisory committee following the effective date of these rules, four appointees shall be designated to serve terms expiring on the last day of the year of appointment and five to serve terms expiring on the last day of the year succeeding the year of appointment. Thereafter, each member of the advisory committee shall serve a term of two years, subject to removal at any time at the pleasure of the board. Members appointed to the advisory committee by the board to fill a vacancy occurring on the advisory committee other than by expiration of the designated term shall serve for the unexpired term. A member of the advisory committee may be appointed by the board for not more than three consecutive terms. Other than the initial appointments provided for herein, board appointments to the advisory committee shall be effective when made with respect to appointments for unexpired terms and otherwise shall be effective as of the first day of the year following the date of appointment. OTAC members will select a chair and any other desired officers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1003 (September 1994), amended by the Department of Health, Board of Medical Examiners LR 51:657 (May 2025).

§1961. Delegated Duties and Responsibilities

A. The advisory committee is authorized by the board in its mission to protect the consumers of occupational therapy to:

1. advise the board on required qualifications and credentials of applicants for occupational therapy licensure and make recommendations thereon to the board;

2. assist, when requested by the board, in examining the qualifications and credentials of applicants for occupational therapy licensure and make recommendations thereon to the board;

3. provide advice and recommendations to the board respecting the modification, amendment, and supplementation of rules and regulations, standards, policies, and procedures respecting occupational therapy licensure and practice;

4. serve as a liaison between and among the board, licensed occupational therapy practitioners' and occupational therapy professional associations;

5. receive reimbursement for attendance at board meetings and for other expenses when specifically authorized by the Board;

6. advise and assist the board regarding qualifying continuing professional education requirements.

7. advise and assist the Department of Investigations as requested by the board in issues of ethical or disciplinary action; and

8. review the LSBME Rules for OTPs every 3 years and revise as needed.

B. In performing the functions authorized under this Section the advisory committee and the individual members thereof shall, when acting within the scope of such authority, be deemed agents of the board. All information obtained by the advisory committee members pursuant to §1961.A.2 and 7 shall be considered confidential. Advisory committee members are prohibited from communicating, disclosing, or in any way releasing to anyone, other than the board, any information or documents obtained when acting as agents of the board without first obtaining written authorization of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1004 (September 1994), amended by the Department of Health, Board of Medical Examiners LR 51:658 (May 2025).

Subchapter H. Continuing Professional Education

§1963. Scope of Subchapter

A. The rules of this Subchapter provide standards for the continuing professional education requisite to the annual renewal of licensure as an occupational therapist or occupational therapy assistant, as required by §§1947 and 1965 of these rules, and prescribe the procedures applicable to satisfaction and documentation of continuing professional education in connection with application for renewal of licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3012(B) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1004 (September 1994), amended by the Department of Health, Board of Medical Examiners LR 51:658 (May 2025).

§1965. Continuing Professional Education Requirement

A. Subject to the exceptions specified in §1979 of this Subchapter, to be eligible for renewal of licensure an occupational therapy practitioner shall, within each year during which they hold licensure, evidence and document in a manner prescribed by the board, the successful completion of not less than 14 contact hours, or 1.4 continuing education units (CEUs) which must include: 1 hours of Ethics (approved by AOTA, LOTA, or NBCOT) and a 1 hour course provided by LSBME on the rules and regulations for OTs and COTAs.

B. One CEU constitutes 10 hours of participation in an organized continuing professional education program approved by the board and meeting the standards prescribed in this Subchapter; one continuing professional education hour is equal to one-tenth of a CEU.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3012(B) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1004 (September 1994), amended LR 41:2139 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:658 (May 2025).

§1967. Qualifying Continuing Professional Education Programs

A. To be acceptable as qualified continuing professional education under these rules a program shall be approved by AOTA, LOTA, or NBCOT. Documentation shall consist of a course completion certificate from the course sponsor. The certificate shall include the name and date of the course, and the number of CEUs or contact hours earned by the participant.

B. A licensee may earn up to a maximum of 4 continuing education contact hours per year for providing Level II fieldwork (FW) education to an occupational therapy or occupational therapy assistant student from an ACOTE accredited program. Documentation shall consist of a certificate or letter from the Academic Fieldwork Coordinator of the affiliating school attesting to the licensee's role and number of weeks as a Level II FW educator. One continuing education contact hour will be earned for each 3-week period of Level II FW education:

Number of Weeks Providing Level II FW Education	Number of Contact Hours Earned
3 - 5 weeks	1
6 - 8 weeks	2
9 - 11 weeks	3
12 weeks	4

C. A licensee may earn CEUs for initial presentations, workshops and institutes presented by the licensee and approved by AOTA, LOTA, or NBCOT. The number of CEUs or contact hours earned is equal to two times the number of CEUs or contact hours granted to a course participant. Documentation shall consist of a course completion certificate, an official program, or a letter from the course sponsor. The certificate, program, or letter shall have the applicant's name listed as the presenter, and state the number of participants CEUs or contact hours earned.

D. A licensee may earn continuing education contact hours for successful completion of occupational therapy coursework in a post-professional occupational therapy program at an accredited university listed on the AOTA's website. Coursework must be from one of the following degree programs:

1. post-professional Doctorate of Occupational Therapy;
2. PhD in Occupational Therapy; or
3. bridge programs for OTAs leading to either a Master Occupational Therapy or entry-level Doctorate of Occupational Therapy.

E. No CEUs will be awarded for a grade of D or F in the course. Number of CEUs or contact hours awarded will be two times the number of credit hours of the course work, i.e., a 1 credit hour course will earn 2 contact hours, a 2-credit hour course will earn 4 contact hours, etc. Documentation shall consist of official or unofficial transcript from the university. No CEUs or contact hours will be awarded for coursework in any degree program other than those listed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3012(B) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1004 (September 1994), amended LR 31:3161 (December 2005),

amended by the Department of Health, Board of Medical Examiners LR 51:659 (May 2025).

§1969. Approval of Program Sponsors

A. Any program, course, seminar, workshop, self- study, independent study or other activity meeting the standards prescribed by §1967.A.-D sponsored or offered by the AOTA, by an AOTA approved provider, the NBCOT, or the LOTA shall be presumptively deemed approved by the board for purposes of qualifying as an approved continuing professional education program under these rules.

B. Upon the recommendation of the advisory committee, the board may designate additional nationally accredited organizations and entities whose programs, courses, seminars, workshops, or other activities shall be deemed approved by the board for purposes of qualifying as an approved continuing professional education program under §1967.A.-D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3012(B) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1005 (September 1994), amended LR 31:3162 (December 2005), amended by the Department of Health, Board of Medical Examiners LR 51:659 (May 2025).

§1973. Documentation Procedure

A. Annual documentation and certification of satisfaction of the continuing professional education requirements prescribed by these rules shall accompany an applicant's annual renewal of licensure in a format using electronic continuing education tracking system as prescribed by the board and must be completed prior to renewal of license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3012(B) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1005 (September 1994), amended LR 41:2139 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:659 (May 2025).

§1975. Failure to Satisfy Continuing Professional Education Requirements

A. All requirements for continuing education must be satisfied and verified by the board's contractor prior to granting the privilege of license renewal. License may be renewed 8 weeks prior to the last day of the applicant's birth month.

1. Failure to comply with continuing education requirements prior to renewal results in an expired license that must be renewed prior to any Occupational Therapy practice.

2. Completion of CEUs no more than 60 days after expiration of license will allow practitioner to apply for late renewal.

3. Upon completion of verified CEUs, license will be renewed with applicable late fees.

B. The license of an occupational therapy practitioner whose license has not been renewed within 60 days after their license has expired may be reinstated by the board upon written application to the board, accompanied by payment of a reinstatement fee, in addition to all other applicable fees and costs. Reinstatement may require a criminal background check, at discretion of the board. Applicant must also provide documentation and certification that:

1. the applicant has, within the preceding 12 months, completed 14 contact hours (1.4 CEUs) of qualifying continuing professional education; and

2. the applicant is currently certified by the NBCOT as demonstrated by a current NBCOT Certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3012(B) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1005 (September 1994), amended LR 24:1499 (August 1998), LR 30:424 (March 2004), LR 41:2139 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:659 (May 2025).

§1977. Waiver of Continuing Professional Education

Requirements

A. The board may, in its discretion and upon the recommendation of the advisory committee, waive all or part of the continuing professional education required by these rules in favor of an occupational therapy practitioner who makes written request for such waiver to the board and evidences to the satisfaction of the board a permanent physical disability, illness, financial hardship, or other similar extenuating circumstances precluding the individual's satisfaction of the continuing professional education requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3012(B) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1006 (September 1994), amended by the Department of Health, Board of Medical Examiners LR 51:660 (May 2025).

§1979. Exceptions to Continuing Professional Education Requirements

A. The continuing professional education requirements prescribed by this Subchapter as requisite to renewal of licensure shall not be applicable to:

1. an occupational therapy practitioner who has held an initial Louisiana license on the basis of examination for a period of less than one year and who has completed the Laws & Rules course prior to first annual renewal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3012(B) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1006 (September 1994), amended by the Department of Health, Board of Medical Examiners LR 51:660 (May 2025).

Subpart 3. Practice

Chapter 49. Occupational Therapists and Occupational Therapy Assistants

Subchapter B. Standards of Practice

§4905. Scope of Subchapter

A. This Subchapter provides the minimum standards for occupational therapy practice applicable to all persons licensed to practice occupational therapy in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health, Board of Medical Examiners LR 51:660 (May 2025).

§4907. Screening

A. Occupational therapy practitioners have the responsibility to identify clients who may present problems

in occupational performance that would require further assessment.

B. Occupational therapy practitioners shall communicate screening results within the boundaries of client confidentiality and privacy regulations.

C. An occupational therapist is responsible for all aspects of the screening process: initiating, directing, using evidence-based tools, analyzing and synthesizing data, and recommending additional consultations or resources.

D. An occupational therapy assistant may contribute to the screening by administering delegated assessments of occupational performance and reporting results to the occupational therapist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2141 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:660 (May 2025).

§4909. Referral

A. Persons are appropriate for occupational therapy services when they demonstrate impairment, potential for impairment, or need for improvement in conducting or resuming daily life occupations that support function and health throughout the lifespan.

B. Clients shall be referred to occupational therapy for direct service intervention for their specific medical conditions by a licensed physician, dentist, podiatrist, optometrist, physician's assistant, or advanced practice nurse practitioner.

C. The occupational therapist assumes full responsibility for the occupational therapy evaluation and consulting with the referring healthcare professional as needed.

D. Occupational therapists shall recommend additional consultations or refer clients to appropriate resources when the needs of the client can best be served by the expertise of other professionals or services.

E. Occupational therapy services that are not related to injury, disease, or illness that are performed in a wellness or community setting for the purposes of enhancing performance in everyday activities are exempt from this referral requirement.

F. Occupational therapy practitioners employed by a school system or contracted by a school system, who provide screening and rehabilitation services for the educationally related needs of the students, are exempt from this referral requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2141 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:660 (May 2025).

§4911. Evaluation

A. Occupational therapists shall evaluate the client's performance.

B. Initial occupational therapy evaluations shall consider the repertoire of occupations in which the client engages, the contexts influencing engagement, the

performance patterns and skills the client uses, the demands of the occupation, and the client's body functions and structures.

C. All evaluation methods shall be appropriate to the client's age, education, cultural and ethnic background, medical status, and functional ability.

D. Occupational therapists shall communicate evaluation results within the boundaries of client confidentiality and privacy regulations.

E. If the results of the evaluation indicate areas that require intervention by other professionals, the occupational therapist should communicate this to the referring healthcare professional.

F. The occupational therapist is responsible for all aspects of the evaluation process, including, but not limited to:

1. completion of an occupational profile in collaboration with the client;
2. directing the evaluation process;
3. using evidence-based, standardized, and/or structured assessment tools and protocols;
4. analyzing and interpreting data; and
5. documenting and communicating the results.

G. An occupational therapy assistant may contribute to the evaluation process by administering delegated assessments, reporting assessment results to the occupational therapist, and contributing to the documentation of evaluation results.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2141 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:660 (May 2025).

§4913. Intervention Process

A. An occupational therapist has the overall responsibility for the development, documentation, implementation, modification, and review of the intervention plan, including ensuring the completed documentation is part of the client's record and accessible to the OTA prior to the OTA's first treatment session. When delegating aspects of the occupational therapy intervention process to the occupational therapy assistant, the occupational therapist is responsible for providing supervision as stated in §4925.

B. Intervention Plan Development. Intervention plan development shall utilize the evaluation, client goals and outcomes, best available evidence, and professional and clinical reasoning.

1. The intervention plan should include:
 - a. Relevant and measurable client goals and related time frames
 - b. Frequency and duration of service
 - c. Types of interventions
2. An occupational therapist ensures that the intervention plan, and any modifications to the plan are documented within the time frames, formats, and standards established by the practice settings, agencies, external accreditation programs, state and federal laws, and other regulatory and payer requirements sufficient to justify the services rendered.

3. An OTP collaborates with the client to develop and implement the intervention plan based on the client's needs and priorities and informs the client of potential benefits and harms of the interventions.

C. Intervention Plan Review and Modification. An occupational therapist reviews and modifies the intervention plan throughout the intervention process, assessing effectiveness of delivery, and documenting changes in the client's needs, goals, and performance.

1. When modifying the intervention plan, the OTP selects, implements, and makes modifications to interventions consistent with demonstrated competence levels and client goals. All interventions are used to facilitate engagement in occupation.

2. An occupational therapy assistant contributes to the modification of the intervention plan by ongoing communication and providing documentation about the client's responses to intervention.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health, Board of Medical Examiners LR 51:661 (May 2025).

§4917. Discontinuation of Services

A. Occupational therapists shall discontinue services when the client has achieved the identified goals, has achieved maximum benefit from occupational therapy, or has requested discontinuation of services.

B. Occupational therapists, in collaboration with the OTA, shall prepare a discharge plan that is consistent with the goals of occupational therapy, the client, the family, and the interdisciplinary team. Consideration should be given to appropriate community resources for referral and environmental factors or barriers that may need modification to allow for continuity of care.

C. Occupational therapists shall collaborate with the client, allowing sufficient time for the coordination and the effective implementation of the discharge plan.

D. Occupational therapists shall document outcomes of service delivery and recommendations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended, by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2141 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:661 (May 2025).

§4925. Supervision of Occupational Therapy Assistants

A. The rules of this Section, together with those specified in §4915 and §4919, govern supervision of an occupational therapy assistant by a supervising occupational therapist in any setting.

B. The supervising OT shall have a legal and ethical responsibility to provide supervision, and the OTA shall have a legal and ethical responsibility to obtain supervision.

C. Supervision by the OT of the services provided by the OTA shall always be required, even when the OTA is experienced and highly skilled in a particular area.

D. Occupational therapists and occupational therapy assistants are equally responsible for developing a collaborative plan for supervision. It is the responsibility of

the occupational therapist and the occupational therapy assistant to seek the appropriate quality and frequency of supervision to ensure safe and effective occupational therapy service delivery.

E. At all times during which an occupational therapy assistant assists in program plan implementation, the supervising occupational therapist and the occupational therapy assistant must have the capability to be in contact with each other by telephone or other telecommunication which allows for simultaneous interactive discussion between the supervising occupational therapist and occupational therapy assistant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:340 (March 1993), amended LR 28:1977 (September 2002), LR 41:2142 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:661 (May 2025).

§4926. Types of Supervision

A. General supervision is required for all occupational therapy assistants by an occupational therapist. General supervision shall consist of a client care conference at least monthly for each individual client. This is considered to be a minimum standard of client care conference frequency and it is the responsibility of both the OT and OTA to determine when more frequent meetings are indicated. The client care conference can be conducted using a variety of types and methods of supervision and may include:

1. observation;
2. modeling;
3. co-treatment;
4. discussions;
5. teaching;
6. instruction;
7. phone conversations;
8. video conferencing; and
9. other secure telecommunication technology.

B. The specific frequency, methods, and content of supervision may vary by practice setting and is dependent upon the:

1. complexity of clients' needs;
2. number and diversity of clients;
3. skills of the occupational therapist and the occupational therapy assistant;
4. type of practice setting;
5. service delivery approach;
6. requirements of the practice setting; and
7. federal and state regulatory requirements.

C. More frequent supervision may be necessary when:

1. the needs of the client and the occupational therapy process are complex and changing;
2. the practice setting provides occupational therapy services to a large number of clients with diverse needs; or
3. the occupational therapist and occupational therapy assistant determine that additional supervision is necessary to ensure safe and effective delivery of occupational therapy services.

D. A variety of levels and methods of supervision may be used.

E. All methods of supervision must be compliant with HIPAA and confidentiality requirements of government agencies, facilities, employers, or other appropriate bodies.

F. An occupational therapy assistant shall not administer occupational therapy to any client whose physical, cognitive, functional or mental status differs substantially from that identified by the supervising occupational therapist's individual program plan in the absence of re-evaluation by, or an immediate prior client care conference with, the supervising occupational therapist.

G. An occupational therapist is responsible for determining the number of appropriate occupational therapy assistants to be supervised depending on the experience of the occupational therapist, the experience of the occupational therapy assistant(s), the complexity of the client, and the setting of care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners LR 51:662 (May 2025).

§4927. Occupational Therapy Assistant Service

Competency and Supervision Documentation

A. Occupational Therapy Assistant Service Competency

1. Any occupational therapist supervising an occupational therapy assistant must have documented service competency on the occupational therapy assistant. Service competency assessment is a continuous process which should be completed for an OTA new to a setting (initial competency), annually (annual competency), and when a new modality, intervention, assessment tool, or piece of therapeutic equipment is introduced to the setting.

a. Initial service competency. Following acceptance of responsibility to supervise an occupational therapy assistant, but prior to utilization of such assistant in the implementation of any client program plan or other administration of occupational therapy to a client, the supervising occupational therapist shall ensure that the occupational therapy assistant's competency to administer all occupational therapy services which are to be performed under their supervision and direction has been assessed and documented. If not, the OT must assess and document the competency of the OTA. The service competency is designed to document the occupational therapy assistant's ongoing skill set.

b. Current and annual service competency. Service competency assessment of the OTA should be ongoing, assessing new skills that are needed as they arise, and re-assessed at least annually.

c. Documentation of service competency. All competency documentation shall include the date the competency assessment was performed, a description of the tasks assessed, and the name, signature and Louisiana license number of the assessing occupational therapist conducting the service competency; a service competency sample is provided on the LSBME website.

2. In practice settings where an occupational therapy assistant is supervised by more than one occupational therapist, all documented service competencies performed by one occupational therapist will satisfy the requirements of this Section for all occupational therapists supervising the occupational therapy assistant in the performance of the same services, provided that the assessing occupational therapist's name, signature and Louisiana license number appears on the competency documentation;

3. Service competency documentation is maintained by the occupational therapy assistant and made accessible to all supervising occupational therapists upon request at each site or agency where the assistant is employed. A supervising occupational therapist is responsible for and must be capable of demonstrating compliance with the requirements of this Chapter and AOTA supervision guidelines regarding supervision of occupational therapy assistants.

B. Documentation of OT Supervision of an OTA

1. In each intervention note, the occupational therapy assistant must include the name of an occupational therapist who is readily available to answer questions about the client's intervention at the time of the provision of services. Co-signing of OTA documentation is not required. The occupational therapist in the intervention note may be different from the occupational therapist who wrote the plan of care. The occupational therapy assistant may not provide services unless this requirement is met.

2. Documentation of the client care conference will be recorded by the OT in the client's medical record.

3. Mutual Obligations and Responsibilities. A supervising occupational therapist and occupational therapy assistant shall bear equal reciprocal obligations to ensure strict compliance with the obligations, responsibilities and provisions set forth in this.

4. The administration of occupational therapy other than in accordance with the provisions of this Section and §4919 shall be deemed a violation of these rules, subjecting the occupational therapist and/or an occupational therapy assistant to suspension or revocation of licensure pursuant to §4921.B.18.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:340 (March 1993), amended LR 28:1977 (September 2002), LR 41:2142 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:662 (May 2025).

§4928. Supervision of Unlicensed Personnel and Volunteers

A. The rules of this Section govern supervision of all unlicensed personnel or volunteers that are supervised by an occupational therapy practitioner in any setting.

B. The supervising occupational therapist shall at all times be responsible for all services provided by unlicensed personnel or volunteers.

C. The supervising occupational therapy practitioner has a continuing responsibility to follow the progress of each client, provide direct care to the client, and assure that the unlicensed personnel do not function autonomously.

D. An OTA, under the direction of the occupational therapist, is permitted to supervise unlicensed personnel or volunteers.

E. Unlicensed personnel or volunteers may only be delegated to perform non-skilled tasks.

F. Direct supervision is required for all unlicensed personnel and volunteers when completing client-related tasks at all times. The occupational therapy practitioner must be in the visual range of the client and the unlicensed personnel or volunteer and available for immediate physical intervention. Videoconferencing is not allowed for direct supervision.

G. Non-client-related tasks include clerical activities and preparation of the work area or equipment.

H. Client-related tasks are routine tasks during which the unlicensed personnel or volunteer may interact with the client. The following factors must be present when an OTP delegates a selected client-related task to the unlicensed personnel and volunteers:

1. The outcome anticipated for the delegated task is predictable.

2. The client's condition and the environment are stable and will not require that judgment, interpretations, or adaptations be made by the aide.

3. The client has demonstrated previous performance ability in executing the task.

4. The task routine and process have been clearly established.

I. When delegating client-related tasks, the supervisor must ensure that the unlicensed personnel or volunteer:

1. Is trained and able to demonstrate competence in carrying out the selected task and using related equipment, if appropriate;

2. Has been instructed on how specifically to carry out the delegated task with the specific client;

3. Knows the precautions, signs, and symptoms for the particular client that would indicate the need to seek assistance from the OTP; and

4. Is not used to perform billable functions that are prohibited by the payment source of the client being served.

J. The competence of the unlicensed personnel or volunteer needs to be documented for all client-related tasks (e.g., orientation checklist, performance review, skills checklist, in-service participation).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners LR 51:663 (May 2025).

§4929. Supervision of OT and OTA Students

A. Occupational therapy and occupational therapy assistant students completing their clinical education will be supervised as per current best practices.

B. Documentation by OT or OTA students must be co-signed by the supervising OTP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:340 (March 1993), amended LR 28:1977 (September 2002), LR 41:2142 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:663 (May 2025).

§4930. Dry Needling

A. Dry Needling is a skilled intervention that uses a thin filiform needle to penetrate the skin and stimulate underlying neural, muscular, and connective tissues for the management of neuromusculoskeletal conditions, pain, and movement impairments. As with all other physical agent modalities in occupational therapy, dry needling is to be utilized in the therapeutic process to ultimately achieve improved function and therefore must not be applied as a stand-alone treatment.

1. In order to perform dry needling, an occupational therapist must obtain all of the educational instruction described in Paragraphs (2)(a) and (2)(b) herein. The

majority of the educational instruction must be obtained in person, allowing for self-study and partial online instruction.

2. **Mandatory Training.** Before performing dry needling to the upper limb, a practitioner must complete educational requirements in each of the following areas:

a. Instruction in each of the four areas listed herein, from a LOTA, AOTA or NBCOT approved continuing education provider:

- i. musculoskeletal and neuromuscular systems;
- ii. anatomical basis of pain mechanisms, chronic pain, and referred pain;
- iii. trigger points; and
- iv. universal precautions.

b. A minimum of 24 hours of dry needling instruction must include specific instruction on the upper limb defined as hand, wrist, elbow, and shoulder girdle.

i. The 24 hours must include instruction in each of the following six areas:

- (a). dry needling technique;
- (b). dry needling indications and contraindications;
- (c). documentation of dry needling;
- (d). management of adverse effects;
- (e). practical psychomotor competency; and
- (f). Occupational Safety and Health Administration's Bloodborne Pathogens Protocol.

3. Each instructional course shall also specify what anatomical regions are included in the instruction and describe whether the course offers introductory or advanced instruction in dry needling; contain a practical examination and a written examination with a passing score; include an anatomical review for safety and effectiveness, and evidence-based instructions on the theory of dry needling.

4. Advanced dry needling (i.e., craniofacial, spine, abdominal, etc.,) will require more advanced training than the minimum requirements outlined above. It is the responsibility of each occupational therapist to acquire specialty certification through additional training beyond the minimum requirements.

5. Any occupational therapist who obtained the requisite hours of instruction to meet another state's requirements for dry needling must provide the documentation to the LSBME that demonstrates compliance with Louisiana's minimum instructional requirements as outlined in Paragraphs 2(a), (b), and (c).

6. Dry needling may only be performed by a licensed occupational therapist and may not be delegated to an occupational therapy assistant or support personnel.

7. Dry needling may only be performed with an order from a physician or otherwise authorized prescriber or provider for dry needling.

8. An occupational therapist practicing dry needling must supply written documentation, upon request by the board, that substantiates appropriate training as required by this Rule.

9. An occupational therapist performing dry needling in their practice must have informed consent for each patient that is maintained in the patient's chart/medical record. The patient must sign an informed consent form created by the therapist. The consent form must, at a minimum, clearly state the following information:

- a. risks and benefits of dry needling;
- b. the occupational therapist's level of education and training in dry needling; and
- c. potential side effects of dry needling.

10. When dry needling is performed, the occupational therapist must document in the patient's daily encounter/procedure note. The note shall indicate how the patient tolerated the intervention as well as the outcome of the intervention, including any adverse reactions/events that occurred, if any.

11. When dry needling is performed, the clinic or facility must have a written plan in place for management of major complications in a prompt and effective manner.

12. Practicing dry needling without compliance with this requirement constitutes unprofessional conduct and subjects a licensee to appropriate discipline by the Board and its agents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 51:663 (May 2025).

Subchapter C. Unauthorized Practice, Prohibitions and Causes for Administrative Action

§4931. Unauthorized Practice [Formerly §4927]

A. No individual shall engage in the practice of occupational therapy in this state in the absence of a current license or permit duly issued by the Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2143 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:664 (May 2025).

§4932. False Representation of Licensure Prohibited [Formerly §1955 and §4929]

A. No person who is not licensed under this Chapter as an OTP, or whose license has been suspended or revoked, shall use, in connection with their name or place of business, the words "occupational therapist," "licensed occupational therapist," "occupational therapy assistant," "licensed occupational therapy assistant," or the letters, "OT," "LOT," "OTA," "LOTA," or any other words, letters, abbreviations, or insignia indicating or implying that they are an occupational therapist or an occupational therapy assistant, or in any way, orally, in writing, in print, or by sign, directly or by implication, represent themselves as an occupational therapist or an occupational therapy assistant.

B. No person who is not licensed under this Chapter as an occupational therapist or an occupational therapy assistant, or whose license has been suspended or revoked, who is not currently certified or registered by and in good standing with the NBCOT shall use, in connection with their name or place of business, the words "occupational therapist registered," "licensed occupational therapist registered," "certified occupational therapy assistant," or "licensed certified occupational therapy assistant" or the letters, "OTR," "LOTR," or "COTA," or "LCOTA" or any other words, letters, abbreviations, or insignia indicating or implying that they are an occupational therapist registered or a certified occupational therapy assistant, or in any way, orally, in writing, in print, or by sign, directly or by implication, represent themselves as such.

C. Whoever violates the provisions of this Section shall be fined an amount designated by the board or be imprisoned for not more than six months, or both.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners LR 51:664 (May 2025).

§4933. Suspension and Revocation of License; Refusal to Issue or Renew; Unprofessional Conduct [Formerly §4921 and §4931]

A. The board may refuse to issue or renew, may suspend or revoke, or may impose probationary conditions on any OTP license, if the licensee or applicant for license has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public.

B. As used herein and R.S. 37:3011, unprofessional conduct by an occupational therapist or occupational therapy assistant shall mean:

1. conviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana, of the United States, or of the state in which such conviction or plea was entered;

2. conviction of a crime or entry of a plea of guilty or nolo contendere to any criminal charge arising out of or in connection with the practice of occupational therapy;

3. perjury, fraud, deceit, misrepresentation, or concealment of material facts in obtaining a license to practice occupational therapy;

4. providing false testimony before the board or providing false sworn information to the board;

5. habitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence;

6. solicitation of client's or self-promotion through advertising or communication, public or private, which is fraudulent, false, deceptive, or misleading;

7. making or submitting false, deceptive, or unfounded claims, reports, or opinions to any client's insurance company, or indemnity association, company, individual, or governmental authority for the purpose of obtaining anything of economic value;

8. cognitive or clinical incompetency;

9. continuing or recurring practice which fails to satisfy the prevailing and usually accepted standards of occupational therapy practice in this state;

10. knowingly performing any act which in any way assists an unlicensed person to practice occupational therapy, or having professional connection with or lending one's name to an illegal practitioner;

11. paying or giving anything of economic value to another person, firm, or corporation to induce the referral of client's to the occupational therapist or occupational therapy assistant;

12. interdiction by due process of law;

13. inability to practice occupational therapy with reasonable competence, skill, or safety to client's because of mental or physical illness, condition or deficiency,

including but not limited to deterioration through the aging process and excessive use or abuse of drugs, including alcohol;

14. refusal to submit to examination an inquiry by an examining committee of physicians appointed by the board to inquire into the licensee's physical and/or mental fitness and ability to practice occupational therapy with reasonable skill or safety to clients;

15. practicing or otherwise engaging in any conduct or functions beyond the scope of occupational therapy as defined by the Act or these rules;

16. the refusal of the licensing authority of another state to issue or renew a license, permit, or Compact Privilege to practice occupational therapy in that state, or the revocation, suspension, or other restriction imposed on a license, permit, or Compact Privilege issued by such licensing authority which prevents, restricts, or conditions practice in that state, or the surrender of a license, permit, or Compact Privilege issued by another state when criminal or administrative charges are pending or threatened against the holder of such license, permit, or Compact Privilege; or

17. violation of any rules and regulations of the board, or any provisions of the Act, as amended, R.S. 37:3001-3014.

C. Denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon a licensee may be ordered by the board in a decision made after a hearing in accordance with the Administrative Procedure Act and the applicable rules and regulations of the board. One year after the date of the revocation of a license, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement but shall hold a hearing to consider such reinstatement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3011.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners LR 51:665 (May 2025).

Vincent A. Culotta, Jr., M.D.,
Executive Director

2505#009

RULE

**Department of Health
Board of Pharmacy**

Marijuana Pharmacy
(LAC 46:LIII.Chapter 24)

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 Board of Pharmacy repealed Chapter 24, Subchapter E of its rules relative to Marijuana Pharmacy, pursuant to Act 693 of the 2024 Regular Session of the Legislature which transfers regulatory authority for therapeutic marijuana from the Board of Pharmacy to the Department of Health. This Rule is hereby adopted on the day of promulgation.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part LIII. Pharmacists

Chapter 24. Limited Service Providers

Subchapter E. Marijuana Pharmacy

§2441. Definitions

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1538 (August 2017), amended LR 45:1473 (October 2019), LR 46:1227 (September 2020), amended LR 49:1719 (October 2023), repealed LR 51:666 (May 2025).

§2443. Marijuana Products

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1540 (August 2017), amended LR 45:1473 (October 2019), amended LR 46:568 (April 2020), LR 46:1227 (September 2020), LR 47:590 (May 2021), LR 48:1902 (July 2022), amended LR 49:1719 (October 2023), repealed LR 51:666 (May 2025).

§2445. Marijuana Pharmacy Permit

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1543 (August 2017), amended LR 49:1720 (October 2023), repealed LR 51:666 (May 2025).

§2447. Licensing Procedures

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1544 (August 2017), amended LR 46:577 (April 2020), LR 48:2102 (August 2022), amended LR 49:1720 (October 2023), repealed LR 51:666 (May 2025).

§2451. Operation of Marijuana Pharmacy

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1547 (August 2017), amended LR 46:1227 (September 2020), amended LR 47:590 (May 2021), LR 48:2103 (August 2022), amended LR 49:1720 (October 2023), repealed LR 51:666 (May 2025).

§2455. Reportable Security Events

Repealed.

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 49:1721 (October 2023), repealed LR 51:666 (May 2025).

§2457. Standards of Practice

Repealed.

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 47:246 (February 2021), LR 47:1111 (August 2021), LR 48:1903 (July 2022), LR 48:2103 (August 2022), amended LR 49:1721 (October 2023), repealed LR 51:666 (May 2025).

M. Joseph Fontenot Jr.
Executive Director

2505#001

RULE

Department of Health
Bureau of Health Services Financing

Federally Qualified Health Centers
Alternative Payment Methodology
(LAC 50:XI.10703)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XI.10703 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 13. Federally Qualified Health Centers

Chapter 107. Reimbursement Methodology

§10703. Alternative Payment Methodology

A. - J. ...

K. Effective for dates of service on or after July 1, 2025, Medicaid will increase FQHC payments by \$50 per encounter. This payment shall be reimbursed through an APM when these services are provided on the same date as a medical/dental/behavioral health visit that includes an evaluation and management procedure code as one of the detailed lines on the claim. This payment will only be allowed when the FQHC has a network provider agreement with a managed care organization that includes a Category 3B alternative payment methodology in accordance with the managed care organization's contract with the department, and the Category 3B alternative payment methodology has been in effect for no less than 12 months prior to June 30, 2025. The alternative payment methodology will pay qualifying FQHCs an add-on of \$50 in addition to the PPS rate on file for the date of service. The alternative payment methodology must be agreed to by the department and the FQHC.

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 34:1033 (June 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 44:1894 (October 2018), LR 44:2162 (December 2018), LR 45:434 (March 2019), amended LR 46:182 (February 2020), LR 47:1528 (October 2021), LR 47:1875 (December 2021), LR 49:1214 (July 2023), LR 51:666 (May 2025).

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.

Bruce D. Greenstein
Secretary

2505#033

RULE

Department of Health Bureau of Health Services Financing

Intermediate Care Facilities for Persons
with Intellectual Disabilities—Rate Determination
(LAC 50:VII.32903)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:VII.32903 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 VII. Long Term Care

Subpart 3. Intermediate Care Facilities for Persons with Intellectual Disabilities

Subchapter A. Non-State Facilities

Chapter 329. Reimbursement Methodology

§32903. Rate Determination

A. - M. ...

N. Effective for dates of service on or after July 1, 2020, private ICFs/IID that downsized from over 100 beds to less than 35 beds prior to December 31, 2010, without the benefit of a cooperative endeavor agreement (CEA) or transitional rate and who incurred excessive capital costs, shall have their per diem rates (excluding provider fees) increased by a percent equal to the percent difference of per diem rates (excluding provider fees and dental pass through) they were paid as of June 30, 2019. See chart below with the applicable percentages:

	Intermittent	Limited	Extensive	Pervasive
1-8 beds	6.2 percent	6.2 percent	6.2 percent	6.1 percent
9-15 beds	3.2 percent	6.2 percent	6.2 percent	6.1 percent
16-32 beds	N/A	N/A	N/A	N/A
33+ beds	N/A	N/A	N/A	N/A

1. The applicable differential shall be applied anytime there is a change to the per diem rates.

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 31:2253 (September 2005), amended LR 33:462 (March 2007), LR 33:2202 (October 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1555 (July 2010), LR 37:3028 (October 2011), LR 39:1780 (July 2013), LR 39:2766 (October 2013), LR 41:539 (March 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:370 (March 2021), LR 49:687 (April 2023), LR 51:667 (May 2025).

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.

Bruce D. Greenstein
Secretary

2505#034

RULE

Department of Health Bureau of Health Services Financing

Intermediate Care Facilities for Persons with
Intellectual Disabilities—Reimbursement Methodology
(LAC 50:VII.32917)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:VII.32917 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 VII. Long Term Care

Subpart 3. Intermediate Care Facilities for

Persons with Intellectual Disabilities

Chapter 329. Reimbursement Methodology

Subchapter A. Non-State Facilities

§32917. Dedicated Program Funding Pool Payments

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

D. Effective for providers, active and Medicaid certified as of July 1, 2024, a one-time lump sum payment will be made to non-state, non-public ICFs/IID.

1. Methodology

a. Payment will be based on each provider's specific prorated share of an additional dedicated program funding pool. This payment shall not exceed \$31,000,000.

b. The prorated share for each provider will be determined utilizing the provider's percentage of program Medicaid days for dates of service within a period of three consecutive months selected by the department, occurring between January 1, 2024, and December 31, 2024.

c. If the additional dedicated program funding pool lump sum payment exceeds the Medicare upper payment limit in the aggregate for the provider class, the department shall recoup the overage using the same means of distribution in §32917.D.1.b above.

d. The one-time payment will be made on or before June 30, 2025.

e. All facilities receiving payment shall be open and operating as an ICF/IID at the time the payment is made.

f. Payment of the one-time, lump sum payment is subject to approval by the CMS.

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 46:28 (January 2020), amended LR 48:2972 (December 2022), LR 51:667 (May 2025).

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.

Bruce D. Greenstein
Secretary

2505#035

RULE

Department of Health Bureau of Health Services Financing

Intermediate Care Facilities for Persons
with Intellectual Disabilities
Temporary Reimbursement for Private Facilities
(LAC 50:VII.32904)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:VII.32904 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 VII. Long Term Care

Subpart 3. Intermediate Care Facilities for Persons with Intellectual Disabilities

Chapter 329. Reimbursement Methodology

Subchapter A. Non-State Facilities

§32904. Temporary Reimbursement for Private Facilities

A. - A.4. ...

B. The temporary Medicaid reimbursement rate shall not extend beyond December 31, 2028.

C. - E.2.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, Bureau of Health Services Financing, LR 47:593 (May 2021), amended LR 48:2129 (August 2022), LR 49:688 (April 2023), LR 51:668 (May 2025).

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.

Bruce D. Greenstein
Secretary

2505#036

RULE

Department of Health Bureau of Health Services Financing

Medicaid Purchase Plan
Recipient Eligibility
(LAC 50:III.2309)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:III.2309 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and SCR 17 of the 2024 Regular Session. 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 3. Eligibility Groups and Factors

Chapter 23. Eligibility Groups and Medicaid Programs

§2309. Medicaid Purchase Plan

[Formerly LAC 50:III.763-765]

A. The Medicaid Purchase Plan provides Medicaid coverage to individuals who meet the following criteria:

1. have earned income;
2. are at least 16, but not yet 65 years of age;
3. meet the Supplemental Security Income's definition of disability, except for earnings;
4. have countable income less than or equal to 200 percent of the federal poverty level (FPL);
5. have countable resources less than or equal to \$25,000; and
6. pay a monthly premium, if applicable.

B. Premium Payment. Eligible individuals with countable income less than or equal to 150 percent of the FPL are not required to pay a premium. Eligible individuals with countable income greater than 150 percent of the FPL are required to pay a premium of \$131 per month.

B.1. - D. 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 39:3299 (December 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 51:668 (May 2025).

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.

Bruce D. Greenstein
Secretary

2505#032

RULE

Department of Health Office of Public Health

Administration and Treatment of
Human Immunodeficiency Virus
(LAC 48:I.Chapter 136)

Under the authority of R.S. 37:1218.2, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Department of Health has promulgated Chapter 136 (Administration and Treatment of Human Immunodeficiency Virus) of Subpart 7 (Human Immunodeficiency Virus/AIDS) of Part 1 (General Administration) of Title 48 (Public Health—General) of the Louisiana Administrative Code (LAC).

The Chapter is necessary to implement the procedures and statewide protocol by which a Louisiana-licensed pharmacist ("pharmacist") shall follow to dispense and/or administer

pre-exposure and post-exposure prophylaxis medications for the prevention of Human Immunodeficiency Virus (HIV) infection pursuant to R.S. 37:1218.2. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—GENERAL

Part 1. General Administration

Subpart 7. Human Immunodeficiency Virus/AIDS

Chapter 136. Administration and Treatment of Human Immunodeficiency Virus

§13601. Definitions

A. As used in this Chapter, the following terms shall, unless the context clearly requires otherwise, have the following meanings:

CDC—the Centers for Disease Control and Prevention, U.S. Department of Health and Human Services

CDC Guidelines—with respect to PrEP, means the guidelines set forth in the CDC’s “Preexposure Prophylaxis for the Prevention of HIV Infection in the United States – 2021 Update Clinical Practice Guideline”, and with respect to PEP, means the guidelines set forth in the CDC’s “Updated Guidelines for Antiretroviral Postexposure Prophylaxis After Sexual, Injection Drug Use, or Other Nonoccupational Exposure to HIV—United States, 2016”.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1218.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:669 (May 2025).

§13603. Scope

A. This statewide protocol establishes the rules a Louisiana-licensed pharmacist (“pharmacist”) shall follow to dispense and/or administer pre-exposure and post-exposure prophylaxis medications for the prevention of HIV infection pursuant to Act 711 of 2024 (R.S. 37:1218.2).

B. Pharmacists may dispense and administer HIV pre-exposure prophylaxis (PrEP) and post-exposure prophylaxis (PEP) medication(s) approved by the U.S. Food and Drug Administration (FDA) to eligible patients according to the indications and recommendations in the current guidelines from the U.S. Centers for Disease Control and Prevention (CDC). Contraindications should be considered before the medication is dispensed and/or administered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1218.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:669 (May 2025).

§13605. Pre-Requisites

A. Prior to dispensing and/or administering HIV prevention medication per this protocol, the pharmacist must:

1. hold a current pharmacy license that is in good standing to practice in the state of Louisiana;
2. be a current practicing pharmacist;
3. have earned a Doctor of Pharmacy (PharmD) degree or have at least five years of experience as a licensed registered pharmacist (RPh);
4. maintain professional liability insurance of at least \$1,000,000 or participate in the Louisiana Patient’s Compensation Fund, which allows a provider to have financial responsibility for the first \$100,000 of exposure per claim whether through insurance or security deposit and

enroll in the Fund for the excess coverage and be under an umbrella of the cap on damages;

5. review this statewide protocol and related standing order;

6. complete a training program as described in this protocol;

7. ensure that all pharmacy staff comply with patient privacy and confidentiality throughout appointment-setting, counseling, record-keeping, and dispensing and/or administration of PrEP/PEP therapies; and

8. obtain written patient consent for pharmacist-initiated HIV PrEP/PEP-related testing, counseling, administration, and referrals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1218.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:669 (May 2025).

§13607. Records

A. Pharmacists shall maintain a patient record for all services and treatments dispensed and/or administered under this protocol.

B. If the patient provides written consent to do so, a process shall be in place for the pharmacist to communicate with the patient’s primary care provider (PCP) for the PCP to document changes to the patient’s medical record.

C. If the patient does not provide written consent to the release of information; does not have a PCP; or is unable to provide contact information for their PCP, the pharmacist shall provide the patient with a written record of the medications dispensed and/or administered; lab test(s) ordered; and all test results. If the patient’s PCP is not notified, the pharmacist shall document the reason(s) no notification occurred.

D. Pharmacists shall maintain a signed attestation of review of this statewide protocol signed by the participating pharmacist with their training certifications. This attestation must be made available upon request of the LABP.

E. Pharmacists shall comply with all record-keeping requirements adopted by the Louisiana Board of Pharmacy (LABP) in LAC 46:LI.III.Chapter 11.Subchapter B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1218.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:669 (May 2025).

§13609. Training

A. Training Content. Prior to independently dispensing and/or administering HIV prevention therapies to a patient pursuant to R.S. 37:1218.2, the pharmacist shall successfully complete a training program approved by the Accreditation Council for Pharmacy Education (ACPE). This training may take place as a stand-alone course or as part of an equivalent curriculum-based training program offered by an ACPE-accredited school of pharmacy. At a minimum, the training shall consist of the criteria set forth in Subsection A.1 of this Section, and the pharmacist must also complete the training required to administer medications in the state of Louisiana adopted by the LABP as set forth in Subsection A.2 of this Section.

1. Training Program. A pharmacist must complete a training program specific to the use of HIV pre-exposure and post-exposure prophylaxis (PrEP/PEP) that includes instruction covering, at a minimum, the following areas:

- a. CDC Guidelines for PrEP/PEP;
- b. screening for HIV and sexually transmitted infections (STIs) and laboratory testing to determine PrEP/PEP eligibility;
- c. pharmacology, safety, efficacy, drug-drug interactions, and monitoring parameters for HIV medications used for PrEP/PEP;
- d. strategies for serving historically marginalized patient populations and sexual assault survivors or related trauma-informed care;
- e. culturally sensitive patient counseling information; and
- f. strategies to access manufacturer and government financial assistance programs for HIV PrEP/PEP.

2. Administration of Medications Training. A pharmacist shall complete all training requirements required by the LABP and the State of Louisiana in LAC 46.LIII. prior to administering any medication.

3. Continuing Education Requirement. A pharmacist shall complete at least one hour of continuing education in the subject of HIV prevention every two years, to be reported to the LABP as per continuing education requirements.

B. Training Certification and Documentation

1. A pharmacist shall maintain documentation of their successful completion of the required training as set forth in Section 13609 of this Chapter for a period of at least two years following any patient interactions involving dispensing and/or administering HIV prevention medications that are subject to this rule per LAC 46.LIII.1121. Documentation maintained pursuant to this subsection must be made available upon request of the LABP.

2. Training obtained as part of an equivalent curriculum-based training program can be documented by written certification from a member of the educational institution or program from which the licensee graduated stating that the training is included within the institution's curriculum required for graduation at the time the pharmacist graduated, or within the coursework that the pharmacist completed. Documentation maintained pursuant to this subsection must be made available upon request of the LABP.

3. Sanctions

a. The failure of a pharmacist to obtain and maintain the education, training, and continuing competency described in this Section prior to administering medications to patients or supervising other pharmacy personnel administering medications to patients shall constitute a violation of R.S. 37:1218.2 and R.S. 37:1241(A)(3) and shall subject the pharmacist to disciplinary action by the LABP.

b. The failure of a pharmacist to provide documentation of their education, training, and continuing competency to administer medications when requested by the board shall constitute a violation of R.S. 37:1218.2 and R.S. 37:1241(A)(22) and shall subject the pharmacist to disciplinary action by the LABP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1218.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:669 (May 2025).

§13611. HIV Pre-Exposure Prophylaxis (PrEP)

A. Under this protocol, pharmacists may assess for HIV status and high-risk behaviors in which pre-exposure prophylaxis against HIV would be warranted.

B. The pharmacist may dispense and/or administer the patient a 30-day supply of any antiretroviral agent that is a currently FDA-approved or CDC-recommended medication or regimen for HIV pre-exposure prophylaxis, according to the following criteria.

1. The patient is 17 years of age or older, is (or is planning to become) sexually active or is at risk for sharing injection or drug preparation equipment, and has a desire to start a PrEP regimen.

2. Evidence of baseline negative HIV status is obtained, as documented by a pharmacist either:

a. conducting a blood rapid test, which provides same-day results;

b. drawing blood (serum) and sending the specimen to a laboratory for an antigen/antibody test, with results being received within seven days before initially dispensing and/or administering PrEP; or

c. accepting patient's outside documentation of a non-reactive blood rapid test or laboratory test with the patient's name (matching their legal identification) dated within seven days before initially dispensing and/or administering PrEP.

3. Neither oral swab testing nor patient self-report of negative status are acceptable for evidence.

C. Pharmacists must ask the following screening question.

1. Do you have existing kidney disease, or do you know if your kidney function is decreased for any reason?

a. If the answer is yes, the pharmacist shall urgently order or refer the patient for a blood test to confirm creatinine clearance. The pharmacist may accept patient-provided creatinine clearance test results dated within 12 months from another lab or provider.

i. If the patient's creatinine values are acceptable for oral PrEP therapy, the pharmacist may proceed through the rest of the protocol.

ii. If the patient's creatinine values do not meet oral PrEP therapy minimums according to CDC Guidelines, and the pharmacist is able to administer injectable PrEP therapy, the pharmacist may proceed through the rest of the protocol for injectable PrEP therapy.

iii. If the patient's creatinine values do not meet oral PrEP therapy minimums according to CDC Guidelines and does not desire injectable PrEP or the pharmacist is unable to administer injectable PrEP, the pharmacist shall refer to an appropriate provider.

3. The following patients should NOT be provided PrEP under this protocol and should be referred to a primary care provider for further action:

a. patients younger than 17 years of age;

b. patients with reactive baseline HIV tests;

c. patients with symptoms which could indicate acute HIV infection; or

d. patients on medications contraindicated with PrEP therapy selected.

4. A pharmacist may administer injectable PrEP therapy, pursuant to R.S. 37:1164 and the LAC 46.LIII.521.

5. Other/Repeated Labs: Follow CDC Guidelines.

a. The pharmacist is authorized to order recommended labs and perform necessary FDA-approved and CLIA-waived point-of-care tests for the patient OR to refer the patient to another provider to order lab work and accept results.

b. At the patient's request, PrEP refills will be authorized past the initial 30-day supply for oral or injectable therapy if recommended baseline and follow-up testing are done according to CDC Guidelines as ordered by one of the above mechanisms.

6. Counseling shall include (at minimum):

a. instruction regarding proper medication use, adherence, schedule, and potential common and serious side effects (and how to mitigate them);

i. For injectable PrEP therapies: the long drug "tail" of gradually declining drug levels when discontinuing injections and the risk of developing a drug-resistant strain of HIV during this time;

b. description of signs/symptoms of acute HIV infection and recommended actions.

c. education on PrEP/PEP;

d. the necessity of follow up care with a primary care provider for usual care; and

e. the importance and requirement of testing for HIV, renal function, lipid profile, Hepatitis B, and other sexually transmitted infections, per CDC Guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1218.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:670 (May 2025).

§13613. HIV Post-Exposure Prophylaxis (PEP)

A. Post-Exposure Prophylaxis (PEP) is the use of antiretroviral drugs after a single high-risk event to decrease the risk of HIV seroconversion. PEP must be started as soon as possible to be effective and always within 72 hours of the possible exposure.

B. Under this protocol, pharmacists may assess patients 17 years of age and older for high-risk exposure to HIV and dispense an entire 28-day course of antiretroviral drugs if appropriate. PEP should only be provided for infrequent exposures.

C. Pharmacists must ask the following screening question:

1. Do you have existing kidney disease, or do you know if your kidney function is decreased for any reason?

2. If the patient has known kidney disease and can provide renal function test results within 12 months, the pharmacist may initiate a PEP regimen per CDC Guidelines.

3. If the patient has known kidney disease and cannot provide renal function test results within 12 months, the pharmacist shall urgently refer the patient to a provider who can see them to proceed with PEP initiation within 72 hours of possible exposure.

D. If the pharmacy is not able to provide care to the patient, or if the patient does not qualify for care at the pharmacy, the patient should be urgently referred to another provider.

E. Pharmacists shall follow CDC Guidelines. If the following criteria are met, HIV PEP is recommended:

1. the exposure has likely occurred within 72 hours of the patient's arrival at the pharmacy;

2. an FDA-approved blood rapid test has yielded a non-reactive result for HIV;

3. a blood rapid test is not available and PEP is otherwise indicated; or

4. the patient's vagina, rectum, eye, mouth or other mucous membrane, non-intact skin, or perforated skin (e.g., needle stick) came into contact with body fluids from a person with HIV within 72 hours before they sought care. If the exposure source's HIV status is unknown, the pharmacist should make a case-by-case determination as to whether PEP should be initiated. Exposure types with the highest risk of transmission of HIV to be considered are:

a. needle sharing during injection drug use;

b. percutaneous needle stick; and

c. receptive anal intercourse.

F. The following patients should not be prescribed PEP under this protocol and should be referred to an appropriate care provider for further action:

1. patients younger than 17 years of age;

2. patients who seek care more than 72 hours after potential exposure;

3. patients taking any contraindicated medications per guidelines and package insert information;

4. patients with reactive or indeterminate baseline HIV tests;

5. patients who are taking PrEP who report consistent adherence to their medication regimen; or

6. patients who indicate a history of chronic kidney disease without providing renal function test results dated within 12 months.

G. Other Considerations:

1. If the case involves a sexually assaulted person (including potential victims of human trafficking), pharmacists shall provide the patient with the information necessary to pursue a Sexual Assault Nurse Examiner (SANE) exam locally (each parish's SANE program is run through the coroner's office), as well as the contact information for their closest rape crisis center.

2. If a child (under 17 years of age) presents to the pharmacy with a request for PEP and is potentially a victim of child abuse, child protective services must be contacted at 1-855-4LA-KIDS (1-855-452-5437).

H. Medication options include all FDA-approved or CDC-recommended medications or regimens for PEP. Formulations, cautions, and dose adjustments for antiretroviral medications shall minimally follow the CDC guidelines and package insert information for all regimens.

I. Labs: follow CDC Guidelines for PEP.

1. All efforts should be made to obtain a non-reactive HIV test at baseline. However, the sooner PEP is initiated, the more effective it is. If the patient refuses to undergo HIV testing but is otherwise eligible for PEP under this section, the pharmacist may dispense PEP.

2. For patients who request PEP, pharmacists shall offer testing for other sexually transmitted infections or refer them to another provider for testing.

3. The pharmacist is authorized to order recommended labs for the patient OR to refer the patient to another provider to order lab work and accept results.

4. The pharmacist shall make every reasonable effort to follow up with the patient post-treatment regimen at 4-6 weeks to test for confirmation of negative HIV status and inform the patient that repeat HIV testing is recommended at three and six months as well.

J. counseling shall include (at minimum):

1. instruction on proper medication use, adherence, schedule, and potential common and serious side effects (and how to mitigate them);

2. description of signs/symptoms of acute HIV infection and recommended actions;

3. emergency contraception, when appropriate;

4. the importance of engaging in routine primary care;

5. the importance and requirement of follow-up testing for HIV, renal function, hepatic function, Hepatitis B and C, and other sexually transmitted infections, per CDC Guidelines; and

6. education about pre-exposure prophylaxis (PrEP) and the potential for future need.

AUTHORITY NOTE: Promulgated in accordance and R.S. 37:1218.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:671 (May 2025).

§13615. HIV PrEP and PEP Documentation

Requirements

A. Pharmacists shall document a focused assessment of the patient's eligibility for HIV PrEP/PEP following best practices and guidelines for preventing HIV according to CDC Guidelines.

B. Pharmacists shall document the patient's written consent for HIV PrEP/PEP-related testing, counseling, administration, recordkeeping, and referrals.

C. Pharmacists shall inform the patient's PCP of all test results and medications prescribed within 30 days of initiating HIV PrEP or PEP therapy with the patient's explicit written consent to do so.

D. If a patient does not consent to the release of their information or does not have a PCP, the pharmacist shall provide the patient with documentation of their test results and HIV PrEP or PEP medications and written information about providers and clinics from which they may seek ongoing care.

E. Pharmacists shall inform the Department of Health of any reactive HIV, Hepatitis B/C, or other sexually transmitted infection test results using the procedures adopted by the Louisiana Department of Health in LAC 51.II.Chapter 1.Section 107.

F. Pharmacists shall comply with all record-keeping requirements adopted by the Louisiana Board of Pharmacy in LAC 46.LIII.Chapter 11.Subchapter B. Sections 1119-1130.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1218.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:672 (May 2025).

§13617. Referral Requirements

A. Pharmacists shall refer patients with reactive HIV, STI, or Hepatitis B or C tests to an appropriate care provider for confirmatory testing and follow-up care as applicable and provide the patient with written information about appropriate providers and clinics in their desired geographical area.

B. Pharmacists who participate in this protocol shall immediately refer patients who display signs of acute HIV infection and designate such a referral as urgent with a linkage to and/or HIV care provider.

C. Pharmacists shall refer any female patients who become pregnant while on PrEP to an appropriate clinical care provider, including prenatal care.

D. For all patients who do not already have a PCP, pharmacists shall refer them to an appropriate provider, stressing the importance of routine primary care and health maintenance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1218.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:672 (May 2025).

§13619. Reimbursement

A. All health coverage plans, third-party administrators, and pharmacy benefit managers operating within the state of Louisiana shall establish the process for pharmacists to enroll as providers for the purposes of dispensing and/or administering HIV PrEP and/or PEP, equivalent to the process established for other providers.

B. A pharmacist authorized to provide any service relative to HIV PrEP and/or PEP shall be reimbursed at the same rate as any other participating healthcare provider providing such service in accordance with the patient's health coverage plan.

C. This Section shall not be construed to require a health coverage plan or a third-party administrator or pharmacy benefit manager to reimburse a pharmacist or pharmacy as an in-network or preferred provider.

D. The provisions of this Section may apply to coverage under a group or individual health coverage plan provided to a resident of this state regardless of whether the health coverage plan policy, contract, or other agreement is delivered, issued for delivery, or renewed in this state.

E. No health coverage plan, third-party administrator, or pharmacy benefit manager operating within the state of Louisiana shall deny any pharmacy the opportunity to participate in the PrEP/PEP program offered in this state in any manner that will restrain the right of a consumer to select a pharmacy of their choosing.

F. Manufacturer and government financial assistance programs for HIV PrEP and PEP exist for patients who are uninsured, underinsured, or who meet financial criteria.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1218.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:672 (May 2025).

§13621. Standing Order

A. The Louisiana Department of Health will issue a standing order in compliance with and under the authority of R.S. 37:1218.2 which shall be deemed a medical order for any FDA-approved or CDC-recommended HIV PrEP or PEP therapy, as long as all conditions of the statewide protocol for R.S. 37:1218.2 are met. This standing order shall be valid for one year from the date of issue.

B. Pharmacists dispensing and/or administering HIV PrEP or PEP medications may use the standing order to prepare the prescription and/or refill as necessary, provided that all other requirements and qualifications necessary to do so are complete.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1218.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:672 (May 2025).

Bruce D. Greenstein
Secretary

2505#041

RULE

Department of Health Office of Public Health

Emergency Medical Services Professionals (LAC 46:XXXVIII.Chapters 1-5)

The Department of Health, Office of Public Health, Bureau of Emergency Medical Services (LDH-OPH-Bureau of EMS) and the Emergency Medical Services Commission (Commission) has amended LAC 46:XXXVIII.Chapters 1-5 regarding emergency medical services professionals as authorized by R.S. 40:1131-1133.16 and R.S. 40:1141. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, 4.2. 49:950, et seq.

In compliance with Act 31 of the 2020 Second Extraordinary Session of the Louisiana Legislature, the LDH-OPH-BEMS and the Commission has amended the regulations governing the professional and occupational standards for emergency medical services professionals in order to: 1) clarify and align these provisions with the corresponding legislative authorities governing emergency medical services; 2) ensure that the provisions are consistent with the standard language used in other healthcare licensing regulations; and, 3) promulgate the provisions clearly and concisely in the *Louisiana Administrative Code*. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXVIII. Emergency Medical Services Professionals

Subpart 1. Rules of Procedure

Chapter 1. General

§101. Statement of Purpose/General Definitions

A. Purpose. The Louisiana Emergency Medical Services Commission is a legally created administrative commission acting within the governmental structure of the state and possessing legal power. To safeguard life and health of the citizens of Louisiana, the law governing the practice of Nationally Certified and State Licensed Emergency Medical Services professionals, Louisiana Revised Statutes of 1950, R.S. 40:1131 et seq., as re-enacted and amended, delegates to this commission the responsibility to establish and publish standards of out-of-hospital practice; to regulate the scope of practice of Emergency Medical Services practitioners, to discipline and regulate the practice of Emergency Medical Services professionals and to establish standards for educational programs preparing individuals for out of hospital practice.

B. General Definitions. The following words and terms shall have general applicability to their usage within the entirety of this Part.

* * *

Chair—the chairperson of the Louisiana Emergency Medical Services Commission.

Commission—the Louisiana Emergency Medical Services Commission as created under the Louisiana Department of Health pursuant to R.S. 40:1133.3.

Emergency Medical Personnel—EMS practitioners and certified ambulance operators.

Emergency Medical Services—a system that represents the combined efforts of various professionals and agencies to provide out-of-hospital emergency, urgent, preventive, and non-emergent care to the sick and injured.

EMS Medical Director—a physician (MD or DO) licensed by the Louisiana State Board of Medical Examiners who has responsibility and authority to ensure the quality of care and provide guidance for all medical aspects of EMS and who specializes in any of the following areas:

- a. family practice;
- b. internal medicine;
- c. general surgery;
- d. emergency medicine;
- e. emergency medical services;
- f. pediatrics; and
- g. general practice.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Commission, LR 29:1821 (September 2003), amended by the Louisiana Department of Health, Office of Public Health, Bureau of Emergency Medical Services LR 50:246 (February 2024), repromulgated LR 50:988 (July 2024), amended LR 51:673 (May 2025).

§103. Duties of Emergency Medical Services Practitioners

A. A licensed emergency medical services practitioner may perform any of the following functions while caring for a patient at the scene of a medical or other emergency, or during the transport of a patient, under a protocol that has been approved by the emergency medical services practitioner's medical director:

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

C. In case of a life-threatening situation as determined by a licensed emergency medical services practitioner, such a person may render services, in accordance with one of the following protocols:

1. - 2.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 1133.5(9), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:246 (February 2024), repromulgated LR 50:989 (July 2024), amended LR 51:673 (May 2025).

Chapter 3. Licensure and Certification

§301. State Licensure and National Certification

A. State licensure by the Bureau of Emergency Medical Services is mandatory for practicing as a licensed emergency medical responder.

B. Except as may be otherwise provided by this Part or applicable law, national certification and state licensure are mandatory for practicing as a licensed emergency medical technician, advanced emergency medical technician, and paramedic.

C. - E.1. ...

2. The provisions of Chapter 1-E of Title 37 of the Louisiana Revised Statutes of 1950 apply to individuals seeking reciprocity from another U.S. state or territory.

F. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.2(E), R.S. 40:1131.1(A), R.S. 40:1133.5(9), R.S. 40:1133.6, R.S. 40:1141, R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Commission, LR 29:1821 (September 2003), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:247 (February 2024), repromulgated LR 50:990 (July 2024), amended LR 51:673 (May 2025).

§303. Denial of Licensure, Reinstatement, or the Right to Practice EMS as a Student

A. Applicants for licensure, reinstatement, or the right to practice as an EMS student may be denied approval for licensure, reinstatement, receipt of a temporary permit, eligibility to continue in or enter into an education program (clinical or field internship aspects) for any of the grounds listed in §505.D of this Chapter.

B. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1133.1(A) and (E), R.S. 40:1133.5(9), R.S. 40:1133.7(1) and (2), R.S. 40:1133.4, and 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1821 (September 2003), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:248 (February 2024), repromulgated LR 50:990 (July 2024), amended LR 51:674 (May 2025).

§306. Pre-Application Eligibility Determination

A. ...

1. The individual making the request shall provide to the commission and the bureau all pertinent information and documents pertaining to the conviction(s), including any information relevant to the factors provided in R.S. 37:2950. Any such request shall list and include all of the individual's convictions, regardless of jurisdiction and regardless of subsequent pardon or expungement, through the date of the request. After initial receipt of the request, the bureau may require that the individual submit additional pertinent information or documents.

2. ...

3. The individual making the request shall also provide to the commission and the bureau the individual's pertinent identifying information, including date of birth, social security number, and driver's license number.

4. ...

5. Within 45 days after receipt of the request and all pertinent information and documents, including additional information or documents requested by the bureau pursuant to A.1 of this Section, or within 45 days of receipt by the bureau of any criminal history report provided or requested by the individual, whichever is later, the bureau shall send notification to the individual concerning whether, based on the criminal information submitted, the individual is disqualified from receiving or possessing a license from the bureau. This determination, which may be disseminated to the requesting individual by email, shall be one of the following:

5.a. - 7....

B. The following information can be found on the bureau website and/or on the EMS license application:

1. the process by which the bureau investigates affirmative criminal history disclosures.

B.2. - C.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1133.1(A), R.S. 40:1133.5(9), R.S. 40:1133.16(D), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:249 (February 2024), repromulgated LR 50:991 (July 2024), amended LR 51:674 (May 2025).

§308. Criminal History Record and Identification

A. The commission and the bureau are entitled to and shall require submission of the criminal history record and identification files of the Louisiana Bureau of Criminal Identification and Information, located within the Louisiana Department of Public Safety and Corrections, of any person who is seeking an initial license as an emergency medical technician, advanced emergency medical technician or paramedic, or to be certified as an ambulance operator; and any person who answers affirmatively to any of the criminal history background questions on a license renewal application. In such situations, fingerprints and other identifying information of the applicant shall be required and submitted to the Louisiana Bureau of Criminal Identification and Information for qualification and registry.

A.1. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1133.(A)and(C), R.S. 40:1133.5(9), R.S.40:1133.7(1)and(2), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:250 (February 2024), repromulgated LR 50:992 (July 2024), amended LR 51:674 (May 2025).

Chapter 5. Disciplinary Proceedings; Alternative to Disciplinary Proceedings

§501. Definition of Terms Applying to EMS Practice as Used in This Chapter

* * *

Expanded Scope of Practice—those functions, procedures and activities which are currently not part of the approved National EMS curriculum, but have been approved by the EMS Commission as appropriate for the various levels of EMS practitioners.

* * *

Medical Interventions—all functions, activities, medications and medical treatments of therapeutic or corrective nature approved by the Bureau of EMS and the EMS Commission.

Mentally Incompetent—a court judgment of legal insanity or incompetence or a medical diagnosis indicating insanity or incompetence.

* * *

Other Causes—includes, but is not limited to:

a. - h. ...

i. misappropriating items or property of an individual, agency, or entity;

j. - q. ...

r. failure to cooperate with the commission or bureau, including by:

i. not furnishing in writing a full and complete explanation covering a matter requested in writing by the commission or bureau; or

ii. not responding to subpoenas or other lawful requests for information issued by the commission or bureau directly related to an investigation or disciplinary hearing regarding an individual;

s. - t. ...

u. physically harming, or attempting to physically harm, an individual without lawful justification;

v. engaging or attempting to engage in nonconsensual sexual acts, including solicitation of minors for sexual acts or for explicit photos or videos;

w. violating the reasonable expectation of privacy of an individual, including, but not limited to, taking or releasing/publishing explicit photographs or video without consent;

x. destruction or attempted destruction of the property of any person without consent;

y. engaging in conduct that harms, or poses a serious risk of harm to, the public or any individual.

* * *

Specialty Care Transport Paramedic—those individuals who have met the requirements as approved by the EMS Commission

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8) and R.S. 1133.5(9) and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1822 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission and the Bureau of Emergency Medical Services, LR 50:250 (February 2024), repromulgated LR 50:993 (July 2024), amended LR 51:674 (May 2025).

§505. Proceedings against Licensed EMS Practitioners, Certified Ambulance Operators, Licensed EMS Practitioner Applicants or Certified Ambulance Operator Applicants

A. - D.3. ...

4. exhibiting incompetency or unfitness by reason of negligence, habit, or other cause;

5. - 9. ...

10. Repealed.

11. - 13. ...

14. Repealed.

15. violating or failing to conform to any requirement or provision of this Part;

16. intentionally falsifying any document related to license, emergency medical services education, or related to the care of the patient; or

17. aiding or abetting another person in the violation of any conduct proscribed under this Subsection.

E. - E.8. ...

9. Repealed.

10. - 15. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9), R.S. 40:1133.9, R.S. 40:1133.10, and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1823 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 50:252 (February 2024),

repromulgated LR 50:995 (July 2024), amended LR 51:675 (May 2025).

§511. Formal Disciplinary Action

A. - B. ...

1. The matter may be resolved without a formal administrative hearing by either a voluntary surrender of license, consent order, or settlement order. These actions shall constitute disciplinary action and shall be a public record of the commission. Except in cases of voluntary surrender, the commission shall publish the individual's name, a brief description of the violation, and the disciplinary action.

C. ...

1. Any license surrender shall not be deemed to be an admission of the alleged facts of any pending investigation or complaint. The fact of license surrender while an individual is under investigation or has a pending disciplinary hearing shall be deemed a disciplinary action and the Commission shall publish the individual's name and the disciplinary action (i.e. voluntary surrender) in the same manner as other disciplinary actions.

C.2. - E.1.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1825 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 50:254 (February 2024), repromulgated LR 50:997 (July 2024), amended LR 51:675 (May 2025).

§519. Definition of Terms Applying to EMS Practice as Used in This Chapter

* * *

Additional Acts—activities beyond those taught in EMS education programs. Additional acts are authorized by the commission through rules and regulations or declaratory statements interpreting the legal definition of EMS. Licensed and/or Certified EMS professionals are accountable for attaining and maintaining competency when performing approved additional acts.

* * *

Carrying Out the Medical Orders of a Physician Licensed in Louisiana—

1. licensed and/or certified EMS professionals may, based on their individual judgment of each situation, accept verbal orders initiated by a licensed physician, provided the order is related to the said practitioner's scope of practice;

2. licensed and/or certified EMS professionals may execute standing orders of a licensed physician.

* * *

Delegating EMS Interventions—committing or entrusting the performance of selected EMS tasks by the licensed and/or certified EMS professional to other competent EMS personnel in selected situations. The licensed and/or certified EMS professional retains the accountability for the total EMS care of the individual.

* * *

Expanded Scope of Practice—those functions, procedures and activities which are currently not part of the approved National EMS curriculum, but have been approved by the EMS Commission as appropriate for the various levels of EMS professionals.

* * *

Medical Interventions—all functions, activities, medications and medical treatments of therapeutic or corrective nature approved by the Bureau of EMS and the EMS Commission.

* * *

Specialty Care Transport Paramedic—those individuals who have met the requirements as approved by the EMS Commission.

Student EMS Professional—a person who is engaged in learning experiences in a program of study leading to candidacy for license and/or certification to practice as a licensed and/or certified EMS professional. The term applies only when the person is participating in an integral part of the program of study.

Teaching of EMS—instructing EMS professional students and providing continuing EMS education to licensed and/or certified EMS professionals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1828 (September 2003), amended LR 51:675 (May 2025).

Bruce D. Greenstein
Secretary

02505#042

RULE

Department of Health Office of Public Health

Emergency Medical Transportation Services Licensing Standards (LAC 48:I.Chapter 60)

The Department of Health, Office of Public Health, Bureau of Emergency Medical Services has repealed and replaced LAC 48:I.Chapter 60 in Medical Assistance Program as authorized by R.S. 36:254, R.S. 40:1131.1.A, R.S. 40: 1133.5(9), 40:1135.1 and R.S. 40:1135.2. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

In compliance with Act 789 of the 2012 Regular Session, Act 106 of the 2017 Regular Session and Act 557 of the 2018 Regular Session of Louisiana Legislature, the Department of Health, Office of Public Health, Bureau of Emergency Medical Services has repealed and replaced the provisions governing the licensing standards for emergency medical transportation services in order to: 1) clarify and align these provisions with the corresponding legislative authorities governing emergency medical services; 2) ensure that the provisions are consistent with the standard language used in other healthcare licensing regulations; 3) promulgate the provisions clearly and concisely in the *Louisiana Administrative Code*. 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 60. Emergency Medical Transportation Services

§6003. Definitions [Formerly §6001]

* * *

Catastrophic Injury—an injury resulting from an ambulance crash where one or more persons is physically affected with a permanent disabling injury, disorder, or illness or a severely disabling injury, disorder or illness as a result of the events of the ambulance crash. Such injuries shall be limited to injuries received by any occupant of a vehicle or bystander directly involved in the crash based on the current criteria established by the American College of Surgeons Trauma Center Guidelines.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:466 (March 2009), amended LR 41:2153 (October 2015), amended Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:880 (May 2023); amended LR 51:676 (May 2025).

§6015. Inspections, Surveys or Investigations [Formerly §6011]

A. - B.4. ...

a. Any ambulance service adding a ground transportation ambulance, air ambulance or emergency medical response (sprint) vehicle to the fleet shall provide written notification to the department in advance of the addition. The notification shall include:

B.4.a.i. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 40:1135.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:469 (March 2009) amended Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:885 (May 2023); amended LR 51:676 (May 2025).

§6017. Statement of Deficiencies

A. - B.1. ...

2. Repealed.

B.3. - B.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:885 (May 2023); amended LR 51:676 (May 2025).

§6021. License Renewal [Formerly §6015]

A. - B.4. ...

5. Repealed.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:1135.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:471 (March 2009), amended Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:887 (May 2023); amended LR 51:676 (May 2025).

§6031. Inactivation of License Due to a Declared Disaster or Emergency

A. - C.2. ...

EXCEPTION: If the ambulance service requires an extension of this timeframe due to circumstances beyond the ambulance service's/provider's control, the department will consider an extended period. Such written request for extension shall show the ambulance service's/provider's active efforts to complete construction or repairs, if applicable, and the reasons for the request for extension of the ambulance service's/provider's inactive license. Any approval for an extension is at the sole discretion of the department.

D. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:889 (May 2023); amended LR 51:677 (May 2025).

§6033. Inactivation of License due to a Non-Declared Disaster or Emergency

A. - C.2. ...

EXCEPTION: If the ambulance service requires an extension of this timeframe due to circumstances beyond the ambulance service's/provider's control, the department will consider an extended period. Such written request for extension shall show the ambulance service's/provider's active efforts to complete construction or repairs, if applicable, and the reasons for the request for extension of the ambulance service's/provider's inactive license. Any approval for an extension is at the sole discretion of the department.

D. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:890 (May 2023); amended LR 51:677 (May 2025).

§6035. Policies and Procedures

A. Ambulance services must produce, and provide to all personnel, a policy and procedures manual governing the service's operation and shall hold all personnel in compliance.

B. - C.4. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1235.2 and R.S. 40:973.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:475 (March 2009), amended LR 51:677 (May 2025).

§6037. Medical Protocol

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.14 and 40:1135.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:476 (March 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2153 (October 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1090 (July 2016); repealed LR 51:677 (May 2025).

Subchapter B. Ambulance Service/Provider Responsibilities

§6043. Personnel [Formerly §6033]

A. - I.2.d. ...

J. Identification and Credentials

1. All personnel working on an ambulance and/or emergency medical response (sprint) vehicle shall carry with them their current driver's license at the level required by the Louisiana Highway Regulatory Act

2. All medical personnel working on a ground transportation ambulance, air ambulance, or emergency medical response vehicle (sprint), shall have their level of licensure readily identifiable to the public.

K. - K.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:474 (March 2009), amended Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:891 (May 2023); amended LR 51:677 (May 2025).

§6045. Medications [Formerly §6035]

A. All medications, including IV fluids, shall be stored in accordance with the manufacturer's guidelines and utilized prior to the expiration date.

A.1. - C.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:475 (March 2009), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:893 (May 2023); amended LR 51:677 (May 2025).

§6047. Medical Protocol [Formerly §6037]

A. In accordance with R.S. 40:1133.14, ambulance service/provider shall follow out-of-hospital EMS protocols that have been approved by:

1. The parish or component medical society for use within its jurisdiction;
2. The ambulance service's EMS medical director; or
3. The Louisiana Emergency Response Network.

B. Repealed.

C. At a minimum, protocols, policies, or guidelines shall address the following conditions and/or situation for adult (if applicable), geriatric (if applicable) and pediatric (if applicable) patients:

1. universal care;
2. cardiovascular;
3. general medical;
4. resuscitation;
5. OB/GYN;
6. respiratory;
7. trauma; or
8. toxins and environmental.

D. - F.1. ...

G. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:476 (March 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2153 (October 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1090 (July 2016), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:893 (May 2023); amended LR 51:677 (May 2025).

§6053. Quality Assurance [Formerly §6043]

A. - C.6. ...

7. a method to document EMS Practitioner skills competencies including a process for demonstrating proper

pediatric care based on the agency or local protocols/guidelines.

D. - E.7. ...

8. In the event of an ambulance crash resulting in a catastrophic injury, the Louisiana Bureau of EMS shall have the right to request crash data from the Louisiana Department of Motor Vehicles for the purpose of collecting data on ambulance crashes to identify trends for patient care and quality improvement associated with the operation of ambulances. Any information collected under this section shall be de-identified as to all individual and entities contained in the data and aggregated at the statewide level. Further, as part of the data collection associated with the data collection set forth in this section, the Louisiana Bureau of EMS may contact an individual ambulance provider only by telephone or in person to obtain Provider information about such ambulance crashes involving catastrophic injuries. The Louisiana Bureau of EMS shall direct all correspondence under this section to the registered license holder for the ambulance provider.

a. In instances in which immediate medical treatment in an emergency department of a hospital is required by an ambulance provider of an employee prior to them being able to return to work, reporting shall not be required under this section.

b. Ambulance provider information shall include and be specifically limited to the following questions:

i. At any time during the ambulance crash, did the stretcher become dislodged from its locking mechanism?

ii. At any time during the ambulance crash, did the stretcher locking mechanism separate from the vehicle?

iii. Did any equipment over ten pounds become airborne?

iv. Did any compartment or cabinets open?

c. No ambulance provider, whether private or a unit of government, including municipalities and political subdivisions of the state, shall be required to provide any information associated with any ambulance crash and/or the ambulance provider information, regardless of whether the ambulance crash had any catastrophic injuries, that may be subject to or be made part of any litigation or an administrative hearing or proceeding, regardless of whether the litigation, hearing or proceeding is civil or criminal in nature. If the ambulance provider has a reasonable expectation that the ambulance crash will result in litigation or an administrative hearing or proceeding, the ambulance provider shall not be required to disclose any ambulance provider information, or any other information, to the Bureau of EMS until such time as the litigation or administrative hearing or proceeding has concluded and all appeals have been exhausted.

d. Should the ambulance provider be unable to provide requested information due to pending litigation, administrative hearing or proceeding or suspected pending litigation, administrative hearing or proceeding, the ambulance provider shall provide information requested by the Bureau of EMS at such time as the pending or suspected litigation or administrative hearing or proceeding has concluded and all appeals have been exhausted.

e. Any and all information associated with any ambulance crash collected by the Bureau of EMS is solely

for data collection and patient care quality improvement purposes associated with the operation of ambulances. No source data collected by the Louisiana Bureau of EMS or compiled by the ambulance provider shall be subject to any public records disclosure as the raw data collected shall be protected under the provision of La. R.S. 13:3715.3(A)(1) because the data collected in accordance with this Rule is specifically designated as data, studies, and analysis of a healthcare licensing agency of the Louisiana Department of Health.

F. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 35:254, R.S. 40:1135.1 and 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:477 (March 2009); amended by Bureau of Emergency Medical Services, LR 49:895 (May 2023); amended LR 51:677 (May 2025).

Subchapter C. Emergency Vehicles—Ground Transportation

§6061. General Provisions

A. - C. ...

D. Unless an ambulance or an emergency medical response (sprint) vehicle is obtained for less than 90 days, it must be registered in the ambulance service's name.

E. - G. ...

H. Ambulances shall have injury-prevention equipment. At a minimum this includes:

1. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:896 (May 2023); amended LR 51:678 (May 2025).

§6063. Emergency Medical Response Vehicles (Sprint Vehicles) [Formerly §6055]

A. - B.3.d. ...

4. Emergency medical response vehicles shall have injury-prevention equipment. At a minimum, this includes:

a. Availability of necessary age/size-appropriate restraint systems for all passengers and patients transported in emergency response vehicles (sprint);

B.4.b. - B.6. ...

C. The equipment and medical supplies are dependent on the level of licensure of personnel and as determined by the ambulance service's/provider's medical director and governing body who have developed policies and procedures to maintain, update, or not carry certain advanced life support equipment and medical supplies as medically indicated or contraindicated for their service area and have documentation available to support the determination. In accordance to R.S. 40:1135.2, the medical director shall consider the following supplies and equipment when developing policies and procedures:

- a. ventilation and airway equipment;
- b. cardiac monitoring and defibrillation;
- c. immobilization devices;
- d. bandages/hemorrhage control;
- e. communication;
- f. obstetrical kit;
- g. miscellaneous equipment;
- h. infection control equipment;
- i. injury-prevention equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.2 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:896 (May 2023); amended LR 51:678 (May 2025).

§6065. Ground Transportation Ambulances

[Formerly §6057]

A. - B.3.d. ...

4. All ground transportation ambulances shall carry basic life support equipment and medical supplies that are:

a. consistent with the standards of practice for EMS practitioners as established in R.S. 40:1135.1;

b. ...

c. consistent with the recommendation of the Louisiana scope of practice for emergency medical technicians established in R.S. 40:1133.14.

d. The equipment and medical supplies are determined by the ambulance service's/provider's medical director and governing body who have developed policies and procedures to maintain, update, or not carry certain medical supplies and equipment as medically indicated or contraindicated for their service area and have documentation available to support the determination. The medical director shall consider the following supplies and equipment when developing policies and procedures:

- i. airway, ventilation and oxygenation;
- ii. bleeding, hemorrhage, control, shock management and wound care;
- iii. cardiovascular and circulation care;
- iv. diagnostic tools;
- v. infection control;
- vi. medication;
- vii. medication delivery and vascular access;
- viii. neonatal care;
- ix. orthopedic injury care;
- x. patient packaging, evacuation, and transport;
- xi. safety;
- xii. temperature management and heat-loss prevention
- xiii. miscellaneous items.

5. ...

6. All advanced life support ambulances shall carry all basic life support equipment and medical supplies that are consistent with the Louisiana scope of practice for emergency medical practitioners established in R.S. 40:1133.14. The additional equipment and medical supplies includes, but is not limited to the following:

- a. airway and ventilation and oxygenation equipment;
- b. bleeding, hemorrhage control, shock management and wound care;
- c. cardiovascular and circulation care;
- d. diagnostic tools;
- e. infection control;
- f. medications;
- g. medication deliver and vascular access.

7. The equipment and medical supplies is dependent on the level of licensure of personnel and as determined by the ambulance service/provider medical director and governing body who have developed policies and procedures

to maintain, update, or not carry certain advanced life support equipment and medical supplies as medically indicated or contraindicated for their service area and have documentation available to support the determination.

a. All ground transportation ambulances shall have functional temperature control in the patient compartment. Such temperature control equipment shall function within the vehicle manufacturer's recommended guidelines or specifications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.2 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:480 (March 2009), amended LR 41:2154 (October 2015), LR 49:897 (May 2023); amended LR 51:679 (May 2025).

Subchapter D. Emergency Vehicles—Aircraft Transportation

§6071. General Provisions [Formerly §6065]

A. ...

B. Certifications of all air ambulance personnel shall meet FAA requirements, if applicable, and shall meet local pilot and medical personnel staffing protocols.

C. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:1135.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:482 (March 2009), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:898 (May 2023); amended LR 51:679 (May 2025).

Bruce D. Greenstein
Secretary

2505#043

RULE

Department of Insurance Office of the Commissioner

Regulation 21—Special Policies and Provisions: Prohibitions, Regulations, and Disclosure Requirements (LAC 37:XIII.Chapter 69)

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 repeals Regulation 21—Special Policies and Provisions: Prohibitions, Regulations, and Disclosure Requirements.

The purpose of Regulation 21 was to protect the Louisiana insurance-buying public and the insurers from the effect of sales of certain types of insurance policies which experience has shown, in this and other states, has not been in the public interest. Regulation 21 is being repealed because existing statutory language provides sufficient guidance, and regulatory clarification is no longer necessary. Therefore, it is being repealed in its entirety. This Rule is hereby adopted on the day of promulgation.

Title 37
INSURANCE

Part XIII. Regulations

Chapter 69. Regulation 21—Special Policies and Provisions: Prohibitions, Regulations, and Disclosure Requirements

§6901. Policy Directive Number Seven to All Companies Authorized to Write Life Insurance in the State of Louisiana

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:162(C) and 22:163. Recodified to R.S. 22:751 and 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, October 1, 1962, repealed LR 51:680 (May 2025).

Timothy J. Temple
Commissioner

2505#028

RULE

**Department of Public Safety and Corrections
Office of State Police**

Accident Reports (LAC 55:I.901)

In accordance with the provisions of R.S. 32:398(E), the Department of Public Safety and Corrections, Public Safety Services, Office of State Police (Department) and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department hereby supplements and amends Title 55, Part I, Chapter 9, §901 regarding the cost of photographs and video/audio recordings (Body Worn Cameras) pertaining to accident reports.

The Rule establishes a fee to obtain photographs and videos/audio recordings (BWC) relative to accident reports. This Rule is hereby adopted on the day of promulgation.

Title 55
PUBLIC SAFETY
Part I. State Police

Chapter 9. Photographs and Videos

§901. Costs of Photographs and Videos Pertaining to Accident Reports

A. The following rules apply to the sale of photographs pertaining to accident reports:

1. Pursuant to R.S. 32:398 (E), the following fee scale shall be used for the sale of photographs and video/audio, body-worn camera (BWC) and in-car camera (ICC), pertaining to accident report.

a. For a proof sheet that includes thumbnails of all photographs, the cost shall be \$10 per sheet. Each sheet holds a maximum of 40 thumbnails.

b. For an individual photograph selected from the proof sheet, the cost shall be \$15 per individual photograph.

c. For an entire set of photographs (with or without purchasing the proof sheet), the cost shall be \$10 per photograph.

d. For a CD containing the photographs, the cost shall be \$10 per CD.

2. Photographs are available for purchase online at lsp.org, via facsimile to 225-925-4401, or via U.S. mail to:

Office of State Police, Photo Lab, D-3, P.O. Box 66614, Baton Rouge, LA 70896.

3. Photographs and CDs will be shipped within three to five business days after receiving payment.

B. The following rules apply to the sale of videos/audio recordings, body-worn camera (BWC) and in-car camera (ICC), pertaining to accident reports:

1. Pursuant to R.S. 32:398(E), the following fee scale shall be used for the sale of video/audio recording, body-worn camera (BWC) and in-car camera (ICC), pertaining to accident reports:

a. For un-redacted videos/audio recordings, body-worn camera (BWC) and in-car camera (ICC), at a cost of \$25 per video.

2. All monetary transactions for videos pertaining to accident reports are processed through the internet via the GovQA System for Louisiana State Police requests.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:398(E)

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 45:584 (April 2019), amended by the Department of Public Safety and Corrections, Office of State Police, LR 51:680 (May 2025).

Lieutenant Colonel Greg Graphia
Chief Administrative Officer

2505#015

RULE

**Department of Public Safety and Corrections
Office of State Police**

Approval of Instruments to Conduct Blood Alcohol
Analysis by Breath Samplings (LAC 55:I.501)

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 32:663 and the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., hereby gives notice that it has amended LAC 55:I.501—Approval of Instruments to Conduct Blood Alcohol Analysis by Breath Samplings. This amendment removes the Instrument Intoxilyzer 5000. The Intoxilyzer 5000 is no longer in use. It also removes the breath analysis specialist and the applied technology director as those positions no longer exists. This Rule is hereby adopted on the day of promulgation.

Title 55
PUBLIC SAFETY
Part I. State Police

**Chapter 5. Breath and Blood Alcohol Analysis
Methods and Techniques**

Subchapter A. Analysis of Breath

§501. Approval of Instruments to Conduct Blood Alcohol Analysis by Breath Sampling

A. After the Louisiana Department of Public Safety and Corrections has approved a prototype breath testing device as an acceptable model for chemical analysis in blood alcohol testing by breath sampling it shall be necessary for each individual instrument of the approved model to be inspected and approved for use by the Office of State Police, Applied Technology Unit, and an instrument certification form shall be maintained for each individual instrument in

the Applied Technology Unit. For the Intoxilyzer 9000, each individual instrument shall be inspected, checked, and certified once every six months by the breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist of the Applied Technology Unit and a recertification form shall be maintained in the Applied Technology Unit. A copy of this certificate may be filed with the clerk of the applicable court in the respective parish in which each device is used for blood/breath testing, and this copy shall be prima facie evidence as to the proper working order of the instrument. The inspecting breath analysis supervisor, breath analysis instructor specialist, or applied technology specialists permit number shall also be affixed to this certificate. Any manufacturer of any apparatus, device, or equipment made for the purpose of analyzing the alcoholic contents of the blood by breath sampling may request the Applied Technology Unit to approve such apparatus, device or equipment. The Applied Technology Unit will consider such a request upon submission of such information, instructions for use, exemplars and other pertinent data as the Applied Technology Unit may request. Before any blood/breath alcohol testing will be approved it must have undergone inspection and testing by the Applied Technology Unit. This period of testing and evaluation is for the purpose of assuring that an instrument is free of any design error, malfunction or operating problems and accurately and consistently determines the percent by weight by volume of alcohol in the blood at the time the test is administered by utilizing the 2100:1 correlation between alcohol in the breath and alcohol in the blood in accordance with the *Uniform Vehicle Code*.

B. Approval of Instrumentation. The following is the instrument approved by the Louisiana Department of Public Safety and Corrections, the Office of State Police, Applied Technology Unit for analysis of breath specimens for the determination of the blood alcoholic content therein.

1. Intoxilyzer 9000, manufactured by CMI, Inc., a subsidiary of MPD, Inc. Every Intoxilyzer 9000 which has been certified and placed in operation in Louisiana is now and has been continuously, since the original certification, an approved instrument for the analysis of breath specimens for the determination of blood alcoholic content.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 4:390 (October 1978), amended LR 6:660 (November 1980), amended by the Department of Public Safety and Corrections, Office of State Police, LR 11:256 (March 1985), LR 14:362 (June 1988), repromulgated LR 14:441 (July 1988), amended LR 17:672 (July 1991), repromulgated LR 17:795 (August 1991), amended LR 18:1266 (November 1992), amended by the Department of Public Safety and Corrections, Office of State Police, Applied Technology Unit, LR 38:1992 (August 2012), amended by Department of Public Safety and Corrections, Office of State Police, LR 51:680 (May 2025).

Jared David
Sergeant

2505#004

RULE

Department of Public Safety and Corrections Office of State Police

Breath and Blood Alcohol Analysis Methods and Techniques (LAC 55:I.555 and 581)

Pursuant to the authority of R.S. 32:663 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public Safety and Corrections, Public Safety Services hereby supplements and amends Title 55, Part I, Chapter 5, Subchapter B, Sections 555 and 581 to allow screening for the presence of ethyl alcohol where available, to provide 10 calendar days for delivery of a sample to the laboratory for analysis starting at the time of collection, and to provide consistency in the maintenance of samples for blood alcohol and controlled dangerous substances testing.

The Rule provides permissive screening for the presence of ethyl alcohol, clarifies the time period for delivery of a blood sample taken for analysis using calendar days instead of 24-hour days, and provides for consistency for maintenance of samples submitted for blood alcohol and controlled dangerous substances analyses. This Rule is hereby adopted on the day of promulgation.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 5. Breath and Blood Alcohol Analysis Methods and Techniques

Subchapter B. Analysis of Blood

§555. Certified Techniques of Analyst

A.

B. Screening procedure may be used prior to routine analysis using gas chromatography / mass spectrometry methodology. This screening procedure shall be used solely to report the absence of ethyl alcohol. The presence of ethyl alcohol determined by this screening procedure shall be indicated by a mass spectral match to that of a library or reference standard of at least 80 percent. Any indication of ethyl alcohol by this screening method shall be confirmed by an analysis that complies with the requirements of this subchapter.

C. The methods approved for alcohol analysis of blood are:

1. gas chromatography—headspace sampling with internal standard;
2. gas chromatography—direct injection with internal standard;
3. gas chromatography/mass spectrometry-headspace sampling with internal standard;
4. gas chromatography/mass spectrometry-direct injection with internal standard.

D. Procedures shall include the following controls in conjunction with each batch of samples analyzed:

1. a system blank analysis;

2. analysis of a whole blood control of known alcohol content within the range 0.04 grams percent to 0.40 grams percent the result of which analysis must coincide with the known blood alcohol value of the control specimen +0.01 grams percent if validity is to be assigned to the results for the batch analyzed.

E. Replicate analysis shall be performed in order to eliminate the possibility of undetected errors.

F. Results shall be expressed in terms of percent w/v (grams percent) that is, grams of alcohol per 100 milliliters of blood rounded downward to the second decimal place, for example, 0.237 grams percent shall be reported as 0.23 grams percent.

G. Analytical procedures for determining the concentration of alcohol in the blood shall meet the following requirements.

1. The accuracy of the procedures shall be such as consistently to attain results within +0.01 grams percent of the known value over the range 0.04 grams to 0.40 grams percent in analysis of commercially whole blood controls.

2. The precision of the analysis shall be such as consistently to attain a reproductibility not greater than +0.005 grams percent from the mean value in replicate analysis.

3. The blank values yielded by the procedure in analysis of alcohol-free reagents consistently shall be not greater than 0.00 grams percent.

4. Procedures for the analysis of whole blood from living and post mortem subjects shall differentiate ethyl alcohol from all other substances.

H. Blood drawn for the purposes of determining the alcoholic content therein shall have been taken with the contents of a sealed blood collection kit approved by the Louisiana State Police Crime Laboratory. Such kits will be made available to all law enforcement agencies by the Louisiana State Police.

1. All kits approved by the Louisiana State Police Crime Laboratory contain the necessary preservative to insure stability of the sample as provided by the manufacturer and contain no ethyl alcohol. Each approved kit must be manufactured specifically for blood alcohol determinations in living or post-mortem subjects.

2. Following analysis, the evidence will be stored for a period of one year under refrigeration by either the testing facility or the submitting agency and then may be destroyed. Evidence collected subsequent to law enforcement investigations and/or search warrant executions are subject to the aforementioned storage period and destruction policy. Additional storage duration and/or destruction criteria may be implemented by the testing facility or submitting agency.

3. The blood sample taken for analysis may be maintained at room temperature and delivered to the proper evidence storage facility of each enforcement agency within 24 hours of the end of the collecting officer's shift. It shall be transported then to the laboratory utilized for analysis at the earliest opportunity after collection, not to exceed 10 calendar days starting at the time of collection.

I. Each laboratory performing blood alcohol analysis must either be permitted by terms set forth in the Louisiana Statutory Criminal Law and Procedure R.S. 32:663 (B and C) or submit to the Louisiana State Police Crime Laboratory

for approval written procedures with regard to the following minimum standards.

1. Analysis must be performed on a gas chromatograph with or without a mass spectrometer.

2. Any procedures for blood alcohol determinations as outlined in these rules and regulations shall be considered minimum standards.

3. Maintenance repair and inspection must be in accordance with guidelines listed in §557.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 6:663 (November 1980), amended by the Department of Public Safety and Corrections, Office of State Police, LR 11:259 (March 1985), LR 14:360 (June 1988), LR 17:675 (July 1991), repromulgated LR 17:798 (August 1991), amended LR 26:2624 (November 2000), LR 37:1416 (May 2011), LR 44:95 (January 2018), LR 51:681 (May 2025).

Subchapter C. Analysis of Blood and Urine for Controlled Dangerous Substances §581. Receiving and Sampling of Evidence

A. - B. ...

C. The sample or samples taken for analysis should be refrigerated may be maintained at room temperature and delivered to a designated collection site the proper evidence storage facility within 24 hours following the end of the collecting officer's shift. It shall then be transported to the laboratory utilized for analysis at the earliest opportunity after collection, not to exceed 10 calendar days starting at the time of collection.

D. After submitting the sample to the testing facility, specimens shall then be refrigerated in a designated evidence security area.

E. Following analysis, the evidence will be stored for a period of one year under refrigeration either at the testing facility or by the submitting agency. After the one year storage period, the evidence may be destroyed. Evidence collected subsequent to law enforcement investigations and/or search warrant executions are subject to the aforementioned storage period and destruction policy. Additional storage duration and/or destruction criteria may be implemented by the testing facility or submitting agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 26:2625 (November 2000), amended LR 37:1416 (May 2011), LR 44:97 (January 2018), LR 51:682 (May 2025).

Captain Chad Guidry
Lab Director

2505#016

RULE

Department of Public Safety and Corrections Office of State Police

General Administrative Requirements (LAC 55:I.1505)

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 40:1472.8 and the provisions of the Administrative Procedures Act, R.S. 49:950

et seq., hereby gives notice that it has amended LAC 55:I.1505(J)—General Administrative Requirements. This Rule requires applicants for an explosives license to provide two fingerprint cards as part of the application process. This Rule change updates the Title 55, as Office of State Police no longer accepts fingerprint cards; applicants must now submit to background investigations through IdentiGO. This Rule is hereby adopted on the day of promulgation.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 15. Explosives Code

Subchapter A. General

§1505. General Administrative Requirements

A. - I. ...

J. Each manufacturer, dealer-distributor, user, blaster, or handler shall possess a valid and subsisting license issued by the Office of the Deputy Secretary of Public Safety Services, in accordance with the provisions of R.S. 40:1472.1 through 40:1472.19. The department shall execute a thorough background investigation, including, but not limited to a criminal history records check of every applicant for the purpose of verifying or renewing the qualifications of the applicant. Costs incurred by the Department for conducting a background investigation and criminal history records check shall be borne by the applicant.

K. - L.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1472.1 et seq.

HISTORICAL NOTE: Filed by the Department of Public Safety, Office of State Police, at the Office of the State Register, 1974, promulgated and amended LR 10:803 (October 1984), amended by the Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section, Explosive Control Unit, LR 22:1230 (December 1996), amended by the Department of Public Safety and Corrections, Office of State Police, LR 34:2674 (December 2008), LR 35:491 (March 2009), LR 36:550 (March 2010), LR 40:2609 (December 2014), LR 45:281 (February 2019), LR 51:683 (May 2025).

Christopher Adams
Commander

2505#010

RULE

Department of Public Safety and Corrections Office of State Police

Maintenance Inspection for the Intoxilyzer 9000 (LAC 55:I.516)

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 32:663 and the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., hereby gives notice that it has amended LAC 55:I.516—Maintenance Inspection for the Intoxilyzer 9000. This amendment removes applied technology director, as the position no longer exists. This Rule is hereby adopted on the day of promulgation. **Title 55**

PUBLIC SAFETY

Part I. State Police

Chapter 5. Breath and Blood Alcohol Analysis Methods and Techniques

Subchapter A. Analysis of Breath

§516. Maintenance Inspection for the Intoxilyzer 9000

A.1. Maintenance inspection shall be performed on a routine basis at least once every six months by the breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist. Items to be inspected shall include, but not be limited to the following:

- a. clean instrument;
- b. check printer operation;
- c. check breath tube inlet hose.

2. In event repair work is needed, it shall be recorded in detail.

B. In the event of a natural disaster, the applied technology supervisor may extend the certification period of the affected instruments to not more than 180 days after the current recertification anniversary date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Applied Technology Unit, LR 38:1994 (August 2012), Promulgated by the Department of Public Safety and Corrections, Office of State Police LR 51:683 (May 2025).

Jared David
Sergeant

2505#008

RULE

Department of Public Safety and Corrections Office of State Police

Operator Qualifications (LAC 55:I.503)

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 32:663 and the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., hereby gives notice that it has amended LAC 55:I.503—Operator Qualifications. This amendment removes the Instrument Intoxilyzer 5000. The Intoxilyzer 5000 is no longer in use. This Rule is hereby adopted on the day of promulgation.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 5. Breath and Blood Alcohol Analysis Methods and Techniques

Subchapter A. Analysis of Breath

§503. Operator Qualifications

A. At the time of application for certification as an operator, an individual must:

1. be an employee of a Louisiana or federal law enforcement agency;

2. have successfully completed training established by and be certified by the Peace Officers Standards and Training Council (POST) or the Federal Law Enforcement Training Center (FLETC);

3. be at least 18 years of age;

4. be a high school graduate or satisfactorily pass the general education development (GED) test or an equivalent or higher educational background;

5. attain a score of 75 percent or better on a 16-hour operator's training course conducted by the applied technology unit. Course material to be covered will be taken from the Training Manual for the Intoxilyzer 9000. However, if an individual has already successfully completed a training course in chemical testing, the individual may attend a specified course in the operation of the Intoxilyzer 9000. To successfully complete the 16-hour training course and be certified to conduct breath analysis, the individual must:

a. obtain a 75 percent score on the written examination covering course material;

b. obtain a 75 percent score on the actual operation of the instrument and practical examination (running of an unknown alcohol solution). Both the written and the practical examination will be made up by the instructors of the Applied Technology Unit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 4:390 (October 1978), amended LR 6:663 (November 1980), amended by the Department of Public Safety and Corrections, Office of State Police, LR 11:256 (March 1985), LR 14:362 (June 1988), repromulgated LR 14:442 (July 1988), amended LR 17:672 (July 1991), repromulgated LR 17:796 (August 1991), amended LR 27:1929 (November 2001), LR 32:1906 (October 2006), LR 38:2562 (October 2012), LR 38:2937 (November 2012), LR 51:683 (May 2025).

Jared David
Sergeant

2505#005

RULE

Department of Public Safety and Corrections Office of State Police

Permits (LAC 55:I.509)

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 32:663 and the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., hereby gives notice that it has amended LAC 55:I.509—Permits. This amendment removes the breath alcohol testing field supervisors and the applied technology director as those positions no longer exist. This Rule is hereby adopted on the day of promulgation.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 5. Breath and Blood Alcohol Analysis Methods and Techniques

Subchapter A. Analysis of Breath

§509. Permits

A. Upon determining the qualification of individuals to perform such analysis and duties, and after submitting an application for certification, the Louisiana Department of Public Safety and Corrections shall issue permits which shall be effective for the following periods with respect to classification.

1. Operator's Certification

a. Operators shall be certified for a period of two years following successful completion of the 16-hour operator's training course. These permits may be renewed after a refresher course given by the Applied Technology Unit or any other agency approved by the Applied Technology Unit.

b. In addition to being certified on any instrument currently approved by the Applied Technology Unit, an operator may also attend a specified course for certification on any new instrument that may be approved by the Applied Technology Unit. These permits shall also be in effect for a period of two years.

2. Instructors. Instructors shall be certified for a period of five years. However, once he is no longer involved in a chemical testing program, his certification shall terminate and then only be recertified after he has once again become involved in a chemical testing program and demonstrated his knowledge of instructions to the applied technology supervisor.

3. Maintenance. Once a breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist is initially certified, his permit shall remain effective for the duration of his employment.

B. In the event of an emergency such as a natural disaster, the Applied Technology Unit may extend the permit card expiration date for up to an additional 180 days. The extension would only apply to the permits that would expire during the time the disaster occurred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 4:392 (October 1978), amended LR 6:663 (November 1980), amended by the Department of Public Safety and Corrections, Office of State Police, LR 11:257 (March 1985), LR 14:363 (June 1988), repromulgated LR 14:443 (July 1988), amended LR 17:674 (July 1991), repromulgated LR 17:797 (August 1991), amended LR 27:1931 (November 2001), amended by the Department of Public Safety and Corrections, Office of State Police, Applied Technology Unit, LR 32:110 (January 2006), LR 32:110 (January 2006), LR 38:1993 (August 2012), LR 51:684 (May 2025).

Jared David
Sergeant

2505#007

RULE

Department of Public Safety and Corrections Office of State Police

Qualification of Individuals for Instrument Maintenance and Inspection (LAC 55:I.507)

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 32:663 and the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., hereby gives notice that it has amended LAC 55:I.507—Qualifications of Individuals for Instrument Maintenance and Inspection. This amendment removes the Instrument Intoxilyzer 5000. The Intoxilyzer 5000 is no longer in use. It also removes the breath analysis specialist and the applied technology director as those positions no longer exist. The amendment removes the Model Mark II-A wet bath breath alcohol simulator manufactured by Smith and Wesson, Model 134C, and Model 10-4 manufactured by Guth Manufacturing. These models are no longer in use. This Rule is hereby adopted on the day of promulgation.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 5. Breath and Blood Alcohol Analysis Methods and Techniques

Subchapter A. Analysis of Breath

§507. Qualification of Individuals for Instrument Maintenance and Inspection

A. Qualification of individuals to perform maintenance and inspection on the approved instrument shall be as follows:

1. employee of the Office of State Police, Applied Technology Unit in the capacity of breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist. In order to be employed in the capacity of the breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist, the employee must have met all of the requirements as stated by the Department of Civil Service pertaining to the classification of the breath analysis supervisor, breath analysis instructor specialist or applied technology specialist;

2. graduation from a state-accredited high school or the satisfactory passing of the General Education Development (GED) test or an equivalent educational background;

3. successful completion of a 16-hour operator's training course;

4. successful completion of a course on maintenance conducted by the manufacturer of the approved instrument used in blood/breath alcohol testing whereby the individual has received a satisfactory certificate stating such;

5. complete six months on-the-job training whereby the individual shall undergo instructions on the following, but not limited to:

- a. calibration of the instrument;
- b. checking calibration of the instrument;
- c. trouble-shooting of the instrument;
- d. performance of preventive and regular maintenance;
- e. preparation and use of any wet bath simulator and solutions used in the calibration and calibration check;

- f. inspection of the instrument received from the manufacturer to ensure proper assembly calibration and the overall proper functioning of the instrument.

B. After the individual has completed on-the-job training and qualified on the above specification, then and only then may he be certified to perform maintenance and inspection on the approved blood/breath alcohol testing instrument. The individual will then be certified by the Louisiana Department of Public Safety and Corrections and issued a permit stating such. This permit shall then be prima facie evidence of the individual's qualification to perform such maintenance.

C. The maintenance and/or repair work shall be performed by the breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist of the Applied Technology Unit, who are certified by the Louisiana Department of Public Safety and Corrections to perform such. The instrument recertification form that is filed with the clerks of the respective courts every six months for the Intoxilyzer 9000, shall also have the inspecting breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist permit number affixed to this certificate. This permit number shall be proof as to the certification of the inspecting breath analysis supervisor, breath analysis instructor specialist or applied technology specialist by the Louisiana Department of Public Safety and Corrections.

D. The procedure used by the breath analysis supervisor, or breath analysis instructor specialist, or applied technology specialist in the inspections of the instrument at least every six months for the Intoxilyzer 9000, for the checking of the calibration shall be as follows:

1. A wet bath breath alcohol simulator manufactured by Guth Manufacturing Company or any other wet bath simulator approved by the United States Department of Transportation will be used.

2. Use of this simulator and preparation of the contents shall be performed according to the instructions as per the manufacturer of the simulator's operating manual.

3. Solutions used in the simulators may also be produced by using a certified stock solution.

4. Once the simulator is made the known alcohol value may be determined by the use of a gas chromatograph or any other approved instrument and this will be the "known alcohol value." Calibration check of the instrument shall be within plus or minus 0.010 grams percent of the established "known alcohol value".

5. After the inspections are made by the breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist, and all items are performed according to the maintenance section as listed under the instrument, the inspecting breath analysis supervisor, breath analysis instructor specialist or applied technology specialist will then certify that the instrument was in proper working order.

6. Records, or a copy covering maintenance, etc., on the instrument will be kept by the applied technology unit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 4:390 (October 1978), amended LR 6:662 (November 1980), amended by the Department of Public Safety and Corrections, Office of State Police, LR 11:257

(March 1985), LR 14:362 (June 1988), repromulgated LR 14:442 (July 1988), amended LR 17:673 (July 1991), repromulgated LR 17:796 (August 1991), amended LR 27:1930 (November 2001), amended LR 27:1930 (November 2001), amended by the Department of Public Safety and Corrections, Office of State Police, Applied Technology Unit, LR 38:1993 (August 2012), LR 51:685 (May 2025).

Jared David
Sergeant

2505#006

RULE

Department of Public Safety and Corrections Office of State Police

Release and Incident Reporting (LAC 33:V.10111)

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 30:2365 and the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., hereby gives notice that it has amended LAC 33:V.10111—Release and Incident Reporting. This Rule change allows the following: First, it changes the reportable quality for natural gas from distribution lines from 1000 pounds to 42,000 pounds. This change was previously made in Title 30, but was not changed in the administrative code. Second, it gives facilities the option to submit the required written follow-up notification by mail or electronically. An email address has been created for the submissions of the required notifications. Third, it exempts the follow-up written notification requirement for releases from natural gas distribution lines. This Rule is hereby adopted on the day of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Wastes and Hazardous Materials

Subpart 2. Department of Public Safety and Corrections—Hazardous Materials

Chapter 101. Hazardous Material Information Development, Preparedness, and Response Act

§10111. Release and Incident Reporting

A. - D.4. ...

* * *

E. Exceptions to Reportable Quantities—Special Circumstances

1. The following special circumstances have been identified by the department and the following specific reportable quantities shall apply:

a. Natural gas from crude oil and natural gas production operations (including but not limited to flowlines and gathering lines) regardless of system pressure, and natural gas transmission operations in which the operational pressure exceeds 100 psi, shall have an RQ of 1000 pounds. Natural gas from distribution lines shall have an RQ of 42,000 pounds as specified in R.S. 30:2373B.

E.1.b - G.15. ...

H. Facilities must also make follow-up written reports for all reportable releases and incidents within five business days after the release or incident has occurred. This report must

be made to the local emergency planning committee with jurisdiction over a facility and to the Department of Public Safety and Corrections, Office of State Police, TESS- Right-to-Know Unit, either through US Mail to P.O. Box 66168, Baton Rouge, LA 70896, or electronically to WrittenNotificationLSP@la.gov. The format for this report should be as outlined in Subsection G above. Any additional information not given in the initial telephone notification should also be included.

1. Releases from natural gas distribution lines are exempt from this reporting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2361 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 12:327 (May 1986), amended LR 13:184 (March 1987), LR 13:761 (December 1987), LR 14:803 (November 1988), LR 16:975 (November 1990), LR 17:610 (June 1991), LR 27:861 (June 2001), LR 34:882 (May 2008), LR 39:2784 (October 2013), LR 51:686 (May 2025).

Christopher Adams
Commander

2505#011

RULE

Department of Transportation and Development Professional Engineering and Land Surveying Board

Engineering and Land Surveying (LAC 46:LXI.903 and 909)

Editor's Note: Sections 903 and 909 are being repromulgated to correct submission errors. The original Rule may be viewed in its entirety on pages 550-555 of the April 20, 2025 *Louisiana Register*.

Under the authority of the Louisiana professional engineering and land surveying licensure law, R.S. 37:681 et seq., and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Professional Engineering and Land Surveying Board has amended its rules contained in LAC 46:LXI.705, 903, 905, 907, 909, 911, 1101, 1703, 2503, 2701, 2907, 2911, and 3119.

This is a revision of existing rules under which LAPELS operates. The revision (a) allows for conducting board meetings via electronic means and for accessibility to board meetings by people with disabilities, (b) incorporates the new state statute dealing with licensure by endorsement, (c) memorializes and updates all board application fees, renewal fees and other fees, (d) adds a cross reference to another board rule, (e) allows the board to require credential evaluations of land surveying, mapping and real property courses, (f) updates the standards of practice for boundary surveys based on Act 626 of the 2024 Regular Session, (g) updates references to another state agency which recently changed its name and (h) eliminates the administrative fee for licensees who are deemed not in compliance with the continuing professional development requirements of the board. The anticipated effective date of the amendments to LAC 46:LXI.705, 903, 907, 909, 1101, 2503, 2701, 2907 and 2911 is the date of promulgation. The anticipated

effective date of the amendments to LAC 46:LXI.905, 911, 1703 and 3119 is the later of July 1, 2026 or the date of promulgation. This Rule is hereby adopted on the day of promulgation.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part LXI. Professional Engineers and Land Surveyors
Chapter 9. Requirements for Certification and
Licensure of Individuals and Temporary
Permit to Practice Engineering or Land
Surveying

§903. Professional Engineer Licensure

A. - E.2. ...

F. The requirements for licensure as a professional engineer under the alternative provided in R.S. 37:51 et seq. are as follows:

1. the applicant for licensure as a professional engineer shall be an individual who holds a current and valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has held such license for at least one year, who has passed any examinations or met any education, training, or experience standards as required by such other jurisdiction, who is held in good standing by such other jurisdiction, who does not have a disqualifying criminal record as determined by the board under the laws of this state, who does not have a disciplinary action or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, who lives in this state and has provided proof of residency, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional engineer by the board.

G. The provisions of Subsections B, C and D shall not apply to any applicant who received a dishonorable discharge or to a military spouse whose spouse received a dishonorable discharge.

H. In Subsections B, C and D, the term *military* shall mean 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.

I. In Subsections B, C and D, the term *dependent* shall mean a resident spouse or resident unmarried child under 21 years of age, a child who is a student under 24 years of age and who is financially dependent upon the parent, or a child of any age who is disabled and dependent upon the parent.

J. In Subsection E, the term *dependent* shall mean any of the following who relocates to Louisiana with a healthcare professional:

1. the healthcare professional's spouse;
2. the healthcare professional's unmarried child under the age of 21 years;
3. the healthcare professional's child who is a student under the age of 24 years and who is financially dependent upon the healthcare professional; or
4. the healthcare professional's child of any age who is disabled and financially dependent upon the healthcare professional.

K. In Subsection E, the term *healthcare professional* shall mean a person who has relocated to and established his/her legal residence in Louisiana, who holds a valid license to provide healthcare services in Louisiana and who is providing healthcare or professional services in Louisiana as a physician, physician assistant, dentist, registered or licensed practical nurse or certified nurse assistant, advanced practice registered nurse, certified emergency medical technician, paramedic, certified registered nurse anesthetist, nurse practitioner, respiratory therapist, clinical nurse specialist, pharmacist, physical therapist, occupational therapist, licensed radiologic technologist, chiropractor, or licensed clinical laboratory scientist.

L. In Subsection F, proof of residency in this state shall be established by providing to the board one or more of the following:

1. a current state of Louisiana-issued identification card;
2. a current state of Louisiana-issued voter registration card;
3. documentation of current employment of the applicant in this state or a notarized letter of a promise of employment of the applicant or his/her spouse in this state; however, if this form of proof of residency is provided, the applicant shall also provide to the board one or more of the other forms of proof of residency six months after licensure has been granted by the board; or
4. a current homestead exemption for this state.

M. The authority for the executive director to issue a license can only be granted by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:51 et seq., 37:688, 37:1751, and 37:3651.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:352 (November 1976), amended LR 5:114 (May 1979), LR 5:365 (November 1979), LR 6:735 (December 1980), LR 7:644 (December 1981), LR 10:804 (October 1984), LR 11:362 (April 1985), LR 19:56 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1028 (July 2001), LR 30:1712 (August 2004), LR 32:1619 (September 2006), LR 37:2412 (August 2011), LR 38:2564 (October 2012), LR 39:1060 (April 2013), LR 39:2801 (October 2013), LR 43:538 (March 2017), LR 43:1419 (July 2017), LR 44:616 (March 2018), LR 47:491 (April 2021), LR 47:894 (July 2021), LR 48:2363 (September 2022), LR 51:550 (April 2025), repromulgated LR 51:687 (May 2025).

§909. Professional Land Surveyor Licensure

A. - E.2. ...

F. The requirements for licensure as a professional land surveyor under the alternative provided in R.S. 37:51 et seq. are as follows:

1. the applicant for licensure as a professional land surveyor shall be an individual who holds a current and valid license to engage in the practice of land surveying issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has held such license for at least one year, who has passed any examinations or met any education, training, or experience standards as required by such other jurisdiction, who is held in good standing by such other jurisdiction, who does not have a disqualifying criminal record as determined by the board under the laws of this state, who does not have

a disciplinary action or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, who lives in this state and has provided proof of residency, who has passed the examination required by the board in the Louisiana laws of land surveying, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional land surveyor by the board.

G. The provisions of Subsections B, C and D shall not apply to any applicant who received a dishonorable discharge or to a military spouse whose spouse received a dishonorable discharge.

H. In Subsections B, C and D, the term *military* shall mean 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.

I. In Subsections B, C and D, the term *dependent* shall mean a resident spouse or resident unmarried child under 21 years of age, a child who is a student under 24 years of age and who is financially dependent upon the parent, or a child of any age who is disabled and dependent upon the parent.

J. In Subsection E, the term *dependent* shall mean any of the following who relocates to Louisiana with a healthcare professional:

1. the healthcare professional's spouse;
2. the healthcare professional's unmarried child under the age of 21 years;
3. the healthcare professional's child who is a student under the age of 24 years and who is financially dependent upon the healthcare professional; or
4. The healthcare professional's child of any age who is disabled and financially dependent upon the healthcare professional.

K. In Subsection E, the term *healthcare professional* shall mean a person who has relocated to and established his/her legal residence in Louisiana, who holds a valid license to provide healthcare services in Louisiana and who is providing healthcare or professional services in Louisiana as a physician, physician assistant, dentist, registered or

licensed practical nurse or certified nurse assistant, advanced practice registered nurse, certified emergency medical technician, paramedic, certified registered nurse anesthetist, nurse practitioner, respiratory therapist, clinical nurse specialist, pharmacist, physical therapist, occupational therapist, licensed radiologic technologist, chiropractor, or licensed clinical laboratory scientist.

L. In Subsection F, proof of residency in this state shall be established by providing to the board one or more of the following:

1. a current state of Louisiana-issued identification card;
2. a current state of Louisiana-issued voter registration card;
3. documentation of current employment of the applicant in this state or a notarized letter of a promise of employment of the applicant or his/her spouse in this state; however, if this form of proof of residency is provided, the applicant shall also provide to the board one or more of the other forms of proof of residency six months after licensure has been granted by the board; or
4. a current homestead exemption for this state.

M. The authority for the executive director to issue a license can only be granted by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:51 et seq., 37:688, 37:1751, and 37:3651

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:244 (August 1976), amended LR 2:352 (November 1976), LR 5:114 (May 1979), LR 6:735 (December 1980), LR 7:645 (December 1981), LR 11:362 (April 1985), LR 16:773 (September 1990), LR 19:56 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1029 (July 2001), LR 30:1713 (August 2004), LR 32:1619 (September 2006), LR 35:1909 (September 2009), LR 37:2413 (August 2011), LR 38:2564 (October 2012), LR 39:2802 (October 2013), LR 43:539 (March 2017), LR 44:617 (March 2018), LR 47:493 (April 2021), LR 48:2363 (September 2022), LR 51:552 (April 2025), repromulgated LR 51:687 (May 2025).

Donna D. Sentell
Executive Director

2505#012

Notices of Intent

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices—Cell Phone Use During Testing (LAC 28:XI.5316)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) *et seq.*, the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:XI in *Bulletin 118—Statewide Assessment Standards and Practices*. The proposed revisions require that the test of any student found to have a cell phone or other device with imaging or text-messaging capability, during a test session, be voided. Additionally, the revisions establish an exception for students with a documented medical condition that requires use of a cell phone.

Title 28 EDUCATION

Part XI. Accountability/Testing

Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 53. Test Security

§5316. Cell Phones and Other Electronic Devices [Formerly LAC 28:CXL316]

A. If district and school policy allows for students and personnel to carry cell phones or other similar technological devices with imaging or text-messaging capability, test administrators must collect all devices prior to student access to secure test materials. If a student is in possession of and/or uses a cell phone or electronic device in any manner during the administration of a statewide test, the phone or electronic device will be confiscated until there is confirmation that all traces of information related to the test, whether in print, image, or verbal form, have been removed from all local and cloud storage and that no such traces remain on the device.

1. Test administrators may have devices, but they must be in the off position while around secure test materials, unless requesting technical assistance during online assessments.

2. The test of any student found to have a cell phone or other device with imaging or text messaging capability during a test session in violation of this policy will be voided.

3. ...

4. Students who have a documented medical condition requiring the need to have an electronic device on or near them during testing should keep the device in its normal location but the device must be carefully monitored. If the device is used for any non-medical purpose, the test of the student will be voided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24, *et seq.*

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

32:391 (March 2006), amended LR 40:2512 (December 2014), LR 43:635 (April 2017), LR 51:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

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? No.

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? Yes.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

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 rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule 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 Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

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 via the U.S. Mail until noon, June 9, 2025, to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Bulletin 118—Statewide Assessment Standards and Practices Cell Phone Use During Testing**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. If a student is found to have a cell phone or other device with imaging capability during a statewide assessment, the score earned on such an assessment will be voided. Additionally, the rule change establishes an exception for students with a documented medical condition that requires use of a cell phone.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2505#021

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School
Administrators—Freedom Seal
(LAC 28:CXV.2317)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. The revisions establish the Freedom Framework diploma endorsement to recognize students scoring mastery and above on the LEAP civics assessment. The revisions also provide that, along with the seal, students are eligible to receive red, white, and blue honor cords.

Title 28

EDUCATION

Part CXV. **Bulletin 741—Louisiana Handbook for School Administrators**

Chapter 23. **Curriculum and Instruction**

Subchapter A. **Standards and Curricula**

§2317. **High Schools**

A. - K.2.b. ...

L. **Freedom Framework Diploma Endorsement**

1. Beginning with the 2025-2026 school year, high school students scoring mastery or above on the LEAP 2025 civics assessment shall be eligible for the Freedom Framework diploma endorsement.

2. The Freedom Framework diploma endorsement is indicated with a diploma seal and a red, white, and blue honor cord.

3. Each LEA must:

a. provide information regarding the requirements to attain a Freedom Framework diploma endorsement to students and their parents or legal custodians as part of the individual graduation plan developed beginning in the eighth grade and updated annually; and

b. maintain records needed to verify the eligibility of students who have attained a Freedom Framework diploma endorsement, denote such attainment on the student transcript, and affix the applicable diploma seal to the high school diploma.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:154, 17:264, 17:1944, 17:1945, and 17:4073.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 36:1485 (July 2010), LR 37:1137 (April 2011), LR 38:754 (March 2012), LR 39:1038 (April 2013), LR 39:2216 (August 2013), LR 40:1328 (July 2014), repromulgated LR 40:1528 (August 2014), amended LR 40:2530 (December 2014), LR 45:37 (January 2019), LR 45:227 (February 2019), LR 46:1671 (December 2020), amended LR 48:33 (January 2022), LR 50:178 (February 2024), LR 51:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be

kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

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? No.

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 in the proposed Rule? Yes.

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 rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule 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 Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

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 via the U.S. Mail until noon, June 9, 2025, to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators—Freedom Seal

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change establishes the Freedom Framework diploma endorsement to recognize students scoring mastery and above on the LEAP civics assessment. The civics assessment will be administered for the first time at the end of the 2025-2026 school year. The rule change also provides that, along with a seal, students are eligible to receive red, white, and blue honor cords. The seal will be provided by LDOE and is not anticipated to result in a significant increase in expenditures. Purchase of the honor cords is not required to add the seal to the diploma. The LDOE will provide a list of vendor options for school districts, who typically already use a vendor for graduation regalia. As a reference, similar cords purchased for another project in 2023 cost \$150 for 300 cords. The cost of an individual cord could be paid by the school, school district, or family.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Costs to directly affected persons as a result of the proposed rule change are dependent on whether a school or family purchases a cord. These are estimated to cost very little and are not required to receive the diploma endorsement.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2505#023

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1508—Pupil Appraisal Handbook
Screenings and Evaluations of Students for Special
Education and Related Services
(LAC 28:CI.Chapters 1-15)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) *et seq.*, the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:CI in *Bulletin 1508—Pupil Appraisal Handbook*. The revisions provide comprehensive updates to the evaluation of students with suspected disabilities. The proposed revisions include updates to the following: the definition of Response to Intervention (RTI); addition of licensed specialists in school psychology and licensed psychologists with a school specialty to serve on pupil appraisal teams; autism criteria aligned to current language in diagnostic and statistical manuals; evaluation considerations in alignment with *Bulletin 1902—Louisiana Handbook for Students with Dyslexia*; school health and school nurse services; language regarding prescriptions from a physician licensed in any state; and technical edits.

Title 28

EDUCATION

Part CI. Bulletin 1508—Pupil Appraisal Handbook

Chapter 1. LEA Responsibilities

§101. Introduction

A. - B. ...

C. - D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 *et seq.*

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:894 (May 2009), effective July 1, 2009, amended LR 51:

§103. Child Find Guidelines

A. - A.1. ...

a. all students with exceptionalities residing in the district, including students with suspected disabilities who are homeless children or who are wards of the state, and students with exceptionalities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and

A.1.b. - B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 *et seq.*

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:895 (May 2009), effective July 1, 2009, amended LR 51:

§107. Qualified Examiners

A. ...

1. Professional members of a pupil appraisal system include certified assessment teachers/educational consultants/educational diagnosticians, certified school psychologists, licensed specialists in school psychology, licensed psychologists with a school specialty, qualified school social workers; speech/language pathologists, adapted physical education teachers; audiologists; registered nurses, occupational therapists, physical therapists, speech

and hearing therapists, and speech/hearing/language specialists.

2. - 2.d. ...

3. LEA-selected evaluators in music, theater, or visual arts must not be employed by the LEA conducting the evaluation and must be on the state Department of Education approved evaluator list.

4. - 5.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 *et seq.*

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:896 (May 2009), effective July 1, 2009, amended LR 51:

Chapter 3. Interventions and Screenings

§301. Response to Intervention

A. The Response to Intervention (RTI) process is a three-tiered approach to providing services and interventions to struggling learners and/or students with challenging behaviors at increasing levels of intensity. Essential components of the process include three tiers of instruction and intervention, use of standard protocols and/or problem-solving methods, and an integrated data collection/assessment system to inform decisions at each tier of instruction/intervention. The process incorporates increasing duration and frequency of intensities of instruction and/or intervention that are provided to students in direct proportion to their individual needs. Embedded in each tier is a set of unique support structures or activities that help teachers implement, with fidelity, research-based, high-quality instructional materials, instructional practices aligned to core curriculum, as well as direct and explicit interventions designed to pinpoint a student's area of need, to improve student outcomes, and to provide access to the general curriculum. RTI is designed for use when making decisions in both general and special education, creating a well-integrated system of instruction and intervention guided by student outcome data.

B. Special education and related services referrals and evaluations should not be delayed or denied based solely on the required movement through tiered intervention prior to referral.

C. RTI Tiers.

1. Tier 1 is universal instruction and practices provided to all students.

2. Tier 2 is targeted instruction and practices provided to some at-risk students.

3. Tier 3 in intensive instruction and practices provided to a few students with significant support needs.

D. Essential components of the RTI process also includes standard protocols and/or problem-solving methods, an integrated data collection and assessment system, and the use of data to monitor student progress and inform instructional adjustments and other key decisions at each tier. Best practices for an effective RTI process include the following:

1. Ensure all struggling learners have access to 100% of core instruction in math and reading, and that additional tiered supports are provide in addition to, not instead of, core instruction;

2. Tier 2 targeted and Tier 3 intensive academic interventions are used to backfill missed content, to clarify misunderstandings, to pre-teach upcoming skills, and are closely aligned with the core curriculum.

3. Academic interventions are provided by professionals with training, background, and content expertise for teaching the specific content.

4. Behavior interventions are provided by professionals with training, background, and behavior support expertise regarding challenging behaviors.

E. RTI decisions are made collaboratively by both general education and special education professionals to create an integrated system of instruction and intervention guided by student outcome data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:897 (May 2009), effective July 1, 2009, amended LR 51:

§303. School Building Level Committee

A. - A.4. ...

5. Refer the student to pupil appraisal personnel for support services in accordance with Chapter 14 of this Part.

A.6. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:897 (May 2009), effective July 1, 2009, amended LR 51:

§305. Screening Activities

A. Overview

1. An LEA shall identify a student, enrolled in an educational program operated by the LEA, as suspected of having a disability only after the student has participated in an RTI process that produces data sufficient for the SBLC to recommend that a comprehensive individual evaluation be conducted by pupil appraisal personnel. For a child not enrolled in school, screening activities are to be conducted by Pupil Appraisal personnel. Through the RTI process the SBLC shall coordinate and document results of all screening activities described below. RTI and screening activities for enrolled students (public and private) are conducted by general education personnel with assistance from other school personnel and pupil appraisal members, if necessary.

2. The screening of a student to determine appropriate instructional strategies for curriculum implementation shall not be considered an evaluation for eligibility for special education and related services.

B. - B.1.a.i. ...

ii. No hearing concerns are currently being exhibited by the student.

iii. There is no history of acute or chronic ear infections and/or persistent respiratory congestion indicated in the health screening.

b. - b.i. ...

ii. middle ear pressure outside the range of -200 and +50 daPa fluid in either ear; or

B.1.b.iii. - B.2.a.i. ...

ii. No vision concerns are currently being exhibited by the student.

B.2.a.iii. - B.2.b.ii. ...

iii. Repealed.

B.2.c. - 3. ...

a. Sensory processing screening is conducted to determine if a student is "at risk" for sensory processing difficulties that interfere with access and participation in the

educational program. Sensory processing concerns may include the following:

i. - viii. ...

ix. Repealed.

C. - D.2. ...

a. Repealed.

b. articulation or motor functioning, and oral structure;

c. receptive and expressive language to include linguistics and pragmatics; and

d. voice.

e. - g. Repealed.

3. If the student's communication skills are "at risk," evidence-based interventions shall be conducted by a speech-language pathologist or speech language pathology assistant with fidelity and for the length of time necessary to obtain sufficient data to determine their effectiveness. Informed parental consent must be obtained before conducting these interventions. In the case of a suspected voice impairment, there must also be an assessment conducted by an appropriate medical specialist prior to implementing the interventions.

E. - E.2. ...

a. lack of strength, endurance, and flexibility limiting access and participation in campus mobility and curriculum;

b. - e. ...

f. poor sense of body awareness;

g. difficulty in demonstrating motor sequences, frequent falling, difficulty managing uneven surfaces, stairs, or changes in terrain, difficulty with obstacle negotiation; or

h. management of classroom materials, including technology.

F. ...

1. Assistive Technology screening is conducted through an observation of the student's skills and educational environment.

2. - 2.a....

b. fine motor skills such as manipulation of tools, scissors, or pencils;

c. - g. ...

h. general health;

i. self-help;

j. executive functioning; and/or

k. computer access.

G. - G.1.f. ...

2. If a review indicates current concerns in the above areas, the student's social/emotional/behavioral status is "at risk". Documented, evidence-based intervention(s) and progress monitoring appropriate to the student's age and behavioral difficulties shall be conducted with fidelity for the length of time necessary to obtain sufficient data to determine their effectiveness. Interventions are required for students with a suspected emotional disturbance unless there is substantial documentation that the student is likely to injure him/her self.

H. - H.1.a.ii. ...

b. a review of the student's academic performance, including dyslexia screening results and results of applicable statewide and district-wide tests in accordance with LAC 28:XXXV, Bulletin 1903;

H.1.c. - I.1. ...

2. Talented. Based on advanced skills demonstrated by the student in visual arts, music, or theater, the student should be considered for talent screening in accordance with Chapter 9 of this Part.

J. - J.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:898 (May 2009), effective July 1, 2009, amended LR 42:400 (March 2016), LR 49:1210 (July 2023), LR 51:

§307. Referral Process

A. ...

1. The SBLC provides documentation that the RTI process addressing academic and/or behavior or sensorimotor concerns, or the speech or language intervention(s) addressing communication concerns have included:

A.1.a. - 3. ...

B. An immediate referral may be made to pupil appraisal services for an individual evaluation of those students suspected of having low incidence impairments such as deafness or hard of hearing, visual impairment, deaf-blindness, traumatic brain injury, intellectual disability (moderate or severe), multiple disabilities, autism, orthopedic impairments and/or significant health concerns that warrant immediate referral based on substantial documentation by school building level personnel of any student suspected of being likely to injure self or others. Screening activities should be completed during the evaluation for these students.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:900 (May 2009), effective July 1, 2009, amended LR 42:400 (March 2016). LR 51:

Chapter 5. Evaluation Responsibilities

§501. Evaluation Coordination

A. - A.3.a. ...

b. certified school psychologist, licensed specialist in school psychology, or a licensed psychologist with a school specialty;

A.3.c. - B.1.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:900 (May 2009), effective July 1, 2009, amended LR 51:

§505. Procedural Responsibilities

A. ...

1. Each individual evaluation is based on a comprehensive compilation of information drawn from a variety of sources. A comprehensive evaluation should consider any suspected delays, comorbidities, and/or exceptionality that is suspected based on the referral data or information learned during the course of the evaluation.

2. - 10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:901 (May 2009), effective July 1, 2009, amended LR 51:

§507. Evaluation Procedures

A. - A.1.a. ...

b. the content of the student's IEP, including information related to enabling the student to be involved in and progress in the general education curriculum, or for a preschool child, ages 3-5, who qualify for special education services in accordance with this Part to participate in appropriate activities;

A.2. - B.3. ...

4. The student is assessed in all areas related to the suspected exceptionality including, if appropriate, health, vision, hearing, behavior, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

5. - 7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:901 (May 2009), effective July 1, 2009, amended LR 51:

§513. Evaluation Components

A. - A.5. ...

6. an interview with the student to obtain the student's perceptions of his/her own academic, behavioral and social performance;

7. - 9. ...

10. an educational assessment conducted by an educational diagnostician or other qualified pupil appraisal staff member which includes descriptions of educational strategies, academic and environmental accommodations needed, and curricular modifications necessary to provide accessible instructional materials in order to enable the student to show progress in the general education curriculum;

11. a functional behavior assessment conducted or reviewed by a certified school psychologist, licensed specialist in school psychology, licensed psychologist with a school specialty, a qualified school social worker, or other appropriately trained personnel, when behavior is noted as a concern; and

A.12. - B.1.b. ...

c. a description of the evaluation procedures, including interventions, conducted to address each evaluation concern, the student's response(s) to the intervention(s) and an analysis of the results;

d. - g. ...

h. a description of the impairment or condition that enables the student to be classified as eligible for special education and/or related services;

i. - j. ...

k. recommendations for developing the content of the student's IEP including types of services necessary to meet the educational needs of the student and to enable the student to access and progress in the general education curriculum, or for students ages 3-5 to participate in appropriate activities;

B.1.l. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:902 (May 2009), effective July 1, 2009, amended LR 51:

Chapter 7. Disabilities

§701. Autism

A. Definition. *Autism* is a developmental disability that impacts the development of social-emotional skills, communication, and relating to others and their environment, generally evident before age three, but may not fully manifest until after age three depending on the environmental and social demands placed upon the child during their early development, and results in adverse impact on educational performance.

1. - 2. Repealed.

B. ...

1. - 3.e. Repealed.

4. Persistent deficits in social communication and social interaction across multiple contexts, as manifested currently or by history through all of the following;

a. deficits in social-emotional reciprocity including by not limited to abnormal social approach, failure of normal back-and-forth conversation, reduced sharing of interests, emotions, or affect, and failure to initiate or respond to social interactions;

b. deficits in nonverbal communicative behaviors used for social interaction including by not limited to poorly integrated verbal and nonverbal communication, abnormalities in eye contact and body language, deficits in understanding and use of gestures, total lack of facial expressions, and nonverbal communication;

c. deficits in developing, maintaining, and understanding relationships including by not limited to difficulties adjusting behavior to suit various social contexts, difficulties in sharing imaginative play or in making friends, and absence of interest in peers.

5. Restricted, repetitive patterns of behavior, interests, or activities as manifested by at least two of the following:

a. stereotyped or repetitive motor movements, use of objects, or speech including by not limited to simple motor stereotypes, lining up toys, flipping objects, echolalia, and idiosyncratic phrases.

b. insistence on sameness, inflexible adherence to routines, or ritualized patterns of verbal or nonverbal behavior including by not limited to extreme distress at small changes, difficulties with transitions, rigid thinking patterns, greeting rituals, need to take the same route, or eat the same food every day;

c. highly restricted, fixated interests that are abnormal in intensity or focus including by not limited to strong attachment to or preoccupation with unusual objects, excessively circumscribed, or perseverative interest;

d. hyper- or hyperactivity to sensory input or unusual interests in sensory aspects of the environment including by not limited to apparent indifference to pain/temperature, adverse response to specific sounds or textures, excessive smelling or touching of objects, visual fascination with lights or movement.

6. Impaired environmental functioning significantly interferes with educational performance.

C. Procedures for Evaluation. Conduct all procedures in accordance with §513 of this Part.

D. ...

1. a comprehensive assessment conducted by a certified school psychologist, licensed specialist in school psychology, licensed psychologist with school specialty,

physician, or other qualified examiner trained or experienced in the evaluation of students with developmental disabilities;

2. systematic observations of the student in interaction with others such as parents, teachers, and peers across settings in the student's customary environments, including structured and non-structured times;

3. - 4. ...

5. the educational assessment shall include the review and analysis of the student's response to scientifically research-based academic interventions documented by progress monitoring data, when needed;

6. if sensory motor screening and intervention data indicate at-risk, an occupational therapy assessment to address sensory processing and motor difficulties limiting access and participation in the educational program. All observed symptoms should be clearly documented. At a minimum, sensory processing assessment should address the following:

a. - h. ...

7. an assessment of adaptive behavior to assist in determining severity levels and impact of characteristics on everyday functioning in the school setting;

8. other assessments as determined to be appropriate and necessary by the evaluation coordinators and the multidisciplinary team to explore the impact of comorbid disorders and inform intervention planning within the educational setting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:904 (May 2009), effective July 1, 2009, amended LR 51:

§703. Deaf-Blindness

A. ...

1. If a student has only two disabilities and those disabilities are deafness and blindness, the student must be classified as having deaf-blindness. Each LEA shall notify State Deaf-Blind Census of all students who have both hearing and visual impairments.

B. - D.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:905 (May 2009), effective July 1, 2009, amended LR 43:2493 (December 2017), LR 49:1210 (July 2023), LR 51:

§705. Developmental Delay

A. - B.1.a. ...

b. fine motor skills; and

c. sensory (visual or hearing) abilities.

d. Repealed.

2. - 2.c ...

d. environmental interaction;

e. expression of emotions; and

f. self-help including feeding, clothing management, and toileting.

3. - 3.g. ...

C. Procedures for Evaluation. Conduct all procedures in accordance with §513 of this Part.

D. ...

1. an examination conducted by a physician not only when the student appears to have a severe medical condition but also when deemed necessary by the evaluation

coordinator. When the medical report indicates the student has a health or physical impairment requiring health technology, management or treatments including a special diet or medication, or needs assistance with activities of daily living due to health concerns, the school registered nurse or other qualified personnel will conduct a health assessment;

2. - 4. ...

5. an assessment conducted by an occupational therapist when sensory-motor, fine motor or adaptive skills integration difficulties are suspected and limited functional performance.

E. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:906 (May 2009), effective July 1, 2009, amended LR 51:

§707. Emotional Disturbance

A. Definition. *Emotional Disturbance* means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student's educational performance: The term includes schizophrenia but does not apply to children who are socially maladjusted, unless the student is determined to have an emotional disturbance.

1. - 5. ...

B. Criteria for Eligibility. Evidence of criteria listed in Paragraphs 1, 2, 3 and 4 shall all be met. The student exhibits behavioral or emotional responses so different from age appropriate, cultural, or ethnic norms that they adversely affect the student's educational performance which includes academic progress, social relationships, work, personal adjustment, and/or behavior in the school setting. Such a disability is more than a temporary, expected response to stressful events in the environment; is consistently exhibited in two different settings, one of which must be the school setting; and persists despite individualized intervention within general education and other settings. Emotional disturbance can co-exist with other disabilities.

B.1. - D. ...

1. a psycho-social assessment conducted by a social worker, school psychologist, licensed specialist in school psychology, or licensed psychologist with a school specialty, or other qualified pupil appraisal staff member, which includes an interview with the student's parent(s), or care giver. If the assessment determines the student to be out-of-home, out-of-school or "at risk" of out-of-school, or out-of-home placement and in need of multi-agency services, the student must be considered for referral to any existing interagency case review process;

2. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:907 (May 2009), effective July 1, 2009, amended LR 51:

§709. Deaf and/or Hard of Hearing

A. - A.2. ...

a. *Permanent Hearing Loss*—a hearing loss with an unaided pure tone average in the better ear at 500, 1000, and 2000 Hz between 25 and 70 dB (ANSI). The hearing loss is

severe enough to be considered educationally significant, as it will to varying degrees impact the normal development of speech and language skills and/or interfere with learning new information through the auditory modality.

b. - c. ...

3. If a student has only two disabilities and those disabilities are deafness and blindness, the student must be classified as having deaf-blindness. The LEA shall notify State Deaf-Blind Census of all students who have both hearing and visual impairments.

B. - D.1. ...

2. An assessment of the student's hearing sensitivity, acuity, with and without amplification shall be conducted by a licensed audiologist or a licensed physician with specialized training or experience in the diagnosis and treatment of a hearing loss.

D.3. - E.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:908 (May 2009), effective July 1, 2009, amended LR 43:2493 (December 2017), LR 51:

§711. Intellectual Disability

A. Definition. *Intellectual disability* means significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a student's educational performance.

A.1. - B.2. ...

a. The measured intelligence and adaptive behavior functioning of a student with an intellectual disability, mildly impaired generally falls between two and three standard deviations below the mean. The student's adaptive behavior functioning falls below age and cultural expectations and is generally commensurate with the assessed level of intellectual functioning.

B.2.b. - D.2. ...

3. a psychological assessment conducted by a certified school psychologist, licensed specialist in school psychology, or licensed psychologist with a school specialty which includes the following procedures:

D.3.a. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:909 (May 2009), effective July 1, 2009, amended LR 42:400 (March 2016), LR 51:

§713. Multiple Disabilities

A. ...

1. If a student has only the two disabilities of deafness and blindness, the student must be classified as having deaf-blindness and not developmental delay or multiple disabilities. The LEA shall notify State Deaf-Blind Census of all students who have both hearing and visual impairments.

B. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:909 (May 2009), effective July 1, 2009, amended LR 42:401 (March 2016), LR 51:

§715. Orthopedic Impairment

A. Definition. *Orthopedic Impairment* means a severe orthopedic impairment that adversely affects a student's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.); and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

B. - D. ...

1. a report of a medical examination conducted within the previous 12 months from a physician qualified by training or experience to assess the student's orthopedic or neurological problems. The report must provide a description of the impairment, any medical implications for instruction or physical education, and must indicate adaptive equipment and support services necessary for the student to benefit from the general education curriculum, as appropriate. When the medical report indicates the student has a health or physical impairment requiring health technology, management, or treatments including a special diet or medication or that the student needs assistance with activities of daily living, the school registered nurse or other qualified personnel will conduct a health assessment;

2. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:910 (May 2009), effective July 1, 2009, amended LR 51:

§717. Other Health Impairment

A. ...

1. Other Health Impairment is not intended for students with mood and anxiety disorders which would be more appropriately addressed under emotional disturbance, if criteria are met.

B. Criteria for Eligibility.

1. One of the following:

a. The disability results in reduced efficiency in schoolwork because of temporary or chronic lack of strength, vitality, or alertness, and includes such conditions as those specified in the definition; or

b. a severe disability significantly limits one or more of the student's major life activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working;

2. Repealed.

3. The student exhibits impaired environmental functioning that adversely affects his or her educational performance; and

4. If the diagnosed impairment has behavioral implications that research has shown to respond to behavioral interventions, including non-disruptive behaviors such as inattention and aspects of executive functioning, and the disability results in reduced efficiency in schoolwork because of temporary or chronic lack of strength, vitality, or alertness, and includes such conditions outlined in Paragraph A of this Section, documented evidence must show that scientifically research-based interventions implemented with fidelity did not significantly modify the problem behavior. *Significantly modify* means that a change in behavior is demonstrated to such a degree that, with continuation of the intervention program by the general education teacher and/or

other support personnel, the student could continue in the general education program.

C. Procedures for Evaluation. Conduct all procedures in accordance with §513 of this Part.

D. Additional procedures for evaluation:

1. a report of an examination, conducted within the previous 12 months from a physician or other licensed health care provider authorized by the state of Louisiana and qualified in accordance with their licensed scope of practice to assess and diagnose the student's health problems, giving not only a description of the impairment but also any implications for instruction and physical education. When the report indicates the student has a health condition requiring health technology, management or treatments including a special diet or medication or that the student needs assistance with activities of daily living, the school registered nurse or other qualified personnel will conduct a health assessment. For attention deficit disorder or attention deficit hyperactivity disorder, a diagnostic report from a qualified health care professional, physician, physician's assistant, a nurse practitioner, neurologist, or psychiatrist shall not be required.

2. if the diagnosed impairment has behavioral implications that research has shown to respond to behavioral interventions, including non-disruptive behaviors such as inattention and aspects of executive functioning, the following procedures shall be conducted:

a. comprehensive assessment conducted by a certified school psychologist, licensed specialist in school psychology, licensed psychologist, physician, or other qualified examiner trained or experienced in the evaluation of students with behavioral disorders;

D.2.b. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:910 (May 2009), effective July 1, 2009, amended LR 42:401 (March 2016), LR 51:

§719. Specific Learning Disability

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

2. there shall be a comprehensive and documented review of evidence-based intervention(s) conducted with fidelity and for the length of time necessary to obtain sufficient data to determine their effectiveness. Interventions shall be appropriate to the student's age and academic skill deficits and shall address the area(s) of concern presented by the SBLC. The RTI process shall provide sufficient data to determine if the student is making adequate progress in the general educational curriculum. The individual intervention(s) summary must include graphing of the results of the intervention(s), information regarding the length of time for which each intervention was conducted, and any changes or adjustments made to an intervention. If adequate progress is not evident or the interventions require such sustained and substantial effort to close the achievement gap with typical peers, further assessment using standardized achievement measures shall be conducted to determine if the child/youth exhibits a specific learning disability consistent with the definition. The intervention data shall demonstrate that the student did not make sufficient progress to meet state approved grade level standards in one or more of the following areas:

B.2.a. - 3.d. ...

4. to support the findings in Paragraphs 1 through 3 above, evidence of a pattern of strengths and weaknesses must be documented as follows:

a. area of weakness addressed by the interventions shall be demonstrated by performance greater than one and one-half standard deviations below the mean in grades 1 and 2, or greater than two standard deviations below the mean in grades 3 through 12 using chronological age norms in one or more of the areas listed in Subparagraphs 2.a-h above; and

b. area of strength as demonstrated by performance no more than one-half standard deviation below the mean in grades 1 and 2 or no more than one standard deviation below the mean in grades 3 through 12 using chronological age norms in one or more of the areas in accordance with Subparagraph 2 of this Section.

c. ...

d. scientifically research-based intervention data supports the team's position that the student is a student with a specific learning disability.

C. Procedures for Evaluation. Conduct all procedures in accordance with §513 of this Part.

D. - D.4. ...

5. a psychological assessment shall be conducted by a certified school psychologist, licensed specialist in school psychology, or licensed psychologist with a specialty in school, when necessary, to rule out an intellectual disability;

6. - 7. ...

8. When dyslexia is suspected and there is no medical diagnosis, a preponderance of evidence is considered. The evidence shall include low achievement in phonological processing and either of the following criteria:

a. qualification for a Specific Learning Disability in the area of basic reading skills or reading fluency as defined in this Section; or

b. an equivalent area of low achievement in spelling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:911 (May 2009), effective July 1, 2009, amended LR 42:401 (March 2016), LR 51:

§721. Speech or Language Impairment

A. Definition. *Speech or Language Impairment* means a communication deficit(s) with impairment in the area(s) of fluency, articulation, voice, or language that adversely affects a student's educational performance and access to the general education curriculum. Dialectal variations alone do not qualify a student to be classified as having speech or language impairment.

B. ...

1. Articulation—non-maturational speech deficit of one or more phonemes characterized by consistent addition, substitution, omission, or consistent incorrect production of speech sounds, and:

a. for a student enrolled in pre-kindergarten or above, data from documented intervention(s) conducted by a speech-language pathologist or speech-language pathology assistant that indicates that it is unlikely based on the student's rate of learning, that the student will acquire correct use of targeted phoneme(s) within a reasonable period of time; or

2. ...

a. for a student in pre-kindergarten or above, data from documented intervention(s) conducted by a speech-language pathologist or speech-language pathology assistant that indicates it is unlikely, based on rate of learning, that the student will attain normal fluency within a reasonable period of time;

b. ...

3. Voice—any consistent deviation in pitch, intensity, quality, or other basic phonatory or resonatory attribute, and:

a. for a student in pre-kindergarten and above, data from documented intervention(s) conducted by a speech-language pathologist or speech-language pathology assistant that indicates it is unlikely, based on rate of learning, that the student will attain normal voice quality within a reasonable period of time. There must be an assessment conducted by the appropriate medical specialist prior to conducting intervention(s); or

4. Language—impaired deficits in receptive (listening comprehension) or expressive (oral expression) area(s), disorder of linguistics (the study of language processing including phonology, morphology), syntax, semantics, or pragmatics:

a. ...

b. for a student in pre-kindergarten or above, data from intervention(s) conducted by a speech-language pathologist or speech language pathologist assistant that indicates that it is unlikely, based on rate of learning, that the student will acquire targeted language skills that significantly impact the student's educational performance and access to the general education curriculum within a reasonable period of time; and

B.5. - D.1.d. ...

e. Repealed.

f. ...

g. the review and analysis of intervention data for a student in pre-kindergarten or above and when appropriate for children aged 3-5;

2. an educational assessment conducted to review academic skills and to determine whether the speech or language impairment significantly interferes with the student's educational performance. The effect of the speech or language impairment on educational performance must be documented in the evaluation report, including an analysis of how the student's disability affects access to and progress in the general curriculum:

a. ...

b. for a student suspected of having a language deficit, an educational assessment shall be conducted by an educational diagnostician or other qualified pupil appraisal member;

3. ...

4. information from a parent conference or other communication with the parent(s) to determine whether developmental, health, or other factors may be causing, contributing to, or sustaining the speech or language impairment;

5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:912 (May 2009), effective July 1, 2009, amended LR 51:

§725. Visual Impairment

A. ...

1. If a student has the two disabilities of deafness and blindness, the student must be classified as having deaf-blindness and not developmental delay or multiple disabilities. The LEA shall notify the State Deaf-Blind Census of all students who have both visual and hearing disabilities.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:914 (May 2009), effective July 1, 2009, amended LR 43:2493 (December 2017), LR 49:1211 (July 2023), LR 51:

Chapter 9. Gifted and Talented

§901. Gifted

A. - C.1. ...

a. the student shall obtain a score at least three standard deviations above the mean on an individually administered test of intellectual abilities appropriately standardized on students of this age and administered by a certified school psychologist, licensed specialist in school psychology, or licensed psychologist with a school specialty; or

C.1.b. - 2. ...

a. the student shall obtain a score of at least two standard deviations above the mean on an individually or group administered test of intellectual abilities appropriately standardized on students of this age and administered by a certified school psychologist, licensed specialist in school psychology, or licensed psychologist with a school specialty; or

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

a. an individual assessment of intellectual abilities administered by a certified school psychologist, licensed specialist in school psychology, or licensed psychologist with a school specialty using an instrument or instruments appropriately standardized for students of this age;

b. an individual assessment of reading and mathematical skills using an achievement test standardized conducted by an educational diagnostician or other qualified pupil appraisal member;

D.1.c. - D.2.a. ...

b. additional academic assessments in the areas listed below, individually or group administered, by qualified pupil appraisal personnel, specifically when the student does not meet criteria based on IQ alone. District-wide test scores and scores obtained from screening instruments shall not be used in the Standard Matrix as part of the individual evaluation:

- i. Achievement in reading;
- ii. Achievement in mathematics;

c. - d. ...

E. Gifted Matrix

1. Achievement points are based on standard deviation (SD) in the following assessed areas:

- a. intellectual abilities;
- b. achievement in reading; and
- c. achievement in mathematics.

2. Point values are as follows:

- a. $1.0 < 1.49$ SD = 1 point.
- b. $1.5 < 1.99$ SD = 2 points.

c. > 2.0 SD = 3 points.

d. Ages 3:0-4:11, > 2.5 SD = 4 points.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:914 (May 2009), effective July 1, 2009, amended LR 51:

§903. Talented

A. - C.3. ...

4. State-approved art, music, and theater screening instruments and evaluation instruments are located in the *Talent Evaluation Kit*.

D. - D.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:915 (May 2009), effective July 1, 2009, amended LR 51:

Chapter 11. Reevaluation Information

§1101. Required Reevaluations

A. - A.2. ...

3. when a significant change in placement is proposed, which means moving the student to a more restrictive environment where the student will be in the regular class less than 40 percent of the day or, for a child ages four through five, in the regular early childhood program less than 40 percent of the time;

4. when a student is no longer suspected of having an exceptionality. This includes students having the single exceptionality of speech or language impairment; or

5. when a student is no longer suspected of requiring a related service, including but not limited to speech or language therapy, occupational therapy, physical therapy, or adapted physical education.

B. - C.1. ...

a. a triennial evaluation may be necessary if there are not adequate data to determine whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals in the IEP and to participate, as appropriate, in the general education curriculum;

b. a triennial evaluation may be necessary for students with developmental delays, deafness and/or hearing loss, traumatic brain injury, or visual impairments. Refer to the specific disabilities in Chapter 7 for further guidance;

c. ...

2. may not occur more than once a year, unless the parent and the LEA agree otherwise;

3. may occur when a student is entering high school in the following academic year.

D. ...

E. LEAs should avoid conducting consecutive reevaluation data reviews (RDR) without additional assessments unless requested by the parent. If the previous triennial was conducted as an RDR, additional or updated assessments and information are needed to determine eligibility for services and/or educational programming.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:916 (May 2009), effective July 1, 2009, amended LR 43:2494 (December 2017), LR 51:

§1103. Parental Consent for Reevaluations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:917 (May 2009), effective July 1, 2009, repealed LR 51:

Chapter 13. Special Services

§1303. Adapted Physical Education

A. Definition. *Adapted Physical Education* is a direct instructional service for school aged students with disabilities who may not safely or successfully engage in unrestricted participation in the vigorous activities of the regular physical education program on a full-time basis. It is also a specially-designed program for children with disabilities aged three through five, who meet the criteria below.

1. Children with disabilities shall have equal access to the provision of physical education. Physical education includes the development of physical and motor fitness. Fundamental motor skills and patterns and skills are developed in individual and group games sports, and activities including intramural and life-time sports.

a. If a child with a disability cannot participate in the regular physical education program, individualized instruction in physical education designed to meet the unique needs of the child shall be provided. Physical education may include modified or adapted physical education.

b. Modified physical education is appropriate for a child who can participate in the general physical education program with accommodations or modifications. Modifications can include supports such as a sign language interpreter or changing rules equipment, time limits, etc.

c. Adapted physical education, also referred to as specially designed or special physical education, is instruction in physical education that is designed on an individual basis specifically to meet the needs of a child with a disability.

B. - B.1.a.iii. ...

b. Repealed.

2. - 2.a.iii. ...

b. Repealed.

3. - 3.a. ...

b. Repealed.

C. - C.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:918 (May 2009), effective July 1, 2009, amended LR 51:

Chapter 15. Related Services

§1501. Overview

A. *Related services* means transportation and such developmental, corrective, and other supportive services as are required to assist a student with an exceptionality to benefit from special educational services. Related services include speech/language pathology and audiological services, school psychological services, physical and occupational therapy, recreation including therapeutic recreation, early identification and assessment of disabilities in students, counseling services including rehabilitation

counseling, assistive technology devices and services, orientation and mobility services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parental counseling and training.

B. When the need for such services is indicated by the referral concerns during the evaluation process, the evaluation coordinator shall ensure that appropriate and qualified personnel participate in the evaluation process. The criteria for eligibility for school health services, occupational therapy, orientation and mobility services, physical therapy, school psychological, school social work and speech/language pathology services immediately follow this overview. Eligibility criteria for other related services are based on written documentation of need as determined through the evaluation process. When specific criteria to determine eligibility for other related services are necessary, the services will be added to the evaluation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:919 (May 2009), effective July 1, 2009, amended LR 51:

§1503. Occupational Therapy

A. - A.5. ...

B. Criteria for Eligibility. Evidence of criteria must be met in accordance with this Section.

1. The student is classified and eligible for special education services. There is documented evidence that occupational therapy is required to assist the student to benefit from access and participation in special education services.

a. - b.iii. Repealed.

2. The student demonstrates a motor functional performance impairment limiting the student's access and participation in the educational program in one of the following categories: Developmental, Motor Function, or Sensorimotor.

3. Functional participation and access may include but is not limited to motor function, classroom skills, playground and physical education participation, self-help skills, mobility, assistive technology needs, sensory self-regulation, and prevocational and transition needs.

4. According to clinical and/or behavioral observations which may include but are not limited to available current medical information, medical history, and/or progress reports from previous therapeutic intervention, the student exhibits limitations that affect the physical functioning in the educational setting. These limitations might include abnormalities in the area(s) of fine motor, sensorimotor, visual motor, oral motor, or self-help skills. In addition to OT assessment, current student information must indicate one of the following abilities:

a. improve educational access and participation with occupational therapy intervention;

b. maintain access and participation functioning with therapeutic intervention, but if the student maintains motor functioning without therapeutic intervention, OT would not be required in the educational setting; or

c. slow the rate of regression of access and participation functioning with therapeutic intervention if the student has a progressive disorder.

5. Additionally, the student must require the clinical expertise of an occupational therapy practitioner to improve function, maintain function, or slow the rate of regression of functional performance.

6. Developmental. Students, excluding those with neurophysiological impairments, who demonstrate a fine motor, visual motor, oral motor, or self-help delay as follows:

a. students with disabilities ages 3 years 0 months-5 years 6 months who demonstrate a fine motor, visual motor, oral motor, or self-help delay greater than 1 standard deviation below functional abilities as measured by an appropriate assessment instrument. Some instruments yield a development age score instead of a standard score. In such cases, a student must demonstrate a delay of at least 6 months below functional abilities. *Functional abilities* are defined as the student's overall educational performance in the areas of cognition, communication, social, self-help, and gross motor;

b. students with disabilities ages 5 years 7 months-9 years 11 months—students who demonstrate a fine motor, visual motor, oral motor or self-help delay greater than 1 standard deviation below functional abilities as measured by an appropriate assessment instrument. Some instruments yield a developmental age score instead of a standard score. In such cases, a student must demonstrate a delay of at least 12 months below functional abilities. *Functional abilities* are defined as the student's overall educational performance in the areas of cognition, communication, social, self-help, and gross motor;

c. students with disabilities ages 10 years 0 months-21 years—students who demonstrate a fine motor, visual motor, oral motor or self-help delay greater than 1 standard deviation below functional abilities as measured by an appropriate assessment instrument. Some instruments yield a developmental age score instead of a standard score. In such cases, a student must demonstrate a delay of at least 18 months below functional abilities. *Functional abilities* are defined as the student's overall educational performance in the areas of cognition, communication, social, self-help, and gross motor.

7. Motor Function. According to clinical and/or behavioral observations, which may include but are not limited to available current medical information, medical history, and/or progress reports from previous therapeutic intervention, the student exhibits neurophysiological limitations or orthopedic limitations, that affect the physical functioning in the educational setting. The limitations might include abnormalities in the area(s) of fine motor, visual motor, oral motor, or self-help skills. In addition to OT assessment, current student information must indicate one of the following abilities:

a. an ability to improve educational access and participation with occupational therapy intervention;

b. an ability to maintain access and participation with therapeutic intervention, but if the student maintains motor functioning without therapeutic intervention, OT would not be required in the educational setting; or

c. an ability to slow the rate of regression of access and participation with therapeutic intervention if the student has a progressive disorder.

8. Sensorimotor. According to clinical behavior observation and/or an appropriate assessment instrument, the student exhibits an inability to integrate sensory stimulus effectively, affecting the capacity to perform functional activities within the educational setting. The activities might include abnormalities in the area of fine motor, visual motor, oral motor, self-help, or sensory processing such as sensory awareness, motor planning and organization of adaptive responses. In addition to OT assessment, current student information must indicate an ability to improve functional activity performance through OT intervention.

C. - C.1.a. ...

b. an assessment of motor abilities, functional and performance according to current American Occupational Therapy Association (AOTA) guidelines and Louisiana Standards of Practice.

2. - 3. ...

a. Does this problem interfere with the student's ability to benefit from access to and participation in the educational program?

b. ...

c. Does the occupational therapy practitioner bring unique expertise without which the student will not achieve the IEP goal?

4. The provision of services shall be determined at the IEP Team meeting, using the evaluation data and input of the occupational therapist and the results and recommendations of the therapy assessment. The continuation of services will be determined at the annual IEP review using data and input from the therapist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:920 (May 2009), effective July 1, 2009, amended LR 51:

§1507. Physical Therapy

A. - B.1. ...

a. The student is classified and eligible for a special education program. There is documented evidence that physical therapy is required to assist the student to access and participate in the education setting.

b. ...

2. Developmental. Students, excluding those with neurophysiological impairments, who demonstrate a limitation which affects the ability to benefit from the education program and demonstrate a gross motor delay are as follows:

a. - c. ...

3. Motor Function. According to clinical and/or behavioral observations—which may include but are not limited to available current medical information, medical history and/or progress reports from previous therapeutic intervention--the student exhibits neurophysiological, orthopedic, cardiovascular, respiratory, or sensorimotor limitation that affect his or her gross motor functional participation in the educational setting.

a. - a.iii. Repealed.

4. Functional participation and access may include but is not limited to positioning and access in the educational environment, campus mobility, playground access, physical education participation, self-help skills, assistive technology needs, and prevocational and transition needs.

5. In addition to PT assessment, current student information must indicate one of the following:

a. an ability to improve motor functioning as it related to the educational setting with physical therapy intervention;

b. an ability to maintain motor functioning with therapeutic intervention, but if the student maintains motor functioning without therapeutic intervention, PT would not be required in the educational setting; or

c. an ability to slow the rate of regression of motor function with therapeutic intervention if the student has a progressive disorder.

6. The student must require the clinical expertise of a physical therapist to improve motor function, maintain motor function, or slow the rate of regression of motor function.

C. - C.2. ...

a. Does this problem interfere with the student's ability to access and participate his or her educational program?

b. ...

3. The provision of services shall be determined at the IEP Team meeting using data and the input of the therapist and the results and recommendations of the therapy assessment including but not limited to the physical therapist bringing unique expertise without which the student will not achieve the IEP goals. The continuation of services will be determined at the annual IEP review using data and input from the therapist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:921 (May 2009), effective July 1, 2009, amended LR 51:

§1509. School Health Services and School Nurse Services

A. Definition. *School Health and School Nurse Services* are specially designed for a student who has a disability (defined under federal and state statutes), having a special health need, and who is unable to participate in his or her educational program without the use of such health services, which may include, among others, health treatments, technology, and/or management.

1. The school health services referred to in this Section are those determined through a health assessment during the evaluation process.

2. The school nurse services referenced in this Section are determined through a health assessment during the evaluation process.

B. - B.1.b. ...

c. A prescription from a physician or dentist or other licensed health care professional authorized by the state of Louisiana to practice in Louisiana or any state of the United States and qualified in accordance with their licensed scope of practice prescribes the health treatment, technology, and/or health management that the student must have in order to function within the educational environment; or there is a documented need for a modification of his or her activities of daily living.

C. Procedures for Evaluation. When there is evidence of the need for health technology, treatment and/or management, the assessment of a student by a school

registered nurse or other qualified personnel shall include at a minimum the following procedures:

1. - 2. ...

3. the provision of services through the development of the Individualized Health Plan will be determined at the IEP Team meeting, using the input from the school nurse or other qualified personnel and the results and recommendations of the health assessment. The continuation of services will be determined at the annual IEP review using input from the school registered nurse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:436, and R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:922 (May 2009), effective July 1, 2009, amended LR 42:401 (March 2016), LR 51:

§1511. School Psychological Services

A. Definition. *School Psychological Services* include but are not limited to:

1. administering psychological, intellectual, and educational tests, and other assessment procedures;

2. ...

3. obtaining, integrating, and interpreting information about student behavior and conditions relating to learning, which may also include assisting in the development of academic, behavioral, and social emotional intervention strategies, progress monitoring, evaluating intervention and service delivery outcomes, conducting functional behavior assessments, and conducting program evaluations;

4. consulting with other staff members in planning school programs to meet the special educational needs of students as indicated by formalized assessments, interviews, direct observation, and behavioral evaluations;

5. planning and managing a program of psychological services, including psychological counseling for students and parents which may also include implementing and/or monitoring interventions, conducting social skills training, anger management/conflict resolution training, study skills training, social-emotional learning strategies/interventions, substance abuse prevention, crisis prevention and intervention, parent skills training, and coordinating services with other community agencies; and

A.6. - C.1.b. ...

c. any additional procedures judged necessary to determine if the area of concern interferes with the student's ability to benefit from the educational program.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:922 (May 2009), effective July 1, 2009, amended LR 51:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

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? No.

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 in the proposed Rule? Yes.

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 rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule 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 Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

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 via the U.S. Mail until noon, June 9, 2025, to Tavares A. Walker, Executive Director, Board of Elementary and Secondary

Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 1508—Pupil Appraisal Handbook

Screenings and Evaluations of Students for Special Education and Related Services

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change provides comprehensive updates to the evaluation of students with suspected disabilities. The aforementioned revisions include updates to the following: the definition of Response to Intervention (RTI); addition of licensed specialists in school psychology and licensed psychologists with a school specialty to serve on pupil appraisal teams; autism criteria aligned to current language in diagnostic and statistical manuals; evaluation considerations in alignment with Bulletin 1903 -- Louisiana Handbook for Students with Dyslexia; school health and school nurse services; language regarding prescriptions from a physician licensed in any state; and technical edits.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change. The amendments provide clarity and implement standard procedures for screening and evaluation of students with known or suspected exceptionalities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change. School districts may experience improved flexibility in hiring individuals to serve on pupil appraisal teams due to the expanded criteria for certain roles on the teams.

Beth Scioneaux
Deputy Superintendent
2505#024

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1929—Louisiana Accounting and Uniform
Governmental Handbook
Business Administrator Credentials
(LAC 28:XLI.1301)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:XLI in *Bulletin 1929—Louisiana Accounting and Uniform Governmental Handbook*. The revisions updates regarding charter school business administrator credential requirements to align with those in *Bulletin 126—Charter Schools*. Additionally, the revisions amend the city and parish school business administrator credential to allow four years for earning the mandatory certification.

Title 28 EDUCATION

Part XLI. Bulletin 1929—Louisiana Accounting and Uniform Governmental Handbook

Chapter 13. Personnel Requirements

§1301. Minimum Requirements for Lead School Business Administrator/Chief Financial Officer/Business Manager (Local School Districts and Charter Schools)

A. - B. ...

C. Continuing Education. All lead school business administrators must acquire a certification.

1. City or parish school district business administrators must acquire a Certified Louisiana School Business Administrator (CLSBA) certification by the Louisiana Association of School Business Officials (LASBO) within four years of the date of hire as an administrator/chief financial officer/business manager.

a. All city or parish school district business administrators must maintain certification while employed as a lead school business administrator/chief financial officer/business manager.

b. A valid Louisiana CPA license may be substituted for the CLSBA certification, and the status must remain active while employed as a lead school business administrator/chief financial officer/business manager.

2. Within four years of the date of hire as an administrator/chief financial officer/business manager, all lead charter school administrators must acquire either a CLSBA certification by the LASBO or a certification issued by LAPCS under a plan approved by LDOE.

a. All charter school business administrators must maintain certification while employed as a lead school business administrator/chief financial officer/business manager.

b. A valid Louisiana CPA license may be substituted for the certification required in Paragraph 2 of this Section, and the status must remain active while employed as a lead school business administrator/chief financial officer/business manager.

D. Repealed.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:434 (March 2007), amended LR 36:1533 (July 2010), LR 37:1386 (May 2011), LR 51:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

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? No.

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 in the proposed Rule? Yes.

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 rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule 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 Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

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 via the U.S. Mail until noon, June 9, 2025, to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Bulletin 1929—Louisiana Accounting and Uniform Governmental Handbook Business Administrator Credentials**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The revisions incorporate the minimum charter school business administrator credential requirements previously adopted in *Bulletin 126—Charter Schools* by lessening the length of time provided for charter school business administrators to earn the mandatory certification for the city and parish school business administrator credential from seven years to four years and maintains exemptions for administrators with a valid CPA license.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2505#025

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Educator Preparation, Evaluation, and Credentials
(LAC 28:XLV.743 and 745; CXXXI.507 and 1315; and
CXLVII.307 and 701)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) *et seq.*, the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:XLV in *Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs*; LAC 28:CXXXI in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*; and LAC 28:CXLVII in *Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel*. The revisions include the following: align policy with current data collection protocols, reporting capabilities, and practices; implement computer science requirements for traditional and alternative certification programs; add beginning date of English learner requirements for educator preparation programs; update certification policy regarding computer science and strategies to support English learners; and technical edits.

Title 28

EDUCATION

Part XLV. **Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs**

Chapter 7. **Louisiana State Standards for Educator Preparation Programs**

Subchapter A. **Teacher Preparation Programs**

§743. **Minimum Requirements for Traditional Teacher Preparation Programs**

A. - A.6. ...

7. Beginning with the 2026-2027 school year, for all certification areas, the program shall include instruction on teaching students computer science, which may be incorporated into an existing course of study. The coursework shall include but need not be limited to the following:

a. an introduction to the Louisiana Computer Science Content Standards;

b. an overview of computational thinking and computer science content, including broad knowledge of computing systems, internet safety, and data analysis to enhance student learning; and

c. an overview of standards-based instruction based on the core concepts and practices found within the Louisiana Computer Science Framework.

8. Beginning with the 2027-2028 school year, for all certification areas, the program shall include instruction on teaching language acquisition strategies to support English learners, which may be incorporated into an existing course of study.

B. - 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, and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1330 (July 2017), amended LR 43:2492 (December 2017), LR 45:229 (February

2019), LR 48:1274 (May 2022), LR 48:1758 (July 2022), LR 49:41 (January 2023), LR 49:246 (February 2023), repromulgated LR 49:851 (May 2023), LR 50:20 (January 2024), amended LR 50:678 (May 2024), LR 51:273 (February 2025), LR 51:

§745. Minimum Requirements for Alternate Teacher Preparation Programs

A. - B.6. ...

7. Beginning with the 2026-2027 school year, for all certification areas, the program shall include instruction on teaching students computer science, which may be incorporated into an existing course of study. The coursework shall include but need not be limited to the following:

- a. an introduction to the Louisiana Computer Science Content Standards;
- b. an overview of computational thinking and computer science content, including broad knowledge of computing systems, internet safety, and data analysis to enhance student learning; and
- c. an overview of standards-based instruction based on the core concepts and practices found within the Louisiana Computer Science Framework.

8. Beginning with the 2027-2028 school year, for all certification areas, the program shall include instruction on teaching language acquisition strategies to support English learners, which may be incorporated into an existing course of study.

C. - F.4.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; and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1331 (July 2017), amended LR 43:2492 (December 2017), LR 45:1751 (December 2019), LR 46:324 (March 2020), LR 48:1274 (May 2022), LR 48:1759 (July 2022), LR 49:41 (January 2023), LR 49:246 (February 2023), LR 49:256 (February 2023), repromulgated LR 49:852 (May 2023), LR 50:20 (January 2024), amended LR 50:678 (May 2024), LR 51:273 (February 2025), LR 51:

Title 28

EDUCATION

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

Chapter 5. Teaching Credentials, Licenses and Certifications

Subchapter A. Standard Teaching Certificates

§507. Professional Level Certificates

A. - B.12. ...

13. Beginning with the 2030-2031 school year, for all certification areas, an applicant for initial certification must have earned coursework or equivalent contact hours that include instruction on teaching students computer science, which may be incorporated into an existing course of study.

14. Beginning with the 2031-2032 school year, for all certification areas, an applicant for initial certification must have earned coursework or equivalent contact hours that include instruction on teaching language acquisition strategies to support English learners, which may be incorporated into an existing course of study.

C. - G.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

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), amended LR 48:430 (March 2022), LR 48:1273 (May 2022), LR 48:2554 (October 2022), LR 49:37 (January 2023), LR 50:24 (January 2024), LR 50:488 (April 2024), amended LR 50:660 (May 2024), LR 51:276 (February 2025), LR 51:

Chapter 13. Endorsements to Existing Certificates

Subchapter A. Regular Education Level and Area Endorsements

§1315. Requirements to Add a Secondary (Grades 6-12) Specialty Content Area (Agriculture, Business, Computer Science, Family and Consumer Sciences, Journalism, Marketing, Speech, Technology Education)

A. - A.1.a. ...

2. earn a passing Praxis score for principles of learning and teaching 7-12 exam.

3. Repealed.

B. - B.2. ...

3. For Computer Science Grades 6-12 only, candidates also have the option of successful completion of a BESE-approved micro-credential Computer Science Grades 6-12 training program.

4. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:456 (March 2022), repromulgated LR 48:1065 (April 2022), amended LR 50:668 (May 2024), LR 51:277 (February 2025), LR 51:

Title 28

EDUCATION

Part CXLVII. Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel

Chapter 3. Personnel Evaluation

§307. Observation Tools

A. - B. ...

1. The tool for teacher evaluation shall align to the *Louisiana Components of Effective Teaching*. The tool for administrator evaluation shall align to the *Performance Expectations and Indicators for Educational Leaders*, contained within *Bulletin 146—Louisiana Competencies and Standards for Teachers and Educational Leaders*.

B.1.a. - D.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:10.1, 17:391.10, 17:3881-3886, 17:3901-3904, and 17:3997.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1216 (May 2012), amended LR 38:2360 (September 2012), LR 45:233 (February 2019), LR 50:951 (July 2024), LR 51:

Chapter 7. Reporting and Monitoring

§701. Annual Summary Reporting Format

A. Each LEA will submit information regarding annual educator evaluations according to the timelines and procedures established by the LDOE. Information shall include the following:

1. individual-level evaluation results, by teacher, leader, and counselor; and

2. - 5. Repealed.

6. evaluatees who received intensive assistance.

B. The department shall annually report on the performance of teachers, leaders and counselors. Such reporting and monitoring shall include, but not be limited to, the following:

1. the percentage and number, where available, of teachers, leaders, and counselors rated as exemplary, highly effective, proficient, emerging, and ineffective, including final rating scores.

2. - 3. Repealed.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2253 (October 2010), amended LR 38:1220 (May 2012), LR 38:2361 (September 2012), LR 39:1274 (May 2013), LR 41:1268 (July 2015), LR 50:953 (July 2024), LR 51:

Family Impact Statement

In accordance with section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

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? No.

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 in the proposed Rule? Yes.

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 rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? Yes.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule 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 Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

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 via the U.S. Mail until noon, June 9, 2025, to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Educator Preparation, Evaluation, and Credentials

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule changes include the following: align policy with current data collection practices and reporting capabilities; implement computer science requirements for traditional and alternative certification programs; add beginning date of English learner requirements for educator preparation programs; update certification policy regarding computer science and strategies to support English learners; and technical edits. In development of the updates regarding teacher competencies, LDOE consulted with key stakeholders, including preparation providers, who will incorporate the revised content into existing coursework.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2505#022

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Office of State Procurement**

Procurement (LAC 34:V.Chapter 36)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Office of the Governor, Division of Administration, Office of State Procurement, proposes to create Chapter 36 of LAC 34:V. Procurement. The rules are being revised to implement Act 734 of the 2024 Regular Legislative Session, effective August 1, 2024. The Act created a new Invitation to Negotiate procurement method, for which this rulemaking will provide procedures.

Title 34

**GOVERNMENT CONTRACTS, PROCUREMENT,
AND PROPERTY CONTROL**

Part V. Procurement

**Chapter 36. Contracts Let Via an Invitation to
Negotiate (ITN) Process**

**§3601. Application, Determination, and Competitive
Sealed Replies**

A. This Chapter shall be applicable to the utilization of the Invitation to Negotiate (ITN) method of source selection authorized by R.S. 39:1600.2.

B. To assist the chief procurement officer in making any determinations required under 39:1600.2, the Office of State Procurement (OSP) may require the using agency to provide additional information to justify any required determination.

C. Competitive Sealed Replies

1. For purposes of this Chapter, *competitive sealed replies* means replies submitted in response to an Invitation to Negotiate and which are protected from inspection prior to the deadline for submission.

2. Competitive sealed replies shall be advertised through a centralized electronic interactive environment administered by the Division of Administration (DOA) and on the electronic website accepting the electronic replies as provided in this Section at least 14 days before the last day that replies will be accepted. The advertisement or written notice required by this Section shall contain the name and address of the using agency and shall establish the specific date, time, and place by which the competitive sealed replies must be received.

3. Replies may be received in any manner specified in the Invitation to Negotiate including receipt by mail, by direct delivery, or through any secure electronic interactive environment permitted by rule or regulation.

4. Any competitive sealed reply withdrawn by the vendor prior to the deadline for submission of replies, or determined to be late relative to the deadline for submission of replies, shall not be opened and shall instead be subject to the provisions of §319.D of this Part.

5. Except as provided in Paragraph 4 of this Subsection, competitive sealed replies shall be secured until the replies submission deadline.

6. Competitive sealed replies shall not be inspected prior to the replies' submission deadline unless the chief procurement officer determines that doing so is necessary for the sole purpose of identifying the name of the vendor and/or the Invitation to Negotiate to which the replies/reply is addressed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1600.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 51:

§3603. Content in Invitation to Negotiate

A. In addition to the mandatory requirements stated in R.S. 39:1600.2, all Invitation to Negotiate solicitations should:

1. allow for flexibility in the potential vendor's approach and methodology;

2. generally define the problem statement, desired results and timeframe of the project;

3. identify agency personnel and resources available to the vendor;

4. inform the potential vendors of the evaluation criteria and the selection methodology to be used in each step in evaluating the replies.

5. request a description of the firm's qualifications, including a specific list of personnel to be used in the services and their qualifications. At a minimum, a list of the number and the qualifications of each position should be provided, however, a résumé should be required on each of the key personnel;

6. request a list of the entities, whether public or private, with names and contact persons, for whom similar work has been done;

7. request the length of time needed for the services, broken down by phases, if phasing is necessary;

8. request the proposed methodology for accomplishing the services with a precise statement of what the state will receive as an end product of the services;

9. request the cost of the proposed solution.

B. All Invitation to Negotiate solicitations shall:

1. provide for a blackout period in accordance with §341 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1600.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 51:

§3605. Procedures

A. Selection of a vendor shall be made in accordance with the selection criteria established in the Invitation to Negotiate. When a final selection has been made, but prior to notice of award, the contract file containing the following shall be sent to the Office of State Procurement for review and approval. Submittal shall include:

1. the Invitation to Negotiate;
2. a short, plain statement that explains the basis for the selection of the vendor and that sets forth the vendor's deliverables and price, pursuant to the contract, along with an explanation of how the deliverables and price provide the best value to the state;
3. any clarifications or changes resulting from negotiations documented in writing; and,
4. the contract.

B. No contract may be enforced against the state until approval of the contract has been granted by the Office of State Procurement.

C. Upon approval of the contract by the chief procurement officer, all vendors who replied to the Invitation to Negotiate shall be notified by the Office of State Procurement regarding the awarded contract.

D. Right to Protest. Any person who is aggrieved in connection with the Invitation to Negotiate or award may protest and appeal pursuant to the provisions of R.S. 39:1671, 1681, 1683, 1691, and 1692.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1600.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 51:

§3607. Contract Clauses

A. The contract shall, at a minimum, contain those provisions from the list below that the chief procurement officer determines to be appropriate or applicable:

1. the unilateral right of the state to order in writing changes in the work within the general scope of the contract in any one or more of the following:
 - a. drawings, designs, or specifications, if the supplies to be furnished are to be specially manufactured for the state in accordance therewith;
 - b. method of shipment or packing;
 - c. place of delivery;
 - d. security for contract performance;
 - e. insurance requirements including as appropriate but not limited to general liability, automobile coverage, workers' compensation, and errors and omissions;
 - f. beginning and ending dates of the contract; and
 - g. maximum compensation to be paid the contractor including due date of the payment(s).
2. the unilateral right of the state to order in writing temporary stopping of the work or delaying of performance;
3. variations between estimated quantities of work in a contract and actual quantities;
4. the submission of manufacturers' design drawings in duplicate for all state buildings, to the appropriate state agency at the conclusion of the contract;
5. liquidated damages;
6. specified excuses for delay or nonperformance;
7. an annual appropriation dependency clause;

8. the acceptability of original or electronic signatures. Unless otherwise stated, when a contract requires an original signature, as provided by R.S. 9:2601-2621 and LAC 4:I.Chapter 7, Implementation of Electronic Signatures in Global and National Commerce Act—P.L., 106-229, an electronic signature is considered an original signature;

9. description of the work to be performed or objectives to be met;

10. description of reports or other deliverables to be received;

11. date of reports or other deliverables to be received;

12. responsibility for payment of taxes;

13. circumstances under which the contract can be terminated either with or without cause;

14. remedies for default;

15. a statement giving the legislative auditor the authority to audit records of the individual firm;

16. performance measurement;

17. monitoring plan;

18. the requirement that any term or condition in any contract entered into by the state that requires the state to defend, indemnify, or hold harmless another person, shall be null and void, unless such term and condition is expressly authorized by law;

19. the requirement that all contracts must be governed by Louisiana law, including the Louisiana Procurement Code (R.S. 39:1551-1755);

20. the requirement that a contract related to information technology is also governed by R.S. 39:196-200 and its corresponding rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1600.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 51:

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

It is anticipated that the proposed action will have no significant impact on:

1. household income, assets, and financial security;
2. early childhood or educational development;
3. employment and workforce development;
4. taxes and tax credits; or
5. child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The impact of the proposed Rule on small businesses has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act.

The agency, consistent with health, safety, environmental and economic 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

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 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 Mr. Zalinsky Matthew, Assistant Director, Office of State Procurement, P.O. Box 94095, Baton Rouge, LA 70804-9095 or email to Zalinsky.Matthew@la.gov. He is responsible for responding to inquiries regarding this proposed Rule. All comments must be received by June 10, 2025, by close of business.

Public Hearing

A public hearing will be held on June 25, 2025, at 9:30 AM in the Marbois Room, on the first floor of the Claiborne Building, 1201 North Third Street, Baton Rouge, LA 70804. Should individuals with a disability need an accommodation in order to participate, contact Zalinsky Matthew at the address given above in the Public Comments section or by email at Zalinsky.Matthew@la.gov.

Tom Ketterer
Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Procurement

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated costs or savings to state or local governmental units as a result of the proposed rule change. The rule, in compliance with Act 734 of the 2024 RS, adds Invitation to Negotiate (ITN) as an allowable method of procurement for state agencies. The methodology allows the selection of one or more vendors with which to commence negotiations for the procurement of information technology systems, services, software, professional services, or consulting services. The rule provides for application of the method via competitive sealed replies from vendors, outlines necessary content in ITN solicitations, provides for the selection of a vendor and approval methods prior to issuance of contract awards, and provides for required contract provisions.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to impact revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is not anticipated to impact costs and/or economic benefits for directly affected persons, small business, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change may increase competition between potential vendors by providing another methodology of source selection for certain state contracts. The methodology allows for state agencies to select one or more vendors with which to commence negotiations for the procurement of information technology systems, services, software, professional services, or consulting services.

Tom Ketterer
Director
2505#045

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Motor Vehicle Commission

Teleconference or Video Conference Participation at Open Meetings by Person with Disability
(LAC 46:V.2101 and 8101)

Notice is hereby given in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., that pursuant to the authority granted by R.S.32:1253(E), R.S. 42:14, R.S. 42:17.2.1, and Acts 2023, No. 393, the Motor Vehicle Commission intends to adopt LAC 46:V.2101 and 8101 to allow persons having a disability recognized by the Americans with Disabilities Act ("ADA") to participate in its open meetings by means of teleconference or video conference.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part V. Automotive Industry

Subpart 1. Motor Vehicle Commission

Chapter 21. Open Meetings

§2101. Teleconference or Video Conference

Participation in Open Meetings by a Person with Disability

A. Upon written request, the Motor Vehicle Commission ("commission") allows for teleconference or video conference participation in its open meeting by a person with disability as defined in Paragraph B of this Section.

B. Definitions

Person with Disability—a person with a disability recognized by the ADA, or a designated caregiver of such a person, or a participating commission member with an ADA recognized disability.

C. A person with disability must submit a request to participate by teleconference or video conference to the commission staff member at the address identified in the commission's notice of the meeting.

D. Upon receipt of a timely request, the commission staff shall provide an electronic link as soon as reasonably possible. This request shall be made no later than 72 hours prior to the start of the scheduled meeting.

E. A commissioner who is a person with disability may participate and vote in a meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1253(E), R.S. 42:14, and R.S. 42:17.2.1.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 51:

Subpart 3. Motor Vehicle Sales Finance

Chapter 81. Open Meetings

§8101. Teleconference or Video Conference

Participation in Open Meetings by a Person with Disability

A. Upon written request, the Motor Vehicle Commission ("commission") allows for teleconference or video conference participation in its open meeting by a person with disability as defined in Paragraph B of this Section.

B. Definitions

Person with Disability—a person with a disability recognized by the ADA, or a designated caregiver of such a person, or a participating commission member with an ADA recognized disability.

C. A person with disability must submit a request to participate by teleconference or video conference to the commission staff member at the address identified in the commission's notice of the meeting.

D. Upon receipt of a timely request, the commission staff shall provide an electronic link as soon as reasonably possible. This request shall be made no later than 72 hours prior to the start of the scheduled meeting.

E. A commissioner who is a person with disability may participate and vote in a meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1253(E), R.S. 42:14, and R.S. 42:17.2.1.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 51:

Family Impact Statement

In accordance with R.S. 49:961(A)(2)(h)(i) and 972, the proposed Rule, including Sections 2101 and 8101, does not have a known impact on family formation, stability, or autonomy.

Poverty Impact Statement

In accordance with R.S. 49:961(A)(2)(h)(ii) and 973, the proposed Rule, including Sections 2101 and 8101, does not have a known impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In accordance with R.S. 49:961(A)(2)(h)(iv) and 974.5, the impact of proposed Rule, including Sections 2101 and 8101, on small businesses has been considered. Consistent with health, safety, environmental, and economic welfare, the commission considered utilizing regulatory methods that will accomplish the objective of applicable statutes while minimizing adverse effects on small businesses. The proposed Rule, Sections 2101 and 8101, does not have an adverse impact on small businesses.

Provider Impact Statement

In accordance with HCR 170 of the 2014 Regular Legislative Session, proposed Rule, including Sections 2101 and 8101, has no known effect on the staffing level requirements or qualifications required to provide the same level of service, the cost to the provider to provide such services, or the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed Rule to the Executive Director, Louisiana Motor Vehicle Commission, 3017 Kingman Street, Metairie, LA 70006 by 4:30 p.m. on June 10, 2025.

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Teleconference or Video Conference Participation at Open Meetings by Person with Disability

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will result in a minimal increase in costs for the Louisiana Motor Vehicle Commission for additional staff hours to manage and operate the equipment necessary to broadcast the meetings to the public. The commission estimates the costs will be approximately \$4,800 annually.

The proposed rule change, mandated by Act 393 of the 2023 Regular Legislative Session, (i) requires the Louisiana Motor Vehicle Commission to accommodate individual participation in its meetings via electronic means by members of the public with a disability recognized by the Americans with Disability Act, designated caregivers of such persons, and participant board members with an ADA-qualifying disability who request accommodation, and (ii) sets forth the required procedures for providing public notice of meetings and for the board receiving and accommodating requests for participation in its meetings by persons with disabilities. Requests for accommodation made under the proposed rule will be handled by existing staff using technology already owned by the board and will not cause any increase in expenditure.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Electronic meetings could possibly reduce expenses for individuals participating in meetings by negating the need for travel to a commission meeting.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Amy Casey
Executive Director
2505#003

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Dentistry

General Provisions
(LAC 46:XXXIII.136)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760 (8), notice is hereby given that the Department of Health, Board of Dentistry intends to amend LAC 46:XXXIII.136.

The Board of Dentistry is proposing LAC 46:XXXIII.136 for initial adoption to establish rules regarding dental records, affirming the right of the patient to receive copies of his records and the right of the dentist to charge for copies to

the patient in line with R.S. 40:1165.1. It also requires that the records be legible, and the x-rays be diagnostic. This solves the problem the board sometimes has when screening complaints; sometimes the records and x-rays the board receives are not legible.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII. Dental Health Profession

Chapter 1. General Provisions

§136. Dental Records

A. Dental patients have the right to receive copies of their dental records and/or radiographs when requested in writing by the patient or his authorized representative. Patients or their authorized representative requesting copies of patient records and/or radiographs may be charged amounts set forth in R.S. 40:1165.1. The dental records and/or radiographs may be withheld pending payment of the amount set forth in R.S. 40:1165.1 if a payment request has been made by the dentist or custodian of the records within fifteen days of the request for dental records and/or radiographs.

B. Dental patients have the right to have copies of their dental records and/or radiographs sent to subsequent and/or concurrent treating health care providers when the request is made in writing by the patient, his authorized representative, or the subsequent/concurrent treating health care provider.

C. The Louisiana State Board of Dentistry (Board) has the right to receive copies of dental records and/or radiographs when requested by the Board in writing.

D. When Dental records and/or radiographs, of a patient are requested in writing by a patient, his authorized representative, a subsequent or concurrent treating health care provider or the board, the records must be made available within thirty days of the request, or within twenty days of a payment request as set forth in Subsection A of this Section.

E. Dental records produced pursuant to this Section must be legible. If there is handwriting that is illegible in the original records, the records produced must include a typed transcript of the illegible handwriting.

F. Radiographs produced pursuant to this Section must be diagnostic and must be able to be read without the use of proprietary software.

G. The treating dentist whose treatment is reflected in the records and/or radiographs requested pursuant to this Section is responsible for complying with this Section and may be sanctioned by the board if any part of this Section is violated. The treating dentist is responsible for assuring that the requirements of this Section are followed even if he has left the practice where the treatment was rendered and may be sanctioned by the board if any part of this Section is violated.

H. If the treating dentist whose treatment is reflected in the records and/or radiographs requested pursuant to this Section has left the practice where the treatment occurred, the dentist owner(s) of the practice in possession of the records and/or radiographs is responsible, along with the treating dentist, for complying with the requirements of this Section and may be sanctioned by the board if any part of this Section is violated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(6) and (8) and R.S. 49:953(B).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 51:

Family Impact Statement

There will be no family impact in regard to issues set forth in R.S. 49:972.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973. 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

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

The proposed rulemaking should not have any know 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 of 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 these proposed rule changes to Arthur Hickham, Jr., Executive Director, Louisiana State Board of Dentistry, P.O. Box 5256, Baton Rouge, Louisiana, 70821. Written comments must be submitted to and received by the board by 4:30 p.m. on June 10, 2025. A request pursuant to R.S. 49:953 (A)(2) for oral presentation, argument, or public hearing must be made in writing and received by the board by 4:30 p.m. on June 10, 2025.

Arthur Hickham, Jr.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: General Provisions

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule change. The cost for the Louisiana Board of Dentistry is approximately \$500 in FY 25 for the notice and rule publication in the *Louisiana Register*.

Proposed rule changes clarify the responsibilities of dentists when responding to written requests for patient records submitted by the patient, a representative, a subsequent or concurrent healthcare provider, or the Board. It affirms that patients may be charged for copies in accordance with R.S. 40:1165.1 and that records must be provided within existing statutory timeframes. Proposed rule changes also requires that records be legible and radiographs be diagnostic and accessible without proprietary software. If original handwritten notes are illegible, a typed transcript must be included. These clarifications are intended to support the Board's review of complaints and are not anticipated to create new costs or obligations for providers.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes are not anticipated to impact the revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons, small businesses or non-governmental groups due to the rule proposed for initial adoption.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition or employment.

Arthur F. Hickham
Executive Director
2505#029

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health

Licensed Professional Counselors Board of Examiners

PLPC Billing Technical Revision
(LAC 46:LX.603)

In accordance with the applicable provisions of the Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Licensed Professional Counselors Board of Examiners proposes a technical revision to clarify billing practices for Provisional Licensed Professional Counselors (PLPC)s.

The Licensed Professional Counselors Board of Examiners hereby gives notice of intent to propose changes to Chapter 6, Section 603 for publication in the May 20, 2025, edition of the *Louisiana Register*.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LX. Professional Counselors

Subpart 1. Licensed Professional Counselors

Chapter 6. Application, Practice, and Renewal Requirements for Provisional Licensed Professional Counselors

§603. Provisional Licensed Professional Counselors Licensing Requirements

A. - A.6.e. ...

f. the agency or employer may bill for services provided by the PLPC. The PLPC may not accept direct payments from the client;

A.6.g. - A.8. ...

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 41:712 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners LR 45:277 (February 2019), LR 50:1848 (December 2024); LR 51:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of these rules on family has been considered. This proposal to create licensee statuses has no 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 change 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 Jamie S. Doming, Licensed Professional Counselors Board of Examiners, 11410 Lake Sherwood Avenue North Suite A, Baton Rouge, LA 70816 by June 10, 2025, at 5 p.m.

Jamie S. Doming
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: PLPC Billing Technical Revision

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule

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change. The cost for the Louisiana Licensed Professional Counselors Board of Examiners is approximately \$400 in FY 25 for the notice and rule publication in the *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes are not anticipated to impact the revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is not anticipated to impact small businesses or non-governmental groups. There are no expected economic losses. The rule does not change how billing is handled by providers, which typically include mental health clinics, group practices, behavioral health centers, schools, hospitals, and private counseling agencies. Under current administration rule and practice, Provisional Licensed Professional Counselors (PLPCs) cannot accept payment directly from clients or bill under another provider's name. Their employer bills for the services and pays the PLPC through regular payroll or contract arrangements. This rule simply clarifies that process to ensure employers understand their role in billing and compensation. It does not create any new financial or administrative requirements.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition or employment.

Jamie S. Doming
Executive Director
2505#017

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health

Licensed Professional Counselors Board of Examiners

Teletherapy Registration
(LAC 46:LX.503 and 505)

In accordance with the applicable provisions of the Louisiana Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Licensed Professional Counselors Board of Examiners proposes to provide licensed counselors or therapists from other states to register to provide mental health counseling services via telehealth if their license is unencumbered. The Licensed Professional Counselors Board of Examiners hereby gives Notice of Intent to propose changes to Chapter 5, Sections 503 and 505 for publication in the May 20, 2025, edition of the *Louisiana Register*.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LX. Professional Counselors

Subpart 1. Licensed Professional Counselors

Chapter 5. License and Practice of Counseling

§503. Definitions for Licensed Professional Counselors and Provisional Licensed Professional Counselors

A. ...

* * *

Criminal History Record Information—information collected by state and federal criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information, or any formal criminal charges, and any disposition arising from, including sentencing, criminal correctional supervision and release. It shall not include intelligence information gathered for investigatory purposes or any identification information that does not indicate involvement of the individual in the criminal justice system.

* * *

Licensee—an individual holding an approved registration as a telehealth provider or a full or provisional Louisiana license issued by the board. All *licensees* must accurately identify themselves as licensed for telehealth, fully licensed (i.e., licensed) or provisionally licensed.

* * *

Telehealth Registration—

a. any person who:

i. holds a full and unrestricted license or certificate in mental health counseling/psychotherapy in another state or U.S. territory;

ii. completes a background check in accordance with licensure requirements

iii. attests to be under the authority of the jurisdiction of the state of Louisiana

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 371101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:83 (February 1988), amended by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 16:302 (April 1990), LR 18:51 (January, 1992), LR 22:101 (February 1996), LR 24:437 (March 1998), LR 24:2124 (November 1998), LR 26:493 (March 2000), LR 29:130 (February 2003), LR 33:2654 (December 2007), LR 39:1783 (July 2013), LR 41:710 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners LR 45:757 (June 2019), LR 46:1686 (December 2020), LR 51:

§505. Teletherapy Guidelines for Registrants and Licensees (Formerly Diagnosing for Serious Mental Illnesses)

A. - C. ...

D. Licensees shall provide services consistent with the jurisdictional licensing laws and rules in both the jurisdiction in which licensee is physically located and where the client is physically located. Licensees providing teletherapy services to clients outside of Louisiana must comply with the regulations in the state in which the client is located at the time of service. The licensee shall contact the licensing board in the state where the client is located and document all relevant regulations regarding teletherapy. A nonresident of Louisiana who wishes to provide teletherapy health services in Louisiana must have approval by the board.

E. Teletherapy is a specialty area and requires board approval. Registrants who may provide teletherapy must meet the following requirements.

1. The licensee must have board approval in Louisiana.

E.2 - E.3.a.viii. ...

4. Louisiana licensees privileged in teletherapy must accrue three clock hours of continuing education during each renewal period.

F. - K ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Licensed Professional Counselors Board of Examiners, LR 45:438 (March 2019), amended LR 46:1687 (December 2020), LR 51:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of these rules on family has been considered. This proposal to create licensee statuses has no 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 change 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 Jamie S. Doming, Licensed Professional Counselors Board of Examiners, 11410 Lake Sherwood Avenue North Suite A, Baton Rouge, LA 70816 by June 10, 2025, at 5 p.m.

Jamie S. Doming
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Teletherapy Registration

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule change. The cost for the Louisiana Licensed Professional Counselors Board of Examiners is approximately \$800 in FY 25 for the notice and rule publication in the Louisiana Register.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes are not anticipated to impact the 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)

Proposed rule changes establish registration process for out-of-state licensed mental health professionals to provide teletherapy services to Louisiana clients. The rule defines telehealth registration, outlines eligibility and background check requirements, and sets practice standards consistent with in-person care. Additionally, the rule specifies training and continuing education requirements, informed consent procedures, documentation standards, and disciplinary provisions applicable to both Louisiana licensees and telehealth registrants.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition or employment.

Jamie S. Doming
Executive Director
2505#019

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health Office of Public Health

Commission for the Deaf
(LAC 67:VII.309)

In accordance with R.S. 46:2352(B) and with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health (LDH) proposes to amend LAC 67:VII.309.B to provide for the roles and functions of the Louisiana Commission for the Deaf Board.

Title 67

SOCIAL SERVICES

Part VII. Rehabilitation Services

Chapter 3. Commission for the Deaf

§309. Louisiana Commission for the Deaf Board of Commissioners

A. Name. The name shall be the Louisiana Commission for the Deaf Board of Commissioners, hereinafter referred to as the "board of commissioners".

B. The role and function of the Louisiana Commission for the Deaf board of commissioners are as follows:

1. to support the work of the commission by making recommendations to the commission regarding its programs, policies, procedures, regulations, rules and criteria on behalf of d/Deaf, DeafBlind, and hard of hearing communities and their families;

2. to advocate for the general welfare, needs, and rights of d/Deaf, DeafBlind, and hard of hearing individuals in this state through education, advising, informing, and promoting relevant laws, policies, and practices which support the eradication of barriers and discrimination affecting individuals who are d/Deaf, DeafBlind, and hard of hearing; and

3. to create standing committees, ad hoc committees, or task forces as needed to assist in carrying out the above objectives.

a. The duties of all such committees shall be to identify, inform, and/or research needs, actions, policies, or laws relevant to the constituent group of the commission, unless otherwise defined by the board of commissioners.

b. Committees may include current board of commissioner members and/or nonmembers. Composition of committees shall be a maximum of nine individuals and should generally reflect state-wide representation, if possible.

c. Terms of membership for committees shall be at the discretion of the board of commissioners and identified at the time of creation.

d. A person may be eligible for appointment to the committee if their position, knowledge, or experience qualifies them to represent the concerns, needs, and recommendations of the Deaf, DeafBlind, hard of hearing community and/or the sign language interpreter workforce in Louisiana. The board of commissioners may specify additional qualification requirements.

e. The executive director may participate at the discretion of the chair in the deliberations of all committees as a nonvoting member, with the exception of the Executive Director Evaluation Committee.

C. The following standing committee shall be overseen by the board of commissioners.

1. Executive Committee. The composition of the executive committee shall be comprised of the elected officers of the board of commissioners (chair, vice-chair, and secretary).

2. The purpose of the executive committee shall be to:

a. Establish the agenda for public meetings of the board of commissioners with the support of the executive director.

b. Respond to urgent matters that preclude the entire board of commissioners assembling. Decisions made by the executive committee must be ratified by the board of commissioners at its next meeting.

c. Participate in hiring process of the executive director for the Louisiana Commission for the Deaf Program make the following recommendations to the secretary of the Louisiana Department of Health, as prescribed by law:

i. qualifications, job duties and responsibilities, and salary of the executive director position.

ii. participate in interviews to fill the executive director position; recommend candidate.

iii. inform strategic goals for the executive director.

iv. inform performance review of the executive director bi-annually. The process for review shall be as follows:

(a). review initial goals;

(b). gather input from the board of commissioners on the executive director's performance;

(c). receive executive director's self-evaluation

(d). combine input and draft a summary of the findings;

(e). meet with executive director to review findings

(f). submit final report to board of commissioners for review;

(g). submit final report to secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2352 and R.S. 47:1061.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, Commission for the Deaf, LR 13:93 (February 1987), amended LR 17:388 (April 1991), repromulgated LR 21:589 (June 1995), amended by the Department of Health, Office of Public Health, LR 51:

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 any child, individual, or family as defined by R.S. 49:973.

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 is not anticipated to have an impact on staffing requirements, qualifications, and cost for providers as defined by HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Interested persons may submit written comments on the proposed Rule. Such comments must be received no later than Tuesday, June 10, 2025 at close of business, 4:30 p.m., and should be addressed to Amy Zapata, Program Manager, Bureau of Family Health, Louisiana Department of Health, 628 North Fourth Street, Suite 590, Baton Rouge, LA 70821 or emailed to Amy Zapata at amy.zapata@la.gov.

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 Tuesday, June 10, 2025. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 10 a.m. on Thursday, June 26, 2025, in Room 117 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after Tuesday, June 10,

2025. 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.

Bruce D. Greenstein
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Commission for the Deaf

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule change. The cost for the Office of Public Health is approximately \$121 in FY 25 for the notice and rule publication in the *Louisiana Register*.

The proposed rule changes will allow for the creation of standing committees, ad hoc committees, or task forces as needed to carry out legislative mandates as well as to inform the board of commissioners of its role in making recommendations to the secretary related to the hiring and ongoing employment of the LCD Program's executive director.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to impact the revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no known estimated costs and/or economic benefits to directly affected persons, small businesses, or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Tonya Joiner
Assistant Secretary
2505#038

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Office of Public Health

Regulation of Medical Marijuana
(LAC 51:XXIX.Chapter 1, Chapter 5, Chapter 7, Chapter 9,
Chapter 21, Chapter 23, and Chapter 25)

The Department of Health, Office of Public Health (LDH/OPH), pursuant to the rulemaking authority granted by R.S. 40:4(A)(12) and R.S. 3:1483(L), intends to adopt the following proposed Rule for the protection of public health. This Rule will be effective on August 20, 2025, and is adopted in accordance with R.S. 49:962 of the Administrative Procedure Act (R.S. 49:950, et seq.).

This Rule will reenact and amend certain sections of Part XXIX of Title 51 of the *Louisiana Administrative Code* (also known as the “*Public Health—Sanitary Code*”) and will enact a new Subpart as a consequence of changes made to medical marijuana regulations under Act No. 150 and Act No. 693 of the 2024 Louisiana Legislature. The following changes will update the language in Part XXIX to address terminology changes and alter the pesticide-testing schedule to streamline product testing and approval. The new Subpart 2. Marijuana Retailers authorizes the LDH/OPH to transition to conducting oversight of the retail distribution of medical marijuana products through the network of approved retailers. Chapter 21 provides for general requirements and definitions. Chapter 23 provides for the transfer of new LDH-issued permits for retailers that currently hold marijuana-pharmacy permits through the Louisiana Board of Pharmacy as of November 2024 and application requirements for new applicants should a current permit-holder neglect to renew its existing permit. Chapter 25 provides for general operational requirements for marijuana retailers, including distribution requirements, recommendations, home-delivery services, disposal procedures for waste products, inventory control, point-of-sale tracking systems, and general design, construction, and sanitary requirements.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part XXIX. Medical Marijuana

Subpart 1. Marijuana Manufacturers

Chapter 1. General Requirements

§101. Definitions

A. Except as may be otherwise defined in any provision of this Part, and unless the context or use thereof clearly indicates otherwise, the following words and terms used in this Part of the *Sanitary Code* are defined for the purposes thereof, and for purposes of any other Parts which are adopted or may hereafter be adopted, as follows.

* * *

Licensee—as defined in R.S. 40:1046(H)(1)(a), an entity authorized by the Louisiana Department of Health to cultivate, extract, process, produce and transport therapeutic marijuana.

* * *

Permittee—Repealed.

Therapeutic Marijuana—see Medical Marijuana.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2976 (December 2022), amended LR 51:

Chapter 5. Licensure

§501. Licensure of Authorized Entities

A. The department shall issue a nontransferable license to the licensees successfully completing the application process referenced in §505 of this Chapter to produce medical marijuana. Such license shall be renewable annually on July 1.

B. Only a total of two licenses may be issued for the production of medical marijuana.

C. Licensees shall comply with all applicable requirements of R.S. Title 40, Chapter 4, Part X-E (R.S. 40:1046 et seq.), including payment of all fees, allowance of

all inspections, and provision of all information required thereunder. Each license is subject to an annual administration fee of \$100,000.00.

D. New licenses may be issued only under the following circumstances:

1. A current licensee surrenders its active license voluntarily; or

2. A current licensee fails to renew its active license in a timely fashion. A license may only be revoked in this circumstance if the licensee fails to respond to a written notification by the department with the necessary documentation and fees within a thirty-day timeframe.

E. New licenses shall be awarded by means of a competitive bid process in accordance with the applicable provisions of the Procurement Code (R.S. 39:1551 et seq.).

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2976 (December 2022), amended LR 51:

§503. Permitting

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2976 (December 2022), repealed LR 51:

§505. Application Process

A. Applications for licensure shall be made using documents supplied by the department for this purpose.

B. - B.5. ...

6. a recall plan; and

7. any other information or plans required to be provided under R.S. Title 40, Chapter 4, Part X-E (R.S. 40:1046 et seq.).

C. As a condition of renewal of a license, the licensee shall supply the following additional information in writing to the department by January 10 of the renewal year:

1. - 3. ...

4. the total quantity of medical marijuana generated as a finished product within that year and the quantity distributed to each licensed marijuana retailer;

5. - 6. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2976 (December 2022), amended LR 51:

Chapter 7. Inspections and Operational Requirements

§701. Inspections

A. Licensed facilities require a preoperational or initial inspection and this shall follow review and acceptance of the plans required in §505. Inspections are designed to ensure the following:

1. - 9. ...

B. As a condition of its license, the licensee shall allow the State Health Officer or his/her designee(s) to review all records relevant to the operations and management of the licensed facility.

C. Routine inspections of licensed facilities to assess continued compliance shall occur no less frequently than twice per fiscal year. Complaint-based inspections may be

conducted at any time during business hours and without prior notice.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2978 (December 2022), amended LR 51:

§703. Product and Site Security

A. Licensed facilities shall maintain an onsite security system that includes, at a minimum, the following components:

A.1. - D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2978 (December 2022), amended LR 51:

§705. Louisiana Medical Marijuana Tracking System

A. Licensed facilities shall possess and maintain required hardware and software to connect to the Louisiana Medical Marijuana Tracking System (LMMTS).

B. - D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2978 (December 2022), amended LR 51:

§707. Inventory Control

A. Licensed facilities shall maintain an inventory of medical marijuana, including medical marijuana waste, on their premises and update these records no less frequently than once per week.

B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2979 (December 2022), amended LR 51:

§709. Toxic Chemical Use and Storage

A. Licensed facilities shall handle and store any chemicals for direct or indirect contact with medical marijuana in accordance with its written operations plan and the manufacturer's directions.

B. ...

C. Licensees shall maintain records of material safety data sheets (MSDS) for all chemicals currently in use at the facility.

D.1. - 4 ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2979 (December 2022), amended LR 51:

§711. Transportation of Medical Marijuana

A. Licensed facilities shall generate an inventory manifest prior to transporting any medical marijuana to a licensed marijuana retailer, laboratory, contractor or disposal site. The manifest shall include the following items:

A.1. - D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2979 (December 2022), amended LR 51:

§713. Sampling Requirements

A. Licensees shall sample every batch of product to ensure compliance with the standards of quality outlined below. Licensees shall not release any batch of product for sale until the representative sample has been verified as compliant. Batches may be tested prior to portioning or packaging.

B. Sample verification shall be by means of the issuance of a certificate of analysis from the approved laboratory conducting the sample analysis issued to the Department of Health and the originating facility no later than 24 hours after testing is complete.

C. Any batch with a sample failing one or more of the tests (by exceeding allowable limits for contaminants or residues) shall be remediated or destroyed, at the option of the licensee. A batch shall only be remediated once, and if subsequent sampling fails to correct the exceedance, the affected batch shall be destroyed.

D. - E. ...

F. Medical marijuana samples shall be required to meet the following standards of quality:

1. microbiological contaminants:

a. mold/yeast <100,000 CFU/g;

1.b. - 6. ...

G. Table 1. Pesticide Residue Maximum Contaminant Levels (MCL) in parts per million (ppm) by dosage form

Name	Ingested	Inhaled
Abamectin	0.5	0.5
Acephate	0.4	0.4
Acetamiprid	0.2	0.2
Acequinocyl	2	2
Azoxystrobin	0.2	0.2
Bifentate	0.2	0.2
Bifenthrin	0.2	0.2
Boscalid	0.4	0.4
Carbaryl	0.2	0.2
Carbofuran	0.2	0.2
Chlorantraniliprole	0.2	0.2
Chlorfenapyr	1	1
Chlorpyrifos	0.2	0.2
Clofentezine	0.2	0.2
Cyfluthrin	1	1
Cypermethrin	1	1
Daminozide	1	1
DDVP (Dichlorvos)	0.1	0.1
Diazinon	0.2	0.2
Dimethoate	0.2	0.2
Ethoprophos	0.2	0.2
Etofenprox	0.4	0.4
Etoxazole	0.2	0.2
Fenoxycarb	0.2	0.2
Fenpyroximate	0.4	0.4
Fipronil	0.4	0.4
Flonicamid	1	1
Fludioxionil	0.4	0.4
Hexythiazox	1	1
Imazalil	0.2	0.2
Imidacloprid	0.4	0.4
Kresoxim-methyl	0.4	0.4
Malathion	0.2	0.2
Metalaxyl	0.2	0.2
Methiocarb	0.2	0.2
Methomyl	0.4	0.4
Methyl parathion	0.2	0.2
MGK-264	0.2	0.2
Myclobutanil	0.2	0.2

Name	Ingested	Inhaled
Naled	0.5	0.5
Oxamyl	1	1
Paclobutrazol	0.4	0.4
Permethrins*	0.2	0.2
Phosmet	0.2	0.2
Piperonylbutoxide	2	2
Prallethrin	0.2	0.2
Propiconazole	0.4	0.4
Propoxur	0.2	0.2
Pyrethrins**	1	1
Pyradiben	0.2	0.2
Spinosad	0.2	0.2
Spiromesifen	0.2	0.2
Spirotetramat	0.2	0.2
Spiroxamine	0.4	0.4
Tebuconazole	0.4	0.4
Thiacloprid	0.2	0.2
Thiamethoxam	0.2	0.2
Trifloxystrobin	0.2	0.2

*Permethrins should be measured as cumulative residue of *cis*- and trans-permethrin isomers.

**Pyrethrins should be measured as the cumulative residue of pyrethrin 1, cinerin 1, and jasmolin 1.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2979 (December 2022), amended LR 51:

§715. Basic Facility Requirements

A. Licensed facilities shall provide finishes to floors, walls, and ceilings that are durable, light in color, and easily cleanable.

B. - I. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2980 (December 2022), amended LR 51:

Chapter 9. Approved Laboratories for Testing Medical Marijuana

§901. General Requirements

A. Licensed facilities shall only utilize approved laboratories, as defined in this Section, for testing of medical marijuana.

B. - C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2976 (December 2022), amended LR 51:

Subpart 2. Marijuana Retailers

Chapter 21. General Requirements

§2101. Definitions

A. Except as may be otherwise defined in any provision of this Part, and unless the context or use thereof clearly indicates otherwise, the following words and terms used in this Part of the *Sanitary Code* are defined for the purposes thereof, and for purposes of any other Parts which are adopted or may hereafter be adopted, as follows:

Authorized Clinician—licensed health professional authorized to recommend therapeutic marijuana as defined in R.S. 40: 1046.

CFR—Code of Federal Regulations

Department—herein, unless otherwise indicated, the Louisiana Department of Health.

Marijuana Product—any product containing marijuana, including raw plant material, that requires no further processing

Pharmacist—a natural person holding an active license to practice as a pharmacist issued by the Louisiana Board of Pharmacy.

Retailer—retail facility meeting the requirements of this Subpart that sells therapeutic marijuana to patients or caregivers.

Recommendation—a written or electronic communication from an authorized clinician to a retailer indicating that in the clinician's professional judgment a patient would benefit from therapeutic marijuana.

Use—to assimilate therapeutic marijuana into the body by ingestion, inhalation, topical application or any other route of administration by the patient, whether aided or unaided.

Usable Marijuana—the dried leaves and flowers of the marijuana plant, and any mixtures or preparations of such leaves and flowers that are appropriate for the therapeutic use of marijuana, but does not include the seeds, stalks, and roots of the marijuana plant.

Visiting Qualifying Patient—non-resident of the state of Louisiana or person who has been a resident for fewer than 30 days who provides a Louisiana retailer with a copy of a medical-marijuana registry card or similar credential indicating that the patient currently receives medical marijuana in another state under that jurisdiction's medical-marijuana laws and rules.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§2103. Marijuana Product Requirements

A. Retailers may only stock marijuana products obtained from in-state licensed medical marijuana manufacturing facilities. No other sources may be utilized for the supply of marijuana products to patients.

B. Retailers may distribute only the following acceptable dosage forms of formulated therapeutic marijuana to patients:

1. oils, extracts, tincture or sprays;
2. solid oral dosage forms (e.g., pills, capsules, tablets);
3. liquid oral dosage forms (e.g., solutions or suspensions);
4. gelatin- or pectin-based chewables;
5. topical creams, unguents, or lotions;
6. transdermal patches;
7. suppositories;
8. metered-dose inhalers; or
9. other forms approved by the department.

C. Retailers may also distribute edible products (intended for ingestion) and combustible forms (intended for inhalation) made from marijuana flower.

D. No therapeutic marijuana product of any kind may include or be incorporated into the following:

1. an alcoholic beverage;
2. a dietary supplement; or
3. a drug other than marijuana, cannabis extracts, or cannabis derivatives.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

Chapter 23. Permits

§2303. Application Requirements

A. In accordance with the statutory limits provided for in R.S. 40: 1046(G), the department may issue no more than thirty permits for therapeutic marijuana retailers and their approved satellite locations.

B. Permits are not transferable to other locations or owners.

C. In the circumstance that one of the existing permit-holders for a primary retailer location or its satellite chooses to surrender that permit or the facility undergoes a change-of-ownership, an applicant may submit a packet for review to include the following.

1. a completed application form provided by the department;

2. detailed plans of the facility, including a site plan and plumbing, electrical, mechanical, HVAC, and drainage schedules as well as a schedule of finishes for floors, walls, and ceilings in all areas; plans should include measures to secure the area where marijuana product is being held to prevent the entry of unauthorized personnel;

3. proposed hours of operation, anticipated staffing levels, and a list of other goods and services to be provided on the premises;

4. the name and contact telephone number and email address of the registered pharmacist designated to be available to the retailer; and

5. a notarized, sworn affidavit that the proposed location meets the separation distance requirements stipulated in R.S. 40:1040(G)(6) and that any applicable zoning requirements have been met.

D. Any plans packet that is incomplete or lacks the required supporting documentation will be returned without processing.

E. To comply with statutory population-survey requirements and as a condition of permitting, each permitted facility must supply the department with registered patient counts based on the previous 24-month period on a quarterly basis.

F. Per the provisions of R.S. 40:1046(F), each permitted facility must designate at least one registered pharmacist to be available to the primary site and its satellite locations by virtue of the pharmacist's physical presence or availability by telephone or videoconference during its hours of operation.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§2305. Renewal, Suspension, and Revocation

A. A marijuana retailer permit shall be subject to renewal on a calendar-year basis utilizing a form supplied by the Louisiana Department of Health.

B. Renewal packets (to include ancillary documentation required by the renewal form) must be submitted to LDH no later than December 1 to renew for the following year.

C. Permits that are not renewed by December 31 are subject to suspension until such time as the proper packet has been submitted, reviewed, and accepted by LDH.

D. Permits that have not been renewed by March 1 of the subsequent calendar year or whose holders have been

documented to be in violation of any provisions of this Subpart may be subject to revocation in accordance with the applicable provisions of LAC 51:I.113.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§2307. Renovations

A. Any permitted marijuana retailer that is undergoing substantial renovations (per LAC 51:I.101) must submit plans for review and approval to the Louisiana Department of Health. The department must approve the plans prior to the onset of construction/substantial renovations to the existing facility.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

Chapter 25. Inspections and Operational Requirements

§2501. Inspections

A. Permitted facilities are required to be inspected at least once annually. Inspections are intended to verify compliance with the provisions of this Subpart, including §2511.

B. As a condition of its permit, the permittee shall allow the surgeon general or his/her designee(s) to review all records relevant to the operations and management of the permitted facility.

C. Complaint-based inspections may be conducted at any time during business hours and without prior notice to the firm.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§2503. Product and Site Security

A. Permitted facilities shall maintain an onsite security system that includes, at a minimum, the following components:

1. secured locks on doors throughout the facility;
2. audible alarms and a system of audio and video surveillance cameras that cover points of entry and egress as well as restricted-access areas;
3. restricted-access areas denoted by suitable signage and protected by means of secured-access locks where marijuana products are held and provided to patients or caregivers. Access to areas where marijuana inventory is stored and orders are fulfilled shall meet the following requirements:
 - a. be restricted to authorized personnel and not allowed to the general public;
 - b. be secured by suitable physical barriers and monitored by the facility's security system;
 - c. be inaccessible to any non-employee unless that person remains under the constant supervision of an employee authorized to be in the secure area.

B. The security system shall be documented in detail in the firm's security plan and subject to review during inspection by the department.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§2505. Inventory Control and Required POS (Point-of-Sale) System

A. Permitted facilities shall be required to maintain a point-of-sale software system that will interface with the Louisiana Medical Marijuana Tracking System to allow for seed-to-sale tracking of all medical marijuana transactions (including home deliveries and waste disposal) conducted at the facility.

B. The system shall be capable of documenting the amount of marijuana, dosage form, and amount provided under the active recommendation for each patient registered at the retailer.

C. Additionally, the system shall allow the agent or pharmacist to cross-reference the patient's sales history in the LMMTS. A retailer shall perform such cross-reference prior to sale, and shall refuse a sale if necessary to ensure that no patient receives more than 71 g of raw marijuana in a 14-day period or any amount of another dosage form in excess of the authorized clinician's recommendation.

D. Retailer staff must maintain a perpetual inventory of marijuana products received, held, sold, and disposed of by the facility. Inventory reconciliations shall be conducted on at least a semi-annual (every six months) basis and documents related to reconciliations shall be maintained on the premises for at least two calendar years.

E. Retailer staff must enter information into the LMMTS for new patients within 24 hours of receipt of a recommendation from an authorized clinician. The patient profile information provided must include the following elements:

1. unique patient identification number that will attach to all relevant records;
2. status of the recommendation (active or inactive);
3. recommendation start date; and
4. data on purchase limits or restrictions other than those referenced in Subsection C above, if applicable.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§2507. Deliveries, Fulfillment and Labeling/Packaging Requirements

A. Retailers may refuse delivery from a manufacturing facility of marijuana products if it is determined at receiving that the product is misbranded, adulterated, expired, or otherwise in a non-saleable condition. Such refusals shall be recorded in the POS system and the Louisiana Medical Marijuana Tracking System.

B. Marijuana products may be issued by appropriate retailer staff to a patient or the patient's caregiver on the premises or by delivery to the patient's or caregiver's home address.

1. Patients or caregivers must have an authorized clinician send a paper or electronic recommendation bearing the clinician's signature directly to the retailer prior to fulfillment.

2. Recommendations must include the following information, at a minimum:

- a. the name, address, and telephone number of the authorized clinician;
- b. name, address and date-of-birth of the patient;

c. the name of the debilitating medical condition listed in R.S. 40:1046 for which the therapeutic marijuana will act as a treatment;

d. if applicable, a list of any dosage forms of marijuana that may be contraindicated by the patient's debilitating condition or co-morbidities;

e. date of recommendation and an expiration date not to exceed 12 months from the date of the recommendation; and

f. self-certification that the authorized clinician is in good standing with the relevant licensing board as specified in R.S. 40:1046(B). For nurse practitioners, the self-certification shall affirmatively state that the recommender has prescriptive authority conferred by the State Board of Nursing.

3. The retailer shall provide laboratory test results for any marijuana product available for sale to the patient upon request.

C. Deliveries must be made available upon request at least once per month per ZIP code serviced by the retailer; however, no delivery may be made outside the state of Louisiana.

D. Any marijuana product that is part of a delivery that is not completed must be returned to the retailer of origin, and if the packaging integrity cannot be verified by retailer staff, it must be disposed of by a department-approved method and that disposal documented in the firm's POS system.

E. Marijuana products, whether provided on- or off-premises, must be packaged in tightly-sealed and light-impermeable packaging.

F. Retailers may utilize a recommendation issued by an authorized clinician to supply a patient on multiple occasions with marijuana products, provided that the fulfillment is consistent with the requirements of §2505.C and that the fulfillment does not exceed the amount indicated on the recommendation or consist of a dosage form not specified under §2103.B of this Subpart.

G. As long as no marijuana product is provided to an out-of-state address, retailer staff may provide marijuana products to a visiting qualifying patient in compliance with the provisions of this Section and R.S. 40:1046.1. A retailer shall retain all documents required by R.S. 40:1046.1(C)(2) for at least three years.

H. No marijuana product may be sold by the retailer unless it bears a label including the following information:

1. the name, address, and telephone number of the retail firm;
2. the name of the authorized clinician recommending the product;
3. the name of the patient;
4. date of fulfillment;
5. transaction identification number, which shall be a unique identifier;
6. the identity of the product;
7. quantity of product in the package;
8. directions for use; and
9. expiration date, as provided by the manufacturing facility.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§2509. Disposal of Marijuana Product Waste

A. Marijuana product in inventory that is no longer suitable for sale due to deterioration, expiration or other conditions rendering the product unsaleable shall be stored in a temporary morgue area pending disposal. Waste products may not be held on the premises longer than thirty days.

B. Waste products must be rendered into a non-usable state by grinding and mixing with non-marijuana waste products such that the end product is at least 50% non-marijuana waste by volume, and this end product may then be transported from the premises and disposed of by means of the following processes:

1. composting;
2. incineration; or
3. compaction and subsurface burial.

C. Acceptable materials for mixing include yard waste; paper or cardboard waste; plastic waste; or soil.

D. Retailer personnel must document every disposal activity in the facility's POS system, including the identifying characteristics of the waste, the quantity of waste, and the method of its disposal.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§2511. Basic Facility Requirements

A. Retailers shall provide and maintain finishes to floors, walls, and ceilings in all public areas that are smooth, light-in-color, durable, and easy-to-clean.

B. Retailers shall be sufficient in size to allow space for the following:

1. orderly placement of equipment and materials to minimize the possibility of contamination;
2. holding of waste products in secure storage while pending disposal;
3. storage of packages, containers, and labeling;
4. packaging and labeling operations;
5. fulfillment operations; and
6. secure storage of marijuana products pending order fulfillment.

C. Retailers shall provide lighting, ventilation, and screening (if applicable) as needed to do the following:

1. prevent contamination of products in storage with extraneous adulterants; and
2. minimize dissemination of microorganisms from one area to another.

D. Retailers shall provide locker rooms adequate for the storage of employee personal belongings.

E. Retailers shall provide a plumbing system designed and installed to meet the requirements of the Uniform Construction Code. Additionally the system shall include the following:

1. no cross-connections between any potable and non-potable water supply;
2. at least one hand lavatory in the storage/fulfillment areas equipped with hot-and-cold running water by means of a mixer-type faucet as well as adequate supplies of hand soap and paper towels and a suitable waste-receptacle located nearby.
3. at least one utility sink for the disposal of mop wastes; and

4. adequate means of sanitary disposal of wastewater.

F. Retailers shall provide adequate means of conveyance, storage, and disposal of refuse and non-medical marijuana waste products so as to minimize the development of odors, prevent waste products from becoming an attractant to and harborage for vermin, and prevent contamination of marijuana products, other products, facility surfaces, grounds, or water supplies.

G. Retailers shall provide toilet rooms as required by the Uniform Construction Code. Additionally toilet rooms shall be maintained in proper working order and in a sanitary condition. Adequate security measures shall be put into place to prevent the use of marijuana products in toilet rooms and signage shall be provided advising that such use is prohibited by law. Toilet rooms shall be equipped with self-closing doors and shall provide signage advising employees to wash hands with soap and water after using the toilet.

H. Retailers shall be located on premises that are maintained free from the following:

1. disused equipment, waste, debris or other materials that may serve as harborages for or attractants to vermin;
2. overgrowth of vegetation;
3. poorly-drained areas; and
4. excessively-dusty areas.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

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

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility 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 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 the proposed Rule. Such comments must be received no later than Tuesday, June 10, 2025 at COB, 4:30 p.m., and should be addressed to Tiffany Meche, Director, Sanitarian Services, P.O. Box 4489, Baton Rouge, LA 70821.

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 Tuesday, June 10, 2025. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 10 a.m. on Wednesday, July 2, 2025, in Room 117 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after Tuesday, June 10, 2025. 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.

Bruce D. Greenstein
Secretary
and
Ralph L. Abraham, MD
Surgeon General

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Regulation of Medical Marijuana

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will require hiring one (1) Sanitarian 4 position to conduct inspections of marijuana retail facilities. Estimated initial costs include \$3,383 for equipment (computer, filing cabinet, printer, and chair); \$16,380 for publication of the rule, office space, supplies, and vehicle rental for inspection-related travel; and \$74,922 for salary and \$37,461 for related benefits. Ongoing annual costs are anticipated to be \$11,428 for recurring office supplies, space, and vehicle rentals.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes are not anticipated to impact the revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated economic losses or benefits resulting from the proposed rule change. Proposed rule changes are not expected to create any direct economic impact on marijuana retailers at this time. The rule does not impose new fees or compliance burdens on retailers beyond what is already required under current law or operational practice. While the Office of Public Health will incur ongoing costs related to inspections, software updates, and staff training (e.g., the Sanitarian 4 position), those costs are not passed on to businesses. Additionally, since Act 693 of 2024 Regular Session Louisiana Legislature did not authorize permit fees for retailers, there is no immediate revenue mechanism tied to the rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition or employment. Retail operations remain constrained by statutory limits on the number of licensees and locations, so the rule does not significantly expand the market or regulatory obligations for existing marijuana retailers.

Tonya Joiner
Assistant Secretary
2505#040

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Office of Public Health**

**Sign Language Interpreters
(LAC 46:LXXII.Chapters 1-3)**

Pursuant to R.S. 46:2353, the Louisiana Commission for the Deaf (LCD), hereinafter referred to as “the commission” adopts LAC 46:LXXII to provide standards and regulations for registered sign language interpreters. The proposed Rule establishes a Sign Language Interpreters Registry. Practicing sign language interpretation is a learned profession, affecting public health, safety and welfare, and should be subject to regulation to protect the general public from unqualified persons practicing sign language. The proposed Rule requires an individual to register as a sign language interpreter in order to engage in the practice of sign language interpretation. Sign language interpreters would be required to register with the commission no later than July 1, 2026. Minimum requirements to register include written knowledge, skills based performance exams, and post-secondary education. In discharging its obligation to protect the public welfare, the commission adheres to best practices from national professional organization that oversee certification and ethical compliance of all sign language interpreters.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXXII. Sign Language Interpreters

Chapter 1. General Rules

§101. Definitions

A. Unless specifically provided herein or the context clearly requires otherwise, the following words and terms used in this Part are defined as follows.

Accredited—an educational institution maintaining a certain level of educational standards as recognized by the U.S. Department of Education.

Active—the registration status of an individual who has achieved and maintained the required minimum professional qualification standards and registration requirements set forth in this Part and is approved to actively provide services in the state of Louisiana.

American Sign Language (ASL)—a complex visual language distinct from English, which encompasses unique grammar and syntax, including phonology, morphology, and semantics, through movements of the hands, body, and facial expressions, and is used primarily by individuals who are Deaf in the United States.

Applicant—an individual seeking an original or renewed sign language interpreter registration with the Louisiana Interpreter Registry.

Board of Commissioners—the group of individuals named or appointed to support the work of the Louisiana Commission for the Deaf pursuant to R.S. 46:2352.

Board for Evaluation of Interpreters (BEI) Certification—an industry-recognized test that assesses and certifies the skill level of individuals seeking to become certified sign language interpreters in Texas and other states. The BEI is operated by the Office for Deaf and Hard of Hearing Services (DHHS) of the Texas Health and Human Services Commission (HHSC).

Deaf—a condition of or person with some or complete absence of auditory sensitivity, regardless of when the hearing level was identified, and is most often represented with a lowercase letter "d". Methods of communication may include American Sign Language or spoken English. The term "Deaf", when written or expressed with an uppercase letter "D", specifically refers to a group of deaf individuals who identify as a cultural and linguistic minority with specific languages, namely visual or tactile methods of communication, and social mores.

DeafBlind—a condition of or person with concomitant visual and auditory sensitivity that subjects the individual to extreme difficulty in gaining independence in daily life activities, achieving psychosocial adjustments, or obtaining a vocation.

Deaf Interpreter—a d/Deaf or hard of hearing language specialist who provides specialized interpretation, transliteration, and/or translation services in American Sign Language or other visual and tactile communication used by individuals who are d/Deaf, DeafBlind, and/or hard of hearing.

Defendant—an individual who received a grievance against them and answers or defends in various proceedings.

Direct Supervision—the act of a Registered interpreter providing direct mentoring, support, and guidance to a sign language interpreter holding a Temporary Practice Permit during an assigned interpreted service.

Educational Interpreter Performance Assessment (EIPA)—two comprehensive tests created and administered by Boys Town National Research Hospital to assess the skills and knowledge of sign language interpreters working in educational settings.

Grievance—a formal declaration of complaint of a potential violation of the requirements outlined and

submitted in accordance with the policies and procedures outlined in this Part.

Hard of Hearing—a condition of or a person with total or partial inability to hear sound, but often not to the extent that the person must rely primarily on visual communication.

Individualized Education Program (IEP)—a plan or program developed to ensure that a student who has a disability identified under the law and is attending an elementary or secondary educational institution receives specialized instruction and related services.

Interpreter Education Program—an academic program providing opportunities to develop cultural, linguistic and interpreting skills, values, professional knowledge, and ethical decision-making.

Louisiana Commission for the Deaf—the principal agency of the state established to promote the general welfare of d/Deaf, DeafBlind, and/or hard of hearing residents of Louisiana.

Louisiana Interpreter Registry—the state's registry of sign language interpreters approved to provide interpreting services for d/Deaf, DeafBlind and hard of hearing individuals in Louisiana. The Louisiana Interpreter Registry is accessible on the Louisiana Commission for the Deaf website.

Louisiana Supreme Court Office of Language Access—the state's Justice Department providing persons of Limited English Proficiency with meaningful access to court programs, proceedings and activities.

National Association for Interpreters in Education (NAIE)—a national organization that promotes best practices and professional standards to ensure equitable access to education for d/Deaf, DeafBlind, and/or hard of hearing students.

National Certifying Body—a national organization, such as the Registry of Interpreters for the Deaf, that certifies the qualification of sign language interpreters, sets professional conduct, and promotes and advocates for qualified and effective sign language interpreters in all spaces.

Provisional—temporary registration, with restrictions, for sign language interpreters who meet the minimum provisional standards as established in this Part.

Registered Interpreter—sign language interpreters who have met and maintained the minimum professional qualification standards and registration requirements defined by the Louisiana Commission for the Deaf and outlined in this Part.

Registry of Interpreters for the Deaf (RID)—a national organization that governs and certifies the qualification of sign language interpreters, sets professional conduct, and promotes and advocates for qualified and effective sign language interpreters in all spaces.

Revoked—registration status of a sign language interpreter who has had their active status reversed, either temporarily or permanently, due to a violation established by state law, or as defined in this Part, and therefore is ineligible to provide services.

Sign Language Interpreter—a trained professional who facilitates communication between spoken English, and American Sign Language, or other visual and tactile communication used by individuals who are d/Deaf, DeafBlind, and/or hard of hearing.

Sign Language Interpreting Services—the professional practice of a third party facilitating communication between an individual(s) who uses sign language and an individual(s) who uses spoken language, which allows for accurate and accessible communication in various settings as defined by the Americans with Disabilities Act. The Americans with Disabilities Act identifies situations in which these services are required.

Temporary Practice Permit—temporary registration, with restrictions, for individuals practicing the service of sign language interpreting under the part-time support, or direct supervision of a Registered Interpreter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2351, 2352, 2353, 2354, and 2355.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

Chapter 3. Policies

§301. Registration of Sign Language Interpreters

A. Individuals seeking to provide sign language interpreting services in the state of Louisiana, whether in-person or via remote services, shall apply for registration with the Louisiana Commission for the Deaf at <https://www.la.gov.com/ldh/LCDInterpreterRegistry>.

B. A person who is not registered pursuant to the requirements outlined in this Part shall not do any of the following:

1. provide services as a sign language interpreter for the d/Deaf, DeafBlind and/or hard of hearing in the state of Louisiana.

2. use any title, abbreviation, words, letters, signs or figures to indicate that the person holds Louisiana interpreter registration pursuant to this Part.

C. These rules shall not apply to individuals providing sign language interpreting services on a voluntary basis receiving no compensation or in religious settings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2353 and R.S. 47:1061.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§303. Fees

A. Registration and renewal fees shall not exceed \$50. All fees are non-refundable.

B. Late renewal fees shall not exceed \$75. All fees are non-refundable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2353 and R.S. 47:1061

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§305. Professional Conduct

A. Sign language interpreters shall adhere to the National Registry of Interpreters for the Deaf Code of Professional Conduct, the National Association of Interpreters in Education Code of Ethics, or the Louisiana Supreme Court Code of Professional Responsibility for Court Interpreters, as applicable per registration type.

B. Sign language interpreters shall engage in continuing professional development that enhances skills, theoretical knowledge, and ethical decision-making.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2353.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§307. Violations

A. The following violations are grounds for disciplinary action, including but not limited to denial, suspension or revocation of registration in accordance with the rules outlined in this Part:

1. failure to achieve or maintain the minimum standards for registration or renewal;
2. uses fraud, deception or misrepresentation in the application, registration or renewal process;
3. gross incompetence or grossly negligent execution of duties as a sign language interpreter, or having demonstrated, repeated and/or continuous negligence or irresponsibility in the performance of duties, which results in the violation of any of the standards of professional ethical behavior of sign language interpreters and/or the requirements as outlined in this Part;
4. use of intoxicating substances to an extent that it affects established ethical practices;
5. harasses, abuses, or threatens a member of the board of commissioners, or commission personnel who administer the system; or
6. has a conviction of a felony or misdemeanor which directly relates to the duties and responsibilities of sign language interpreting;
 - a. The record of any felony or misdemeanor conviction may be obtained by the commission from the Louisiana Department of Public Safety and Corrections, or from any local law enforcement agency.
 - b. When determining whether criminal conviction directly relates to the duties and responsibilities of sign language interpreting, the commission shall consider the following:
 - i. nature and/or seriousness of the crime;
 - ii. relationship of the crime to the practice of sign language interpreting;
 - iii. extent to which the duties and responsibilities of sign language interpreting might offer an opportunity to engage in further criminal activity of the same types as that for which the sign language interpreter was convicted;
 - iv. relationship of the crime to the ability, capability, or fitness required to perform the duties and responsibilities of sign language interpreting;
 - v. extent and nature of the individual's past criminal activity;
 - vi. age of the individual at the time of commission of the crime;
 - vii. amount of time that has elapsed since last criminal activity;
 - viii. conduct and work activity prior to and following the criminal activity, and evidence of the individual's rehabilitation or rehabilitative effort; and
 - ix. other evidence of the individual's present fitness, including letters of recommendation from prosecution, law enforcement, or correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant or registrant, and any other persons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2353.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§309. Disciplinary Actions

A. One or more of the following disciplinary actions shall be given as a result of a violation as outlined in this Part:

1. a letter of concern;
2. additional education via professional development;
3. mentoring by a registered sign language interpreter;
4. a public warning notice;
5. denial of registration;
6. suspension of registration;
7. revocation of registration;
8. reporting of the offense to the certifying body for sign language interpreters; or
9. reporting of the offense for further legal action in a court of competent jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2353.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§311. Grievances

A. The commission shall receive grievances from any person or entity, including self-initiated reports from commission personnel or any member of the board of commissioners, against any person or entity utilizing the title, performing the job of, or providing compensation to a sign language interpreter with or without registration in the state of Louisiana.

B. The commission shall also provide an opportunity to hear grievances against the policies outlined in this Part.

C. Prior to filing a grievance/complaint, individuals should make reasonable efforts to remedy the issue by addressing the situation directly with the individual, sign language interpreter, interpreter agency, and/or hiring entity, etc.

D. To file a grievance, individuals must follow the formal process outlined on the commission's website.

E. The commission shall respond to the individual submitting the complaint with a written acknowledgement upon receipt of the grievance.

F. The board of commissioners, or their designated committee, shall review and investigate all grievances and make recommendations to the commission on the course of action. Should the board of commissioners be unable to achieve a quorum after two meetings, determination of the denial, suspension, revocation or disciplinary of an applicant or registrant under evaluation will be made by the commission in consultation with legal counsel.

G. Emergency grievances that may require immediate action based on an imminent and immediate danger or potential risk of harm to the public shall be forwarded immediately to the executive committee of the board of commissioners. The executive officers may recommend a suspension of registration or other emergency action until a formal investigation can be conducted.

H. Any member of the board of commissioners, their designated committee(s), or commission personnel shall not discuss any grievance that is pending, outside of official proceedings.

I. The board may obtain the services of legal counsel to assist at the hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2353.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§313. Investigation and Determination

A. Preliminary Review

1. The commission shall conduct a preliminary review of the grievance within 10 business days of grievance receipt. Additional documentation pertaining to the alleged violation may be requested from any party that has credible information, which may include the named defendant. Any party providing information has the right to remain anonymous during the preliminary review.

2. The commission shall refer the grievance to the board of commissioners, or their designated committee, for formal investigation and review if the grievance is supported by reliable information provided with the grievance, or can be verified independently.

B. Investigative Review

1. Upon referral to the board of commissioners, or their designated committee, the accused party shall be contacted by the commission via certified mail with a copy of the written complaint, and shall request from the accused party a written answer to the said complaint.

a. In addition to the written answer of the accused party, the accused party may be requested and/or shall have the right to appear in person to make any explanations or to give testimony in his/her defense.

b. After investigation of the complaint concludes, a written report of findings of fact and opinion shall be filed with the commission.

C. Formal Action

1. Final determination of recommended actions shall be made by the board of commissioners during their regularly scheduled quarterly meetings unless otherwise outlined in this Part.

2. In advance of making a final determination, the commission shall notify the defendant in writing by certified mail of the date in which the board will review the complaint, and their right to attend.

a. In the event that the board of commissioners should seek the formal denial, suspension or revocation of registration of the accused party, the board shall:

i. set a time, date and location for a public hearing via special session;

ii. notify the accused party of the time, date and location of such public hearing via certified mail;

iii. furnish the accused party with the specific charges of the complaint at least 30 days before such hearing, including the parties right to retain counsel at their own expense;

iv. subpoena, compel the attendance and testimony of witnesses;

v. employ a public stenographer to transcribe all testimony given at the hearing;

vi. determine which evidence and testimony is relevant and make its determination no later than 60 days after the hearing;

vii. render its decision and reasons in writing, a copy of which is to be sent via certified mail to the person who initiated the complaint, and to the accused;

viii. final determinations shall be published on the commission's website.

3. In the case of revocation or suspension, the commission shall update the individual's registration status on the Louisiana Interpreter Registry no more than 10 days after final published determination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2353.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§315. Appeals

A. The defendant may submit a Notice of Appeal within 30 days of receipt of final determination.

1. Appeals must be submitted by completing and submitting a Notice of Appeal request form found on the commission's website.

2. Appeals must include new or additional evidence.

3. Individuals cannot appeal:

a. actions taken against an individual's registration status as a result of a lack of adherence to registration or renewal policies outlined in this Part.

b. eligibility (initial or renewal) criteria.

4. The chairperson of the board of commissioners shall appoint three board members to a designated appeals committee, which will meet as needed to consider appeals. Members of the committee may be replaced at the discretion of the chair of the board of commissioners.

5. The appeal will not include a hearing or any similar public proceeding. The designated appeals committee will conduct and complete the appeal within 60 business days after receipt of the notice of appeal. The designated appeals committee may, in its discretion, extend the time for completing the appeal for difficult cases.

6. The designated appeals committee may consult legal counsel.

7. When reviewing appeal material and making its determinations, the designated appeals committee in its discretion may recommend to:

a. affirm the original decision;

b. overrule the original decision and specify action;

c. return the matter back to the board of commissioners without recommendation.

8. The written decision of the designated appeals committee, including a statement of the reasons for its decision, shall be reported to the board of commissioners. The board of commissioners shall review and make a final recommendation(s) based on appeal to the commission on the course of action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2353 and R.S. 47:1061.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

Chapter 5. Registration and Renewal Requirements

§501. Types of Registration

A. There are three types of registration for sign language interpreters:

1. Registered Generalist

a. Generalist registration is for an individual providing interpreting services inclusive of all general settings, with the exception of legal/court and PreK-12 educational settings which have other specific requirements.

i. Valid for five years from date of issuance and renewable in accordance with the policies outlined in this Part.

b. For individuals unable to meet the generalist registration standards, the following provisional status options are available.

i. Provisional Generalist

(a). For individuals providing interpreting services who hold some qualifications yet have not met all of the minimum requirements established by the commission.

(b). Valid for three years from date of issuance; may be extended for one year, up to two times, according to renewal policies outlined in this Part.

ii. Temporary Practice Permit-Supervised Support

(a). For individuals with verifiable professional experience yet cannot provide verification of skills or knowledge via official credentialing.

(b). Sign language interpreters registered under this registration type shall be required to review progress towards certification with a registered interpreter assigned by the commission, no less than once a quarter during registered provisional status.

(c). Valid for one year; non-renewable.

iii. Temporary Practice Permit-Supervised

(a). For individuals practicing to gain experience in sign language interpreting in general settings under the direct supervision of a Registered Interpreter.

(b). Sign language interpreters registered under this registration type shall be required to:

(i). receive approval from the parties involved prior to participating; and

(ii). observe and/or interpret only under the direct present supervision of a registered interpreter.

(c). Valid for one year from date of issuance; may be extended one time according to renewal policies outlined in this Part.

2. PreK-12 Education

a. PreK-12 registration is for individuals providing interpreting services inclusive of schools and other care and education settings under the purview of the Louisiana Department of Education.

i. Valid for five years from date of issuance; renewable according to policies outlined in this Part.

b. For individuals unable to meet the PreK-12 registration standards, the following provisional status options are available.

i. Provisional PreK-12

(a). For individuals providing interpreting services who hold some qualifications yet have not met all of the minimum requirements established by the commission.

(b). Valid for three years from date of issuance; non-renewable.

(c). Requires submission of an annual maintenance plan to the commission as follows:

(i). completion of the Interpreter Maintenance Form provided on the Louisiana Commission for the Deaf website. Requirements include: maintenance plan date range, name, address, phone number, and email address of provisional registrant, name and contact information of the registered interpreter providing direct supervision, and number of contact hours of professional development completed; and

(ii). signed verification of direct supervision of a PreK-12 registered interpreter verifying active engagement of study in preparation for Educational Interpreter Performance Assessment (EIPA) exam, EIPA Written Test, national certifying body exam, and/or the BEI; and

(iii). 20 contact hours of professional development issued within the year of provisional status. A minimum 5 hours must be in educational interpreter ethics training, and a minimum of 10 hours must be RID/BEI approved.

ii. Temporary Practice Permit-Supervised

(a). For individuals practicing to gain experience in sign language interpreting in PreK-12 educational settings under the direct supervision of a Registered PreK-12 Interpreter.

(b). Valid for one year from date of issuance; may be extended one time according to renewal policies outlined in this Part.

3. Legal/Court

a. For individuals providing interpreting services inclusive of settings that involve a legal matter, or any judicial proceeding under the government of the Louisiana Supreme Court

b. Reserved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2353.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§503. Minimum Qualifications for Types of Registration

A. All interpreters seeking registration in the state must satisfy certain educational standards, performance standards, and knowledge standards, specific to each type of registration.

B. Minimum Qualification Requirements by Type

1. Generalist Registration

a. Minimum qualifications include certification through one of the following, which is inclusive of educational, performance and knowledge standards:

i. valid certification from a national certifying body of sign language interpreters, such as Registry of Interpreters for the Deaf (RID), excludes RID Ed: K-12. See Provisional Generalist or PreK-12 registration; or

ii. valid certification from the Board for Evaluation of Interpreters (BEI) advanced level or higher issued by a state that is a licensed user of the BEI system.

2. provisional generalist

a. Minimum qualifications includes proof of attainment of the following educational, performance and knowledge standards:

i. educational standard

(a). High school diploma or equivalent, or higher.

ii. performance standard

(a). valid Registry of Interpreters for the Deaf (RID) Educational Certificate (Ed: K-12);

(b). valid Board for Evaluation of Interpreters (BEI) Basic Certification or higher issued by a state that is a licensed user of the BEI system;

(c). educational Interpreter Performance Assessment (EIPA) score 4.0 or higher; or

(d). Sign Language Proficiency Interview (SLPI) rating of superior or higher within the last five years.

iii. knowledge standard

(a). verification of passing the Center for Assessment of Sign Language Interpretation (CASLI) General Knowledge Exam;

(b). certificate of completion or higher degree from an Interpreter Training Program (ITP) issued by an accredited institution of higher education; or

(c). 100 hours of Registry of Interpreters for the Deaf (RID) and/or Board of Evaluation of Interpreters (BEI) approved continuing education units (CEUs) and/or mentoring hours provided by an interpreting organization or institution issued within the last five years of application date.

3. Temporary Practice Permit-Supervised Support-Generalist

a. Minimum qualifications includes proof of attainment of the following standards:

i. one year or more of full-time professional interpreting experience;

ii. Sign Language Proficiency Interview (SLPI) Rating of advanced or higher within the last two years; and

iii. documentation of participation or completion of formal professional development such as:

(a). enrollment in a sign language interpreter training program or a formal mentorship program;

(b). a minimum of 20 approved Registry of Interpreters of the Deaf (RID) and/or Board of Evaluators of Interpreters (BEI) continuing education units (CEUs) accrued during each year of experience stated;

(c). letter from a registered interpreter verifying previously completed training, and/or supervised support; or

(d). one letter of recommendation from a registered interpreter and one letter of recommendation from a sign language interpreting professional representative (may include an interpreter agency director, sign language teacher, employer, professional organization representative, etc).

4. Temporary Practice Permit-Supervised-Generalist

a. Minimum qualifications includes proof of attainment of the following standards:

i. completion of a two year sign language interpreter education program or enrolled in a senior status of a four year sign language interpreter education program; and

ii. engagement in a formal mentoring program for sign language interpreters.

5. PreK-12 Registration

a. Minimum qualifications includes proof of attainment of the following educational, performance and knowledge standards:

i. educational standard

(a). associate's degree (or higher) issued by an accredited institution of higher education; and

(b). minimum of 60 semester hours of college credit from one or more accredited institutions of higher education.

ii. performance standard

(a). valid certification from a national certifying body of sign language interpreters, such as Registry of Interpreters for the Deaf (RID);

(b). valid Board for Evaluation of Interpreters (BEI) Advanced Certification or higher issued by a state that is a licensed user of the BEI system; or

(c). Educational Interpreter Performance Assessment (EIPA) 4.0 or higher.

iii. knowledge standard

(a). Verification of passing the EIPA Written Test.

6. Provisional PreK-12

a. Minimum qualifications includes proof of attainment of the following educational, performance and knowledge standards:

i. educational standard

(a). certificate of completion or higher degree from an Interpreter Training Program (ITP) issued by an accredited institution of higher education; or

(b). minimum of 30 semester hours of college credit from one or more accredited institutions of higher education.

ii. performance standard

(a). valid certification from a national certifying body of sign language interpreters, such as Registry of Interpreters for the Deaf (RID);

(b). valid Board for Evaluation of Interpreters (BEI) Basic Certification or higher issued by a state that is a licensed user of the BEI system;

(c). Educational Interpreter Performance Assessment (EIPA) score 3.0-3.9; or

(d). EIPA pre-hire screening with a result of 'OK to hire'.

iii. knowledge standard

(a). not required for provisional.

7. Pre-K Temporary Practice Permit-Supervised

a. Minimum qualifications include proof of attainment of the following educational, performance and knowledge standards:

i. pre-hire screening of the Educational Interpreter Performance Assessment (EIPA) with a result of 'hire with caution/supervision';

ii. completion of a two-year sign language interpreter education program or senior status of a four year interpreter education program; or

iii. verifiable participation in formal mentoring, job-shadowing, or training opportunities for sign language interpreters.

C. Requests for exceptions to any of the registration requirements due to extenuating circumstances, recognition of other credentials, or reciprocity from another state must be submitted in writing to the commission for review and may be eligible for approval on a case-by-case basis. Exceptions shall be determined through policies approved by the board of commissioners.

D. Individuals who hold a valid Educational Interpreter Ancillary or Provisional certificate issued by the Louisiana Department of Education (LDOE) prior to July 1st of the year following this rule publication, must adhere to the following:

1. DOE Ancillary Certificate Holders

a. educational standard

i. minimum of one educational standard must be met;

ii. request for extension with verifiable proof of enrollment in associates degree or higher program with anticipated graduation date within four years from the date of request;

iii. request for exemption with verifiable employment within five years of retirement as defined by a state public retirement system; or

iv. request for exemption with verifiable proof of four years or more of full-time work in a K-12 educational setting, plus verification of one or more minimum performance requirements.

b. performance standard

i. minimum of one performance standard must be met; or

ii. request for one year extension with verifiable progress toward achieving new standard; Renewable annually up to 3x with verifiable progress toward achieving new standard.

c. knowledge standard

i. standard must be met; or

ii. request for exemption with verifiable proof of Proctor status for the Educational Interpreter Written Test granted prior to July 1, 2025.

2. DOE Provisional Certificate Holders

a. educational standard

i. minimum of one educational standard must be met; or

ii. request for extension with verifiable proof of enlistment in associates degree or higher program with anticipated graduation date within four years from date of request.

b. performance standard

i. minimum of one performance standard must be met.

c. knowledge standard

i. not required for provisional certificate holders.

3. Requests for exceptions to any of the registration requirements due to extenuating circumstances, recognition of other credentials, and/or reciprocity from other states must be submitted in writing to the commission for review and may be eligible for approval on a case-by-case basis. Exceptions shall be determined through policies approved by the board of commissioners.

E. Court/Legal (Reserved)

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2353.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§505. Renewal Requirements by Registration Type

A. All interpreters seeking renewal of registration in the state must satisfy certain educational standards, performance standards, or knowledge standards, specific to each type of registration.

1. Registered Generalist

a. Valid for five years from date of issuance.

b. Renewable upon submission of proof of professional development via valid certification from a national certifying body of sign language interpreters, such as the Registry of Interpreters for the Deaf (RID), or the Board of Evaluation of Interpreters (BEI).

2. Provisional Generalist

a. Valid for three years from date of issuance.

b. May be extended for one year, up to two times, with submission of the following:

i. letter explaining the reason for extension request along with supporting documentation;

ii. 60 contact hours of Registry of Interpreters for the Deaf (RID) or Board for Evaluation of Interpreters (BEI) approved continuing education units (CEUs) issued within the three year provisional status; and

iii. evidence of completion of a minimum of one component of the certification exam from a national certifying body of sign language interpreters, such as the Registry of Interpreters for the Deaf (RID), or Board for Evaluation of Interpreters (BEI). Completion is not contingent upon successful passing or receipt of verified results.

3. Generalist Temporary Practice Permit-Supervised Support

a. Non-renewable.

4. Generalist Temporary Practice Permit-Supervised

a. Valid for one year from date of issuance.

b. May be extended one time with submission of evidence of continued enrollment in formal training opportunities for sign language interpreters.

5. Registered PreK-12

a. Valid for five years from date of issuance.

b. Renewable upon submission of proof of professional development via valid current certification from:

i. a national certifying body of sign language interpreters, such as the Registry of Interpreters for the Deaf (RID), or Board for Evaluation of Interpreters (BEI); and

ii. 20 additional hours of Registry of Interpreters for the Deaf (RID) and/or Board for Evaluation of Interpreters (BEI) approved professional development continuing education units (CEUs) specific to interpreting in education and accrued from the date of issuance of approved registration.

c. If a registrant does not hold Registry of Interpreters for the Deaf (RID) or Board for Evaluation of Interpreters (BEI) certification, proof of professional development must be provided through submission of:

i. 100 contact hours of continuing education units (CEUs)/professional development accrued from the date of issuance of approved registration. CEUs must be provided and distributed amongst the following categories (as defined by Registry of Interpreters for the Deaf):

(a). a minimum of 60 contact hours shall be in Professional Studies;

(b). a maximum of 20 contact hours shall be in General Studies;

(c). a minimum of 20 hours shall be related to interpreting in education and/or ethical practices in education.

ii. Of the 100 contact hours, a minimum of 75 hours must be Registry of Interpreters for the Deaf (RID) and/or Board for Evaluation of Interpreters (BEI) approved via official transcript. This may include a maximum 45 contact hours (three semesters) in interpreting or general

related academic coursework. The additional 25 contact hours may be received through local education agencies (LEA)/district/school requirements (e.g. district workshops on special education training, assessments, course content, required trainings, etc.) and verified by an LEA representative.

6. Provisional PreK-12

a. Non-renewable.

7. PreK-12 Temporary Practice Permit-Supervised

a. May be extended one time upon verification of continued enrollment in a higher education training program or mentoring program for sign language interpreters.

8. Registered Court/Legal (Reserved)

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2353.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

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 any child, individual, or family as defined by R.S. 49:973.

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 is not anticipated to have an impact on staffing requirements, qualifications, and cost for providers as defined by HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Interested persons may submit written comments on the proposed Rule. Such comments must be received no later than Tuesday, June 10, 2025 at close of business, 4:30 p.m., and should be addressed to Amy Zapata, Program Manager, Bureau of Family Health, Louisiana Department of Health, 628 North Fourth Street, Suite 590, Baton Rouge, LA 70821 or emailed to Amy Zapata at amy.zapata@la.gov.

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 Tuesday, June 10, 2025. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 10 a.m. on Thursday, June 26, 2025, in Room 117 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after Tuesday, June 10, 2025. 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.

Bruce D. Greenstein
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Sign Language Interpreters

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule change. The cost for the Office of Public Health is approximately \$973 in FY 25 for the notice and rule publication in the Louisiana Register.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenues will be generated from registration fees collected from American Sign Language (ASL) interpreters practicing in community, PreK-12 educational, and court settings. New interpreters entering the field in community and PreK-12 settings are expected to generate \$11,475 in total registration revenue, which is projected to be split evenly across FY 26 and FY 27 (\$5,737.50 each year), depending on when individuals register following rule promulgation. In FY 26, an additional \$950 is expected from existing interpreters in the PreK-12 and court settings. In FY 27, total revenues from new and existing interpreters are estimated at \$6,175. In FY 28, an increase of 10 additional registrants is anticipated to generate \$500 in additional revenue.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The promulgation of professional and occupational standards will affect ASL interpreters practicing in community and PreK-12 educational settings. The rule will define minimum qualification standards for all interpreters in community and PreK-12 educational settings and regulate their registration/ability to practice in this state. With the goal being to enhance the quality of interpreting services in Louisiana and ensure access to qualified interpreting professionals, this may require some interpreters to meet new certification requirements to continue practicing. For example, this may require obtaining additional education or re-certifying with a higher score. In turn, this could affect small businesses or non-governmental groups who employ or hire interpreters as contract personnel to provide interpreting services in various settings such as PreK-12 educational settings and in healthcare facilities, government services, and other community settings.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Proposed rule changes may impact interpreters who do not meet the new educational, knowledge, and performance requirements will not be permitted to practice as an ASL interpreter in Louisiana, in community and PreK-12 educational settings. This will affect competition, as there could be a potential reduction in the number of interpreters eligible to practice in this state.

Tonya Joiner
Assistant Secretary
2505#037

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Office of Public Health

State Sign Language Interpreter Certification Standards (LAC 67:VII.1301)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health (LDH) proposes to repeal LAC 67:VII.1301 in its entirety to remove current rules that provide for State Sign Language Interpreter Certification Standards.

Title 67

SOCIAL SERVICES

Part VII. Rehabilitation Services

Chapter 13. State Sign Language Interpreter Certification Standards

§1301. Certification Standards

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2351-2354 and 46:2361-2374.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, Commission for the Deaf, LR 17:389 (April 1991), amended LR 18:968 (September 1992), LR 19:905 (July 1993), LR 21:838 (August 1995), LR 26:1489 (July 2000), repealed by the Department of Health, Office of Public Health, LR 51:

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 any child, individual, or family as defined by R.S. 49:973.

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 is not anticipated to have an impact on staffing requirements, qualifications, and cost for providers as defined by HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Interested persons may submit written comments on the proposed Rule. Such comments must be received no later than Tuesday, June 10, 2025 at close of business, 4:30 p.m., and should be addressed to Amy Zapata, Program Manager, Bureau of Family Health, Louisiana Department of Health, 628 North Fourth Street, Suite 590, Baton Rouge, LA 70821 or emailed to Amy Zapata at amy.zapata@la.gov.

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 Tuesday, June 10, 2025. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public

hearing at 10 a.m. on Thursday, June 26, 2025, in Room 117 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after Tuesday, June 10, 2025. 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.

Bruce D. Greenstein
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: State Sign Language Interpreter Certification Standards

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule change. The cost for the Office of Public Health is approximately \$121 in FY 25 for the notice and rule publication in the *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to impact the revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no known estimated costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition or employment.

Tonya Joiner
Assistant Secretary
2505#039

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Black Bass Regulations on Bussey Brake Wildlife Management Area (LAC 76:XIX.111)

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission do provide notice of their intent to amend a Rule (LAC 76:XIX.111) by modifying the Black Bass Regulations on Bussey Brake Wildlife Management Area. The new maximum length limit will be increased from 16 to 18 inches and removes the daily take allowance of one bass over 16 inches.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed Rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§111. General and Wildlife Management Area

Hunting Rules and Regulations

A. - G.17.I.iii. ...

m. Bussey Brake. Area closed to all hunting and trapping activity. Area closed to all activities between two hours after sunset until 4 a.m. with the exception of rod and reel or cane pole fishing. Fishing may take place between these hours at the north fishing pier or by boat. Access to all other areas are prohibited between these hours. Recreational fishing and all other allowed non-consumptive uses only. No personal watercraft or water skiing. No camping. No ATVs/UTVs or electric bicycles allowed. No motorized vehicles of any type allowed on reservoir levee except at boat launch for purpose of launching boat or to access fishing pier. Pulling boats over levees or any other activities that cause detriment to the levees is prohibited. Horseback riding and non-motorized bicycles are allowed only on the designated trail named Levee Trail (see map at boat launch kiosk). Access is granted at two marked locations, adjacent to the boat launch and just beyond the boat launch parking area. No tying boats to channel marker poles. A No-Wake Zone is in effect in the harbor inside the wave break. No boats allowed within 30 feet of fishing piers.

i. Fishing: fish may be taken only by rod and reel or cane pole for recreational purposes. Tournament fishing allowed by Special Use Permit only. All types of nets, including but not limited to gill nets, trammel nets, hoop nets, wire nets, fyke nets and fish seines are prohibited. Trotlines, yo-yos, limb lines, stump lines, slat traps, jugs, cans, and pipes are prohibited. Shoreline (non-boat) fishing only allowed at designated locations. No fishing or lake access from rocks along interior of reservoir levee.

(a). Black Bass (*Micropterus spp.*)

(i). Daily limit: recreational daily creel limit shall be five fish, in the aggregate;

(ii). Possession limit: possession limit shall be five fish while on water and ten fish while off water, in the aggregate;

(iii). Length: the maximum total length limit shall be 18 inches, with the exception that one bass over 22 inches may be temporarily retained in an aerated livewell immediately prior to weighing on a personal scale or LDWF provided certified scale. The bass must be immediately released into Bussey Brake Reservoir following weighing,

and all anglers in the boat (if caught from boat) must cease fishing until the retained bass over 22 inches has been released.

G.17.m.i.(b). - G.21.c.vi. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116, R.S. 56:6(25)(a), R.S. 56:325 (C) and R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR 30:1495 (July 2004), LR 31:1611 (July 2005), LR 32:1251 (July 2006), LR 33:1382 (July 2007), LR 34:1429 (July 2008), LR 35:1264 (July 2009), LR 36:1566 (July 2010), LR 37:2190 (July 2011), LR 38:1732 (July 2012), LR 39:2292 (August 2013), LR 40:1540 (August 2014), LR 41:963 (May 2015), LR 42:1112 (July 2016), LR 43:1423 (July 2017), LR 44:1277 (July 2018), LR 45:938 (July 2019), LR 46:961 (July 2020), LR 47:904 (July 2021), LR 48:511 (March 2022), LR 48:1867 (July 2022), LR 49:1235 (July 2023), LR 50:794 (June 2024), LR 51:

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Small Business Analysis

This proposed Rule is anticipated to have a positive economic impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Public Comments

Interested persons may submit written comments relative to the proposed Rule until July 2, 2025, to Ryan Daniel, Inland Fisheries Division, Department of Wildlife and Fisheries, 368 Century Link Drive, Monroe, LA, 71203 or via e-mail to rdaniel@wlf.la.gov.

Kevin Sagrera
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Black Bass Regulations on Bussey Brake Wildlife Management Area

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to impact expenditures for the Louisiana Department of Wildlife and Fisheries (LDWF).

The proposed rule change increases the maximum size limit for bass in Bussey Brake Reservoir from 16 inches total length (TL) to 18 inches TL. The proposed rule change would allow the temporary retention of one bass over 22 inches total length in an aerated live well until the fish can be weighed.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change may increase revenues, if the increase in total length of bass increases market demand, then fishing licenses and Wildlife Management Area Permits revenues would increase for LDWF.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is anticipated to positively impact persons, small businesses, or non-governmental groups. Fisheries managers and area stakeholders believe that an increase in the production of trophy-sized bass in Bussey Brake

may increase public interest in the reservoir and potentially draw more anglers to the site. An increase in angler visitation to the lake may boost revenues for businesses in the vicinity. Many of the businesses serving anglers in the area meet the qualifications of small businesses.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule change.

Bryan McClinton
Undersecretary
2505#027

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

Potpourri

POTPOURRI

Department of Agriculture and Forestry Office of Animal Health and Food Safety

Hunting Season Variances for Farm-Raised White-Tailed Deer

Pursuant to LAC 7:XXI.1719(A), farm-raised white-tailed deer may be harvested by killing from October 1 through January 31. LAC 7:XXI.1719(C) authorizes the commissioner of Agriculture and Forestry to establish, by written order, variances of these dates as the commissioner deems necessary to carry out the purposes of R.S. 3:3101-3108.

In light of the foregoing, and in consideration of the applications for variances, commissioner of Agriculture and Forestry, Mike Strain, DVM, has authorized the following:

Cane Row Ranch, License No. 2087, 400 Darby Lane, New Iberia, LA 70560, through its owner, Mark Lipari, is authorized to open its hunting grounds for the purpose of harvesting white-tailed deer from May 7, 2025, through September 30, 2025.

Mike Strain, D.V.M.
Commissioner

2505#018

POTPOURRI

Department of Health Board of Pharmacy

Notice of Public Hearing Request for Comments on Rules

In compliance with the Administrative Procedure Act, more specifically R.S. 49:964.B., the Board of Pharmacy hereby gives notice of a public hearing to receive comments on any rule of the board [LAC 46:LIII.Chapters 1 through 33] which is believed to be contrary to law, outdated, unnecessary, overly complex, or burdensome.

Public Hearing

A public hearing on these rules is scheduled for 9 a.m. on Thursday, June 26, 2025 at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. 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. that same day. Interested persons may submit written comments any time before the deadline to M. Joseph Fontenot Jr., Executive Director, at the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700 or via email to jfontenot@pharmacy.la.gov. While the board will consider and respond to oral comments, only written comments will be included in the board's report to the Joint Legislative Oversight Committee on Health and Welfare.

To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

M. Joseph Fontenot, Jr.
Executive Director

2505#002

POTPOURRI

Department of Health Health Standards Section

Public Hearing—Substantive Changes to Proposed Rule Nursing Facilities Licensing Standards (LAC 48:I.9701 and 9759)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health, Health Standards Section (the department), published a Notice of Intent in the February 20, 2025 edition of the *Louisiana Register* (LR 51:318-319) to amend LAC 48:I.9701 and §9759 as authorized by R.S. 36:254 and R.S. 40:2009.1–2116.2. This Notice of Intent proposed to amend the provisions governing the licensing of nursing facilities (NF) in order to require NFs to access the Louisiana certified nurse aide registry (LCNAR) the Louisiana adverse actions list, and the Office of Inspector General's (OIG) list of excluded individuals and entities (LEIE) prior to hire and then monthly thereafter to ensure that a prospective hire or currently employed or contracted certified nurse aide (CNA) does not have a finding.

As a result of comments received in response to the proposed Rule, the department determined that additional, non-technical revisions were necessary to the provisions of the February 20, 2025 Notice of Intent.

Taken together, these revisions will closely align the proposed Rule with the department's original intent and the concerns brought forth during the comment period for the Notice of Intent as originally published.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 97. Nursing Facilities

Subchapter A. General Provisions

§9701. Definitions

* * *

Direct Service Worker Registry—the Louisiana adverse actions list maintained by the department, or its designee, of unlicensed persons who have a finding placed against them of abuse, neglect, misappropriation, exploitation, or extortion while employed, or contracted as a direct service worker (DSW) at a licensed healthcare facility or entity, who is ineligible to be employed, contracted, or continue to be employed or contracted as a DSW.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2009.1-2009.44.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 42:1891 (November 2016), amended LR 46:1393 (October 2020), LR 49:1075 (June 2023), amended by the Department of Health, Health Standards Section, LR 51:

§9759 Criminal History Provisions and Screening

A. ...

B. Prior to hire and then monthly thereafter, the nursing facility (NF) shall access the Louisiana certified nurse aide registry (LCNAR), the Louisiana adverse actions list, and the Office of Inspector General's (OIG) list of excluded individuals and entities (LEIE) to determine if there is a finding that a prospective hire or currently employed or contracted CNA has been determined to have committed exploitation, extortion, abuse or neglect of an individual in the care of the CNA, or there has been a misappropriation of the individual's property or funds. If there is such a finding on either database, the prospective employee shall not be hired as a CNA nor shall a current or contracted CNA have continued employment with the NF.

C. - D. ...

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 42:1903 (November 2016), amended by the Department of Health, Health Standards Section, LR 51:

Public Hearing

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding these substantive changes to the proposed Rule. A public hearing on the substantive changes to the proposed Rule is scheduled for June 25, 2025 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing. The deadline for receipt of all written comments is June 30, 2025 at 4:30 p.m.

Bruce D. Greenstein
Secretary

2505#044

POTPOURRI

Department of Health Radiologic Technology Board of Examiners

Notice of Public Hearing Request for Comments on Rules

Under the authority of Act No. 454 of the 2018 Regular Session of the Louisiana Legislature, codified as R.S. 49:964 (B), and in accordance with the provisions of the

Administrative Procedure Act, R.S. 49:950 et seq., the Radiologic Technology Board of Examiners hereby gives notice of a public hearing for the purpose of receiving comments on any rule of the board.

Public Hearing

The hearing will take place at Long Law Firm, 1800 City Farm Drive, Building 6, Baton Rouge, LA, 70806, on July 17, 2025, at 10 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing regarding board rules only. The board will consider fully all written and oral comments. In order for the comment to be submitted to the legislative oversight committees, comments must be in writing and include (1) full name, original signature, date, and address of the petitioner, (2) an exact statement of the changes sought and the effect of the proposed change on existing practice, and (3) data, opinions or arguments in support of request. Written comments are to be submitted to Hollie Taranto, Executive Director, 3108 Cleary Avenue, Suite 207, Metairie, LA 70002. The deadline for receipt of written comments is by July 7, 2025.

The hearing site is accessible to people using wheelchairs or other mobility aids. If other reasonable accommodations are required in order to participate in the hearing, please contact the board office at 504-838-5231 or in writing within 10 working days prior to the hearing date.

Hollie Taranto
Executive Director

2505#046

POTPOURRI

Department of Justice

Occupational Licensing Review Program
Accepting Participants for FY 2025-2026
Period of July 1, 2025 - June 30, 2026

The Department of Justice is currently accepting occupational licensing boards into the Department of Justice Occupational Licensing Review Program (OLRP) established by R.S. 49:260. This program provides for active state supervision and was established to ensure that participating boards and board members will avoid liability under federal antitrust laws. Participants for the July 1, 2025 - June 30, 2026 period will be accepted into the program through May 31, 2025. For information about participating in the program, contact Jessica Weimer, Section Chief, OLRP - Public Protection Division, Louisiana Department of Justice at olrp@ag.louisiana.gov.

Jessica Weimer
OLRP Section Chief

2505#014

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