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EXECUTIVE ORDER JML 25-65

Bond Allocation 2025 Ceiling Amendment

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.

WHEREAS, the Capital Area Finance Authority (hereafter the “Authority”) has authorized and approved \$35,000,000 of Single Family Mortgage Revenue Bonds (Homeownership Program) Series 2025 in one or more tax-exempt and taxable series and has applied for \$26,500,000 volume cap from the 2025 ceiling to be used for the principal and premium on the tax-exempt Series 2025 Bonds (Non-AMT).

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
\$26,500,000	Capital Area Finance Authority	Single Family Mortgage Revenue Bonds (Mortgage-Backed Securities Program) Series 2025 (Non-AMT)

Section 2: The allocation 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 September 30, 2025; therefore, any unused amount of the 2025 ceiling

allocation shall be deemed returned as of October 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 3rd day of June, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2507#053

EXECUTIVE ORDER JML 25-66

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 25-055 which is in effect through Sunday, June 8, 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, June 6, 2025, to Sunday, July 6, 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 6th day of June, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2507#054

EXECUTIVE ORDER JML 25-67

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 25-056, which is in effect through Sunday, June 8, 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, June 6, 2025 to Sunday, July 6, 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 6th day of June, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2507#055

EXECUTIVE ORDER JML 25-68

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 25-054, which is in effect through Sunday, June 8, 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 25-054 because the designated certified operator 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: 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 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 event.

Section 5: This Order is effective Sunday, June 8, 2025, and shall continue in effect until Monday, July 7, 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 8th day of June, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2507#056

EXECUTIVE ORDER JML 25-69

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), Governor Jeff Landry declared a state of emergency on March 20, 2025, in JML 25-032;

WHEREAS, JML 25-032 has been renewed and extended every thirty (30) days through JML 25-061 which is in effect through Sunday, June 15, 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 Friday, June 13, 2025, and shall continue in effect until Sunday, July 13, 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 13th day of June, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2507#057

EXECUTIVE ORDER JML 25-70

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 25-062, which is in effect through Sunday, June 15, 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 Friday, June 13, 2025 to Sunday, July 13, 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 13th day of June, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2507#058

EXECUTIVE ORDER JML 25-71

State of Emergency Office of Broadband Development and Connectivity

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 there of is imminent, La. R.S. 29:724(B)(l) 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, the Office of Broadband Development and Connectivity was created to, among other things, promote and encourage broadband adoption for households that have not accessed services, to encourage the assistance of the private sector, including broadband service providers, to effectuate the deployment and access to broadband and other connectivity services to all residents of the state, and to apply for, receive, and administer grants or financial assistance from persons or government agencies;

WHEREAS, the State of Louisiana, through the Office of Broadband Development and Connectivity, has long been a model for broadband expansion for the country by establishing the State's first broadband deployment program, the Granting Unserved Municipalities Broadband Opportunities ("GUMBO") grant program;

WHEREAS, the Office of Broadband Development and Connectivity ("ConnectLA") currently provides administrative duties and compliance processes for the GUMBO 1.0 grant program, set to serve over 60,000 locations with high-speed, reliable, internet service using up \$176 million in Capital Projects Funds from the U.S. Treasury by December 2026;

WHEREAS, the State of Louisiana and ConnectLA embarked on a challenge to continue to bridge the digital divide by participating in the Broadband, Equity, Access, and Deployment ("BEAD") program administered by the U.S. Department of Commerce;

WHEREAS, the Notice of Funding Opportunities that was released by the U.S. Department of Commerce stipulated numerous steps and requirements to unlock \$1.355 billion in funds to be allocated to the State of Louisiana through this program;

WHEREAS, the State of Louisiana became the first state in the nation to receive approval of the Initial Proposal document from the U.S. Department of Commerce in December of 2023;

WHEREAS, this approval from the U.S. Department of Commerce set a one year timeline to complete a Final Proposal and provided the state the ability to complete its competitive grant process to serve the remaining locations within the state with broadband services;

WHEREAS, the State of Louisiana had become the first in the nation to release results from the program in November of 2024 and secure federal approval in January of 2025 for the Final Proposal, representing a comprehensive BEAD plan totaling \$1.355 billion, through the GUMBO 2.0 program;

WHEREAS, this historic investment represents a generational opportunity to deliver high-speed internet access to approximately 140,000 unserved or underserved locations across all 64 parishes;

WHEREAS, the U.S. Department of Commerce recently completed a review of the BEAD program to offer changes to streamline the program for all state broadband offices across the nation;

WHEREAS, a new policy notice was released on June 6, 2025, to expedite the BEAD award process and ensure all states have completed a "Benefit of the Bargain" grant round;

WHEREAS, the State of Louisiana must complete all new actions and redo the entirety of the bidding process within a 90 day timeframe from the release of the policy notice guidance from the U.S. Department of Commerce, with all results due by September 4, 2025;

WHEREAS, strict compliance with the requirements set forth in La. R.S. 51:2370.21, et seq., do not permit ConnectLA to complete the entirety of this process as required by the U.S. Department of Commerce by September 4, 2025.

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., 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 La. R.S. 29:724(D)(1), the following provisions are hereby suspended: La. R.S. 51:2370.21-2370.35 and LAC 4:XXI.Chapters 11-17.

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 the date of the emergency, Friday, June 20, 2025, and shall continue in effect until Sunday, July 20, 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 20th day of June, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2507#059

EXECUTIVE ORDER JML 25-72

Unleashing Louisiana's Energy Production

WHEREAS, on January 20, 2025, President Trump declared a National Energy Emergency through Executive Order 14156, emphasizing that “the integrity and expansion of our Nation's energy infrastructure – from coast to coast – is an immediate and pressing priority for the protection of the United States' national and economic security;”

WHEREAS, on February 14, 2025, President Trump established the National Energy Dominance Council, acknowledging that it is necessary to expand all forms of reliable and affordable energy production to drive down inflation, grow our economy, create good-paying jobs, reestablish American leadership in manufacturing, lead the world in artificial intelligence, and restore peace through strength by wielding our commercial and diplomatic levers to end wars across the world, Executive Order 14213;

WHEREAS, President Trump has promised to “drill, baby, drill” to expand oil and gas production in the United States and unleash affordable and reliable American energy;

WHEREAS, Louisiana is blessed with an abundance of energy and natural resources that have historically powered the State and the Nation's economic prosperity. Previous decisions by federal and state government have impeded the development of these resources, limiting economic growth and the generation of reliable, affordable energy;

WHEREAS, “Drilling = Jobs” and the oil and gas industry significantly contributes to Louisiana's economic well-being by supporting approximately *306,750 jobs statewide*, generating *\$25.5 billion in annual earnings*, and lifting countless citizens out of poverty;

WHEREAS, the continued exploration, development, and responsible production of oil and gas resources remain critical to sustaining and expanding Louisiana's economic prosperity, employment opportunities, and overall quality of life for our State's citizens;

WHEREAS, in the decade prior to this administration, Louisiana's total annual oil production – in particular from south Louisiana and the state offshore areas – plummeted by more than half: from 72 million barrels total (58 million barrels from south Louisiana and offshore areas) in 2013 to 34 million barrels (26 million barrels, respectively) in 2023;

WHEREAS, by strategically incentivizing responsible exploration and production through targeted royalty adjustments and severance tax reforms, Louisiana will stimulate increased investment and activity in the oil and gas sector, leading to higher production volumes that ultimately generate greater overall revenues, despite initial rate reductions;

WHEREAS, pursuant to La. R.S. 30:129, the State Mineral and Energy Board (“Board”) has full supervision of all state mineral leases and oversight of the *Natural Resources Trust Authority* (“NRTA”), thus is authorized to take all appropriate action to assure that undeveloped or nonproducing state lands and water bottoms are reasonably and prudently explored, developed, and produced for the public good;

WHEREAS, the Louisiana Department of Energy and Natural Resources (“DENR”) serves as the staff for the Board;

WHEREAS, Act 727 of the 2024 Regular Session established the NRTA under the oversight of the Board, empowering it to lead a transformative era of proactive management for Louisiana's natural resources by introducing innovative financial frameworks and dedicated funding streams aimed at addressing environmental and financial liabilities – measures that specifically support financial assurance for existing operators and provide security for the remediation of orphaned and abandoned wells;

WHEREAS, through integrated strategies encompassing royalty modifications, severance adjustments, and the robust financial oversight provided by the NRTA – Louisiana can proactively address legacy liabilities, revitalize its economy, and lay the foundation for sustained resource development, thereby positioning our State as a national leader in innovative and economically-resilient resource management;

WHEREAS, exploration for and production of oil and natural gas from Louisiana's offshore areas is pursuant to state mineral leases, entered into by the Board on behalf of the State, which set forth specific mineral royalties and other revenue the State's mineral lessees must pay in addition to paying the state severance tax and other fees, all in accordance with the requirements set forth in R.S. 30:121, *et seq.*;

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: DENR shall develop, in coordination with the Board, a plan consistent with law to reduce royalties governed by State mineral leases so as to meaningfully incentivize and encourage exploration and production of the State's minerals.

Section 2: DENR shall also provide clear and timely guidance ahead of October 1, 2025, detailing how recent legislative changes – including severance tax reductions and departmental reorganization – will strategically and proactively address orphan wells in state waters, thereby promoting responsible resource development, fiscal sustainability, and environmental stewardship.

Section 3: Upon development of the royalty reduction plan required in Section 1, the Board shall consider the plan for approval at its next scheduled Board meeting.

Section 4: DENR shall report back to me its progress in implementing this order within 60 days.

Section 5: 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 6: 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 implementation of the provisions of this Order.

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 24th day of June 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2507#060

EXECUTIVE ORDER JML 25-73

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.

WHEREAS, the Louisiana Housing Corporation (hereafter the “Corporation”) has authorized and approved \$125,000,000 of Single-Family Mortgage Revenue Bonds (Homeownership Program) Series 2025C/D and has applied for \$71,000,000 volume cap from the 2025 ceiling to be used for the principal and premium on its tax-exempt Series 2025C Bonds.

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
\$71,000,000	Louisiana Housing Corporation	Single Family Mortgage Revenue Bonds (Home Ownership Program) Series 2025C (Non-AMT)

Section 2: The allocation 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 September 30, 2025; therefore, any unused amount of the 2025 ceiling allocation shall be deemed returned as of October 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 24th day of June, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2507#061

EXECUTIVE ORDER JML 25-74

Amended Modernization and Efficiency for Environmental Permitting

WHEREAS, the State of Louisiana is committed to fostering an open business environment that supports economic growth, job creation, and sustainable development across all sectors of the economy;

WHEREAS, Louisiana is on the cusp of an economic renaissance, with significant development opportunities poised to bring an influx of new businesses and expansion of existing businesses in various sectors and industries;

WHEREAS, the Louisiana Department of Environmental Quality (“Department”) is this State’s leading environmental regulatory body and is a critical component of the State’s economic development framework, as businesses must obtain the necessary permits, modifications, licenses, registrations, or variances to operate;

WHEREAS, since the start of my administration, I have requested that the Secretary of the Department of Environmental Quality (“Secretary”) modernize the practices of the Department to streamline the granting of permits, licenses, accreditations, and other instruments;

WHEREAS, pursuant to R.S. 30:2011, the Department is the primary agency in the State concerned with environmental protection and regulation;

WHEREAS, pursuant to R.S. 30:2011 (D)(2), the Secretary has the power and duty to grant or deny permits, licenses, registrations, variances, or compliance schedules provided for in the Louisiana Environmental Quality Act;

WHEREAS, pursuant to R.S. 30:2011 (D)(1) and R.S. 30:2014.2, the Secretary is charged with adopting, amending, or repealing all rules, regulations, and standards for the protection of the environment and rules which set out the qualifications and requirements for a person to be granted a permit or to acquire an ownership interest in a permit;

WHEREAS, pursuant to R.S. 30:2014.5, the Secretary is authorized to develop and implement a program to expedite the processing of permits, modifications, licenses, registrations, or variances for environmental permit applicants who may request such services;

WHEREAS, these permits, modifications, licenses, registrations, or variances are produced upon completion of analytical research, modeling, and other scientific examination by the Department;

WHEREAS, it is imperative that the Department continuously seeks to improve its processes to ensure that businesses can obtain the required instruments in a timely manner, advancing economic competitiveness without compromising the integrity of environmental standards;

WHEREAS, the Department should proactively adopt technologies and operational efficiencies to strengthen Louisiana's competitiveness for new and expanding businesses without compromising environmental standards;

WHEREAS, on November 4, 2024, I issued JML 24-166 which ordered the Secretary of the Louisiana Department of Environmental Quality to provide a report no later than July 1, 2025 detailing: (1) the reforms that are planned to be introduced or that will continue in the upcoming year and thereafter; (2) the extent to which the Department has identified and addressed existing deficiencies and increased efficiency in the Department's operation; and (3) outlining any statutory or regulatory changes that may be necessary to implement these recommendations;

WHEREAS, since that time I have appointed Courtney Burdette as the Secretary of the Department, effective May 6, 2025, and it is necessary to extend the deadline for the report required by JML 24-166;

NOW, THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution do hereby order and direct the Louisiana Department of Environmental Quality to modernize its internal systems to enhance sustainable, efficient operations in permitting and environmental standards enforcement to support growth and innovation across Louisiana's economy.

Section 1: The Secretary, in consultation with relevant public and private stakeholders, shall initiate a review of the Department's regulatory procedures and workflows, identifying priority areas for efficiency and effectiveness improvements that support timely permitting and licensing.

Section 2: The Secretary shall develop a sustainable framework to implement Executive Order JML 24-17, including conducting an independent comprehensive review of the Department's current processes for issuance of permits, licenses, accreditations, and other instruments.

Section 3: The Secretary shall develop and adopt procedures that support and advance innovative measures to resolve environmental hazards, such as waste innovation,

and prepare for potential expansion of nuclear energy generation.

Section 4: No later than December 31, 2025, the Secretary shall provide a report to the Governor detailing: (1) the reforms that are planned to be introduced or that will continue in the upcoming year and thereafter; (2) the extent to which the Department has identified and addressed existing deficiencies and increased efficiency in the Department's operation; and (3) outlining any statutory or regulatory changes that may be necessary to implement these recommendations.

Section 5: 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 implementing the provisions of this Order.

Section 6: 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 Louisiana in the City of Baton Rouge, on this 24th day of June 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2507#062

EXECUTIVE ORDER JML 25-75

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
\$19,500,000	Louisiana Housing Corporation	BW Cooper Senior Series 2025
\$11,000,000	Louisiana Housing Corporation	Canal Crossing Senior Apartments Series 2025
\$18,000,000	Louisiana Housing Corporation	Capstone at Covington Place Series 2025
\$21,000,000	Louisiana Housing Corporation	Imperial Terrace Series 2025
\$12,000,000	Louisiana Housing Corporation	Kings Oaks V 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 September 30, 2025; therefore, any unused amount of the 2025 ceiling allocation shall be deemed returned as of October 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 1st day of July, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2507#063

EXECUTIVE ORDER JML 25-76

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 25-067, which is in effect through Sunday, July 6, 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 Thursday, July 3, 2025 to Saturday, August 2, 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 3rd day of July, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2507#064

EXECUTIVE ORDER JML 25-77

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 25-066 which is in effect through Sunday, July 6, 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 Thursday, July 3, 2025, to Saturday, August 2, 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 3rd day of July, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2507#065

EXECUTIVE ORDER JML 25-78

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 25-068, which is in effect through Monday, July 7, 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 25-054 because the designated certified operator 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: 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 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 event.

Section 5: This Order is effective Monday, July 7, 2025, and shall continue in effect until Wednesday, August 6, 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 7th day of July, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2507#066

Emergency Rules

DECLARATION OF EMERGENCY

**Office of the Governor
Division of Administration
Office of Broadband Development and Connectivity**

Granting Unserved Municipalities Broadband
Opportunities 2.0 (GUMBO 2.0)
(LAC 4:XXI.Chapter 18)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:962 et seq., and pursuant to the authority set forth in R.S. 51:2370.21-2370.35, the executive director of the Office of Broadband Connectivity (ConnectLA) declares an emergency to exist and adopts by emergency process the Emergency Rule relative to the administration of the Granting Unserved Municipalities Broadband Opportunities 2.0 (GUMBO 2.0) grant program.

The Infrastructure Investment and Jobs Act (IIJA) provides funding for robust investment in American infrastructure projects. IIJA established the Broadband Equity, Access, and Deployment (BEAD) Program, which provides \$42.45 billion of funding to achieve high-speed broadband access throughout the United States. See Infrastructure Investment and Jobs Act of 2021, Division F, Title I, Section 60101, Public Law 117-58, 135 Stat. 429 (November 15, 2021) (codified at 47 U.S.C. § 1701 et seq.).

On June 6, 2025, the National Telecommunications and Information Administration (NTIA), as the agency responsible for administering the BEAD Program, published a policy notice (Policy Notice) for Eligible Entities (States, Territories, and the District of Columbia). The Policy Notice modifies and replaces certain requirements outlined in the BEAD Notice of Funding Opportunity (NOFO). Each Eligible Entity must comply with this Policy Notice to gain approval of its Final Proposal from the assistant secretary of Commerce for Communications and Information.

The state of Louisiana must now complete all new actions and redo the entirety of the bidding process within a 90-day timeframe from the release of the Policy Notice, with results due by September 4, 2025.

On June 20, 2025, Governor Jeff Landry issued an Executive Order (JML 25-071) declaring a state emergency exist as a result of the emergency conditions that threaten the safety and property of the citizens in Louisiana. The Executive Order suspends strict compliance with the requirements set forth in R.S. 51:2370.21, et seq., and LAC 4:XXI.Chapter 11-17 that do not permit ConnectLA to complete the entirety of this process by the September 4, 2025 deadline.

This Emergency Rule allows ConnectLA to develop a policy related to the GUMBO 2.0 Benefit of the Bargain grant round in accordance with the National Telecommunications and Information Administration's (NTIA) BEAD Restructuring Policy Notice published on

June 6, 2025. It also requires applicants to comply with the requirements outlined in ConnectLA's policy.

This Emergency Rule is adopted and shall have the force and effect of law on June 27, 2025, and will remain in effect for the maximum period allowed by the Administrative Procedure Act, unless renewed by the executive director of ConnectLA or until permanent rules are promulgated in accordance with law.

Title 4

ADMINISTRATION

Part XXI. Granting Unserved Municipalities Broadband Opportunities

Subpart B. Granting Unserved Municipalities Broadband Opportunities (GUMBO)

Chapter 18. Benefit of the Bargain Round

§1801. Policy

A. The Office may develop a policy related to the GUMBO 2.0 Benefit of the Bargain round in accordance with the National Telecommunications and Information Administration's (NTIA) BEAD Restructuring Policy Notice published on June 6, 2025.

B. Applicants shall comply with the requirements outlined in the policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1504 (June 2022), amended LR 51:

To view the National Telecommunications and Information Administration's (NTIA) BEAD Restructuring Policy Notice, please visit <https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf>.

To view the Governor Jeff Landry's Executive Order, please visit: <https://gov.louisiana.gov/index.cfm/newsroom/category/11>.

For more detail on ConnectLA's Benefit of the Bargain Round, please visit: <https://connect.la.gov/>.

Veneeth Iyengar
Executive Director

2507#004

DECLARATION OF EMERGENCY

**Department of Health
Bureau of Health Services Financing**

Hospital Services
Coverage of Gene Therapies for Sickle Cell Disease
(LAC 50:V.120)

The Department of Health, Bureau of Health Services Financing adopts LAC 50:V.120 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the

Administrative Procedure Act, R.S. 49:962 and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Effective July 1, 2025 the Department of Health, Bureau of Health Services Financing adopts cell and gene therapy model that provides additional supplemental and federal rebates for gene therapies for sickle cell disease. To receive these rebates, the department amends the provisions governing inpatient hospital services, to allow reimbursement for gene therapies for sickle cell disease outside the per diem rate and paid based on the actual acquisition cost. CMS has set a deadline of July 1, 2025 to have documentation in place to receive federal and supplemental rebates for these therapies. This action is therefore being taken to secure new federal funding in the form of federal and supplemental rebates.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 1. Inpatient Hospitals Services

Chapter 1. General Provisions

§120. Coverage of Gene Therapies for Sickle Cell Disease

A. Effective for dates of service on or after July 1, 2025, gene therapies for sickle cell disease administered during an inpatient stay shall be reimbursed outside of the per diem rate for the inpatient stay. Claims for gene therapies for sickle cell disease shall be reimbursed at actual acquisition cost.

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 51:

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.

Kimberly Sullivan, JD, Bureau of Health Services Financing, is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

2507#008

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Nursing Facilities
Reimbursement Methodology
(LAC 50:II.Chapter 200)

The Department of Health, Bureau of Health Services Financing amends LAC 50:II.Chapter 200 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This

Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962 and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Effective June 30, 2025, the Department of Health, Bureau of Health Services Financing amends the provisions governing reimbursement for Nursing Facilities to revise the language and to replace resource utilization group resident classification system with the patient driven payment model (PDPM). The PDPM shifts the focus from therapy-based payments to a more patient-centered approach that takes into account the individual needs and conditions of residents. This action is being taken to comply with federal requirements.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part II. Nursing Facilities

Subpart 5. Reimbursement

Editor's Note: This Subpart has been moved from LAC 50:VII.Chapter 13 and renumbered.

Chapter 200. Reimbursement Methodology

§20001. General Provisions

A. Definitions

Active Assessment—a resident MDS assessment is considered active when it has been accepted by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). The assessment will remain active until:

- a. a subsequent minimum data set (MDS) assessment for the same resident has been accepted by CMS;
- b. the maximum number of days (121) for the assessment has been reached;
- c. the record has been replaced by a modified assessment;
- d. the record has been inactivated; or
- e. the resident has been discharged.

* * *

Assessment Reference Date—the last day of the MDS observation period, denoted at MDS item A2300. This date is used to determine the due date and delinquency of assessments.

* * *

Case-Mix Documentation Review (CMDR)—a review of original legal medical record documentation and other documentation as designated by the department in the MDS supportive documentation requirements, supplied by a nursing facility provider to support certain reported values that resulted in a specific PDPM classification on a randomly selected MDS assessment sample. The review of the documentation provided by the nursing facility will result in the PDPM classification being supported or unsupported.

Case-Mix Index (CMI)—a numerical value that describes the resident's resource needs within the groups under the patient driven payment model (PDPM) classification system, prescribed by the department based on the resident's MDS assessments. CMIs will be determined for each nursing facility on a quarterly basis using all residents.

* * *

Delinquent MDS Resident Assessment—an active MDS assessment that is more than 121 days old, as measured by the assessment reference date (ARD) field on the MDS, and an MDS assessment that lacks the MDS item responses necessary to calculate a valid PDPM Health Insurance Prospective Payment System (HIPPS) code.

Department—the Louisiana Department of Health (LDH), and the associated work product of its designated contractors and agents.

* * *

Final Case-Mix Index Report (FCIR)—the final report that reflects the acuity of the residents in the nursing facility during the reporting period.

a. - b. ...

Index Factor—generated pursuant to 42·CFR·413.333.

MDS Supportive Documentation Requirements—the department's publication of the minimum documentation and review standard requirements for the MDS items associated with the PDPM classification system. These requirements shall be maintained by the department and updated and published as necessary.

* * *

Optional State Assessment (OSA)—assessment required by the Medicaid program. Allows nursing facility providers using RUG-III models as the basis for Medicaid payment to do so until the legacy payment model (RUG-III) ends.

* * *

Patient Day—a unit of time, a full 24-hour period, during which a Medicaid beneficiary is receiving care in a hospital or skilled nursing facility.

Patient Driven Payment Model (PDPM)—the Medicare payment rule for skilled nursing facilities. The PDPM identifies and adjusts different case-mix components for the varied needs and characteristics of a resident's care and then combines these with a non-case-mix component to determine the full skilled nursing facilities (SNF) prospective payment system (PPS) per diem rate for that resident.

a. Effective as of the July 1, 2025, rate setting, for Medicaid program nursing facility case-mix index and reimbursement rate calculation purposes, the following PDPM components will be utilized to calculate the nursing facility provider's total residents average CMI and Medicaid residents average CMI under a blended approach. This is done by using case-mix index weights, effective October 1, 2024, as listed in table 5 from the final SNF PPS payment rule for FY 2025 (CMS-1802-F):

- i. physical therapy: 15 percent;
- ii. occupational therapy: 15 percent;
- iii. speech language pathology: 8 percent;
- iv. non-therapy ancillary: 12 percent; and
- v. nursing: 50 percent.

Point-In-Time Acuity Measurement System (PIT)—Repealed.

Preliminary Case-Mix Index Report (PCIR)—the preliminary report that reflects the acuity of the residents in the nursing facility during the reporting period.

a. - b. ...

RUG-III Resident Classification System—the resource utilization group used to classify residents. When a resident is sorted into more than one classification group using RUG-

III, the RUG-III group with the greatest CMI will be utilized to calculate the nursing facility provider's total residents average CMI and Medicaid residents average CMI.

a. Effective June 30, 2025, the RUG-III Resident Classification System will no longer be utilized to classify residents except for the purposes of calculating the phase-in as described in §20005.D.4.e.

* * *

Unsupported MDS Resident Assessment—an assessment where one or more data items that are used to classify a resident pursuant to the PDPM classification, resident classification systems are not supported according to the MDS supportive documentation requirements and a different PDPM classification, would result; therefore, the MDS assessment would be considered "unsupported."

B. - C.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 46:2742, 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 28:1473 (June 2002), repromulgated LR 28:1790 (August 2002), amended LR 28:2537 (December 2002), LR 32:2262 (December 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:825 (March 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1522 (September 2016), LR 43:525 (March 2017), LR 43:2187 (November 2017), LR 46:695 (May 2020), LR 46:1684 (December 2020), LR 50:219 (February 2024), LR 51:

20005. Rate Determination

[Formerly LAC 50:VII.1305]

A. - C.6. ...

D. Determination of Rate Components

1. Facility Specific Direct Care and Care Related Component. This portion of a facility's rate shall be determined as follows.

a. - d. ...

e. The statewide direct care and care related floor is established at 94 percent of the direct care and care related resident-day-weighted median cost. For periods prior to January 1, 2007 the statewide direct care and care related floor shall be reduced to 90 percent of the direct care and care related resident-day-weighted median cost in the event that the nursing wage and staffing enhancement add-on is removed. Effective January 1, 2007 the statewide direct care and care related floor shall be reduced by one percentage point for each \$.30 reduction in the average Medicaid rate due to a budget reduction implemented by the department. The floor cannot be reduced below 90 percent of the direct care and care related resident-day-weighted median cost. Effective for rate periods coinciding with the phase-in established in §20005.D.4.e, July 1, 2025, through December 31, 2026, the statewide direct care and care-related floor is established at 90 percent of the direct care and care related resident-day-weighted median cost.

D.1.f - D.4.d.v. ...

e. Effective for rate periods beginning July 1, 2025, through December 31, 2026, each applicable nursing facility provider will receive an additional pass-through rate adjustment to allow for a phase-in of the PDPM resident classification system used for determining case-mix indices. The nursing facility provider pass-through rate adjustment will be calculated and applied as follows.

i. For each rate period during the phase-in, the nursing facility provider's direct care and care-related rate components will be calculated in accordance with §20005.D.1 using the PDPM resident classification system to determine the nursing facility cost report period case mix index and nursing facility-wide average case mix index values.

ii. For use in calculating a differential, the nursing facility provider's July 1, 2025, direct care and care-related rate components will also be calculated in accordance with §20005.D.1 using the RUG-III resident classification system to determine the nursing facility cost report period case mix index and nursing facility-wide average case mix index values.

iii. For each rate period during the phase-in, the direct care and care-related rate components differential will be determined by subtracting the direct care and care-related rate components calculated for July 1, 2025, using the RUG-III resident classification system as described in §20005.D.4.e.ii from the direct care and care-related rate components calculated using the PDPM resident classification system for determining the case-mix indices as described in §20005.D.4.e.i.

iv. If the calculated direct care and care-related rate components differential exceeds a positive or negative \$5, then a pass-through rate adjustment will be applied to the nursing facility provider's reimbursement rate. The pass-through rate will be applied in an amount equal to the difference between the rate differential total and the \pm \$5 threshold. This will be done in order to ensure the nursing facility provider's direct care and care-related rate components are not increased or decreased more than \$5 as a result of the change to the PDPM resident classification system for determining the case-mix indices.

(a). Should the nursing facility provider, for the rate periods used in calculating the rate differential, receive an adjusted nursing facility-wide average case mix index value due to a CMDR change or other factors, the facility will have its direct care and care-related rate components differential recalculated using the revised case mix index values. The \pm \$5 rate change threshold will apply to the recalculated differential and associated case mix index values, not the original differential calculation.

v. If a nursing facility provider's calculated direct care and care-related rate components differential does not exceed the \pm \$5 rate change threshold, then no pass-through rate adjustment will be applied for the applicable rate period.

D.5. - Q....

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 28:1791 (August 2002), amended LR 31:1596 (July 2005), LR 32:2263 (December 2006), LR 33:2203 (October 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:325 (February 2010), repromulgated LR 36:520 (March 2010), amended LR 36:1556 (July 2010), LR 36:1782 (August 2010), LR 36:2566 (November 2010), LR 37:902 (March 2011), LR 37:1174 (April 2011), LR 37:2631 (September 2011), LR 38:1241 (May 2012), LR 39:1286 (May 2013), LR 39:3097, 3097 (November 2013), LR 41:707 (April 2015), LR 41:949 (May 2015), amended by the Department of Health, Bureau of Health Services Financing,

LR 43:82 (January 2017), LR 43:526 (March 2017), LR 46:1684 (December 2020), LR 51:

§20006. Reimbursement Adjustment
[Formerly LAC 50:VII.1306]

A. ...

B. In the event the department is required to implement positive adjustments in the nursing facility program pursuant to Louisiana Constitution Art. VII, §10.14(E)(1), a separate nursing facility add-on shall be created and calculated as follows:

1. Without changing the parameters established in these provisions, if the average Medicaid program rates established annually at each July 1 are below the previous state fiscal year's average Medicaid program rates (simple average of the four quarters), the department shall implement an increase to the average Medicaid rate. This will be done by adding to the reimbursement rate paid to each nursing facility an amount equal to the difference between the July 1 Medicaid program rate and the previous state fiscal year's average Medicaid program rates. The add-on will be paid to each nursing facility using an equal amount per patient day.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:804 (April 2004), amended by the Department of Health Bureau of Health Services Financing, LR 51:

§20007. Case-Mix Index Calculation
[Formerly LAC 50:VII.1307]

A. The Resource Utilization Groups-III (RUG-III) Version 5.20, 34-group, index maximizer model shall be used as the resident classification system to determine all case-mix indices, using data from the minimum data set (MDS) submitted by each facility. Standard Version 5.20, or its successor, case-mix indices developed by CMS shall be the basis for calculating average case-mix indices to be used to adjust the direct care cost component. Resident assessments that cannot be classified to a RUG-III group, will be excluded from the average case-mix index calculation.

1. Prior to the July 1, 2025, rate setting, the RUG-III, Version 5.20, 34-group index maximizer model is used as the resident classification system to determine all case-mix indices.

B. Effective as of the July 1, 2025, rate setting, PDPM case-mix groups and case-mix index weights effective October 1, 2024, as listed in table 5 from the final SFY PPS payment rule for FY 2025 (CMS-1802-F) are used as the resident classification system to determine all case-mix indices, using data from the MDS submitted by each facility. PDPM case-mix index weights effective October 1, 2024, developed by CMS, shall be used to adjust the direct care cost component. A hierarchical methodology is used to determine the individual CMIs. A blended approach is used to determine the case-mix indices to adjust the direct care cost component. The percentages used for blended approach are as follows:

1. physical therapy: 15 percent;
2. occupational therapy: 15 percent;
3. speech language pathology: 8 percent;
4. non-therapy ancillary: 12 percent; and
5. nursing: 50 percent.

C. Assessments completed prior to January 1, 2025, that cannot be classified to a PDPM case-mix group, will be excluded from the average case mix index calculations.

D. Assessments completed on or after January 1, 2025, that cannot be classified to a PDPM case-mix group, will be assigned the lowest CMI value relative for each PDPM component.

E. Each resident in the nursing facility with a completed and submitted assessment, shall be assigned a PDPM case-mix groups, based on the following criteria.

1. Prior to the January 1, 2017, rate setting, the RUG-III group, or its successor, is calculated based on the resident's most current assessment, available on the last day of each calendar quarter, and shall be translated to the appropriate case mix index. From the individual resident case mix indices, two average case mix indices for each Medicaid nursing facility provider shall be determined four times per year based on the last day of each calendar quarter.

2. Effective as of the January 1, 2017, rate setting, the RUG-III group, PDPM group, will be calculated using each resident MDS assessment transmitted and accepted by CMS that is considered active within a given calendar quarter. These assessments are then translated to the appropriate case mix index. The individual resident case mix indices are then weighted based on the number of calendar days each assessment is active within a given calendar quarter. Using the individual resident case mix indices, the calendar day weighted average nursing facility-wide case mix index is calculated using all residents regardless of payer type. The calendar day weighted nursing facility-wide average case mix index for each Medicaid nursing facility shall be determined four times per year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 46:2742, 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 28:1475 (June 2002), repromulgated LR 28:1792 (August 2002), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:826 (March 2012), LR 43:527 (March 2017), amended by the Department of Health Bureau of Health Services Financing, LR 51:

§20013. Case-Mix Documentation Reviews and Case-Mix Index Reports
[Formerly LAC 50:VII.1313]

A. ...

1. If the department determines that a nursing facility provider has delinquent MDS resident assessments, for purposes of determining both average CMIs, such assessments shall be assigned the case-mix index associated with the PDPM group "BC1-delinquent" for all PDPM components. A delinquent MDS shall be assigned a CMI value equal to the lowest CMI in each PDPM component classification system.

B. - B.5.b. ...

c. If the percentage of unsupported MDS assessments in the total sample is greater than the threshold percentage as shown in column (B) of the table in Subparagraph e of this Paragraph, the impacted PDPM component(s) classification shall be recalculated for the unsupported MDS assessments based upon the available documentation obtained during the CMDR process. The nursing facility provider's CMI and resulting Medicaid rate shall be recalculated for the quarter in which the FCIR was

used to determine the Medicaid rate. A follow-up CMDR process described in Subparagraphs d and e of this Paragraph may be utilized at the discretion of the department.

d. ...

e. After the follow-up CMDR, if the percentage of unsupported MDS assessments in the total sample is greater than the threshold percentage as shown in column (B) of the following table, impacted PDPM component(s) classification shall be recalculated for the unsupported MDS assessments based upon the available documentation obtained during the CMDR process. The nursing facility provider's CMI and resulting Medicaid rate shall be recalculated for the quarter in which the FCIR was used to determine the Medicaid rate. In addition, facilities found to have unsupported MDS resident assessments in excess of the threshold in column (B) of the table below may be required to enter into a documentation improvement plan with the department. Additional follow-up CMDR may be conducted at the discretion of the department.

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 28:2537 (December 2002), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:826 (March 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 43:528 (March 2017), LR 45:274 (February 2019), LR 51:

§20029. Supplemental Payments

A. - A.3.a.iv ...

b. Calculating Medicaid Rates Using Medicare Payment Principles. The prospective payment system (PPS), Medicare rates will be calculated based on Medicaid acuity data. The following is a summary of the steps involved.

i. The applicable PDPM classification for Medicaid residents is identified using each resident's minimum data set assessment. A full listing of Medicaid residents with the applicable Medicare PDPM classification is then generated.

(a). ...

ii. Rural and urban rate differentials, wage index adjustments, and value-based purchasing adjustments will be used to adjust the Medicare rate tables for each component of PDPM after the Medicaid listing is developed. The non-therapy ancillary component of PDPM will be adjusted to exclude the estimated portion of payments related to pharmacy, laboratory, and radiology services based on a statewide percentage derived from Medicare cost report data to account for differences between what the Medicare PPS rate covers and what the Medicaid program reimburses. Medicare rate tables will be applicable to SFY periods.

(a). ...

(b). Medicare rates for each Medicaid resident in the listing are calculated using the relevant Medicare rate tables for each period of the SFY and then averaged by nursing facility. The nursing facility's average rates are then pro-rated based on the length of active time of each Medicare rate table during the SFY. The calculated rate will be multiplied by an estimate of Medicaid paid claims days for the specified period. Medicaid paid claims days will be compiled from the state's Medicaid Management

Information System's (MMIS) most recent 12 months, as of the development of the Medicaid supplemental payment calculation demonstration.

c. Determining Medicaid Payments for Medicaid Nursing Facility Residents. The most current Medicaid nursing facility reimbursement rates as of the development of the Medicaid supplemental payment calculation demonstration will be utilized. These reimbursement rates will be multiplied by Medicaid paid claims compiled from the state's MMIS system from the most recent 12 months, as of the development of the Medicaid supplemental payment calculation demonstration, to establish total Medicaid per diem payments. Total calculated Medicaid payments made outside of the standard nursing facility per diem are summed with total Medicaid reimbursement from the per diem payments to establish total Medicaid payments. Payments made outside of the standard nursing facility per diem are reimbursement for the following services.

i. - iii. ...

d. Repealed.

e. Calculating the Differential between the Calculated Medicare Payments for Medicaid Nursing Facility Residents, and Medicaid Payments for those Same Residents. The total annual Medicaid supplemental payment will be equal to the individual NSGO nursing facility's differential between their calculated Medicare payments and the calculated Medicaid payments for the applicable SFY, as detailed in the sections above.

4. - 5. ...

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 42:63 (January 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 43:529 (March 2017), LR 47:476 (April 2021), LR 51:

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.

Kimberly Sullivan, JD, Bureau of Health Services Financing, is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

2507#009

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Professional Services—Reimbursement Methodology
(LAC 50:IX.8305, 8505, 15113, 15133, and XIX.4334)

The Department of Health, Bureau of Health Services Financing adopts LAC 50:IX.8305, 8505, 15113, 15133, and XIX.4334 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social

Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962 and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Effective July 1, 2025, the Department of Health, Bureau of Health Services Financing hereby adopts a new methodology for Medicaid managed care organization reimbursement and fee-for-service reimbursement rates. These higher reimbursement rates may incentivize more providers to participate in Medicaid. Medicaid physician payment rates have historically been significantly lower than those of Medicare, often averaging around two-thirds of the Medicare rate. This disparity can lead to access issues, as some providers may be reluctant to accept Medicaid patients due to the lower reimbursement rates. This Emergency Rule is being adopted to better align Medicaid rates to Medicare rates, which will encourage providers to enroll in Medicaid. This rulemaking action will improve the quality of health care offered to Medicaid beneficiaries, thus improving the health outcomes of Medicaid beneficiaries throughout Louisiana.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part IX. Professional Services Program

Subpart 7. Immunizations

Chapter 83. Children's Immunizations

§8305. Reimbursement Methodology

A. - B. ...

C. Effective for dates of service on or after July 1, 2025, reimbursement for the administration of childhood and adolescent vaccines shall be set at 85 percent of the 2024 Louisiana Region 99 Medicare allowable fee, or billed charges, whichever is the lesser amount.

C.1. - D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:71 (January 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:96 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1289 (July 2015), amended by the Department of Health, Bureau of Health Services Financing LR 47:49 (January 2021), LR 47:887 (July 2021), LR 51:

Chapter 85. Adult Immunizations

§8505. Reimbursement Methodology

A. - D. ...

E. Effective for dates of service on or after July 1, 2025, the reimbursement for adult vaccine administration (beneficiaries age 19 and older) shall be set at 85 percent of the 2024 Louisiana Region 99 Medicare allowable fee or billed charges, whichever is the lesser amount.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:97 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1290 (July 2015), amended by the Department of Health, Bureau of Health Services Financing LR 47:50 (January 2021), LR 47:887 (July 2021), LR 51:

Chapter 151. Reimbursement Methodology

Subchapter B. Physician Services

§15113. Reimbursement Methodology

A. - N.1.b.ii. ...

O. Effective for dates of service on or after July 1, 2025, the Medicaid fee shall be set at 85 percent of the 2024 Louisiana Region 99 Medicare allowable fee for both current and newly added procedure codes.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1252 (June 2010), amended LR 36:2282 (October 2010), LR 37:904 (March 2011), LR 39:3300, 3301 (December 2013), LR 41:541 (March 2015), LR 41:1119 (June 2015), LR 41:1291 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:62 (January 2018), amended by the Department of Health, Bureau of Health Services Financing, LR 44:62 (January 2018), LR 47:477 (April 2021), LR 47:887 (July 2021), LR 48:1100 (April 2022), LR 51:71 (January 2025), LR 51:

Subchapter D. Anesthesia Services

§15133. Formula-Based Reimbursement

A. - F. ...

G. Effective for dates of service on or after July 1, 2025, the Medicaid fee for formula-based anesthesia services rendered by a physician shall be 85 percent of the 2024 Louisiana Medicare Region 99 allowable for services rendered to Medicaid recipients.

H. Effective for dates of service on or after July 1, 2025, the reimbursement for formula-based anesthesia services rendered by a certified registered nurse anesthetist (CRNA) shall be 85 percent of the 2024 Louisiana Medicare Region 99 allowable for services rendered to Medicaid recipients.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1251 (June 2010), amended LR 36:2282 (October 2010), LR 39:1781 (July 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 51:

§15135. Flat Fee Reimbursement

A. - G. ...

H. Effective for dates of service on or after July 1, 2025, the flat fee for reimbursement of maternity related anesthesia services shall be 85 percent of the 2024 Louisiana Medicare Region 99 allowable for services rendered to Medicaid recipients. If there is no equivalent Medicare fee, an alternate methodology may be used.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1251 (June 2010), amended LR 36:1251 (June 2010), LR 39:1781 (July 2013), LR 51:

Part XIX. Other Services

Subpart 3. Laboratory and Radiology Services

Chapter 43. Reimbursement

§4334. Radiology Services Reimbursement Methodology

A. - B. ...

C. Effective for dates of service on or after July 1, 2025, the Medicaid fee for radiology services shall be set at 85 percent of the 2024 Louisiana Region 99 Medicare allowable fee. This applies to both current and newly added procedure codes.

1. Repealed.

D. - I. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1897 (September 2009), amended LR 36:1248 (June 2010), LR 36:2563 (November 2010), LR 37:3029 (October 2011), LR 39:1284 (May 2013), LR 41:539 (March 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:283 (February 2018), amended by the Department of Health, Bureau of Health Services Financing, LR 47:252 (February 2021), LR 47:1638 (November 2021), LR 51:

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.

Kimberly Sullivan, JD, Bureau of Health Services Financing, is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

2507#012

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Refugee Medical Assistance
(LAC 50:XXXI.Chapter 1)

The Department of Health, Bureau of Health Services Financing amends LAC 50:XXXI in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962 and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Effective July 1, 2025, the Department of Health, Bureau of Health Services Financing shortens the period that assistance is granted through the refugee medical assistance (RMA) program from one year to four months. This action also outlines the conditions for the termination of RMA services. This action is being done to comply with a notice from the Department of Health and Human Services, Office of Refugee Resettlement. Office of Refugee Resettlement has determined that it must shorten the RMA eligibility period to four months to avoid a significant budget shortfall.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXXI. Refugee Medical Assistance

Chapter 1. Refugee Medical Assistance Program

§101. General Provisions

A. Repealed.

B. The Refugee Medical Assistance Program (RMA) provides medical assistance to individuals who meet the eligibility requirements and conditions set forth in 45 CFR part 400 subpart G.

C. Refugee medical assistance is available to all individuals with the immigration status of refugee or asylee.

D. All recipients who receive refugee cash assistance through the Office of Refugee Resettlement, and who are not eligible for Medicaid or SCHIP program, shall be certified for RMA.

1. Receipt or application for refugee cash assistance is not a requirement of the RMA program.

E. A refugee who has been certified in a regular Medicaid program and loses that coverage because of increased earnings from employment, and is within the eligibility time period, shall be transferred to RMA.

F. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Public Law 82-414, 8 U.S. Code 1522(e)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1112 (June 2009), amended by the Department of Health, Bureau of Health Services Financing, LR 51:

§103. Eligibility Requirements

A. Individuals may qualify for the RMA program if they meet the following requirements:

1. has an immigration status recognized by the Office of Refugee Resettlement (ORR) through policy or federal notice that qualifies for resettlement assistance;

2. has income and resources that do not exceed the guidelines set forth in 42 CFR 435.831, as reflected in the State approved Title XIX Medicaid plan;

3. is not otherwise eligible for Medicaid or SCHIP;

4. provides the name of the resettlement agency that resettled them, if applicable;

a. Repealed.

5. not enrolled as a full-time student in a higher education program, except where such enrollment is approved by the State or its designee.

B. An individual does not need to apply for or receive refugee cash assistance (RCA) in order to qualify for the RMA.

1. Repealed.

C. All recipients of RCA who are not otherwise eligible for Medicaid or SCHIP are eligible for RMA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Public Law 82-414, 8 U.S. Code 1522(e)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1112 (June 2009), amended by the Department of Health, Bureau of Health Services Financing, LR 51:

§107. Eligibility Period

A. Repealed.

B. The RMA eligibility period shall be determined in accordance with 45 CFR 400.211.

1. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Public Law 82-414, 8 U.S. Code 1522(e)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1113 (June 2009), amended by the Department of Health, Bureau of Health Services Financing, LR 51:

§108. Termination of Services

A. RMA benefits shall terminate upon the earliest of the following:

1. the individual's eligibility period expires;
2. the individual enrolls in Medicaid or SCHIP;
3. termination of ORR eligible immigration status; or

4. relocation from the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Public Law 82-414, 8 U.S. Code 1522(e)(5).

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 51:

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.

Kimberly Sullivan, JD, Bureau of Health Services Financing, is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

2507#010

DECLARATION OF EMERGENCY

Louisiana Economic Development Office of Economic Development

High Impact Jobs Program (LAC 13:I.Chapter 53)

This Emergency Rule is being published pursuant to emergency provisions of the Administrative Procedure Act, R.S. 49:962 (A)(1)(a) which provide for emergency procedures to establish rules, and R.S. 51:921 and R.S. 36:104 which allows Louisiana Economic Development ("LED") to promulgate rules and regulations to protect the welfare and prosperity of the citizens of the state.

Louisiana Economic Development has an immediate need for rules to implement the program in alignment with Act 372 of the 2025 Regular Legislative Session. Whereas Act 372 outlines a basic framework, additional guidance on some components of the program, such as a definition for distressed areas is necessary for interested parties to assess their program eligibility. A delay in imposition would hinder effective administration of this program and delay access to the program by qualified applicants, resulting in an adverse financial impact on Louisiana businesses.

This Emergency Rule shall be effective July 1, 2025, and shall remain in effect for a period of 180 days unless renewed or revoked, or until adoption of the final Rule, whichever occurs first.

Title 13

ECONOMIC DEVELOPMENT

Part I. Financial Incentive Programs

Chapter 53. High Impact Jobs Program

§5301. Purpose

A. The purpose of this Chapter is to implement the High Impact Jobs Program as established by R.S. 51:2771.

B. This Chapter shall be administered to achieve the following purposes:

1. to encourage companies to create jobs that pay above the parish average wage and offer a basic health plan; and
2. to encourage companies to retain highly skilled workers with advanced degrees.

C. Effective date of Act 372 of the 2025 Regular Legislative Session

1. The provisions of Act 372 of the 2025 Regular Legislative Session shall become effective July 1, 2025, however, Louisiana Economic Development shall not issue the first grant until on or after July 1, 2026.

D. Effective date of the program rules

1. Notwithstanding any provision of the Administrative Procedure Act to the contrary, rules promulgated are subject to the approval of the Joint Legislative Committee on the Budget.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2771

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 51:

§5303. Definitions

A. Terms not otherwise defined in this Chapter shall have the same meaning given to them in R.S. 51:2771, unless the context clearly requires otherwise.

B. In this Chapter, the following terms shall have the meanings provided herein, unless the context clearly indicates otherwise.

Advanced Degree—any academic or professional degree earned after a bachelor's degree, such as a master's or doctorate. This term shall not include certifications that demonstrate a professional's proficiency in specific areas such as IT, unless otherwise approved by the secretary.

Applicant—a person requesting a grant award from LED under this program.

Baseline Jobs—the median statewide number of employees of company, including any named subsidiary in the contract, during the payroll periods including the twelfth day of the month, in the last twelve months completed prior to the application date, or if a later contract effective date is elected and approved, the higher median number of jobs existing either during the payroll periods including the twelfth day of the month, in the last twelve months completed prior to the application date or the contract effective date, as verified on the applicable ES-4 form or equivalent filing form or other documentation as approved by LED. Baseline Jobs must be maintained in any year for which New Job creation benefits are requested.

Baseline Job Payroll—shall mean straight wages excluding overtime, bonus or relocation payments. Partial year employees' wages may be annualized.

Basic Health Benefits Plan—individual coverage for basic hospital care, physician care, and health care, effective no later than the first day of the month 90 days after hiring, that provides the same coverage as that provided to executive, administrative, and professional employees who are exempt from the minimum wage and maximum hour requirements of the federal Fair Labor Standards Act, 29 U.S.C. 2 201 et seq., and which LED determines to be in compliance with federally mandated healthcare requirements, or if no federally mandated healthcare requirements exist, as otherwise approved by LED. For the purposes of this Paragraph, the term "value" shall mean the cost to the company or the cost of equivalent coverage.

Company—an entity authorized to do business in Louisiana pursuant to state law.

Completion—the date on which all required steps for issuance of grant payments have been completed including but not limited to submission of an expenditure verification

report and all necessary support documentation, and payment in full of any CPA fees.

Contract Effective Date—may be no earlier than the date that LED received the application and fee, but no later than 180 days after the application date.

Distressed Area—an area that is economically distressed or underdeveloped, which is defined as:

a. lowest 25 percent of parishes by average annual wage according to the Bureau of Labor Statistics (BLS), or

b. areas considered *Deeply Distressed* within the New Market Tax Credit program administered by the U.S. Department of the Treasury's (Treasury) Community Development Financial Institutions Fund (CDFI) in accordance with Internal Revenue Code 26 U.S.C. 45D, and applicable Treasury regulations 26 CFR 1.45D-1, as may be amended, or

c. projects that have a significant community impact, as demonstrated by the associated Regional Economic Development Organization (REDO), or

d. as approved by the secretary.

Expenditure Verification Report—a report of expenses prepared by an independent certified public accountant, selected by LED, paid for by the company, in accordance with R.S. 36:104.1.

Jobs—positions of employment that meet all of the following criteria:

a. did not exist in the state for that employer prior to the effective date of the incentive contract entered into pursuant to the provisions of this Chapter.

b. are for full-time, at-will employees. Does not include seasonal or temporary positions.

c. are directly employed by the company or a named subsidiary in the contract.

d. are filled onsite or remotely by Louisiana employees of the company or a named subsidiary in the contract.

e. include a basic health benefits plan.

f. is approved by the secretary.

g. as a general rule, jobs from an acquired Louisiana company shall not be considered a new job for the purposes of this program.

h. jobs shall not mean baseline jobs.

LED—Louisiana Economic Development

Louisiana Employee—a person who qualifies as a resident individual pursuant to R.S. 47:31(1)

New Job Totals—the total number of jobs minus Baseline Jobs

Parish Average Wage—the average wage in a parish as determined annually by the United States Department of Labor, Bureau of Labor Statistics, or its successor agency.

Person—any natural person or legal entity including an individual, corporation, partnership, or limited liability company

Project Site—a physical facility in Louisiana, operating with posted business hours and employing at least one full-time equivalent employee, as identified for a project on the program application

Qualifying Company—a company that is certified by LED as meeting the eligibility requirements of this Section and that has executed a contract with LED providing the terms and conditions for its participation in the program provided for in this Section.

Regional Average Wage—the average wage within the geographic boundaries of the regional economic development organization in which the project is located, as calculated by LED and posted on its website.

Regional Economic Development Organization—any of the following eight state organizations: the Baton Rouge Area Chamber; the Central Louisiana Economic Development Alliance; Greater New Orleans, Inc.; the Northeast Louisiana Economic Alliance; the North Louisiana Economic Partnership; One Acadiana; the South Louisiana Economic Council; the Southwest Louisiana Economic Development Alliance, or any of their successors. Abbreviated and also known as “REDO”.

Retain—to keep employees within an organization

Secretary—Secretary of Louisiana Economic Development

Wages—compensation of an employee based on time worked or output of production but does not include overtime compensation, bonuses or relocation payments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2771

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 51:

§5305. General Principles

A. The following general principles will direct the administration of the program.

1. Grant awards are not be considered as an entitlement for companies, and the secretary has the final authority to determine whether or not each particular applicant is eligible and meets the criteria of the grant award, and in all such circumstances, the exercise of that discretion shall be deemed to be a final determination of the applicant's award status.

2. Applications shall be accepted on a year round basis, subject to availability of funding in any given year, or as otherwise determined by LED.

3. As a general rule applicants may apply for more than one statutory benefit program administered by LED, provided that:

a. separate applications are submitted per program; and

b. program applicants do not receive a double benefit on the same expenditure or job.

4. Except that notwithstanding any other provision of law to the contrary, a company seeking the benefits of this High Impact Job Program shall not also receive rebates provided for under the Quality Jobs Program as provided for in R.S. 51:2451 through 2461.

B. Program funding.

1. Funding for this program is provided by any money transferred, donated, or appropriated to the High Impact Job Fund (“Fund”).

2. LED may not authorize issuance of grant payments exceeding the available monies in the Fund.

3. The issuance of grant payments shall be subject to funding availability in any given fiscal year, and administered based upon a first come, first served basis, as determined by the completion date.

a. Any applicants with completions on the same business day shall be treated as received at the same time, and if the aggregate amount of requests received on a single business day exceed the amount of funding available, payments shall be made on a pro rata basis.

b. In the event the aggregate amount of requests exceed the annual program cap, the excess requests shall be treated as having been applied for on the first day of the subsequent year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2771

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 51:

§5307. General Program Description

A. Companies primarily engaged in the following sectors are ineligible for participation in the program:

1. gaming;
2. retail sales;
3. professional sports teams;
4. state and political subdivision enterprises;
5. automotive rental and leasing;
6. local solid waste disposal;
7. local sewage systems;
8. local water systems;
9. professional service organizations primarily engaged in providing legal services;
10. professional service organizations primarily engaged in providing accounting services;
11. telemarketing and other call centers;
12. solar farms;
13. motion picture and video industries, primarily engaged in producing, or producing and distributing, motion pictures, videos, televisions programs or commercials, broadly defined by NAICS Code 5121;
14. sound recording industries primarily engaged in sound recording and producing sound recordings, broadly defined by NAICS Code 5122;
15. live entertainment and performing arts companies, primarily engaged in producing live presentations involving the performance of actors, singers, dancers and other performing artists, broadly defined by NAICS Code 7111;
16. LED may utilize economic impact methodology when evaluating submissions. Using this methodology, industries with a multiplier effect at or below 1.85 may be considered ineligible for program participation. LED shall maintain a listing by NAICS codes of such industries on its website, which may be updated annually.

B. To ensure fair and transparent use of funds allocated for this program, sole proprietorships shall be considered ineligible for program participation, and small companies seeking to hire individuals closely connected to the business owner may be subject to heightened scrutiny or restrictions on related party transactions.

C. Companies primarily engaged in the following sectors are eligible for participation in the program:

1. industry sectors identified in LED's strategic plan, as may be amended from time to time;
2. energy and process industries, including but not limited to liquefied natural gas services, nuclear components and carbon ecosystem management;
3. logistics, including but not limited to ports and maritime freight, warehousing and transportation equipment;
4. aerospace and defense, including but not limited to ship building, instrument and propulsion unit manufacturing;
5. agribusiness, including but not limited to fertilizer and food manufacturing, precision and digital agriculture;
6. professional services, including but not limited to data centers and general management operations;

7. life sciences; including but not limited to medical device manufacturing, pharma manufacturing and biotech research and development;

8. technology services, including but not limited to robotics and industrial controls, IoT software and cybersecurity;

9. manufacturing;

10. biomedical or biotechnology industries;

11. corporate headquarters or regional headquarters of a multi-state business.

D. NAICS codes are one factor to be considered by LED in determining program eligibility, however, they shall not be considered dispositive for eligibility purposes.

E. For applications received on or after July 1, 2025, qualifying companies may be eligible for the following incentives:

1. A reimbursable grant based upon the annualized wages paid for qualifying new jobs, not to exceed two hundred thousand dollars per year, per job, based upon the parish average wage paid where the project is located at the time the incentive contract is executed, subject to the following conditions;

a. Eight percent for a project located in a distressed area with wages equal to or greater than one hundred and ten percent but less than one hundred and twenty five percent of the lesser of the parish average wage or the regional average wage;

b. eighteen percent for a project located in a parish with wages equal to or greater than one hundred and twenty five percent but less than one hundred and fifty percent of the parish average wage;

c. twenty-two percent for a project located in a parish with wages equal to or greater than one hundred and fifty percent of the parish average wage.

2. A reimbursable grant to retain highly skilled workers with advanced degrees, at the invitation of, and as approved by the secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2771

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 51:

§5309. Application Procedure

A. LED will provide a standard application form which applicants will be required to use to apply for assistance under this program. Applications may be filed through LED's online Fastlane portal, or as otherwise directed by LED.

B. The application shall include, but not be limited to, the following information:

1. business name;
2. contact person and their title;
3. business physical address;
4. business phone number and email address;
5. brief description of the nature of the business;
6. number of existing employees;
7. number of proposed new jobs;
8. Secretary of State registration;
9. any additional information requested by LED.

10. In addition, applicants for projects located in a distressed region shall also provide the following:

a. evidence of the geographic boundaries of the distressed area;

b. letter of project support from the applicable regional economic development organization.

C. A non-refundable application fee shall be submitted with the application in accordance with R.S. 36:104.

D. A refundable expenditure verification report deposit shall also be submitted with the application, in accordance with R.S. 36:104.1. As a general rule, the deposit fee shall be \$7,500.00.

1. The expenditure verification report deposit fee may be waived or reduced at the discretion of the secretary for good cause shown. In which case, the applicant will remain liable for payment in full of the actual cost of accounting services, with payment to be made in full at a later date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2771

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 51:

§5311. Selection Criteria

A. LED will consider various discretionary factors when determining which applications will be funded. Among the factors which may be taken into consideration are the following:

1. industry sectors identified in LED's strategic plan, as may be amended from time to time;

2. letters of project support from the applicable regional economic development organization;

3. disbursing of funding statewide;

4. availability of funding; and

5. best interests of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2771

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 51:

§5313. LED Action—Grant Approval or Denial Provisions

A. In the event LED determines that an applicant is eligible, funding is available and a grant would be appropriate, a contract will be issued, specifying the amount, the terms and conditions of the grant. Companies with project sites located in distressed areas may be subject to in-office work requirements.

1. The initial term of the contract shall be for three years.

2. The contract may be renewed for a single two-year period, if the grant recipient has complied with all terms and conditions of the contract and has not failed to perform any act which would have made the applicant default on any terms of the contract.

a. Applications for renewal shall be filed with LED in the same manner as the original request, not more than six months before, and not later than the expiration of the initial contract, and shall include an application fee and expenditure verification report deposit fee, in accordance with R.S. 36:104 and R.S. 36:104.1.

b. Applications for renewal after the expiration of the initial contract shall be considered late, and may be subject to an additional late filing fee, in accordance with R.S. 36:104.

B. A qualifying company with an executed contract shall make a request for reimbursement as follows:

1. Company shall notify LED that they are ready to proceed and make a cost report of expenses available for inspection by the independent certified accountant assigned by LED, including evidence of basic health plans provided if applicable, and any additional information as may be requested.

2. Requests may be submitted either annually or at the end of the initial or contract renewal periods, as applicable.

3. Upon completion, independent CPA shall submit the expenditure verification report to LED and the applicant, and a final invoice for accounting services rendered.

4. Company shall be refunded any amount in excess of its advance deposit or notified of any final amount due for accounting services.

5. After company payment of any outstanding fees, LED shall review the expenditure verification report and any other applicable support documentation, and upon a determination of qualification, LED shall make payment to the applicant.

C. In the event an application is denied, or if a reimbursement request is denied in whole or part, LED shall issue a written denial, specifying the basis for denial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2771

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 51:

§5315. Return of Benefits

A. If a company receives a grant award pursuant to this High Impact Jobs Program and it is subsequently determined that the company did not qualify for the benefit then:

1. Future payments to the company shall be reduced by the amount wrongfully received by the company; or,

2. If there are no future payments due the company from which to deduct the amount owed, LED may recover any monies wrongfully obtained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2771

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 51:

Anne G. Villa
Deputy Secretary/CFO

2507#007

DECLARATION OF EMERGENCY

Louisiana Economic Development Office of Economic Development

Motion Picture Production Tax Credit Program (LAC 61:I.Chapter 61)

This Emergency Rule is being published pursuant to emergency provisions of the Administrative Procedure Act, R.S. 49:962 (A)(1)(a) which provide for emergency procedures to establish rules, and R.S. 51:921 and R.S. 36:104 which allows Louisiana Economic Development (“LED”) to promulgate rules and regulations to protect the welfare and prosperity of the citizens of the state.

LED has an immediate need to amend the rules of the Motion Picture Production Tax Credit Program (R.S. 47:6007, et seq.) to better align the rules with current statutory

provisions and administrative practices, and as required by Act 44 of the 2025 Regular Session of the Louisiana Legislature. A delay in imposition would hinder effective administration of this program and delay access to the program by qualified applicants, resulting in an adverse financial impact on the state, Louisiana businesses and program applicants.

This Emergency Rule shall be effective June 30, 2025, and shall remain in effect for a period of 180 days unless renewed by LED or until adoption of final rules, whichever occurs first.

Title 61

REVENUE AND TAXATION

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

Chapter 61. Motion Picture Production Tax Credit Program

Subchapter A. Program Rules for Projects with Applications Received on or After July 1, 2017 and prior to July 1, 2025

§6103. General Description

A. For application received on or after July 1, 2017 and prior to July 1, 2025, state-certified productions may be eligible for up to a 40 percent tax credit on total qualified in-state expenditures, including resident and non-labor as follows:

A.1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1125.1., R.S. 47:6007

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:53 (January 2010), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:868 (July 2019), amended LR 48:1494 (June 2022), LR 48:1915 (July 2022, amended by Louisiana Economic Development, Office of Economic Development, LR 51:

§6105. Definitions

A. - B. ...

Office—means the Office of Entertainment Industry Development until July 1, 2025, and thereafter means the Office of Economic Development in Louisiana Economic Development.

Program Issuance Cap—for applications submitted on or after July 1, 2017 and prior to July 1, 2023, the office may issue no more than \$150,000,000 in tax credits (“total cap”) in any fiscal year, with \$7,500,000 reserved for qualified entertainment companies (“QEC cap”), \$7,500,000 reserved for Louisiana screenplay productions (“LA screenplay cap”), \$15,000,000 reserved for independent film productions (“independent film cap”), with the remaining \$120,000,000 available for general allocation to any state certified production (“general cap”); for applications received on or after July 1, 2023 but prior to July 1, 2025, the office may issue no more than \$150,000,000 in tax credits in any fiscal year.

Secretary—Secretary of Louisiana Economic Development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:53 (January 2010), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 43:300 (February 2017), LR 43:2102 (November 2017), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:869 (July 2019), amended by the Department of Economic Development, Office of Entertainment Industry Development, LR 46:179 (February 2020), LR 48:1495 (June 2022), LR 48:1915 (July 2022), LR 49:2089 (December 2023), amended by Louisiana Economic Development, Office of Economic Development, LR 51:

§6107. Certification Procedures

A. - C.1.b.ii. ...

c. Project-Based Production Tax Credit—for Applications Submitted on or after July 1, 2023 but prior to July 1, 2025.

C.1.c.i. - C.5.c.i. ...

6. Duration of Effect—for Applications Submitted on or after July 1, 2023 but prior to July 1, 2025

C.6.a. - D.3.b.iii. ...

c. Project-Based Production Credit—for Applications Submitted on or after July 1, 2023 but prior to July 1, 2025.

D.3.c.i. - D.4.f.iii. ...

iv. If the total amount of released credits available for re-issuance is less than the total amount of requested credits, the department shall issue credits to all qualified applicants on a first come, first served basis, as determined by the completion notification date, except that legacy credit projects with tax credit reservations that have expired or been released in accordance with the provisions of §6107 (“late requests”), shall receive priority funding over legacy credit projects seeking tax credits in an earlier fiscal year than their reservation (“early requests”). Any requests that cannot be paid in full will remain eligible for payment at a later date, subject to availability of released credits.

E - E.2.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:55 (January 2010), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development and the Louisiana Economic Development Corporation, LR 37:514 (February 2011), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:39 (January 2016), amended by the Department of Economic Development, Office of Entertainment Industry Development, LR 43:2102 (November 2017), repromulgated LR 43:2473 (December 2017), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:871 (July 2019), amended by the Department of Economic Development, Office of Entertainment Industry Development, LR 46:179 (February 2020), LR 48:1496 (June 2022), LR 48:1916 (July 2022), LR 49:2089 (December 2023), amended by Louisiana Economic Development, Office of Economic Development, LR 51:

§6109. Additional Program Provisions

A. The following additional provisions shall apply to applications received on or after July 1, 2017 but prior to July 1, 2025:

1. LED program issuance cap.

a. For applications for state-certified productions and qualified entertainment companies submitted on or after July 1, 2017, but prior to July 1, 2023, the total amount of all tax credits granted in a final certification letter by the department in any fiscal year shall not exceed one hundred fifty million dollars. Twenty percent of the annual program cap shall be reserved as follows: five percent for qualified entertainment companies, five percent for Louisiana screenplay productions, and ten percent for independent film productions. If the total amount of credits applied for in any particular year exceeds the aggregate amount of tax credits allowed for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

b. For applications for state-certified productions and qualified entertainment companies submitted on or after July 1, 2023, but prior to July 1, 2025, the total amount of all tax credits granted in a final certification letter by the department in any fiscal year shall not exceed one hundred fifty million dollars. If the total amount of credits applied for in any particular year exceeds the aggregate amount of tax credits allowed for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

2. LED individual project issuance cap. The maximum amount of credits certified by LED for a single state-certified production shall be \$20,000,000, which may be structured over two or more years in the initial certification letter;

a. Except for state-certified productions for scripted episodic content that may be granted up to \$25,000,000 in credits per season.

3. LED individual salary cap. The maximum amount of qualifying payroll expenditures per individual shall be \$3,000,000. Payroll payments in excess of \$3,000,000 made directly or indirectly to an individual or loan-out shall be excluded.

B. LDR Taxpayer Claims Cap.

1. Beginning July 1, 2017 through June 30, 2025, tax credit claims and transfers to the Department of Revenue (“state buy-back”) shall be limited to an aggregate total of \$180,000,000 each fiscal year.

2. Beginning July 1, 2025, tax credit claims and transfers to the Department of Revenue (“state buy-back”) shall be limited to an aggregate total of \$125,000,000 each fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1125.1., 47:6007

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:56 (January 2010), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:874 (July 2019), amended LR 48:1496 (June 2022), amended by Louisiana Economic Development, Office of Economic Development, LR 51:

§6113. Application of the Tax Credit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:57 (January 2010), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development, and the Louisiana Economic Development Corporation, LR 37:515 (February 2011), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:876 (July 2019), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§6119. Louisiana Promotional Graphic

A. - A.3. ...

B. For applications for state-certified productions received on or after July 1, 2023 but prior to July 1, 2025 at time of request for final certification, state certified productions shall be required to acknowledge the financial assistance of the state of Louisiana as follows:

B.1. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:1656 (October 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:878 (July 2019), LR 48:1497 (June 2022), amended LR 48:1917 (July 2022), LR 49:2091 (December 2023), amended by Louisiana Economic Development, Office of Economic Development, LR 51:

Subchapter B. Program Rules for Projects with applications received on or after July 1, 2025

§6121. Purpose

A. The purpose of this Subchapter is to implement the Motion Picture Production Tax Credit Program, in accordance with R.S. 47:6007, as amended by Act 44 of the 2025 Regular Legislative Session.

B. This Subchapter shall be administered to achieve the following purposes:

1. to support the state's commitment to the motion picture production industry; and

2. to support industry sectors and goals identified in Louisiana Economic Development's strategic plan, as may be amended from time to time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 47:6007

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 51:

§6123. General Description

A. For applications for state-certified productions or Qualified Entertainment Companies approved by the office on or after July 1, 2025, there is hereby authorized a tax credit of up to 40 percent for approved projects.

B. The program provisions outlined in Subchapter A shall apply to projects with applications received on or after July 1, 2025, but before the effective date of the provisions outlined in this Subchapter B, except that:

1. the total amount of all tax credits granted in a final certification letter by Louisiana Economic Development in any fiscal year shall not exceed \$125,000,000;

2. beginning July 1, 2025, tax credit claims and transfers to the Department of Revenue ("state buy-back") shall be limited to an aggregate total of \$125,000,000 each fiscal year; and

3. in exceptional circumstances, for good cause shown, which may include but not be limited to letters of project support from Regional Economic Development Organizations (REDO's), LED may enter into long term agreements that support motion picture production industry initiatives determined by the secretary to be in the best interest of the state.

C. The program provisions outlined in this Subchapter B shall apply to projects with applications received after their effective date, which is contingent upon final Rule promulgation and approval of the rules by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 47:6007

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 51:

§6125. Definitions (Reserved)

§6127. General Principles (Reserved)

§6129. Application Procedure (Reserved)

§6131. Selection Criteria (Reserved)

§6133. LED Action—Approval, Denial and Appeal Provisions (Reserved)

§6135. Request for Tax Credits (Reserved)

§6137. Non-performance, Disallowance and Recapture of Credits, Return of Benefits (Reserved)

Anne G. Villa
Deputy Secretary/CFO

2507#006

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Office of Motor Vehicles

Reciprocity Agreements with Foreign Countries (LAC 55:III.171)

Pursuant to the authority in R.S. 49:962, and in accordance with R.S. 32:404(F), the Office of Motor Vehicles adopts this Emergency Rule in order to amend Section 171 of Part III, Chapter 1, Driver's License, Subchapter B, Reciprocity to provide that no signed agreement is required with foreign governments that allow Louisiana residents to drive in their country with a Louisiana driver's license in order for citizens of that country to drive in Louisiana with the driver's license from their country or origin. This Emergency Rule is necessary to prevent imminent peril to the public welfare. This Emergency Rule is necessary in order to allow sugar cane farmers to hire adequate staff to transport the harvest to sugar cane mill. This Emergency Rule is effective June 13, 2025, and shall remain in effect for 180 days, or until the permanent Rule is adopted, whichever occurs first.

Title 55
PUBLIC SAFETY
Part III. Motor Vehicles
Chapter 1. Driver's License
Subchapter B. Reciprocity Agreements with Foreign Countries

§171. General

A. ...

B. The deputy secretary of Public Safety Services, or his designee, the commissioner of the Office of Motor Vehicles, may sign the reciprocity agreement on behalf of the department. A duly authorized representative of the foreign government may sign the agreement on behalf of the foreign government. No signature is required for foreign governments that currently allow Louisiana residents to drive in their country with their Louisiana driver's license.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:404(F).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1316 (July 1998), amended LR 51:

Public Comments

All interested persons may submit written comments through, to Stephen A. Quidd, Executive Management Officer, Office of Motor Vehicles, Louisiana Department of Public Safety and Corrections, at P. O. Box 64886, Baton Rouge, LA 70896, delivered to 7979 Independence Blvd., Suite 301, Baton Rouge, LA 70806, stephen.quidd2@la.gov or faxed to (225)925-6303.

Bryan Adams
Commissioner

2507#002

DECLARATION OF EMERGENCY

**Department of Revenue
Tax Policy and Planning Division**

Electronic Filing and Payment Requirement for Dealers Providing Telecommunications, Cable Television, Direct-to-Home Satellite, Video Programming, and Satellite Digital Audio Radio Services (LAC 61.III.1551 and 1553)

In accordance with the emergency provisions of the Administrative Procedures Act, R.S. 49:962(A)(1)(e), and pursuant to the authority set forth in R.S. 47:1511, 47:1519, and 47:1520, the secretary of the Department of Revenue declares that an emergency exists and adopts by emergency process the attached Rule to require electronic filing and payment of Louisiana sales and use tax by dealers of telecommunications services, cable television services, direct-to-home satellite services, video programming services provided by cable television and satellite service providers, and satellite digital audio radio services. This action is deemed necessary to effectively administer certain sales and use taxes enacted by Act 11 of the 2024 Third Extraordinary Session of the Louisiana Legislature. Act 11 levies an additional state sales and use tax upon all telecommunications services, cable television services, direct-to-home satellite services, video programming services provided by cable television and satellite service

providers, and satellite digital audio radio services in Louisiana at the rate of 5 percent of the amounts paid or charged for those services. This additional state sales tax is dedicated to the Local Revenue Fund. The Department of Revenue is requiring electronic filing and payment to properly account for the dedicated collections.

R.S. 47:1519(B)(1) authorizes the secretary to require payments by electronic funds transfer, and R.S. 47:1520(A)(2) grants the secretary the discretion to require electronic filing of tax returns or reports by administrative rule promulgated with legislative oversight in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. R.S. 47:1520(A)(1)(d) also allows the secretary to require electronic filing when the report is required for dedicated fund distribution. The purpose of this regulation is to require dealers to electronically file all state sales tax returns and electronically submit all related sales and use tax payments. This Rule is written in plain language in an effort to increase transparency.

This Emergency Rule was originally promulgated and effective on January 1, 2025. Additional changes to the provisions enacted by Act 11 of the 2024 Third Extraordinary Session of the Louisiana Legislature were proposed and considered in the 2025 Regular Session. Due to the ongoing uncertainty regarding the need for additional changes, the Emergency Rule was not finalized during that session. As a result, it is necessary to extend the Emergency Rule to allow time to fully assess the implications of the 2025 Regular Session. This Emergency Rule shall have the force and effect of law on June 30, 2025, and will remain in effect for 180 days, or until permanent rules are promulgated in accordance with law.

Title 61

REVENUE AND TAXATION

**Part III. Administrative and Miscellaneous Provisions
Chapter 15. Mandatory Electronic Filing of Tax**

**Returns and Payment for Dealers
Providing Telecommunications Services,
Cable Television Services, Direct-To-
Home Satellite Services, Video
Programming Services and Satellite
Digital Audio Radio Services**

**§1551. Telecommunications, Cable and Satellite
Dealers—Electronic Filing Requirements**

A. For tax periods beginning on or after January 1, 2025, dealers providing telecommunications services, cable television services, direct-to-home satellite services, video programming services by cable television and satellite service providers, and satellite digital audio radio services as described in R.S. 47:301.1(F)(2) and R.S. 47:301.3(10)(11) (collectively referred to herein as “dealers”) shall be required to file Louisiana sales and use tax returns electronically.

B. Dealers may not file paper versions of the Louisiana sales and use tax return.

C.1.Failure to comply with the electronic filing requirement of this section will result in the assessment of a penalty as provided for in R.S. 47:1520(B).

2. Waiver of the penalty provided for in paragraph 1 of this subsection shall only be allowed as provided for in R.S. 47:1520(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 47:1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Policy and Planning Division, LR 51:

§1553. Telecommunications, Cable and Satellite Dealers—Payment Required

A. R.S. 47:1519(B)(1) allows the secretary to require dealers to pay sales and use tax by electronic funds transfer.

B. Effective for all taxable periods beginning on or after January 1, 2025, all sales and use tax payments by any dealer providing telecommunications services, cable television services, direct-to-home satellite services, video programming services by cable television and satellite service providers, and satellite digital audio radio services as described in R.S. 47:301.1(F)(2) and R.S. 47:301.3(11) shall be electronically transferred to the department on or before the twentieth day following the close of the reporting period using the electronic format provided.

C. For purposes of this Rule, specific requirements relating to the procedures for making payments by electronic funds transfer are set forth in R.S. 47:1519 and LAC 61.I.4910(E).

D. Failure to comply with the electronic funds transfer requirements shall result in the tax payment being considered delinquent and subject to penalties and interest as provided under R.S. 47:1601 and 1602.

E. If the dealer has made a good faith attempt and exercises due diligence in initiating a payment under the provisions of R.S. 47:1519, this Rule, and LAC 61.I.4910 (E), but because of unexpected problems arising at financial institutions, Federal Reserve facilities, the automated clearinghouse system, or state agencies, the payment is not timely received, the delinquent penalty may be waived as provided by R.S. 47:1603. Before a waiver will be considered, the dealer must furnish the department with documentation proving that due diligence was exercised and that the delay was clearly beyond their control.

F. In any case where the dealer can prove payment by electronic funds transfer would create an undue hardship, the secretary may exempt the taxpayer from the requirement to transmit funds electronically.

G. The tax returns must be filed electronically; separately from the electronic transmission of the remittance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 47:1519.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Policy and Planning Division, LR 51:

Richard Nelson
Secretary

2507#014

DECLARATION OF EMERGENCY

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

**Closure of Spring Inshore Shrimp Season in
State Inside Waters**

The secretary of the Department of Wildlife and Fisheries has been notified that the occurrence of small, juvenile white shrimp collected in biological samples within inside state waters has rapidly increased. Closing these waters is necessary to protect developing white shrimp.

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 declaration of emergency adopted by the Wildlife and Fisheries Commission on May 1, 2025, which authorized the secretary of the Department of Wildlife and Fisheries to close the 2025 spring inshore shrimp season in any portion of Louisiana's inside waters to protect small white shrimp if biological and technical data indicate the need to do so or if enforcement problems develop, the secretary hereby declares:

The 2025 Louisiana spring inshore shrimp season shall close on Monday, June 30, 2025, at official sunset in all Louisiana inside waters from the Mississippi/Louisiana state line westward to the Louisiana/Texas state line.

The open waters of Breton and Chandeleur Sounds as bounded by the double-rig line described in R.S. 56:495.1(A)2 and all state outside waters seaward of the Inside/Outside Shrimp Line as described in LAC 76:VII.370, shall remain open to shrimping until further notice.

Tyler M. Bosworth
Secretary

2507#003

Rules

RULE

Department of Agriculture and Forestry Board of Veterinary Medicine

Rules of Professional Conduct (LAC 46:LXXXV.106, 108, 401, 805, 807, 809, and 815)

Editor's Note: The following sections are being repromulgated in order to notify the public of the review of LAC 46:LXXXV.Chapters 1, 4, and 8 in accordance with 2022 *Louisiana Administrative Code Review*.

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq. and the 2022 *Louisiana Administrative Code Review*, the Board ("Board") of Veterinary Medicine has conducted a comprehensive review of Rules 106, 108, 401, 805, 807, 809, and 815 and intends to notify the public with this repromulgation of the Sections below as is. The Historical Notes shall be updated to reflect the review of these rules. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXXV. Veterinarians

Chapter 1. Operations of the Board of Veterinary Medicine

§106. Disciplinary Proceedings

A. Any person against whom disciplinary proceedings have been instituted and against whom disciplinary action has been taken by the board pursuant to R.S. 37:1526 and/or 37:1531 and/or the board's rules, shall have rights of review and/or rehearing and/or appeal in accordance with the terms and provisions of the Administrative Procedure Act and §1401 et seq., of the board's rules.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:345 (March 1993), amended LR 23:967 (August 1997), LR 24:940 (May 1998), LR 25:2226 (November 1999), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:950 (July 2025).

§108. Terms of Board Members

A. Terms of the members of the board shall be of five years duration beginning on August 1 of the year appointed by the governor and ending on July 30 of the fifth year. When a member is not appointed or seated by August 1, the term itself will begin on August 1 although the member may not be seated until the date of the governor's commission order. The outgoing member must remain seated on the board until such time as the governor's commission order is signed.

B. One board member will be appointed each year. The board office will notify the LVMA in writing in December of each year of the need to advertise for nominations to be made at the next regular full membership meeting of the LVMA in accordance with R.S. 37:1515.

C. In the event that a member of the board cannot fulfill the appointed term, the LVMA will be notified by the board office that an emergency appointment is needed. Nominations will be made by the LVMA as per R.S. 37:1515. Upon the selection and signing of the appointment commission by the governor, the member so appointed will serve until the July 30 date of the unexpired term. A person so appointed may be nominated for a full five-year appointment to follow the expiration of the emergency appointment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 and 37:1515.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:345 (March 1993), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:950 (July 2025).

Chapter 4. Continuing Education

§401. Purpose

A. The Louisiana Board of Veterinary Medicine, recognizing that a veterinarian's competency is a safeguard for public health and the safety and welfare of the citizens of the state of Louisiana, hereby adopts the following continuing veterinary education requirements as a prerequisite for the annual veterinary re-registration of a license to practice in Louisiana. All such educational programs shall be designed to keep the members of the profession abreast with current learning and scholarship.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1427 (November 1993), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:950 (July 2025).

Chapter 8. Registered Veterinary Technicians

§805. Certificates without Examination

A. The board shall not issue certificates of approval without examination under any circumstances.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:227 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:950 (July 2025).

§807. Temporary Permits

A. The board shall not issue temporary permits for certificates of approval under any circumstances.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:227 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:950 (July 2025).

§809. Fees

A. The board hereby adopts and establishes the following fees.

Examination Fee, Pre-Examination, State or National (This fee does not include vendor's cost.)	\$40
Original Certificate Fee	\$30
Annual Renewal of Certificate Fee	\$30
Application Fee	\$25

B. The examination fee shall be exclusive of vendor costs which must also be paid by the examinee.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:227 (March 1990), amended LR 26:84 (January 2000), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:951 (July 2025).

§815. Appeals and Review

A. Any applicant for a certificate of approval desiring to review his or her national examination and/or the master answer sheet and/or the examination questions shall make arrangements with the Veterinary Technicians Testing Committee and/ or any person, firm, corporation or entity charged with the preparation, grading and/or administration of the Veterinary Technicians National Examination by the Veterinary Technicians Testing Committee for such review. The Louisiana Board of Veterinary Medicine shall not conduct reviews of the questions contained on the national examination, the answers to the questions contained on the national examination, or any applicant's score on the national examination.

B. Persons Aggrieved by a Decision of the Board

1. Any person aggrieved by a decision of the board, other than a holder of certificate of approval against whom disciplinary proceedings have been brought pursuant to R.S. 37:1544-1548, may, within 30 days of notification of the board's action or decision, petition the board for a review of the board's actions.

2. A petition shall be in the form of a letter, signed by the person aggrieved, and mailed to the board at its principal office located in Baton Rouge, Louisiana.

3. Upon receipt of such petition, the board then may proceed to take such action as it deems expedient or hold such hearings as may be necessary, and may review such testimony and/or documents and/or records as it deems necessary to dispose of the matter, but the board shall not, in any event, be required to conduct any hearings or investigations, or consider any offerings, testimony, or evidence unless so required by statute or other rules or regulations of the board.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:227 (March 1990), amended LR 25:2226 (November 1999), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:951 (July 2025).

Jared B. Granier
Executive Director

2507#005

RULE

Department of Civil Service Board of Ethics

Food and Drink Limit (LAC 52:I.1703)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Civil Service, Board of Ethics, has amended the Food and Drink Limit, LAC 52:I.1703 to bring the Rule into compliance with current statutory provisions and Section 1115.1(C) of the Code of Governmental Ethics. This Rule is hereby adopted on the day of promulgation.

Title 52

ETHICS

Part 1. Board of Ethics

Chapter 17. Code of Governmental Ethics

§1703. Food and Drink Limit

A. In accordance with R.S. 42:1115.1(C), beginning on July 1, 2025, the limit for food, drink or refreshments provided in R.S. 42:1115.1A and B is \$81.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1115.1.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 36:304 (February 2010), amended LR 36:1466 (July 2010), LR 38:1951 (August 2012), LR 39:3062 (November 2013), LR 40:1678 (September 2014), LR 41:1262 (July 2015), LR 44:1237 (July 2018), LR 45:868 (July 2019), LR 46:892 (July 2020), LR 47:852 (July 2021), LR 48:1904 (July 2022), LR 49:1207 (July 2023), LR 50:1162 (August 2024), LR 51:951 (July 2025).

David Bordelon
Administrator

2507#011

RULE

Board of Elementary and Secondary Education

Bulletin 741 (Nonpublic)—Louisiana Handbook for
Nonpublic School Administrators
Mandatory Reporters, Bullying Prevention, and
Nonpublic Pre-Kindergarten Programs
(LAC 28:LXXIX.121, 1311, and Chapter 30)

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*. The revisions align policy with legislation regarding: training requirements for mandatory reporters; bullying prevention reporting and requirements; and nonpublic school early childhood programs regarding the health and safety of the children enrolled. 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 1. Operation and Administration

§121. Emergency Planning and Procedures

A. - C.6. ...

D. Each employee shall annually complete a mandatory reporter training course regarding the statutory requirements and responsibility of reporting child abuse and neglect.

1. A record of completion of the course shall be provided to the employee and retained by the school.

2. The school shall retain a list of all employees who have not completed the training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, R.S. 17:411, R.S. 17:416.16, R.S. 29:726.3, and CHC 603.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3074 (December 2005), LR 40:766 (April 2014), LR 51:51 (January 2025), LR 51:952 (July 2025).

Chapter 13. Preventive Programs

§1311. Bullying

A. Policy. Each nonpublic school shall develop, adopt, and implement a policy that prohibits the bullying of a student by another student and contains all required components in accordance with R.S. 17:416.14.

1. - 2.a. ...

b. procedures for investigating reports of bullying;

c. the disciplinary and criminal consequences of bullying another student;

d. appropriate remedies for a student found to have been bullied;

e. a prohibition against false reporting and retaliation; and

f. procedures for investigating and reporting of each school administrator, teacher, counselor, bus operator, and school employee for failure to act.

3. Each nonpublic school shall ensure that each student, each student's parent or legal guardian, and each school administrator, teacher, counselor, bus operator, school employee, and volunteer receives a copy of the bullying policy and is aware of all duties and responsibilities related to preventing and stopping bullying.

B. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.13 and R.S. 17:416.14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:246 (February 2023), repromulgated LR 49:852 (May 2023), amended LR 50:973 (July 2024), LR 51:51 (January 2025), LR 51:952 (July 2025).

Chapter 30. Health and Safety Rules and Regulations
for Approved Non-Public School Three-
Year-Old Programs

§3001. General Requirements

A. The school administrator is charged with the responsibility of monitoring and ensuring the three-year-old prekindergarten classrooms adhere to BESE policy contained in this Chapter.

B. - F. ...

G. Any visitor to the school shall sign in/out. Records including the name, signature, and time shall be maintained

to accurately reflect persons on the school premises at any given time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1226 (May 2012), LR 51:952 (July 2025).

§3003. Policies and Procedures Related to Children

A. - B.2.d.i. ...

e. address children without an IEP or Student Services Plan who continually cause physical harm to himself/herself or others or continually impede the learning of himself/herself and others because of other challenging behavior; and

f. establish steps for addressing behaviors identified as dangerous and/or out of control behaviors.

3. The behavior management policy shall prohibit physical or corporal punishment, verbal abuse, or being deprived of food or beverage.

4. Time out shall take place within sight of staff. The length of each time out shall be based on the age of the child and shall not exceed one minute per year of age.

C. - C.1. ...

2. Any person making a report in good faith regarding child abuse shall have immunity from civil liability that may be otherwise incurred.

3. An employer shall not discriminate or retaliate against an employee who is a mandatory reporter for complying with reporting requirements.

4. An employer shall not enact policies that prohibit or limit mandatory reporting to the Louisiana Department of Children and Family Services and/or state or local law enforcement.

D. Restrooms.

1. Children who are developmentally able may be permitted to use the restroom independently provided that a staff member is in proximity to and can see the children to ensure immediate intervention to safeguard a child from harm.

2. Individuals who are not staff members may not enter the restroom area while in use by any student, except if the individual is a parent assisting their own child.

E. Adverse events. The school shall have written policy regarding adverse events that occur while children are under the supervision of school staff.

1. Adverse events are defined as an occurrence that requires emergency personnel, law enforcement, or medical attention, including but not limited to:

a. allegations or suspicion of child abuse or neglect;

b. serious injury or illness;

c. an accident involving transportation;

d. incorrect medication administration;

e. a physical altercation resulting in injury;

f. spread of infectious disease.

2. The policy shall include regulations and procedures, including proper documentation, notification, and contact information for situations in which the health, safety, or well-being of a child or children are impacted.

3. Unless otherwise prohibited, parental notification shall be required for any adverse event by no later than the next business day.

4. Staff and volunteers shall receive instruction relevant to the policy on adverse events.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S.17:24.8, R.S. 17:222(C), R.S. 17:391.1-391.10, R.S. 14:403, and R.S. 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1226 (May 2012), LR 39:1457 (June 2013), LR 51:952 (July 2025).

§3005. Children's Records

A. - A.2. ...

3. signed agreements between the school and the parent for each child giving permission to release the child to a third party listed by the parent including any other school facilities or transportation services. The identity of the authorized person shall be verified prior to release of the child. A child shall never be released to anyone unless authorized in writing or via text, fax, or email by the parent; and

4. emergency contact information.

B. - D. ...

E. The school shall obtain written authorization from the parent for the child to participate in any extracurricular water activity. The statement shall list the child's name, type of water activity, location of water activity, parent's signature, and date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S.17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1227 (May 2012), amended LR 51:953 (July 2025).

§3007. Required Staff

A. - B. ...

C. All staff shall complete all training and criminal background check requirements prior to having sole responsibility for children in accordance with §3009 and §3011 of this Chapter.

D. Staff having sole authority and responsibility for children shall be at least 18 years of age.

1. Staff age 18 or older may be included in the child-to-staff ratio and may work without the direct supervision of another adult staff member.

2. Staff age 16 and 17 may be included in the child-to-staff ratio if the person works under the direct supervision of an adult staff member.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S.17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1227 (May 2012), amended LR 51:953 (July 2025).

§3009. Personnel Records

A. - A.2. ...

B. Documentation of required training in accordance with §3011 of this Chapter.

C. Personnel documentation shall be maintained for a minimum of two years from the date of termination of employment and shall be available for on-site inspection, whether as hard copies or in electronic form, upon request by the LDOE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S.17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1227 (May 2012), amended LR 51:953 (July 2025).

§3011. Required Staff Development and Training

A Orientation Training

1. Prior to employment and prior to having sole responsibility for a group of children, each staff member, including substitutes and foster grandparents, shall receive orientation training to include, at a minimum, the following topics:

a. ...

b. emergency and evacuation preparedness plan, including natural disasters and man-caused events;

c. - e. ...

f. child abuse identification and reporting, including phone numbers for mandatory reporting and suspected child abuse;

g. confidentiality of information regarding children and their families;

h. identification of critical staff including but not limited to staff trained in CPR and first aid, and staff who can administer medicine;

i. handling of emergencies due to food/allergic reactions including a list of children with allergies;

j. child release policies and restrictions;

k. child-to-staff ratio policies; and

l. adverse event regulations, including documentation and notification.

B. - B.2. ...

3. Staff members who maintain current certification as a first responder are considered to have current certification in CPR and pediatric first aid.

C. - C.1. ...

2. Emergency procedures shall include a system to account for all children and for notifying parents and authorized emergency release contacts.

3. For additional information, contact the local Office of Emergency Preparedness (Civil Defense).

D. - D.1.Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S.17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1227 (May 2012), amended LR 51:953 (July 2025).

§3013. Required Child/Staff Ratios

A. - C. ...

D. At no time shall a child or group of children be left alone without an adult staff member present unless the child is supervised by the parent of the child or designated representative authorized in writing by the parent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S.17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1228 (May 2012), amended LR 51:953 (July 2025).

§3017. Health Service to the Child

A. - B. ...

1. Written authorization shall include the name of the child, drug name and strength, date(s) and time(s) to be administered, directions for use, and the dated signature of the parent.

2. Prescription and non-prescription medication shall be maintained in the original pharmacy container or packaging.

3. If a non-prescription medication label reads “consult a physician,” a written authorization from a licensed health care provider shall be provided prior to administration of medication.

4. Medication administration shall be documented and records maintained on file. Documentation shall include the names of the child and the person administering, date and time, medication, and signature. Documentation requirements shall include a parent administering medication to their own child while at school.

C. Training for auto-injectable epinephrine shall be completed every two years with training approved by the LDOE, and presented by a registered nurse, a licensed medical physician, an anaphylaxis training organization, or any other entity approved by the Louisiana Department of Health.

D. Documentation of current completion of such training shall be maintained and available for inspection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1228 (May 2012), amended LR 51:953 (July 2025).

Tavares A. Walker
Executive Director

2507#038

RULE

Board of Elementary and Secondary Education

Bulletin 1530—Louisiana’s IEP Handbook for
Students with Exceptionalities
Alternate Assessment Eligibility Criteria
(LAC 28:XCVII.505)

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:XCVII in *Bulletin 1530—Louisiana’s IEP Handbook for Students with Exceptionalities*. The revisions update alternate assessment eligibility criteria. Federal law requires states to ensure that the total number of students assessed in each subject, using the alternate assessment for students with the most significant cognitive disabilities, does not exceed 1.0 percent of the total number of all students in the state assessed on statewide assessments. Louisiana is currently at 1.8 percent for English language arts (ELA) and math, but the revisions will bring Louisiana closer to the federal requirement. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part XCVII. Bulletin 1530—Louisiana’s IEP Handbook for Students with Exceptionalities

Chapter 5. Participation in Statewide Assessments

§505. Alternate Assessment Participation Criteria

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

2. For students entering a high school cohort during the 2020-2021 through the 2024-2025 school year, the student has a disability that significantly impacts cognitive function. This may be demonstrated in the following ways:

a. - c. ...

3. For students entering a high school cohort during the 2025-2026 school year and beyond, the student has a disability that significantly impacts cognitive function. This may be demonstrated in the following ways:

a. For students who have not completed the fifth grade, an eligible student is functioning three or more standard deviations below the mean in cognitive functioning.

b. For students who have completed fifth grade, an eligible student is functioning 2.5 or more standard deviations below the mean in cognitive functioning.

4. - 4.k. ...

5. The student requires direct individualized instruction and substantial supports to achieve measurable gains on the challenging state academic content standards for the grade in which the student is enrolled.

B. - 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 35:2343 (November 2009), amended LR 37:886 (March 2011), LR 41:535 (March 2015), LR 45:527 (April 2019), LR 45:1463 (October 2019), LR 49:41 (January 2023), LR 51:954 (July 2025).

Tavares A. Walker
Executive Director

2507#039

RULE

Board of Elementary and Secondary Education

Kindergarten Screeners
(LAC 28:XI.Chapter 59 and LAC 28:CXV.325)

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:XI in *Bulletin 118—Statewide Assessment Standards and Practices* and LAC 28:CXV *Bulletin 741—Louisiana Handbook for School Administrators*. The revisions reduce the required number of kindergarten assessments and align policy to Louisiana’s Education Priorities for literacy and numeracy. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part XI. Accountability/Testing

Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 59. Kindergarten Entry Assessment

§5901. Statement of Purpose

[Formerly LAC 28:CXI.901]

A. This Chapter provides for the implementation of a kindergarten entry assessment to identify children’s kindergarten readiness. Activities conducted under this Chapter shall be coordinated with other forms of assessment conducted by the school district.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(F)(1)(b) and R.S. 17:391.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1535 (July 2005), amended LR 44:467 (March 2018), LR 51:954 (July 2025).

§5903. Definitions

[Formerly LAC 28:CXI.903]

* * *

Kindergarten Entry Assessment—the process of measuring student readiness for kindergarten to plan instruction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.11, R.S. 17:24.4(F)(1)(b), and R.S. 17:151.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1535 (July 2005), amended LR 44:467 (March 2018), LR 51:955 (July 2025).

§5907. Agency Administrative Participation

[Formerly LAC 28:CXI.907]

A. Kindergarten Entry Assessments. Each school district shall administer the assessment(s) approved by BESE. The results of this assessment shall be used with the goals of informing efforts to close the school readiness gap at kindergarten entry and informing instruction and services to support children's success in school.

B. Each LEA shall administer the screener(s) in accordance with LAC 28:CXV.2307.

1. - 3. Repealed.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq., and R.S. 17:139 et seq.

HISTORICAL NOTE: Promulgated Board of Elementary and Secondary Education, LR 31:1535 (July 2005), amended LR 44:467 (March 2018), LR 47:566 (May 2021), LR 51:955 (July 2025).

§5909. State BESE-Approved Instruments

[Formerly LAC 28:CXI.909]

A. Instrument approved for use through the 2017-2018 school year:

1. Developing Skills Checklist (DSC); CTB McMillan/McGraw-Hill, publisher.

B. Instruments approved for use during the 2017-2018 through 2024-2025 school years:

1. GOLD Survey; Teaching Strategies, LLC, publisher.

2. Desired Results Developmental Profile Assessments (DRDP) K; California Department of Education, publisher.

C. Screening instruments required for use:

1. K-3 Literacy Screener; 2025-2026 school year and beyond.

2. Numeracy Screener; 2026-2027 school year and beyond.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 and R.S. 17:391.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1535 (July 2005), amended LR 43:1523 (August 2017), LR 51:955 (July 2025).

Title 28

EDUCATION

**Part CXV. Bulletin 741—Louisiana Handbook for
School Administrators**

Chapter 3. Operation and Administration

§325. Kindergarten and Prekindergarten

A. - B.1. ...

C. Each LEA shall ensure that every child entering kindergarten be given the screeners required in accordance with LAC 28:CXV.2307. The results of this screening shall be used in placement and for planning instruction. The pupil progression plan for each LEA shall include criterion for placement.

1. ...

2. Repealed.

D. - E.3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.8, R.S. 17:151.3, and R.S. 17:391.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1260 (June 2005), amended LR 39:2196 (August 2013), LR 49:249 (February 2023), repromulgated LR 49:855 (May 2023), amended LR 51:955 (July 2025).

Tavares A. Walker
Executive Director

2507#037

RULE

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

**LPDES Small MS4 Urbanized Area Clarification
(LAC 33:IX.2515, 2519, and 2521) (WQ116ft)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Water Quality regulations, LAC 33:IX.2515, 2519, and 2521 (WQ116ft).

This Rule is identical to federal regulations found in 40 CFR Parts 122.28, 122.32, and 122.33, which are applicable in Louisiana. For more information regarding the federal requirement, contact William Little at (225) 219-3985. No fiscal or economic impact will result from the rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:963(B)(3) and (4).

The Rule will revise the small municipal separate storm sewer systems (MS4s), designation requirements and is identical to portions of the recent National Pollutant Discharge Elimination System (NPDES) Small MS4 Urbanized Area Clarification, finalized by Environmental Protection Agency (EPA) and effective on July 12, 2023. The EPA finalized clarifications to its NPDES Stormwater Phase II regulations due to recent changes made by the Census Bureau. The basis and rationale for this Rule are to mirror new federal regulations, ensuring consistency on how LPDES permits are issued for small MS4s. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality
Subpart 2. The Louisiana Pollutant Discharge
Elimination System (LPDES) Program
Chapter 25. Permit Application and Special LPDES
Program Requirements

§2515. General Permits

A. - A.1.e. ...

f. urban areas with a population of 50,000 or more people as determined by the latest Decennial Census by the Bureau of the Census; or

A.1.g. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2276 (October 2000), LR 26:2553 (November 2000), LR 28:468 (March 2002), LR 29:1466 (August 2003), repromulgated LR 30:230 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2511 (October 2005), LR 33:2167 (October 2007), LR 35:651 (April 2009), amended by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1349 (July 2017), amended by the Office of the Secretary, Legal Affairs Division, LR 51:956 (July 2025).

§2519. As an operator of a small MS4, am I regulated under the LPDES Storm Water Program?

A. ...

1. your small MS4 is located in an urban area with a population of 50,000 or more people as determined by the latest Decennial Census by the Bureau of the Census. (If your small MS4 is not located entirely within an urban area with a population of 50,000 or more people, only the portion that is within this urbanized area is regulated); or

A.2. - C. ...

D. The state administrative authority may waive permit coverage if your MS4 serves a population of less than 1,000 within the urban area identified in Paragraph A.1 of this Section and you meet the following criteria:

D.1. - E.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:2277 (October 2000), repromulgated LR 30:230 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 51:956 (July 2025).

§2521. Requirements for Obtaining Permit Coverage for Regulated Small MS4s

A. - B.2.c. ...

3. If the regulated small MS4 is in the same urban area as a medium or large MS4 with an LPDES storm water permit and that other MS4 is willing to have the small MS4 operator participate in its storm water program, the parties may jointly seek a modification of the other MS4 permit to include the small MS4 operator as a limited co-permittee. As a limited co-permittee, the small MS4 operator will be responsible for compliance with the permit's conditions applicable to its jurisdiction. If the small MS4 operator chooses this option it shall comply with the permit application requirements of LAC 33:IX.2511, rather than the requirements of LAC 33:IX.2521.B.2. The small MS4

operator does not need to comply with the specific application requirements of LAC 33:IX.2511.D.1.c, d, and 2.c (discharge characterization). The small MS4 operator may satisfy the requirements in LAC 33:IX.2511.D.1.e and 2.e (identification of a management program) by referring to the other MS4's storm water management program.

B.4. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:2278 (October 2000), repromulgated LR 30:230 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2511 (October 2005), LR 33:2167 (October 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1349 (July 2017), amended by the Office of the Secretary, Legal Affairs Division, LR 51:956 (July 2025).

Jill C. Clark
General Counsel

2507#031

RULE

Office of the Governor
Division of Administration
and
Department of Public Safety and Corrections
Public Safety Services

Louisiana State Police Video Public Records Requests
(LAC 55:1.903)

In accordance with R.S. 49:5950 et seq., the Department of Public Safety and Corrections, Public Safety Services hereby recognizes circumstances requiring implementation of a Rule relative to State Police video public records. Statistical analyses show a projected increase of public records requests for body-worn camera (BWC) and in-car camera (ICC) video footage. Public Safety Services operating costs increase parallel with the linear trend of increased BWC/ICC requests. Louisiana courts recognize the evolution of technology and a contemporarily developing body of law. *Johnson v. Pineville*, 08-1234, (La. App. 3 Cir. 4/8/09), 9 So.3d 313. In accordance with the provisions of R.S. 49:962, R.S. 39:241, and R.S. 44:32, the Division of Administration, Office of the Commissioner proposes to adopt §903 as a supplement to the Uniform Fee Schedule to provide for State Police video public records. This Rule is hereby adopted on the day of promulgation.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 9. Photographs and Videos

§903. Videos Related to Louisiana State Police Public Records Requests

A.1. Copies of Louisiana State Police video public records furnished to a person so requesting shall be provided at fees according to the following schedule:

a. \$10 per video less than or equal to 20 minutes in length;

b. \$0.50 per minute for videos longer than 20 minutes in length.

2. For purposes of this Section, *minute* includes one full minute, and no charge shall be given based on rounding up any additional seconds between full minute increments.

B. The fee for production of such videos shall be provided to the requester by Louisiana State Police in advance of production.

C. This schedule does not apply to copies of Louisiana State Police video public records requested from another state agency.

D. For the purposes of this Part, Louisiana State Police video public records include but are not limited to: body-worn camera footage retained by Louisiana State Police regardless of law enforcement agency, in-car dash camera video retained by Louisiana State Police regardless of law enforcement agency, and third party videos, including security video, retained by Louisiana State Police.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:241, R.S. 44:32, and R.S. 36:406.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services and Division of Administration, Office of the Commissioner, LR 51:956 (July 2025).

Jason Hessick
Assistant Secretary

2507#019

RULE

Department of Health Health Standards Section

Case Management—Licensing Standards (LAC 48:I.Chapter 49)

The Department of Health, Health Standards Section (the department), has amended LAC 48:I.4901, §4925, §4931, and §4973 as authorized by R.S. 36:254 and R.S. 28:380-451. This Rule has been promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 49. Case Management

§4901. Personnel Standards

A. Staff Qualifications

1. - 2.c....

d. a bachelor's degree in liberal arts or general studies with a concentration of at least 16 hours in one of the fields listed in accordance with §4901.A.2.c.; or

e. a bachelor's or master's degree in a field other than listed above, if approved by the Office for Citizens with Developmental Disabilities (OCDD) and the Bureau of Health Services Financing (BHSF).

3. - 3.d....

4. Case management supervisors hired or promoted on or after October 1, 2021, shall meet the following qualifications for education and experience:

a. - c. ...

d. a bachelor's degree in liberal arts or general studies with a concentration of at least 16 hours in one of the

fields listed in §4901.A.4.c, and two years of paid post degree experience in providing support coordination services; or

e. a bachelor's or master's degree in a field other than listed above, if approved by OCDD and the BHSF.

B. - C.5. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, LR 20:885 (August 1994), amended by the Department of Health, Bureau of Health Services Financing, LR 47:1305 (September 2021), amended by the Louisiana Department of Health, Health Standards Section, LR 51:957 (July 2025).

§4925. Licensing Inspections

A. Licensing inspections must generally be completed annually, but may occur at any time. No advance notice may be given. Licensors must be given access to the provider office site, staff members or consumers, and all relevant files and records. Licensors must explain the licensing process in an initial interview and must report orally on any deficiencies found during the inspection prior to leaving the agency. A written report of findings must be forwarded to the provider. The provider must respond to the deficiencies cited with a plan of corrective action acceptable to the secretary within 10 working days of receipt.

AUTHORITY NOTE: Promulgated in accordance with R. S. 28:380-451.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, LR 20:888 (August 1994), amended by the Louisiana Department of Health, Health Standards Section, LR 51:957 (July 2025).

§4931. Case Management/Service Coordination Services

A. - A.4.c. ...

5. Monitoring/follow-up, which must include ongoing interaction with the consumer/guardian, family members and professionals (as appropriate), and service providers to ensure that the agreed upon services are provided in a coordinated and integrated manner and are adequate to meet the needs and stated goals of the service plan. The case manager must conduct at a minimum, quarterly visits with the consumer/guardian as part of the linkage and monitoring/follow-up process.

6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:380-451.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, LR 20:888 (August 1994), amended by the Louisiana Department of Health, Health Standards Section, LR 51:957 (July 2025).

§4973. Personnel Practices

A. The provider must have written employment and personnel policies which include:

1. ...

2. a description of hiring practices, which includes a policy against discrimination based on race, color, religion, sex, age, national origin, handicap, political beliefs, disabled veteran, veteran status or any other nonmerit factor;

3. a description of procedures for: employee evaluation, promotion, disciplinary action, termination, and hearing of employee grievances; and

4. preventing, responding to, reporting, and mitigating instances of healthcare workplace violence.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:380-451.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, LR 20:893 (August 1994), amended by the Department of Health, Health Standards Section, LR 51:957 (July 2025).

Bruce D. Greenstein
Secretary

2507#033

RULE

Department of Health Health Standards Section

Hospitals—Licensing Standards
(LAC 48:I.Chapters 93-95)

The Department of Health, Health Standards Section (the department), has amended LAC 48:I.Chapters 93-95 and adopted §9334 as authorized by R.S. 36:254, R.S. 40:1300.55, and R.S. 40:2100 – 2115. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 93. Hospitals

Subchapter A. General Provisions

§9303. Definitions

A. The following definitions of selected terminology are used in connection with Chapter 93 through Chapter 96.

Forensic Psychiatric Hospital—a psychiatric hospital that provides treatment for individuals who are in the legal custody of penal authorities or under the jurisdiction of penal authorities.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2400 (November 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:513 (March 2010), LR 37:3028 (October 2011), LR 38:1413 (June 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 45:1475 (October 2019), LR 49:1221 (July 2023), LR 49:1934 (November 2023), amended by the Department of Health, Health Standards Section, LR 50:1279 (September 2024), LR 50:1473 (October 2024), LR 51:958 (July 2025).

§9305. Licensing Process

A. Procedures for Initial Licensing. The LDH is the only licensing authority for hospitals in the state of Louisiana.

1. Any person, organization or corporation desiring to operate a hospital shall make application to the LDH on forms prescribed by the department. Such forms may be obtained electronically via the LDH, HSS website, or from the LDH, HSS.

A.2. - P. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 16:971 (November 1990), LR 21:177 (February 1995), LR 29:2401 (November 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1413 (June 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1074 (June 2023), amended by the Department of Health, Health Standards Section, LR 50:1475 (October 2024), LR 51:958 (July 2025).

Subchapter B. Hospital Organization and Services

§9317. Governing Body

A. ...

B. The governing body shall:

1. - 2. ...

3. appoint an administrator;

B.4. - E.4. ...

F. All off-site campuses operating under the license of a single provider institution (i.e., a hospital with a main facility and off-site campuses) are subject to the control and direction of one common governing body that is responsible for the operational decisions of the entire hospital enterprise.

1. - 4. ...

5. The off-site campus director is under the day-to-day supervision of the provider, as evidenced by:

a. - b. ...

c. the off-site campus director or the individual responsible for the day-to-day operations at the site is accountable to the provider's administrator and reports through that individual to the provider's governing body; and

F.5.d. - G.1.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2405 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:1479 (October 2024), LR 51:958 (July 2025).

§9321. Medical Staff

A. The medical staff develops and adopts bylaws and rules for self-governance of professional activity and accountability to the governing body. In addition to physicians and dentists, the medical staff membership shall include licensed healthcare practitioners as appropriate to adequately meet the needs of the patients served by the hospital. The bylaws and rules shall contain provisions for at least the following.

1. The medical executive committee shall:

a. - c. ...

d. make recommendations for membership to medical staff, for approval by the governing body, with initial appointments and reappointments not to exceed three years;

1.e. - 6....

7. There shall be total integration of the organized medical staff as evidenced by these factors:

a. - b. ...

c. the medical director of the off-site campus (if the off-site campus has a medical director) maintains a day-to-day reporting relationship to the chief of medical staff or other similar official of the provider.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2406 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:1481 (October 2024), LR 51:958 (July 2025).

§9323. Administration

A. ...

B. The administrator of the hospital shall have at least one of the following qualifications:

B.1. - G.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2407 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:1481 (October 2024), LR 51:959 (July 2025).

§9327. Emergency Services

A. - D. ...

E. Personnel

1. The emergency services shall make provisions for physician coverage at all hours and a qualified member of the medical staff shall be designated to supervise emergency services. There shall be a registered nurse and other nursing service personnel qualified in emergency care to meet written emergency procedures and needs anticipated by the hospital. All registered nurses working in emergency services shall be trained in advanced cardiac life support, pediatric trauma, and pediatric advanced life support.

E.2. - G.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2407 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:1481 (October 2024), LR 51:959 (July 2025).

§9334. Designation of an Essential Caregiver and Circumstances for Visitation

A. The provisions of this Section regarding visitation by a designated essential caregiver (DEC), shall apply to all hospitals licensed by the department, except for a licensed hospital that is designated as a forensic psychiatric facility.

B. Any patient may designate at least one visitor who is a family member, friend, guardian, or other individual as a DEC.

1. The DEC shall not be required to provide advance notice of the intent to visit the patient.

2. The visits of the DEC, as provided in this Section, shall not be constrained for any reason other than medical necessity, which shall include medical procedures and emergencies.

3. The hospital providing necessary care to the patient, shall not require the DEC to provide such care.

C. Each hospital shall have written policies and procedures that require a DEC to agree in writing to follow such policies and procedures.

1. The hospital may suspend in-person visitation for a DEC, if he or she violates the hospital's visitation policies and procedures, and if otherwise restricted by law or by order of the court.

D. In addition to the DEC, a hospital shall allow access to a religious or spiritual support person in accordance with R.S. 40:2005.1, or current law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:1300.55.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 51:959 (July 2025).

Subchapter D. Pharmaceutical Services

§9353. Delivery of Services

A. - I. ...

J. Abuses and losses of controlled substances shall be reported to the individual responsible for pharmaceutical services, the administrator, the Louisiana Board of Pharmacy, and to the Regional Drug Enforcement Administration (DEA) office, as appropriate.

K. - M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 February 1995), LR 29:2411 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:1279 September 2024), LR 50:1484 (October 2024), LR 51:959 (July 2025).

Subchapter H. Medical Record Services

§9389. Content

A. The medical record shall contain the following minimum data:

1. - 7. ...

8. record of all medical care or treatments;

9. discharge summary; and

10. documents, records, photos, testimonials, and other significant health-related collateral information provided by a patient's family member, caregiver, friend, or licensed healthcare practitioner when deemed relevant to the patient's care or treatment by the licensed healthcare practitioner.

B. - B.5.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:2415 November 2003), amended by the Department of Health, Health Standards Section, LR 51:959 (July 2025).

Subchapter I. Quality Assessment and Improvement

§9405. Patient Care Services

A. ...

B. The hospital shall also have an effective, on-going discharge planning program that facilitates the provision of follow-up care. Each patient's record shall be annotated with a note regarding the nature of post hospital care arrangements. Discharge planning shall be initiated in a timely manner. Patients, along with necessary medical information (e.g., the patient's functional capacity, nursing and other care requirements, discharge summary, referral forms) shall be transferred or referred to appropriate facilities, agencies or outpatient services, as needed, for follow-up or ancillary care.

1. - 3. ...

4. If a patient has been admitted for inpatient behavioral healthcare services pursuant to an emergency certificate issued in accordance with R.S. 28:53, the hospital shall make a reasonable effort to:

a. provide written or telephonic notification to any licensed healthcare practitioner that has been providing behavioral health services to the patient, if known, of the date and time the patient has been scheduled to be discharged, unless the patient objects to that information being communicated;

b. provide written or telephonic notification with 24 hours of discharge to any licensed healthcare practitioner that the patient is being referred to follow-up behavioral health services;

i. the notification shall include a summary of the patient's medical history and any current mental health conditions the patient is suffering from at the time of discharge, and shall be provided no later than the date the patient has been scheduled for follow-up behavioral services.

5. Prior to or at the time of discharge, the hospital shall:

a. provide information directed to the patient and the patient's family members, caregivers, or friends about the warning signs of self-harm, and the importance of seeking behavioral health services after an admission pursuant to an emergency certificate has ended;

b. instruct the patient and the patient's family members, caregivers, or friends to seek assistance from a licensed healthcare practitioner to provide ongoing care; and

c. clarify that medical privacy laws do not prevent a family member, friend, or other loved one from communicating the patient's condition to a licensed healthcare practitioner that has been treating the patient.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:2417 (November 2003), amended by the Department of Health, Bureau of Health Services Financing, LR 43:74 (January 2017), amended by the Department of Health, Health Standards Section, LR 50:1487 (October 2024), LR 51:960 (July 2025).

Subchapter K. Infection Prevention and Control

§9425. Responsibilities

A. The administrator, the medical staff, and the director of nursing services shall ensure that the hospital-wide

quality assessment and improvement program and training programs address problems identified by the infection control officer(s). They shall be responsible for the implementation of successful corrective action plans in affected problem areas. Infection control activities or programs conducted or instituted in different departments of the hospital shall have the approval of the infection control officer(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:2419 (November 2003), amended by the Department of Health, Health Standards Section, LR 51:960 (July 2025).

Subchapter O. Outpatient Services (Optional)

§9471. Personnel

A. ...

B. There shall be an RN on the observation unit as long as there are patients admitted to the unit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:2423 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:1490 (October 2024), LR 51:960 (July 2025).

Subchapter R. Psychiatric Services (Optional)

§9495. General Provisions

A. - B. ...

C. No forensic psychiatric hospital issued an initial license after August 1, 2024, shall be constructed, located, or established within 1000 feet of a public or private elementary or secondary school or any site on which a public or private elementary or secondary school was formerly located.

1. This Subsection shall not apply to a forensic psychiatric hospital issued an initial license before August 1, 2024, that seeks to renew its license.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:2425 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:1491 (October 2024), LR 51:960 (July 2025).

Subchapter S. Obstetrical and Newborn Services (Optional)

§9507. Obstetrical Units

A. - C. ...

D. The obstetrical unit shall provide the mother and her family members with information about post-birth warning signs, including symptoms and available resources.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2427 (November 2003), amended LR 33:284 (February 2007), amended by the Department of Health, Bureau of Health Services Financing, LR 43:75 (January 2017), LR 51:960 (July 2025).

Subchapter U. Alternative Birthing Units

§9555. Program Requirements

A. - E. ...

F. Patient and/or Patient's Family Educational Requirements. The following educational programs are required to be completed by the patient and/or patient's family as determined by the policy and procedures of the ABU prior to discharge:

1. - 16. ...

17. instruction as to the clothing/supplies needed at the time of discharge from the center;

18. a family instructional program; and

19. the ABU shall provide the mother and her family members with information about post-birth warning signs, including symptoms and available resources.

G. - G.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:1099 (June 2014), amended by the Department of Health, Health Standards Section, LR 50:1495 (October 2024), LR:51:961 (July 2025).

Subchapter V. Newborn Safety Devices

§9573. General Provisions

A. In accordance with the Louisiana Children's Code (La. Ch. art. 1149 et seq.), a parent may leave an infant in a newborn safety device (NSD) that is located in a licensed hospital that is staffed continuously 24 hours per day, seven days a week, and 365 days a year.

1. The employee who mans the NSD shall be an emergency response provider as defined in 6 U.S.C. 101, and shall be certified in neonatal resuscitation and pediatric advanced life support.

B. - C.3. ...

D. The hospital shall be responsible for:

1. - 2.d....

3. obtaining Department of Health (LDH), Health Standards Section (HSS) approval prior to the use of the NSD;

4. submission of written notification to the LDH, HSS of the hospital's intent to implement the use of the device;

5. ensuring neonatal and pediatric resuscitation equipment and supplies are readily available in the immediate area of the NSD; and

6. ensuring policies and procedures addressing the responsibility of staff who man the NSD.

E. - G. ...

H. The hospital shall install a cardholder adjacent to the NSD and shall keep the cardholder stocked with safe haven informational cards and other safe haven informational materials produced in accordance with La. Ch. Code 1160 and required by the Department of Children and Family Services, in an envelope conspicuous and readily available in the newborn safety device for the relinquishing parent.

I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2100 -2115.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:498 (March 2022), amended by the Department of Health, Health Standards Section, LR 51:961 (July 2025).

Bruce D. Greenstein
Secretary

2507#032

RULE

Department of Health Licensed Professional Counselors Board of Examiners

Teletherapy Registration Fee (LAC 46:LX.901)

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 adopts Chapter 9 Section 901 in the July 20, 2025 edition of the *Louisiana Register*. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LX. Professional Counselors

Subpart 1. Licensed Professional Counselors

Chapter 9. Fees

§901. General

A. - A.4. ...

5. out of state teletherapy registration—\$100;

6. application for appraisal, board-approved supervisor, and other specialty areas—\$100;

7. application for change/additional board-approved supervisor—\$50;

8. application for expedited review—\$55;

9. renewal of license—\$170;

10. renewal of provisional license—\$85;

11. renewal of teletherapy registration, appraisal, board-approved supervisor, and other specialty areas—\$50;

12. late fee for renewal of license—\$55;

13. late fee for renewal of provisional license—\$55;

14. late fee for renewal of appraisal, board-approved supervisor, and other specialty areas—\$25;

15. reissue of license duplicate—\$25;

16. copy of file—\$25;

17. copy of any documents—cost incurred.

B. - E. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:136 (February 2003), amended LR 29:2783 (December 2003), LR 39:1790 (July 2013), LR 41:723 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners LR 45:437 (March 2019), LR 49:1087 (June 2023), LR 51:961 (July 2025).

Jamie S. Doming
Executive Director

2507#020

RULE

Department of Insurance Office of the Commissioner

Regulation 90—Payment of Pharmacy and Pharmacist Claims (LAC 37:XIII.Chapter 115)

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 amends Regulation 90.

The purpose of the amendment to Regulation 90 is to add regulatory language to incorporate and clarify audit and claim review requirements and to require the filing of policies and procedures to bring Pharmacy Benefit Management processes into compliance. This Rule is hereby adopted on the day of promulgation.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 115. Regulation Number 90—Payment of Pharmacy and Pharmacist Claims

§11501. Purpose

A. The purpose of Regulation 90 is to implement R.S. 22:1851-1862 relative to the making of the prompt and correct payment for prescription drugs, other products and supplies, and pharmacist services covered under insurance or other contracts that provide for pharmacy benefits, and for the review and auditing of claims or records pertaining to such services.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1662 (August 2007), amended LR 51:962 (July 2025).

§11503. Scope and Applicability

A. Except as otherwise specifically provided, the requirements of Regulation 90 apply to all health insurance issuers including health maintenance organizations that offer coverage in their insurance contracts for pharmacy services in accordance with the statutory requirements Subpart C of Part II of Chapter 6 of Title 22 of the Louisiana Revised Statutes of 1950, R.S. 22:1851 et seq. Additionally, Regulation 90 applies to all contracts between a pharmacist and/or, pharmacy and/or a health insurance issuer, its agent, or any other party responsible for reimbursement for prescription drugs, other products and supplies, and pharmacist services. Any and all contracts entered into after July 1, 2005 shall be required to be in compliance with R.S. 22:1851 et seq. Additionally, Regulation 90 shall apply to all contracts in existence prior to July 1, 2005. Regulation 90 shall include but not be limited to those contracts that contain any automatic renewal provisions, renewal provisions that renew if not otherwise notified by a party, any provision that allows a party the opportunity to opt out of the contract, evergreen contracts, or rollover contracts and therefore these contracts shall be required to come into compliance. Regulation 90 shall apply to all contracts as enumerated above as of the first renewal date, first opt out date, first rollover date or first annual anniversary on or after July 1, 2005.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1663 (August 2007), amended LR 51:962 (July 2025).

§11505. Definitions

* * *

Pharmacy—appropriately licensed place within this state where prescription drugs are dispensed and pharmacist services are provided and any place outside of this state where prescription drugs are dispensed and pharmacist services are provided to residents of this state.

* * *

Prohibited Billing Activities—those activities outlined in R.S. 22:1871 et seq.

Uniform Claim Forms—are forms prescribed by the department and shall include the National Uniform Bill-04

(UB-04) or its successor for appropriate hospital services, and the current Health Care Financing Administration Form 1500 or its successor for physical and other appropriate professional services. If, after consultation with insurers, providers, and consumer groups, the commissioner determines that the state assignable portions of either form should be revised, he shall make a revision request to the State Uniform Bill Implementation Committee and if approved, prescribe the use of the revised form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1663 (August 2007), amended LR 51:962 (July 2025).

§11507. Claim Handling Procedures for Non-Electronic Claims

A. Pursuant to R.S. 22:1853.B, health insurance issuers or health maintenance organizations are required to submit to the Department, for approval, a "Prompt Payment Procedures Plan for Non-Electronic Pharmacy Claims" detailing statutory compliance for the receipt, acceptance, processing, payment of non-electronic claims and procedures in place to ensure compliance with R.S. 22:1851 et seq. and R.S. 22:1871 et seq. The Prompt Payment Procedures Plan for Non-Electronic Pharmacy Claims shall include, but not be limited to, the following:

1. a process for documenting the date of actual receipt of non-electronic claims;
2. a process for reviewing non-electronic claims for accuracy and acceptability;
3. a set of policies and procedures governing the performance of pharmacy record audits, whether by the health insurance issuer or its agent. Such material shall:
 - a. specify the selection criteria or algorithm used to select pharmacies for auditing;
 - b. specify the potential purpose and scope of the audit function, including all potential recoupment, remedial, and punitive rights reserved to the health insurance issuer or its agent by contract or other agreement with the pharmacy;
 - c. expressly demonstrate compliance with all substantive elements of R.S. 22:1856.1 and this Regulation;
4. a set of policies and procedures governing the performance of claim reviews and quality assurance reviews, whether by the health insurance issuer or its agent. Such material shall:

a. specify any distinctions between claim reviews and quality assurance reviews under the policies and procedures to be used by the company. Any alternative term for a review of a claim shall be added to the policies and procedures filed with the department as a term for either a claim review or a quality assurance review prior to use in communication with any pharmacy, except for annual audits and fraud or willful misrepresentation-related audits, reviews, or investigation;

b. specify the selection criteria or algorithm used in determining when a claim review is to be performed. This shall include safeguards to ensure the scope of the review is not unduly burdensome or overly broad. Such safeguards shall include limits on the number of reviews a pharmacy may be subject to in any 30-calendar-day period and limits on the type and quantity of material produced by the pharmacy in complying with the review;

c. specify the selection criteria or algorithm used in determining when a quality assurance review is to be performed. This shall include safeguards to ensure the scope of the review is not unduly burdensome or overly broad. Such safeguards shall include limits on the number of reviews a pharmacy may be subject to in any 30-calendar-day period and limits on the type and quantity of material produced by the pharmacy in complying with the review;

d. specify the potential purpose and scope of its claim review function, including all potential recoupment, remedial, and punitive rights reserved to the health insurance issuer or its agent by contract or other agreement with the pharmacy;

e. specify the potential purpose and scope of its quality assurance review function, including all potential recoupment, remedial, and punitive rights reserved to the health insurance issuer or its agent by contract or other agreement with the pharmacy; and

5. a set of policies and procedures governing the performance of fraud or willful misrepresentation audits, whether by the health insurance issuer or its agent. Such material shall:

a. describe any triggers or criteria which may give rise to a fraud or willful misrepresentation audit; such triggers or criteria shall be clearly defined and easily distinguishable from the selection criteria or algorithms used by the company for pharmacy record audits, claim reviews, and quality assurance reviews;

b. describe the purpose, scope, and the set of invoking criteria to prevent the use of fraud or willful misrepresentation audits in place of pharmacy record audits, claim reviews, and quality assurance reviews.

B. The filing of the Prompt Payment Procedures Plan for Non-Electronic Pharmacy Claims document shall indicate compliance by a health insurance issuer or health maintenance organization with the filing requirements of R.S. 22:1853. However, such documentation shall still be subject to review and disapproval at any time such documentation is deemed to be not in compliance with the substantive requirements of R.S. 22:1853 or 1856.1.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:962 (July 2025).

§11509. Claim Handling Procedures for Electronic Claims

A. Pursuant to R.S. 22:1851, health insurance issuers and health maintenance organizations are required to submit to the department, for approval, a "Prompt Payment Procedures Plan for Electronic Pharmacy Claims" detailing statutory compliance for the receipt, acceptance, processing, payment of electronic claims and procedures in place to ensure compliance with R.S. 22:1851 et seq. The "Prompt Payment Procedures Plan for Electronic Pharmacy Claims" shall include, but not be limited to, the following:

1. a process for electronically dating the time and date of actual receipt of electronic claims;

2. a process for reporting all claims rejected during electronic transmission and the reason for the rejection.

3. a set of policies and procedures governing the performance of pharmacy record audits, whether by the health insurance issuer or its agent. Such material shall:

a. specify the selection criteria or algorithm used to select pharmacies for auditing;

b. specify the potential purpose and scope of the audit function, including all potential recoupment, remedial, and punitive rights reserved to the health insurance issuer or its agent by contract or other agreement with the pharmacy;

c. expressly demonstrate compliance with all substantive elements of R.S. 22:1856.1 and this Regulation;

4. a set of policies and procedures governing the performance of claim reviews and quality assurance reviews, whether by the health insurance issuer or its agent. Such material shall:

a. specify any distinctions between claim reviews and quality assurance reviews under the policies and procedures to be used by the company. Any alternative term for a review of a claim shall be added to the policies and procedures filed with the department as a term for either a claim review or a quality assurance review prior to use in communication with any pharmacy, except for annual audits and fraud or willful misrepresentation-related audits, reviews, or investigation;

b. specify the selection criteria or algorithm used in determining when a claim review is to be performed. This shall include safeguards to ensure the scope of the review is not unduly burdensome or overly broad. Such safeguards shall include limits on the number of reviews a pharmacy may be subject to in any 30-calendar-day period and limits on the type and quantity of material produced by the pharmacy in complying with the review;

c. specify the selection criteria or algorithm used in determining when a quality assurance review is to be performed. This shall include safeguards to ensure the scope of the review is not unduly burdensome or overly broad. Such safeguards shall include limits on the number of reviews a pharmacy may be subject to in any 30-calendar-day period and limits on the type and quantity of material produced by the pharmacy in complying with the review;

d. specify the potential purpose and scope of its claim review function, including all potential recoupment, remedial, and punitive rights;

e. specify the potential purpose and scope of its quality assurance review function, including all potential recoupment, remedial, and punitive rights reserved to the

health insurance issuer or its agent by contract or other agreement with the pharmacy; and

5. a set of policies and procedures governing the performance of fraud or willful misrepresentation audits, whether by the health insurance issuer or its agent. Such material shall:

a. describe any triggers or criteria which may give rise to a fraud or willful misrepresentation audit; such triggers or criteria shall be clearly defined and easily distinguishable from the selection criteria or algorithms used by the company for pharmacy record audits, claim reviews, and quality assurance reviews;

b. describe the purpose, scope, and the set of invoking criteria to prevent the use of fraud or willful misrepresentation audits in place of pharmacy record audits, claim reviews, and quality assurance reviews.

B. ...

C. The filing of the "Prompt Payment Procedures Plan for Electronic Pharmacy Claims" document shall indicate compliance by a health insurance issuer and health maintenance organization with the filing requirements of R.S. 22:1854. However, such documentation shall still be subject to review and disapproval at any time such documentation is deemed to not be in compliance with the substantive requirements of R.S. 22:1854 or 1856.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:963 (July 2025).

§11511. Pharmacy Audits of Records

A. Pharmacy audits of records shall, with the exception of fraud or willful misrepresentation audits, be the sole mechanism a health insurance issuer or its agent may require a pharmacy to participate in for the purpose of systematic review of the pharmacy's compliance with contract terms and conditions, filing guidelines, and the provider manual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:964 (July 2025).

§11513. Claim Reviews

A. Claim reviews shall be limited to a determination of whether a claim is payable or has been paid correctly. Inappropriate aggregation of claim reviews, excessive application of claim reviews upon a single pharmacy, and similar activities serve to convert a claim review into a pharmacy record audit and therefore subject to the requirements of and limitations on such audits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:964 (July 2025).

§11515. Quality Assurance Reviews

A. Quality assurance reviews shall be limited to reviews of pharmacy compliance with contractual and claim filing requirements and shall only be performed prior to reimbursement. The purpose of a quality assurance review must be to test and maintain compliance with contract terms

or agreed-upon claim filing requirements, and the health insurance issuer shall design and implement such reviews to be remedial in nature, rather than to deny, recover, or otherwise non-pay claims based on correctable or harmless errors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:964 (July 2025).

§11517. State of Emergency

A. Pursuant to any Executive Order issued by the governor transferring authority to the department on matters pertaining to insurance, and pursuant to the plenary authority vested in the commissioner under Title 22, the department shall be authorized to issue emergency regulations during a state of emergency that suspends and/or interrupts any of the provisions found in Title 22 or take any or all such action that the commissioner deems necessary in reference to provisions in Title 22.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:964 (July 2025).

§11519. Severability Clause

A. If any Section or provision of Regulation 90 or its application to any person or circumstance is held invalid, such invalidity or determination shall not affect other sections or provisions that can be given effect without the invalid sections or provisions or application, and for these purposes, the Sections or provisions of this regulation and the application to any person or circumstance shall be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:964 (July 2025).

§11521. Effective Date

A. Regulation 90 shall become effective upon final publication in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:964 (July 2025).

§11523. Confidentiality

A. The Louisiana Department of Insurance shall maintain any and all confidential documents considered trade secrets or fall under the Louisiana public records law under R.S. 44:1 et al.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:964 (July 2025).

Timothy J. Temple
Commissioner

2507#036

RULE

Department of Insurance Office of the Commissioner

Regulation 134—Insurance Regulatory Sandbox Program (LAC 37:XIII.Chapter 205)

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 promulgates Regulation 134—Insurance Regulatory Sandbox Program.

The Insurance Regulatory Sandbox Act was enacted through the passage of Act 229 of the 2024 Regular Session of the Louisiana Legislature which allows the Insurance commissioner to grant temporary waivers from certain insurance laws and regulations to facilitate the introduction of innovative insurance products and services. Regulation 134 sets forth the standards and procedures relative to a person's participation in the Insurance Regulatory Sandbox Program. This Rule is hereby adopted on the day of promulgation.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 205. Regulation Number 134—Insurance Regulatory Sandbox Program

§20501. Purpose

A. The purpose of Regulation 134 is to exercise the authority and carry out the duties and responsibilities of the commissioner for implementation and regulation of the Insurance Regulatory Sandbox Program, hereinafter referred to as the "Regulatory Sandbox." Regulation 134 sets forth rules and procedural requirements which the commissioner deems necessary for participation in the Regulatory Sandbox.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:965 (July 2025).

§20503. Applicability and Scope

A. Regulation 134 shall apply to all persons that apply to participate in the Regulatory Sandbox in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:965 (July 2025).

§20505. Pre-Application Conference

A. The applicant may request in writing or by electronic means a pre-application conference to discuss the nature of the offering. Requests must be made in writing or by electronic means to the commissioner through the Office of Policy, Innovation and Research. The commissioner has 10 days to respond to such requests.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:965 (July 2025).

§20507. Definitions

A. Strictly for the purposes of Regulation 134, the following terms are defined as follows:

Applicant—the person or business entity applying for an innovation waiver.

Commissioner—the Louisiana Commissioner of Insurance.

Consumer—a person that purchases or otherwise enters into a transaction or agreement to receive an innovative insurance product or service that is being tested by a participant.

Demonstration—to temporarily provide an offering in accordance with the provisions of Regulation 134.

Department—the Louisiana Department of Insurance.

Key Personnel—any employee or contractor of the applicant involved with the product or service which is subject to the innovation waiver.

Innovation—the use or incorporation of a new or existing idea, a new use or emerging technology, or a new use of existing technology to address a problem, provide a benefit, or otherwise offer a product, production method, service, business model, or delivery mechanism that is not known by the department to have a comparable widespread offering in the state.

Innovation Waiver—a document issued pursuant to the Regulatory Sandbox that allows a participant to temporarily test an innovative insurance product or service on a limited basis without being fully compliant with the insurance laws and regulations of this state.

Innovative Insurance Product or Service—an insurance product or service that includes an innovation.

Insurance Product or Service—an insurance product or insurance service that requires licensure, registration, or other authorization pursuant to the insurance laws and regulations of this state.

Offering—a product or service that includes an innovation.

Participant—a person or business entity that has been granted an innovation waiver.

Regulatory Sandbox—the Insurance Regulatory Sandbox Program created by R.S. 22:1430.1 et seq. which allows a person to temporarily demonstrate an offering under a waiver of one or more state laws or regulations.

Test—to provide an innovative insurance product or service in accordance with an innovation waiver.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:965 (July 2025).

§20509. Grounds for Innovation Waiver

A. The commissioner may grant an innovation waiver with respect to requirements imposed by any insurance law, regulation, directive or bulletin to enable a person to obtain limited access to the insurance market in this state to test an innovative insurance product or service without obtaining a license or other authorization that might otherwise be required or without being fully compliant with any insurance law, regulation, directive or bulletin. To receive an innovation waiver, an applicant shall demonstrate to the commissioner's satisfaction that:

1. the application of the law, regulation, directive or bulletin would prohibit the introduction of an innovative or more efficient insurance product or service that the applicant intends to test during the period for which the proposed innovation waiver is granted;

2. the public policy goals of the law, regulation, directive or bulletin will be or have been achieved by other means;

3. the innovation waiver will not substantially or unreasonably increase risk to consumers or create unfair competition in the insurance market; and

4. the innovation waiver is in the public interest.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:965 (July 2025).

§20511. Application Requirements

A. Applicants requesting an innovation waiver shall do so in writing to the commissioner through the Office of Policy, Innovation and Research and include the following:

1. the legal name and trade name, if any, of the natural or juridical person applying for the innovation waiver;

2. an agreement that the applicant will submit to the jurisdiction of this state;

3. an agreement that the applicant will establish a physical location in this state or a virtual facility adequately accessible to the commissioner to monitor testing and examine all required records, documents, and data.

4. the legal name, job title, and responsibilities of the directors and executive officers of the applicant, any persons who are beneficial owners of 10 percent or more of the voting securities of the applicant, and any persons with power to direct the management and policies of the applicant and key personnel;

5. the contact information for the applicant, directors, and executive officers of the applicant, any persons who are beneficial owners of 10 percent or more of the voting securities of the applicant, any persons with power to direct the management and policies of the applicant, and key personnel to include email address, phone number, physical and mailing address, website and social media;

6. disclosure of criminal convictions of the applicant and all key personnel;

7. a description of the business operations of the applicant;

8. a description of the product or service to be offered pursuant to the innovation waiver, including the current state of development of the innovative product or service, how the product or service functions, the manner and terms on which it will be offered, and the features that distinguish it from other products or services available in the state of Louisiana;

9. evidence that the applicant has the necessary personnel, financial resources, technical expertise, access to capital, and a developed plan to test, monitor, and evaluate the innovative insurance product or service;

10. a description of the potential benefits to consumers of the product or service;

11. a description of the potential risks to consumers posed by the product or service or the approval of the proposed waiver and how the applicant proposes to mitigate such risks;

12. an identification of the insurance statutory or regulatory provisions that prohibit the introduction, sale, or offering of the product or service;

13. a nonrefundable filing fee in the amount of two thousand dollars;

14. an explanation of how participating in the Regulatory Sandbox would enable a successful test of the innovative insurance product or service with narratives for proposed beginning operations, ongoing operations, the process regarding waiver termination, including plans to obtain necessary licensure or authorizations after termination of the innovation waiver;

15. an explanation of how the applicant will terminate the innovation waiver and protect consumers if the test fails;

16. a description of the security requirements, as required by the commissioner, to protect consumers and safeguard against the applicant's insolvency or other liabilities that may arise from participation in the Regulatory Sandbox that includes any one or more of the following:

a. a contractual liability insurance policy;

b. a surety bond issued by an authorized surety;

c. securities of the type eligible for deposit by authorized insurers in Louisiana;

d. an account payable to the commissioner in a federally insured financial institution where the deposited funds cannot be withdrawn except by the commissioner's order;

e. a letter of credit issued by a qualified financial institution as defined by R.S.22:512; or

f. another form of security that may be authorized by the commissioner; and

17. any additional information required by the commissioner.

B. The commissioner may not grant an innovation waiver to an applicant or any other person who has been convicted, entered a plea of nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance, for a crime involving theft, fraud, or dishonesty that bears a substantial relationship to the applicant's or participant's ability to safely or competently administer an innovative insurance product or service.

C. The commissioner shall grant or deny a waiver within 90 days after the applicant's innovation waiver application is deemed complete.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:966 (July 2025).

§20513. Conditions on Innovation Waiver

A. An insurance innovation waiver shall be issued by the commissioner in writing that limits the number of consumers in this state that may purchase or utilize the underlying insurance product or service to no more than 10 thousand consumers and specifies any terms, conditions, and limitations that the commissioner considers appropriate, including:

1. limits on the amount of premium that may be written in relation to the innovative product or service;

2. liability coverage requirements and minimum financial reserve requirements that the applicant must meet during the testing of the innovative insurance product or service; and

3. regular or additional reporting on any aspect of the innovative insurance product or service during the test, including financial results and consumer information.

B. Conditions issued under this section do not restrict a person who holds a license or authorization in another jurisdiction from acting in accordance with that license or authorization in that jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:966 (July 2025).

§20515. Waiver Not to Restrict Commissioner's Authority

A. The commissioner's authority to grant an innovation waiver pursuant to the Regulatory Sandbox does not limit or otherwise affect his authority to exercise discretion to waive or enforce any provision of Title 22 or applicable administrative regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:967 (July 2025).

§20517. Duration and Requests for Extension

A. If approved by the commissioner, an innovation waiver shall be granted for an initial period of up to three years.

B. Prior to the end of the initial waiver period, the commissioner may grant or deny a one-time extension for up to an additional three years.

C. Extension requests shall be made in writing to the commissioner at least thirty days prior to the end of the initial waiver period and shall include the length of the extension period requested and specific reasons why the extension is necessary.

D. The commissioner shall grant or deny an extension request before the end of the initial waiver period.

E. Upon expiration of an innovation waiver, the person who obtained the waiver shall cease all activities that were only permitted as a result of the waiver and comply with all generally applicable laws and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:967 (July 2025).

§20519. Expedited Application Process

A. An expedited application process shall be available to an applicant who demonstrates to the commissioner's satisfaction that the product or service proposed to be subject to an innovation waiver is substantially similar to one for which a waiver has previously been granted by the commissioner.

B. Upon receipt of an expedited application request, the commissioner shall determine within 15 days, excluding weekends and holidays, whether the product or service qualifies for an expedited application process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:967 (July 2025).

§20521. Reporting and Monitoring

A. On a quarterly basis, the participant shall submit a report to the commissioner with respect to the product or service for which the innovation waiver has been granted containing the following information:

1. the total number of policies written for the product or service;

2. the total amount of premium collected;

3. the total number and dollar amount of claims made;

4. the total number and dollar amount of claims paid;

5. material changes in the business plan, underwriting or claims practices for the product or service; and

6. any other information the commissioner reasonably requires.

B. The commissioner may examine the affairs, transactions, accounts, records, and any other matters deemed necessary of the participant or its independent accountant, including workpapers and assets of the participant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:967 (July 2025).

§20523. Record Keeping by Participants

A. The commissioner shall establish reporting requirements for each participant, including information about consumer complaints. A participant shall retain records, documents, and data produced in the course of business regarding an innovative insurance product or service subject to a waiver for a period of five years after the waiver has terminated.

B. A participant shall make its records, documents, and data available for inspection by the commissioner immediately upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:967 (July 2025).

§20525. Disclosure to Consumers

A. A person offering a product or service pursuant to an innovation waiver shall clearly and conspicuously disclose to consumers all of the following:

1. the name and contact information of the person providing the product or service;

2. that the product or service is authorized pursuant to an innovation waiver for a temporary period of time and may be discontinued at the end of the waiver period, the date of which shall be specified;

3. contact information for the department, including how a consumer may file a complaint with the department regarding the product or service; and

4. any additional information required by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:967 (July 2025).

§20527. Public Notice

A. At least 30 days prior to granting an innovation waiver, the commissioner shall provide public notice of the draft waiver on the department's website as outlined in R.S.

22:1430.2(I). In making a determination as to whether to grant or deny a waiver, the commissioner may give due consideration to any public comment about such application received via mail or electronic communication within 21 days of public notice being posted on the department's website.

B. If the commissioner determines that a product or service qualifies for an expedited application process, the commissioner shall provide public notice of the draft waiver on the department's website as outlined in R.S. 22:1430.2(I) within five days, excluding weekends and holidays.

C. If an innovation waiver is granted, the commissioner shall provide public notice of its existence by publishing on the department's website all information required by R.S. 22:1430.2(J).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:967 (July 2025).

§20529. Termination of Waivers

A. If a participant tests an innovative insurance product or service requiring ongoing duties after the termination date of a waiver, the participant shall continue to fulfill those duties or arrange for another person to fulfill those duties after the date the waiver terminates. At the termination of the testing period provided by a waiver, the participant shall immediately stop offering all innovative insurance products or services being tested. The participant shall submit a final report showing test results within sixty days of waiver termination.

B. If an innovative insurance product or service fails before the termination of a testing period as provided in an innovation waiver, the participant shall immediately notify the commissioner and report on actions taken by the participant to ensure consumers have not been harmed as a result of the failure.

C. The commissioner may terminate an innovation waiver for cause and with reasonable notice to the participant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:968 (July 2025).

§20531. Denial, Revocation and Penalties

A. The commissioner may deny or revoke an innovation waiver if the participant fails to comply with Regulation 134, or if the innovation waiver causes harm to consumers as determined by the commissioner.

B. In addition to any other penalties permitted by law, the commissioner may impose a fine of not more than one thousand dollars for failure to comply with any terms, conditions, or limitations established by the Insurance Regulatory Sandbox Act and Regulation 134.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:968 (July 2025).

§20533. Confidentiality of Waiver Application and Materials

A. Documents, materials, or other information in the possession of the department that are obtained by or

disclosed to the commissioner or any other person in the course of an insurance innovation waiver shall be confidential by law and privileged, shall not be subject to release pursuant to the Public Records Law, R.S. 44:1 et seq., shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.

B. The commissioner may use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's duties. The commissioner shall not otherwise make the documents, materials, or other information public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:968 (July 2025).

§20535. Severability

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:968 (July 2025).

§20537. Effective Date

A. This regulation shall become effective upon final publication in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:968 (July 2025).

Timothy J. Temple
Commissioner

2507#015

RULE

Department of Insurance Office of the Commissioner

Rule 13—Special Assessment; Creation of Dedicated Fund Account (LAC 37:XI.Chapter 23)

In accordance with the Administrative Procedure Act, and through the authority granted under R.S. 22:1 and 22:11 et seq., the Department of Insurance amends Rule 13. Rule 13 was originally promulgated in 2000, in accordance with the authority provided through R.S. 40:1428 and 1429. Since Rule 13 was originally published, R.S. 40:1428 and 1429 have been amended by Act 369 of the 2001 Regular Session, Act 147 of the 2018 Regular Session, and now by Act 340 of the 2024 Regular Legislative Session, which amends R.S. 40:1428 and repeals R.S. 40:1429. These amendments reflect the changes in the law as stated by current law under R.S. 40:1428. This Rule is hereby adopted on the day of promulgation.

Title 37
INSURANCE
Part XI. Rules

Chapter 23. Rule 13—Special Assessment; Creation of Dedicated Fund Account

Editor's Note: Refer to Act No. 369 of the 2001 Regular Legislative Session, Act 293 of the 2003 Regular Legislative Session; Act 1013 of the 2010 Regular Legislative Session; and Act 193 of the 2016 Regular Legislative Session.

§2301. Purposes

A. The purpose of this Rule is to implement the provisions of R.S. 40:1428 by assessing a fee on insurers to pay the cost of investigation, enforcement, public education and public awareness, and prosecution of insurance fraud in this state as more fully described in R.S. 40:1421-1428 and this Rule. This Rule shall be effective upon final publication in the *Louisiana Register*.

B. The fees collected shall be used solely for the purposes of Subpart B of Part III of Chapter 6 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1421 through 1428, entitled "Insurance Fraud Investigation Unit".

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, and R.S. 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:323 (February 2000), amended LR 45:64 (January 2019), LR 51:969 (July 2025).

§2303. Fee Assessment

A. - C. ...

D. Prior to making the allocations specified in §2307 of this Rule, the Commissioner of Insurance is authorized to withhold the sum of \$30,000 per year from the fees collected to defray the expense of collection of the fees, enforcement of this Subpart, and operation of the Department of Insurance and shall withhold \$187,000 to fund insurance fraud detection, investigation, and public awareness.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, and R.S. 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:323 (February 2000), amended LR 45:64 (January 2019), LR 51:969 (July 2025).

§2305. Limitations of the Fee Assessment

A. The fee shall not be assessed on premiums received on life insurance policies, annuities, credit insurance, crop and livestock insurance, federal flood insurance policies, reinsurance contracts, reinsurance agreements, or reinsurance claims transactions. The fee shall not be assessed on 50 percent of the premiums received on health and accident insurance policies.

B. If the fee assessed for the previous year exceeds by five percent of the cumulative costs of the previous year of operating the insurance fraud programs to which the funds are allocated, the fee assessment for the next year shall be reduced by the amount of the excess in proportion to the assessment, however, any entity listed in §2307(A) of this Rule that expands its allocation shall receive at least the same allocation for the next year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, and R.S. 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:323 (February 2000), amended LR 45:64 (January 2019), LR 51:969 (July 2025).

§2307. Allocation of the Fee Assessment

A. Except as otherwise provided in §2303(D) of this rule, fees collected shall be allocated to the insurance fraud investigation unit within the office of state police, the insurance fraud support unit within the Department of Justice, the section of insurance fraud within the Department of Insurance, and other state agencies in accordance with a written agreement entered into by the superintendent of state police, the attorney general, and the commissioner of insurance.

B. Except as otherwise provided in §2303(D) of this rule, if a written agreement is not entered into pursuant to §2307(A) no later than September thirtieth, the fees collected in the next fiscal year shall be allocated as follows:

1. Seventy-five percent of the fees collected shall be allocated to the Insurance Fraud Investigation Unit within the Office of State Police

2. Fifteen percent of the fees collected shall be allocated to the Department of Justice to be used solely for the Insurance Fraud Support Unit.

3. Ten percent of the fees collected shall be allocated to the Department of Insurance to be used solely for the Section of Insurance Fraud.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, and R.S. 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:323 (February 2000), amended LR 45:64 (January 2019), LR 51:969 (July 2025).

§2309. Payment of the Fee Assessment

A. The fee established in R.S. 40:1428 and in this rule shall be paid to the Commissioner of Insurance as required by R.S. 40:1428.

B. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, an amount equal to that deposited as required by R.S. 40:1428 shall be credited to the Insurance Fraud Investigation Fund in the state treasury. The monies shall be irrevocably dedicated and deposited in the Insurance Fraud Investigation Fund and shall be used solely as provided in R.S. 40:1428(A) and only in the amounts appropriated by the legislature. Monies in the fund shall be appropriated, administered, and used solely and exclusively for the purposes of the fraud unit, fraud support unit, insurance fraud section, and as further provided in R.S. 40:1428. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall be refunded to each insurer licensed by the Department of Insurance to conduct business in this state assessed a fee pursuant to R.S. 40:1428 on a pro-rata basis based on each insurer's proportionate share of the total fees collected pursuant to this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, and R.S. 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:323 (February 2000), amended LR 45:64 (January 2019), LR 50:526 (April 2024), LR 51:969 (July 2025).

§2311. Fines

A. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, and R.S. 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:323 (February 2000), amended LR 45:64 (January 2019), LR 51:969 (July 2025).

Timothy J. Temple
Commissioner

2507#050

RULE

Department of Revenue Tax Policy and Planning Division

Installment Agreement for Payment of Tax (LAC 61:I.4919)

Under the authority of R.S. 47:105(B), 47:1511 and 47:1576.2(B), and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division, has amended LAC 61:I.4919.

Louisiana Revised Statutes 47:105 and 47:1576.2 authorizes the payment of taxes in installments and gives the secretary authority to promulgate rules to administer the installment program. The purpose of this regulation is to allow payment of the installment agreement and reinstatement fee to be paid in installments.

This Rule is written in plain language in an effort to increase transparency. This Rule is hereby adopted on the day of promulgation.

Title 61

REVENUE AND TAXATION

Part I. Administrative and Miscellaneous Provisions

Chapter 49. Tax Collection

§4919. Installation Agreement for Payment of Tax

A. ...

B. Installment Agreement. If a taxpayer qualifies for an installment agreement, the secretary may allow the taxpayer

to pay taxes, interest, penalties, fees and costs due in installments subject, but not limited, to the following requirements or conditions.

1. The taxpayer shall pay a nonrefundable installment agreement fee in the amount of \$105, payable to the Department of Revenue, to establish an installment agreement for the payment of the tax debt. Payment of the fee is mandatory. The installment agreement fee cannot be waived or applied against any tax debt. However, the secretary shall not charge the fee to enter into an installment payment agreement plan with any taxpayer whose adjusted gross income is less than or equal to \$25,000.

B.2. - D.3. ...

E. Default; Reinstatement of Installment Agreement

1. If any installment payment is not paid on or before the dated fixed for its payment, the total outstanding balance shall be due and payable immediately upon notice and demand from secretary. All collection actions shall be reactivated.

2. Upon request of the taxpayer and the approval of the secretary, the installment agreement may be reinstated, provided the taxpayer pays the mandatory reinstatement fee in the amount of \$60, payable to the Department of Revenue. The reinstatement fee cannot be waived or applied against any tax debt.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:105 and R.S. 47:1576.2.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 42:281 (February 2016), amended LR 47:892 (July 2021), amended by the Department of Revenue, Tax Policy and Planning Division, LR 50:1293 (September 2024), amended LR 51:970 (July 2025).

Richard Nelson
Secretary

2507#052

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Agricultural Chemistry and Seed Commission

Seeds (LAC 7:XIII.Chapters 7 and 12)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, proposes to adopt additions to LAC 7:XIII.707, 755, and 763, and proposes to adopt 1201, 1203, 1205, 1207, and 1209. The proposed Rule change is made in accordance with R.S. 3:1433, which gives the Agricultural Chemistry and Seed Commission the authority to adopt rules and regulations. The agency evaluated the proposed Rule and determined it was necessary, consistent with law, and aligned with the agency's mission. The benefits of the proposed Rule outweigh the burdens and costs. This proposed Rule is written in plain language in an effort to increase transparency.

The proposed Rule changes provide updates to the Bahia Grass Seed Certification Standards, Sugarcane Certification Standards, and Sweet Potato Certification Standards. The Hemp Seed Certification Standards are being proposed for adoption. The proposed Rule puts the department more in line with the National Association of Official Seed Certifying Agencies (AOSCA) standards.

Title 7

AGRICULTURE AND ANIMALS

Part XIII. Seeds

Chapter 7. Certification of Specific Crops/Varieties

Subchapter A. Grasses and Clovers

§707. Bahiagrass Seed Certification Standards

A. ...

Factor	Foundation	Registered	Certified
Land Requirement	5 yrs.	1 yr.	1 yr.
Isolation	1,320 ft.	660 ft.	330 ft.
Other Varieties*	1:1,000	1:100	1:50
Other Grass with Inseparable Seed	10 Plants per Acre	10 Plants per Acre	25 Plants per Acre
Other Crops	Other crops with seed that can be separated will be permitted in the field.		

*Maximum permitted ratio

B. ...

Factor	Foundation	Registered	Certified
Pure Seed	65.00%	65.00%	65.00%
Inert Matter	35.00%	35.00%	35.00%
Total Other Crop Seed			
Other	0.20%	1.00%	2.00%
Kinds	0.10%	0.25%	0.50%
Other Varieties	0.10%	1.00%	2.00%
Noxious Weed Seed	None	None	None

Factor	Foundation	Registered	Certified
Other Weed Seed	0.50%	0.50%	1.00%
Percent Total Viability*	70.00%	70.00%	70.00%

*Percent germination plus percent dormant seed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:568 (November 1982), amended LR 9:197 (April 1983), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 12:825 (December 1986), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2716 (October 2013), LR 51:

§755. Sweet Potato (*Ipomoea batatas*) Certification Standards

A. The General Seed Certification Requirements provided in this Part apply to all crops, and together with the following specific standards constitute the certified Sweet Potato seed standards.

B. Requests for exemptions to any requirement set forth in this Section shall be submitted to LDAF in writing. In the case that LDAF approves an exemption, the grower may be required to implement additional LDAF approved safeguards to insure the health and integrity of the certified plants or roots.

C. Breeder Seed Stock entering the certification program shall be sourced from an LDAF approved virus elimination program, maintained in tissue culture, and tested for known pathogens proven to be detrimental to the health of the seed stock.

D. Definitions. The following definitions apply to this Section only.

Clean Plant Center—sweet potato plant propagation facility approved by state certifying agencies that provide micropropagated, virus-tested, and apparently pest-free nuclear plant stock.

Field—a clearly defined contiguous area containing sweet potato production of the same variety throughout the area.

Generation—age of material; generation number advances upon exposure to subsequent unprotected environments (growing seasons).

LDAF—the Louisiana Department of Agriculture and Forestry.

Mericlone—is a plant clonally propagated from a single apical meristem.

Micropropagation—is the art and science of plant multiplication in-vitro. Sweet potato is most commonly micropropagated in tissue culture by aseptic transfer of stem segments containing one to three nodes placed in sterile medium to produce nuclear plants.

Symptomatic Plant—a plant that exhibits an indication or symptom of a disease, mutation, pest, virus, or other problem that may affect sweet potato production.

Vine cutting or Slip—a stem section of suitable length with at least 2 - 3 nodes for transplanting in the greenhouse or field.

Virus-Tested—a plant that has been tested for the presence of viruses by grafting a sweet potato shoot to the Brazilian morning glory (*Ipomoea setosa*), by negative PCR assay for destructive sweet potato viruses, or by other standards established by the National Clean Plant Network - Sweet Potato.

E. Classes and sources of certified planting stock

1. Breeder Seed Stock is sweet potato propagation material identified and described by the breeder or developer and is entered into and maintained by a Clean Plant Center. This material is obtained through methods approved by LDAF.

2. Nuclear Plant is a plant derived from Breeder Seed Stock. It is virus-indexed, apparently free of other pests, and evaluated in field test for trueness-to-type. This material is maintained under strict isolation by Clean Plant Centers. Nuclear Plants may exist as in-vitro tissue culture plantlets, or plants grown in an approved greenhouse. LDAF inspections begin with the inspection of Nuclear Plants located at Clean Plant Centers.

3. G0 Plants are greenhouse plants produced by certified growers from Nuclear Plants. G0 plants may be used to produce G0 plants when located within a greenhouse unexposed to a field environment. When exposed to a field environment, G0 plants become G1 plants.

4. G1 Seed are produced from G0 and G1 plants. Vine cuttings may be taken repeatedly from this original G1 planting to establish subsequent G1 plantings. All subsequent cuttings must occur within the same year. Vines and roots produced during this first year in the field are designated as G1.

5. G2 Seed (second field generation) is established from G2 plants grown from G1 roots. Vine cuttings may be taken repeatedly from this original G2 planting to establish subsequent G2 plantings. All subsequent cuttings must occur within the same year. Vines and roots produced during this second year of field production are designated as G2.

6. G3 Seed (third field generation) is established from G3 plants grown from G2 roots. Vine cuttings may be taken repeatedly from this original G3 planting to establish subsequent G3 plantings. All subsequent cuttings must occur within the same year. Vines and roots produced during this third year of field production are designated as G3.

7. Certified Plant Cutting Designations

a. *G0 Cuttings*—vine cuttings from G0 plants grown in a certified greenhouse.

b. *G1 Cuttings*—vine cuttings from G1 plants that are established in the field from G0 cuttings which become G1 cuttings once they leave the greenhouse or from vine cuttings from G1 plants. G1 cuttings produce G1 roots.

c. *G2 Cuttings*—vine cuttings from sprouts from bedded G1 roots or from vine cuttings from G2 plants. G2 cuttings produce G2 roots.

d. *G3 Cuttings*—vine cuttings from sprouts from bedded G2 roots or from vine cuttings from G3 plants. G3 cuttings produce G3 roots.

F. Greenhouse Requirements

1. Greenhouses containing certified sweet potato plants or roots of any generation are subject to these requirements.

2. LDAF must approve greenhouses before Nuclear Plants are released to the grower for the production of G0 stock.

3. Grower shall provide a copy of the LDAF greenhouse inspection report to the Clean Plant Center before plants are released to the grower.

4. Greenhouses shall meet the following requirements:

a. Greenhouses shall be sanitized or maintained free of all plants a minimum of six weeks prior to receiving plants at the beginning of the crop year.

b. Greenhouses shall only contain nuclear stock or G0 plants that originated from nuclear stock; no other plants allowed in the greenhouse except for approved indicator plants.

c. Entry points shall be double doors or single door with air curtain to prevent aphid, whitefly or other injurious pest entry, and designed to restrict entry by unauthorized personnel.

d. A system for sanitizing hands and feet prior to entry into the growing areas of the greenhouse shall be maintained and proper signage relaying that information posted at entries.

e. Yellow sticky traps shall be used in an amount to adequately monitor aphids, whiteflies and other injurious insects.

f. Any openings such as vents, and windows shall be covered with insect-proof screens to prevent entry of aphids, whiteflies and other injurious insects.

g. An integrated pest management program shall remain in place to control aphids, whiteflies and other injurious insects.

h. Cutting tools shall be decontaminated on a regular basis and always decontaminated prior to being used between groups of plants.

i. All growing media and containers must be new, or sanitized by a method approved by LDAF.

j. Isolation

i. No plants are allowed to grow within 10 feet of the greenhouse, except for turf grass used for stabilization of the soil. Weeds shall be controlled by grower.

ii. The perimeter of the greenhouse shall be a minimum of 250 feet away from any non-certified sweet potatoes, greenhouses containing non-certified plants, sweet potato storage sheds, cull piles or other potential sources of sweet potato viruses. Upon written request of the grower, LDAF may allow an isolation distance of less than 250 feet.

iii. Different varieties/cultivars shall be clearly identified and separated within the greenhouse.

5. Producer Inspections

a. Producer shall inspect plants routinely. If symptomatic plants are found, they shall be removed and destroyed.

b. The grower shall keep a log book documenting routine inspections and the variety and number of plants that were removed. The log book shall be made available to LDAF upon request.

c. Grower shall inspect each greenhouse and its perimeter routinely to ensure that the greenhouse isolation requirements are being met.

6. LDAF Inspections

a. LDAF will inspect certified greenhouses monthly and at other times as needed if problems are observed. If symptomatic plants are found during these inspections the grower shall rogue and dispose of these plants properly in order to maintain certification status.

b. A unit of certification shall be the entire greenhouse and such unit cannot be subdivided for the purpose for certification.

7. Specific Greenhouse Requirements

Maximum Tolerance Allowed		
Factor	Nuclear Plants	G0 Plants
Bacterial Stem Rot (<i>Erwinia chrysanthemi</i>)*	0	0
Black Rot (<i>Ceratocystis fimbriata</i>)*	0	0
Scurf (<i>Monilochaetes infusans</i>)*	0	0
Root-Knot Nematode (<i>Meloidogyne spp.</i>)	0	0
Feathery Mottle (sweet potato feathery mottle virus [SPFMV])*	0	0
Russet Crack (a strain of SPFMV)*	0	0
Internal Cork*	0	0
Wilt (<i>Fusarium oxysporum f. sp. batatas</i>)*	0	0
Sweetpotato Weevil (<i>Cylas formicarius</i>)	0	0
Exotic or hazardous pests	0	0
Variety mixture	0	0
Off-types (mutations)	0	0

*Plants or mini-roots exhibiting symptoms

G. Field Requirements

1. Individual certified fields shall only contain certified sweet potato plants. Upon written request of the grower, LDAF may allow non-certified G0 plants, that originated from nuclear stock, to be produced in certain fields.

2. Sweet potato seed shall not be eligible for certification if produced on land which:

a. has produced sweet potatoes, received manure or sweet potato residue in the previous two years;

b. is subject to drainage from fields in which sweet potatoes are currently growing or have been grown in the previous three years.

3. Production fields shall be a minimum of 750 feet from any non-certified sweet potato plants. LDAF may allow an isolation distance of less than 750 feet upon written request of the grower.

4. Different generations and varieties must be clearly identified and separated by a minimum of five feet clean and tilled break.

5. An LDAF approved program shall be in place to control perennial morning glory species and volunteer sweet potato plants.

6. Inspections

a. Grower shall inspect fields weekly during the growing season and rogue any symptomatic plants found. LDAF shall be informed if any problems concerning certification requirements are found.

b. LDAF will perform a minimum of one seed bed inspection to determine that quality plants are being produced and that plants are apparently free of injurious insects and harmful diseases. LDAF may perform additional

seed bed inspections as required to confirm standards are being met.

c. LDAF will perform a minimum of two inspections on each production field during the growing season. The first field inspection shall be made before vines have covered the ground so that symptomatic plants may be easily identified. The second inspection shall be made within two weeks prior to harvest or no earlier than ninety days after planting.

d. The unit of certification for production is a field and cannot be subdivided for the purpose for certification.

7. Specific Field Plant Requirements (Vine inspection standard)

Maximum Tolerance Allowed			
Factor*	G1 Plants	G2 Plants	G3 Plants
Bacterial Stem Rot (<i>Erwinia chrysanthemi</i>)	None	None	None
<i>Fusarium</i> Wilt (<i>Fusarium oxysporum f. sp. Batatas</i>)	None	None	None
Sweetpotato Weevil (<i>Cylas Formicarius</i>)	None	None	None
Exotic or hazardous pests**	None	None	None
Off-types (Mutations)	0.05%	0.05%	0.10%
Variety or cultivar mixture	0.3%	0.5%	0.5%

*If other severe factors are observed at time of inspection, rejection of all or a portion of a field may occur.

**If sampled roots report presence of guava root-knot nematode (*Meloidogyne enterolobii*), the entire field will not be eligible for certification.

H. Seed Root Storage Requirements

1. The procedures for cleaning and sanitizing the structure where certified sweet potatoes are stored shall be in accordance with recommendations from the Louisiana Agricultural Experiment Station and approved by LDAF prior to any sweet potatoes being stored in the structure.

2. LDAF will perform one seed root storage inspection after harvest and before shipment. A minimum of twenty percent of sweet potatoes entered for certification shall be inspected during the storage inspection.

3. Sweet potatoes grown for certification shall be stored in new containers (crates, pallet boxes, etc.) or used containers that have been sanitized by a method approved by LDAF.

4. Certified seed roots shall be stored in a separate room from any non-certified roots, properly identified, separated by a minimum of two feet wide aisles between crates, and shall not be exposed to dust from grading and packing lines.

5. Specific Seed Root Tolerance Standards

Maximum Tolerance Allowed	
Factor	G1, G2, G3 Seed Roots
Surface rots (<i>Fusarium spp.</i>) & Soft Rots (<i>Rhizopus spp.</i>)	5.0%
Bacterial Root Rot (<i>Erwinia spp.</i>)	None
Black Rot (<i>Ceratocystis fimbriata</i>)	None
Scurf (<i>Monilochaetes infusans</i>)	None
Streptomyces soil rot (<i>Streptomyces ipomoeae</i>)	0.5%
Root-Knot Nematode (<i>Meloidogyne spp.</i>)	5.0%
Guava Root-Knot Nematode (<i>Meloidogyne enterolobii</i>)	None

Maximum Tolerance Allowed	
Factor	G1, G2,G3 Seed Roots
Russet Crack (a strain of SPFMV)	None
Wilt (<i>Fusarium oxysporum</i> f. sp. <i>batatas</i>)	None
Internal Cork	None
Wireworm (<i>Conoderus</i> spp.)	*
Sweetpotato Weevil (<i>Cylas formicarius</i>)	None
Exotic or hazardous pests	None
Variety mixture	None

*Severe damage shall be reason for rejection of certified status.

I. General Standards for Plants and Seed Roots

1. Plants and roots shall be apparently free of harmful diseases, injurious insects, and other harmful pests and true to variety characteristics.

2. All cuttings shall be made at least one inch above the surface of the soil or growing medium.

3. Cuttings shall be of satisfactory size for commercial planting, approximately 5"-12" in length.

4. Cuttings shall be loosely packed and shipped in boxes, and shall not be shipped with non-certified plants.

5. Roots shall be the correct color, fresh, firm, and a minimum of one inch in diameter, four inches in length and 30 ounces maximum weight.

J. Tagging and Certificate Reporting System

1. An official, LDAF issued Bulk Retail Sale Certificate shall accompany each sale of certified sweet potato cuttings/slips. An official, LDAF issued certified tag shall accompany each sale of certified seed roots.

2. The grower shall send a copy of each completed Bulk Retail Sales Certificate to LDAF at the end of each quarter (March 31, June 30, September 30, December 31), or upon request by LDAF. Grower shall maintain a copy of each issued certificate for their records.

3. A complete record of certified sweet potato cuttings/slips and seed roots sales shall be maintained and made available to LDAF upon request. The record shall include, but not limited to:

- purchaser's name,
- kind and variety/cultivar,
- class,
- date of shipment; and
- number of cuttings/slips or bushels shipped.

K. Quarantine of Certification Area

1. If sweetpotato weevil (*Cylas formicarius*) is found in any field, greenhouse, storage, packing shed, or other structure or area affiliated with the production of certified sweet potatoes plants or roots, or within 300 yards of any such structure or area, then the entire area and all structures affiliated with the certification process shall be immediately quarantined in accordance with the sweetpotato weevil quarantine regulations found in Subchapter C of Part XV of Title 7 of the Louisiana Administrative Code (LAC 7:XV.133 et seq.).

2. If any plant pest or disease subject to regulation or quarantine under Part II or Part III of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950, (R.S. 3:1651 et seq.) that may affect sweet potato production is found in any field, greenhouse, storage or packing shed, other structure, or area affiliated with the production of certified sweet potatoes plants or roots, then the entire area and all structures

affiliated with the certification process may be subject to quarantine in accordance with applicable law and regulations.

3. Any sweet potato plants or roots produced or stored in a field, greenhouse, storage shed, packing shed, or other structure located within an area quarantined as a result of the detection of sweetpotato weevil shall be ineligible for final certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:579 (November 1982), amended LR 9:202 (April 1983), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 12:825 (December 1986), LR 22:1210 (December 1996), LR 36:1220 (June 2010), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2725 (October 2013), amended LR 40:755 (April 2014), LR 44:1855 (October 2018), LR 45:1168 (September 2019), repromulgated LR 45:1438 (October 2019), LR 51:

§763. Sugarcane (Tissue Culture) Certification Standards

A. - D. ...

E. Field Standards

Factor	Foundation	Registered	Certified
Isolation	10 ft.	10 ft.	10 ft.
Other Varieties (obvious)	None	1.00%	1.00%
Off-Type (definite)	None	1.00%	1.00%
Noxious Weeds:			
Johnsongrass	None	5 Plants/Acre	5 Plants/ Acre
Itchgrass	None	1 Plant/Acre	1 Plant/ Acre
Black Nightshade	None	3 Plants/Acre	3 Plants/Acre
Harmful Diseases:			
*Sugarcane Yellow Leaf Virus	None	20.00%	20.00%
**Sugarcane Mosaic	None	10.00%	10.00%
**Sugarcane Smut	None	0.50%	0.50%
Harmful Insects:			
***Sugarcane Stem	None	5.00%	5.00%
*Determined by lab analysis for the LSU Sugarcane Disease Detection Lab			
**Plants exhibiting symptoms			
***Determined by percentage of internodes bored			

F. - G.2.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 12:825 (December 1986), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 23:1284 (October 1997), amended by the Department of Agriculture and Forestry, Office of the Commissioner, Seed Commission, LR 30:1143 (June 2004), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 33:1609 (August 2007), LR 36:1223 (June 2010), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2729 (October 2013), amended LR 40:756 (April 2014), LR 42:212 (February 2016), LR 43:1898 (October 2017), LR 51:

Chapter 12. Hemp (*Cannabis sativa* L. Subsp. *sativa*) Seed Certification Standards

§1201. General Hemp Seed Certification Standards

A. The General Seed Certification Standards provided in this Part apply to all crops, and together with the following specific standards constitute the certified Hemp standards.

B. Definitions. The following definitions apply only to this Section.

AOSCA—the Association of Official Seed Certifying Agencies

Approved Cultivar—any variety designated as eligible for production by federal or local regulatory authorities.

Breeder Plant Stock—propagation material identified and described by the breeder or developer. The breeder must also declare and document the methods in which parent lines are selected and how the Plant Stock is maintained.

Clones—asexually propagated progeny genetically identical to the stock plant.

Cuttings—portions of stems containing leaves which are rooted to produce clones.

Dioecious Type—hemp plant with male and female flowers on separate plants.

Feminized Hemp Seed—the progeny of a dioecious female hemp plant that has been pollinated with pollen derived from the same or another dioecious female hemp plant that has been induced to produce pollen. It is a true female plant with XX chromosomes.

Field—the production area enclosed by natural borders such as a head lane, ditch, tree line, building, or road.

Hemp—is defined by the U.S. Domestic Hemp Production Program as the plant species *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis or as otherwise defined by federal law.

Hermaphroditic Plants—hemp plants exhibiting male and female flowers, not true females.

LDAF—the Louisiana Department of Agriculture & Forestry.

Micropropagation—the science of plant multiplication in-vitro.

Monoecious type—hemp plant with male and female flowers on the same plant.

Pollen Parent—a reversed female hemp plant from the female line or another reversed female line to create a hybrid.

Reversed Female—female hemp plants that are induced to produce pollen in replacement of true male plants.

Seed—a flowering plant's unit of reproduction capable of developing into another such plant.

Seed Parent—female hemp plants used to produce feminized hemp seed.

Sporting Male—is a female hemp plant that produces sterile male flowers.

Structure—an enclosed growth facility.

THC—total delta-nine ($\Delta 9$) tetrahydrocannabinol, which is the component of hemp regulated by federal or local regulatory authorities.

Transplants—hemp plants produced from seeds or vegetatively from cuttings, prior to stock plant flowering.

Variety—a subdivision of a kind that is distinct, uniform, and stable; "distinct" in the sense that the variety can be differentiated by one or more identifiable morphological, physiological, or other characteristics from all other varieties of public knowledge; "uniform" in the sense that variations in essential and distinctive characteristics are describable; and "stable" in the sense that the variety will remain unchanged in its essential and distinctive characteristics and its uniformity when reproduced or reconstituted as required by the different categories of varieties.

Volunteer Plant—a hemp plant that was not intentionally planted and is the result from a previous crop.

C. General Certification Standards for Hemp Seed, Feminized Hemp Seed, Vegetatively Propagated Hemp and Hemp Transplants

1. All certified production of hemp crops is subject to license application approval that may be required by LDAF or other regulatory authority.

2. Growers must meet all applicable state and federal hemp regulations and requirements.

3. Only varieties of hemp approved by LDAF are eligible for certification.

4. The allowable area of certified hemp production shall be determined by LDAF.

5. Growers may be required to obtain additional tests and submit results to LDAF before the seed can be certified.

6. The presence of Broomrape (*Orobancha spp.*) is prohibited in all certified hemp crops and shall be cause for rejection of certified status.

7. Excessive weeds obscuring required inspections or any other condition which prevents thorough inspection shall be cause for rejection.

8. Seed coated or pelleted by non-approved conditioners shall not be eligible for certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 51:

§1203. Hemp Seed Certification Standards

A. Land Requirements

1. Hemp crops for Foundation and Registered classes shall not be grown on land which produced a hemp crop in any of the preceding 3 years.

2. Hemp crops for certified class shall not be grown on land which:

i. Produced a certified crop of the same variety in the preceding year.

ii. Produced a non-certified crop of hemp or a different variety of hemp in either of the preceding 2 years.

2. Inspections

a. LDAF will inspect fields at a stage of growth when varietal purity is best determined. Crops not inspected at the proper stage for best determining varietal purity may be cause for rejection of certified status.

b. LDAF will perform a minimum of two inspections on monoecious types and unisexual hybrids. The first inspection for all classes of monoecious types shall be made just before or at the early flowering stage.

c. LDAF will perform at least one inspection on the Registered and Certified classes of dioecious types. The first

inspection for all classes of dioecious types must be made after flowering when male plants are beginning to senesce.

d. The second inspection for monoecious types, unisexual hybrids and Foundation class of dioecious types must be made during seed development.

e. The presence of volunteer hemp plants within isolation areas may be cause for rejection of certified status.

3. Isolation Requirements

a. There shall not be any *Cannabis sativa* L. plants within the isolation area.

b. The isolation requirements shall be met prior to flowering and crop inspection.

Table 1. Minimum Isolation Distances Required Between Classes of Certified Hemp and Other Hemp Crops		
Certified Hemp Crop	Other Hemp Crops	Isolation Distance (feet)
Dioecious type – Foundation	- Different varieties of Hemp	15,750
	- Non-certified crop of Hemp	
	- Lower certified class seed crop of same variety	6460
	- Same class of certified seed crop of same variety	10
Dioecious type – Registered	- Different varieties of Hemp	15,750
	- Non-certified crop of Hemp	
	- Seed crop of same variety that meets certified standards for varietal purity	5250
	- Seed crop of same variety that meets registered standards for varietal purity	3
Dioecious type – Certified	- Different varieties of Hemp	2630
	- Non-certified Hemp	
	- Planted with certified seed of the same variety that meets certified standards for varietal purity	660
	- Seed crop of same variety that meets certified standards for varietal purity	3
Monoecious type – Foundation	- Dioecious variety of Hemp	15,750
	- Non-certified crop of Hemp	
	- Other Monoecious varieties	9690
	- Lower certified class seed crop of same variety	
Monoecious type – Registered	- Same class of certified seed of same variety	16
	- Dioecious variety of Hemp	15,750
	- Non-certified crop of Hemp	
	- Different varieties of the same type of Hemp (Monoecious or Female Hybrid)	6460
Monoecious type – Certified	- Seed crop of same variety that meets certified standards for varietal purity	3230
	- Seed crop of same variety that meets Registered standards for varietal purity	3
	- Dioecious variety of Hemp	3230
	- Non-certified crop of Hemp	
Monoecious type – Certified	- Different varieties of the same type of Hemp (Monoecious or Female Hybrid)	660
	- Planted with certified seed of the same variety that meets certified standards for varietal purity	
	- Seed crop of same variety that meets certified standards for varietal purity	3
	- Seed crop of same variety that meets certified standards for varietal purity	

4. Impurity Standards

a. Impurities shall be removed by the grower prior to crop inspection.

b. Any combination of impurities may be cause for rejection of certified status.

5. Seed Standards

Table 3. Seed Standards for all Classes of Certified Hemp Seed			
Factor	Foundation	Registered	Certified
Pure seed (minimum)	98.00%	98.00%	98.00%
Inert matter (maximum) ¹	2.00%	2.00%	2.00%
Weed seeds (maximum)	0.10%	0.10%	0.10%
Total other crop seeds (maximum)	0.01%	0.03%	0.08%
Other varieties (maximum)	0.01%	0.05%	0.10%
Other kinds (maximum) ²	0.01%	0.03%	0.07%
Germination (minimum) ³	80.00%	80.00%	80.00%

¹ Inert matter shall not include more than 0.5 percent of material other than seed fragments of the variety under consideration.

² Other crop kinds shall not exceed 2 per lb. (454 grams) for Foundation; 6 for Registered; 10 for Certified.

³ Exclusive of dormancy, firm or hard seed, or any other reference to viability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 51:

Table 2. Maximum Number of Impurities Permitted in Approximately 10,000 Plants of the Certified Crop		
Type and Class	Maximum Impurity Standards per 10,000 Plants in Hemp Seed Crops	
	Maximum Number of Dioecious Male Plants Shedding	Maximum Number of Off-Types or Other Varieties
Dioecious type – Foundation	None	3
Dioecious type – Registered	None	10
Dioecious type – Certified	None	20
Monoecious type – Foundation	1	3
Monoecious type – Registered	2	10
Monoecious type – Certified	100	20

§1205. Feminized Hemp Seed Certification Standards

A. Designation of Classes of Seed

1. Only the certified class is allowed for the production of feminized hemp seed, except for foundation class for the purpose of variety maintenance.

2. Feminized seed varieties must be produced from seed or clonal stocks approved by LDAF. These seed and clonal stocks shall consist of female lines and chemically assisted pollen shedding female lines of any class of certified seed or clones.

B. Growth Facility Requirements

1. Growth facility shall only contain certified hemp plants or plant material.

2. Multiple feminized hemp seed varieties may be maintained in the growth facility.

3. Other hemp plants are prohibited, except for pollen parent plants that are the intended pollen source.

4. Growth facility shall be free of all plants for a minimum of six weeks prior to receiving plants at the beginning of the crop year or production cycle unless the previous crop was the same certified variety.

5. If pollen sanitation is used to reduce the six-week hemp free period, a sanitation plan must be submitted to and approved by LDAF prior to introducing the new certified plant material into the growth facility.

6. Pollen sanitation is not required if the entire greenhouse facility produces only one pollen source, and other female lines are continually rogued to prevent contaminating pollen sources.

C. Land Requirements

1. Certified feminized hemp seed crops shall not be grown on land in which:

a. Produced a non-certified crop of hemp or a different variety of hemp in either of the preceding two years, or

b. Produced a certified crop of the same variety in the preceding year.

D. Inspections

1. It is the grower's responsibility to request and ensure that the growth facility and field inspections are conducted by LDAF at least twice prior to swathing or harvesting.

2. Certified plants within a growth facility or field that have been cut, swathed or harvested prior to all required inspections shall be ineligible for certification.

3. Inspections of pollen parent plants and seed parent plants shall be at a stage of growth when varietal purity is best determined. Crops not inspected at the proper stage for best determining varietal purity may be cause for rejection.

4. LDAF will perform a minimum of two inspections.

a. First inspection for pollen parent and seed parent plants will be made just before or at early flowering. The pollen parent will be inspected prior to pollen collection or dispersal.

b. Second inspection for pollen parent and seed parent types will be completed after pollen shed and seed fill.

5. LDAF will inspect for the presence of volunteer hemp plants within isolation areas.

E. Specific Requirements. For the production of feminized hemp seed varieties via pollen shedding by the chemically reversed female plants.

1. Detailed records shall be maintained on the pollen parent, including, but not limited to, the chemical application dates, concentration, and pollen collection date.

2. Pollen storage containers, if used, shall be labeled with a unique ID or lot number and the source of pollen.

3. Pollen parents shall be removed and destroyed after pollen collection is complete.

4. Male, sporting male, and hermaphroditic plants shall be removed from the growth facility or field by grower and a record of roguing activities maintained and made available to LDAF upon request.

F. Isolation Requirements

1. Certified feminized hemp seed fields shall be isolated from all other contaminating pollen sources by the minimum distances provided in Table 4 of this section.

2. Roguing to eliminate all possible contaminating pollen sources shall be completed prior to visible flower formation.

3. Greenhouse production of certified feminized hemp seed is allowed if mechanical isolation of pollen sources is provided, and the following additional greenhouse requirements are met:

a. Method of pollen exclusion must be documented and submitted to LDAF.

b. Each greenhouse facility is limited to one variety, except in the case when one pollen parent is utilized for all varieties.

c. Each variety shall be clearly labeled and easily identifiable from one another.

4. LDAF may approve a reduction in isolation distances for off-season greenhouse production when outside pollen sources are not present.

Table 4. Minimum Isolation Distances Required Between Certified Feminized Hemp Seed and Other Hemp Crops

Certified Crop	Other Hemp Crops	Minimum Isolation Distance Required (feet)
Feminized Hemp Seed	- Varieties of hemp, or other contaminating pollen source that has pollen shedders present, including other greenhouse complexes - Non-certified crops of hemp - Different varieties of the same type of hemp with no male shedders present in field that is not for seed production. - Planted with certified seed of the same variety that meets certified standards	15,748
	- Certified seed crop of the same variety that meets certified standards for varietal purity	3

G. Impurity Standards

1. Impurities shall be removed prior to crop inspection.

2. Any combination of impurities may be cause for rejection of certified status.

3. Table 5 indicates the maximum number of impurities permitted in approximately 10,000 plants of the certified feminized hemp seed crop.

Table 5. Maximum Number of Impurities Permitted in Approximately 10,000 Plants of the Certified Feminized Hemp Seed Crop		
Maximum Impurity Standards per 10,000 Plants		
Crop	Maximum Number of Plants Shedding Pollen	Maximum Number of Off-Types or Other Varieties
Feminized Hemp Seed	0	20

H. Seed Standards

Table 6. Seed Standards for Classes of Certified Feminized Hemp Seed		
Factor	Foundation	Certified
Pure seed (minimum)	98.00%	98.00%
Inert matter (maximum) ¹	2.00%	2.00%
Weed seeds (maximum)	0.10%	0.10%
Total other crop seeds (maximum)	0.01%	0.08%
Other hemp varieties (maximum)	0.005%	0.05%
Other seed kinds (maximum) ²	0.01%	0.07%
Germination (minimum)	80.00%	80.00%
Feminized Seed ³	99.00%	99.00%

¹ Inert matter shall not include more than 0.5 percent of material other than seed fragments of the variety under consideration.

² Other seed kinds shall not exceed 2 per lb. (454 grams) for foundation class; 10 for certified class.

³ Determined by variety verification trial or approved molecular testing

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 51:

§1207. Vegetatively Propagated Hemp Seed Certification Standards

A. Classes and sources of certified vegetatively propagated planting stocks.

1. Mother Plant is a plant produced from a Breeder Plant Stock.

2. Certified Plants are plants produced from Mother Plants.

3. Certified plants may be used to produce certified stock when produced in a Structure or D1 Daughter stock.

4. Certified plants are propagated as follows:

a. Mother Plants may be cut repeatedly to produce D1 Daughter Plants. D1 Daughter Plants are produced by cuttings from Mother Plants.

b. D1 Daughter plants may be cut repeatedly to produce D2 Daughter Plants. D2 Daughter plants are produced by cuttings from D1 Daughter Plants.

c. D2 Daughter plants may be cut repeatedly to produce D3 Daughter plants. D3 Daughter plants are produced by cuttings from D2 Daughter plants.

5. The grower shall maintain detailed documentation of the parent used to generate clones.

6. All required grower records related to the production of hemp clones shall be made available for inspection by LDAF upon request.

B. Growth Facility Production Requirements

1. The facility shall be free of visually detectable diseases, insects, and other harmful pests.

2. Hemp clones shall be handled in such a manner as to prevent co-mingling of varieties or types.

3. Isolation

a. Varieties produced in the same facility shall have a minimum of 18" unplanted isolation area between the varieties.

b. The production area, flats and/or containers for each variety shall be clearly labeled in a manner that prevents mixing or misidentification.

c. Growers shall handle transplants throughout the growing, harvesting, and sales in a manner that prevents the mechanical mixture of containers of different varieties.

C. Field Production Requirements

1. Land Requirements

a. Crops for the production of mother plants shall not be grown on land that produced a hemp crop within the previous five years.

b. Crops for the certified class shall not be grown on land that produced a hemp crop in the previous three years.

2. Isolation Requirements

a. There shall be a minimum of ten feet isolation area, or an appropriate barrier between different certified varieties or between certified and any non-certified production.

b. LDAF may approve an alternate isolation distance or barrier sufficient to prohibit the mixing of plants.

c. Isolation areas shall remain free of volunteer hemp plants throughout the production cycle.

D. General Production Standards

1. Plants shall remain apparently free of diseases, insects, and other injurious pests.

2. Maximum off-types or other varieties shall not exceed 0.2 percent, or 20 in 10,000 plants. Non-conforming plants shall be removed and destroyed by the grower.

E. Inspections

1. LDAF will inspect mother plants within seven days before first cutting of daughter plants for certification.

2. LDAF will inspect daughter plants at least once during the course of production.

3. LDAF will perform a minimum of two inspections to determine:

a. all field and indoor growth facility produced plants and transplants are properly labeled by variety and meet phenotypic purity, isolation, and are in good physical condition.

b. the number of transplants produced at the time of the final inspection.

4. Transplants may be rejected for certification due to unsatisfactory physical condition, including but limited to, diseased plants, plants with insect infestation, or plants that are otherwise stressed.

5. LDAF may reject unlabeled or inadequately labeled transplants.

6. LDAF may conduct additional inspections as necessary to ensure all certification requirements are met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 51:

§1209. Hemp Transplants Certification Standards

A. General Hemp Transplant Standards

1. All certified transplants shall be produced from a class of certified seed or certified planting stock.

2. Proof of seed eligibility shall be established by providing to LDAF a certified label, issued by a member agency in good standing with AOSCA, and accompanying invoice showing the variety, lot number and pounds received. In the case of clones, documentation of clone propagation issued by a member agency in good standing with AOSCA.

3. All containers must be labeled in a manner that maintains the source, identity and certification eligibility of the transplants. All containers offered for sale must be identified by the official seed certification tag/label. The tag/label must be securely affixed to trays, so the tag/label remain with the plants until the final disposition.

4. Off-types and other varieties shall not exceed 0.2%, or 20 in 10,000 plants. Off-types and other varieties must be removed and destroyed by grower.

B. Inspections

1. LDAF will inspect all fields and other outdoor plant growing sites at least two times for phenotypic purity, isolation, physical condition, and appearance of plants.

2. LDAF will inspect transplants produced in a growth facility at least two times for varietal labeling, phenotypic purity, isolation, physical condition, and appearance of plants.

3. LDAF may reject transplants due to unsatisfactory appearance, such as plants that are diseased, insect infestation, or otherwise stressed or in a condition which prevents thorough inspection.

4. Unlabeled or inadequately labeled transplants shall be ineligible for certification.

5. LDAF will verify the number of transplants produced at the time of the final inspection.

6. Upon the final inspection, transplants may be collected by LDAF for post-control grow outs or other identification verification tests.

7. LDAF may conduct additional inspections as necessary to ensure all certification standards are met.

C. Field Land Requirements

1. Hemp transplants shall not be grown on fields which:

a. Produced a non-certified crop of hemp or a different variety of hemp in either of the preceding two years.

b. Produced a certified crop of a same variety in the preceding year.

D. Plant Bed Soil Mix Requirements

1. Growth facilities shall develop and follow Standard Operating Procedures ("SOP") designed to prevent contamination of hemp plant material from a previous crop and maintain written documentation that the facility is free of any plant material from a previous crop. This information shall be made available to LDAF upon request.

2. The soil mixes for growth facility production of transplants shall be new, soil-less, or sanitized in a method approved by LDAF.

E. Isolation Requirements

1. When two or more varieties are being grown in the same growth facility, there shall be an adequate unplanted area between the varieties to prohibit mixing or misidentification. The production area, flats and/or containers for each variety must be clearly labeled in a manner that prevents mixing or misidentification.

2. Different varieties being grown in fields shall be separated by an adequate, but no less than six feet, unplanted area between the varieties to prohibit mixing or misidentification.

3. Growers shall handle transplants throughout the growing, harvesting, and transplant sales in a manner that prevents mechanical mixture of containers of different varieties.

F. Labeling Requirements

1. All certified hemp transplants offered for sale shall be labeled with official LDAF issued certification tags or labels. Each container of hemp transplants shall have an LDAF issued certified label firmly attached to be sold as certified transplants. Failure to properly label transplants at the time of sale shall be cause for rejection of certification status and may become ineligible for sale as certified transplants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, 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 impact 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 business 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, data, opinions and arguments regarding the proposed Rule via U.S. Mail or hand delivery. Written submissions must be directed to Brent Cutrer, Program Coordinator, Agricultural Chemistry and Seed Commission, Louisiana Department of Agriculture and Forestry, 5825 Florida Blvd., LA 70806, and must be received no later than 4 p.m. on August 11, 2025. All written comments must be signed and dated.

Mike Strain, DVM
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Seeds

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes are not anticipated to have any costs to implement besides the cost of rule promulgation, which is included in the department's annual budget.

The proposed rule changes provide updates to the Bahiagrass Seed Certification Standards, Sugarcane Certification Standards, and Sweet Potato Certification Standards. Additionally, the proposed rule changes implement the Hemp Seed Certification Standards, which are being proposed for adoption.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes establish hemp certification fees, which will likely increase revenue collections for the Louisiana Department of Agriculture and Forestry (LDAF), although it is uncertain to what extent.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The non-governmental groups that could be affected by the proposed action are persons who apply and produce certified bahiagrass seed, sugarcane seed, and sweet potato seed. However, the proposed rule changes are not anticipated to materially impact the costs of these non-governmental groups.

The proposed rule changes implement certification standards for hemp seeds. Businesses that will require their seeds to be certified will need to submit additional tests, obtain a license, and meet the required standards outlined in the proposed rule. LDAF is unable to quantify to what extent these new requirements will impact these entities.

The proposed rule changes are anticipated to have a material positive effect on the revenues of producers of certified bahiagrass, sweet potatoes, and sugarcane. These entities are anticipated to benefit as inspections on the bahiagrass, sweet potatoes, and sugarcane seeds will prevent diseases and potentially increase production. LDAF is unable to determine the number of entities that will benefit from the new

standards, and therefore, the anticipated positive effect cannot be determined at this time.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated impacts on competition and employment as a result of the proposed rule changes.

Dane Morgan
Assistant Commissioner
2507#030

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Forestry

Forest Landowner Assistance
(LAC 7:XXXIX.701)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:4276 and 3:3, notice is hereby given that the Department of Agriculture and Forestry ("Department"), through the Office of Forestry, intends to amend LAC 7:XXXIX.701 relative to forest landowner assistance. Louisiana R.S. 3:3 establishes the commissioner's authority to adopt and promulgate rules and regulations relative to agriculture and forestry. Louisiana R.S. 3:4276 establishes the State Forester's authority to direct landowner assistance to encourage reforestation and sustainable land management.

The Department intends to amend LAC 7:XXXIX.701 to increase the for-hire forestry management services. The Department, Office of Forestry, under the direction of the State Forester shall provide private landowners assistance with the management of their forestlands. The agency evaluated the proposed Rule and determined it was necessary, consistent with law, and aligned with the agency's mission. The benefits of the Rule outweigh the burdens and costs. The proposed Rule is written in plain language, in an effort to increase transparency.

Title 7

AGRICULTURE AND ANIMALS

Part XXXIX. Forestry

Chapter 7. Forest Landowner Assistance

§701. Management Services

A. - A.1.a.i. ...

(a). \$35/acre plus fireline establishment: \$75/hour for light tractor (dozer) work—650 John Deere (or other brand of similar power) or less;

(b). \$110/hour for heavy tractor (dozer) work—750 John Deere (or other brand of similar power);

A.1.a.ii. ...

(a). \$15/acre plus fireline establishment: \$75/hour for light tractor (dozer) work—650 John Deere (or other brand of similar power) or less;

(b). \$110/hour for heavy tractor (dozer) work—750 John Deere (or other brand of similar power);

A.1.a.iii. ...

(a). \$30/acre plus fireline establishment: \$70/hour for light tractor (dozer) work—650 John Deere (or other brand of similar power) or less;

A.1.a.iii.(b). - v. ...

(a). \$75/hour for light tractor (dozer) work—650 John Deere (or other brand of similar power) or less;

(b). \$110/hour for heavy tractor (dozer) work—750 John Deere (or other brand of similar power).

vi. mechanical fuel reduction:

(a). \$200/hour for JD330G Skid Steer (or other brand of similar power).

2. - 2.b....

c. \$70/hour (\$300 minimum) for light tractor (dozer) work—650 John Deere (or other brand of similar power) or less;

d. \$100/hour (\$300 minimum) for heavy tractor (dozer) work—over 650 John Deere (or other brand of similar power);

e. ...

3. Equipment Transportation for Management Services

a. Equipment haul distance within 50 miles of travel: \$50/unit, per round trip;

b. Equipment haul distance greater than 50 miles of travel: \$100/unit, per round trip.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4276, R.S. 3:4274 and R.S. 3:3.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Forestry, LR 8:419 (August 1982), amended by the Department of Agriculture and Forestry, Office of Forestry, Forestry Commission, LR 11:1178 (December 1985), LR 19:1414 (November 1993), LR 23:553 (May 1997), amended by the Department of Agriculture and Forestry, Office of Forestry, LR 32:1782 (October 2006), LR 41:2102 (October 2015), 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

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this

proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rules via U.S. Mail or hand delivery. Written submissions must be directed to Wade Dubea, State Forester, Assistant Commissioner for Forestry, Department of Agriculture & Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806 and must be received no later than 4 p.m. on August 10, 2025. All written comments must be signed and dated.

Mike Strain, DVM
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Forest Landowner Assistance

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to have any costs or savings, besides the cost of rule promulgation, which is already included in the department's annual budget.

The proposed rule change increases the management service fees for the Forest Landowner Assistance Program. The Louisiana Department of Agriculture and Forestry (LDAF), specifically, the Office of Forestry, under the direction of the State Forester, provides private landowners with assistance in the management of their forestlands.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change increases fees related to prescribed burning. This fee increase is to the management service fees, at a small rate increase of \$5 - \$10, for the proposed sections to keep the management service fees current, reasonable, and consistent with industry standards. Additionally, the proposed rule change implements a transportation fee of \$50 per unit for equipment hauling under 50 miles and \$100 per unit over 50 miles. The proposed rule change is anticipated to result in additional revenue collections for LDAF.

In FY 24, these fees generated approximately \$171,314 for the Forest Landowner Assistance Program. Over the last four fiscal years, the department collected approximately \$213,067 per year on average from prescribed burning fees. These fee increases will generate additional funds; however, LDAF is unable to determine exactly the amount to be collected, as these fees are charged to landowners who would like assistance performing prescribed burnings on their property.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will require landowners participating in the program to pay higher fees to use equipment to conduct prescribed burns. Some of the landowners conducting these burns may be considered small businesses.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated impacts on competition and employment as a result of the proposed rule change.

Dane Morgan
Assistant Commissioner
2507#026

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators
Remote School Registration for Military Families
(LAC 28:CXV.1119)

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 aforementioned revisions align policy with Act 512 of the 2024 Regular Legislative Session, which provides that children of military personnel are not precluded from remote registration. Additionally, the revisions address students with exceptionalities and Section 504 accommodations and services.

**Title 28
EDUCATION**

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 11. Student Services

§1119. Remote School Registration and Enrollment of Children of Military Personnel Transferring to Louisiana

A. - A.3. ...

B. None of the following shall preclude a student from registration prior to residency and preliminary enrollment:

1. having an IEP or family service plan under IDEA;
2. receiving or qualifying for special education courses or services;
3. having an exceptionality as defined in R.S. 17:1942; or
4. receiving or qualifying for Section 504 accommodations or services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:101.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1011 (April 2022), 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, August 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—Remote School Registration for Military Families**

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 aligns policy with Act 512 of the 2024 Regular Legislative Session, which provides that children of military personnel are not precluded from remote registration. The proposed rule change includes language ensuring the preclusion applies to all children of military personnel, including those: (1) with an IEP or family service plan under IDEA; (2) receiving or qualifying for special education courses or services; (3) diagnosed with an exceptionality as defined by R.S. 17:1942; and (4) receiving or qualifying for Section 504 accommodations or services.

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 businesses, 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
2507#041

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Civics Assessment
(LAC 28:XI.1901, 1903, and 6821)

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 111—The Louisiana School, District, and State Accountability System* and *Bulletin 118—Statewide Assessment Standards and Practices*. The revisions provide that the inclusion of the civics assessment score, for purposes of school and district accountability, will not apply to students who entered a freshman cohort prior to the 2024-2025 school year.

Title 28

EDUCATION

Part XI. Accountability/Testing

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

Chapter 19. Inclusion in Accountability

§1901. State Assessments and Accountability

A. - H. ...

I. A student completing the third year in a high school cohort must have taken the Algebra I, English I, biology, and civics assessments or LEAP Connect. A student not meeting this requirement will be assigned a score of zero and be counted as a non-participant in high school testing. All students must be included in the assessment cohort regardless of course enrollment, grade assignment, or program assignment.

1. Notwithstanding Subsection I of this Section, the civics assessment score for a student entering traditional grade 9 prior to the 2024-2025 school year shall not be included in the calculation of the civics assessment cohort.

J. - J.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1632 (November 2024), LR 51:

§1903. Inclusion of Students

A. The test score of every student enrolled in any school in an LEA on October 1 of the academic year and who is eligible to take a test at a given school within the same LEA shall be included in the LEA district performance score (DPS).

1. Notwithstanding Subsection A of this Section, the civics assessment score for a student entering traditional grade 9 prior to the 2024-2025 school year shall not be included in the calculation of the civics assessment cohort for district or school performance scores.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1632 (November 2024), LR 51:

Title 28 EDUCATION

Part XI. Accountability/Testing

Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 68. LEAP 2025 Assessments for High School

§6821. High School Test Cohorts

[Formerly LAC 28:CXI.1821]

A. ...

B. Students who enter traditional grade 9 in 2017-2018 through 2023-2024 are required to score level 2 (approaching basic/fair) or above on English I or English II, algebra I or geometry, and biology or U.S. history to be eligible for a standard high school diploma.

1. - 1.d.ii....

C. Students who enter traditional grade 9 during or after 2024-2025 are required to score level 2 (approaching basic/fair) or above on English I or English II, Algebra I or geometry, and biology or civics to be eligible for a standard high school diploma.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:977 (May 2010), amended LR 38:36 (January 2012), LR 44:470 (March 2018), LR 47:859 (July 2021), LR 48:2559 (October 2022), 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, August 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: Civics Assessment

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 that the inclusion of the civics assessment scores, for purposes of school and district accountability, will not apply to students who entered a freshman cohort prior to the 2024-2025 school year.

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 businesses, 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
2507#040

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Tuition Trust Authority
Office of Student Financial Assistance**

**START Saving Program
(LAC 28:VI.313 and 315)**

The Tuition Trust Authority announces its intention to amend its START Saving Program rules (LSA-R.S. 17:3091 et seq.).

This rulemaking amends Section 313 of the START Saving Program rules to allow for the transfer of ownership of an account when a court order requires it and to amend Section 315 to codify the interest rates to be applied to the Principal Protection investment option and Earnings Enhancements for year ending December 31, 2024. (ST25221NI)

**Title 28
EDUCATION**

**Part VI. Student Financial Assistance—Higher
Education Savings**

Chapter 3. Education Savings Account

§313. Substitution, Assignment, and Transfer

A. - A.3.c.iii. ...

B. Substitution/Transfer of Account Ownership. The ownership of an ESA is transferable only with the written approval of the LATTA and only as follows.

1. The account owner who is a natural person, other than a natural person classified as an account owner under §303.A.6, may designate a person who will become the substitute account owner in the event of the original account owner's death. Eligibility for EEs will be based on the substitute account owner's classification at the time of the original account owner's death.

2. In the event of the death of an account owner who is a natural person, other than a natural person classified as an account owner under §303.A.6, who has not named a substitute account owner, the account shall be terminated and the account shall be refunded to the beneficiary, if designated to receive the refund by the account owner, or the account owner's estate.

3. An account owner who is a natural person, other than a natural person classified as an account owner under §303.A.6, may request the transfer of ownership of an

account in his name if the account owner provides a valid order from a court of competent jurisdiction that requires such a transfer. The person to whom the account is to be transferred in accordance with an order from a court of competent jurisdiction may also request such a transfer. Eligibility for EEs will be based on the substitute account owner's classification at the time the transfer occurs.

4. An account owner who is a legal entity classified under §303.A.4 or 5 may indicate in the owner's agreement that the account shall be transferred to the beneficiary of the account upon his 18th birthday, or upon his enrollment in an eligible postsecondary institution full time, whichever is later. If the account owner transfers the account in accordance with this section, disbursements may only be made for payment of the qualified higher education expenses of the beneficiary.

5. In the event of the dissolution of an account owner who is a legal entity classified as an account owner under §303.A.4 or 5, the beneficiary shall become the substitute account owner. If the account owner who is a legal entity classified as an account owner under §303.A.4 or 5 is dissolved, the beneficiary designated to receive the refund has died, and there is no substitute beneficiary named, the refund shall be made to the beneficiary's estate.

6. In the event of the death or dissolution of another person classified as an account owner under §303.A.6, the beneficiary shall become the substitute account owner, provided that all the rights and restrictions provided in law and these rules regarding account owners classified under §303.A.6, including, but not limited to, use of the funds, refunds, terminations, designation of beneficiary, etc., shall be applicable to the beneficiary that becomes the owner of an account established under §303.A.6. If an account owner classified under §303.A.6 dies or is dissolved and the beneficiary has died or failed to enroll in an eligible educational institution by age 25, and no substitute beneficiary has been designated by the account owner, the LATTA shall designate a new beneficiary who must meet the requirements of §301.A.4 and §303.A.6.

C. - D.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:718 (June 1997), amended LR 24:1274 (July 1998), repromulgated LR 26:2266 (October 2000), amended LR 27:1883 (November 2001), LR 28:780 (April 2002), LR 30:791 (April 2004), LR 42:1081 (July 2016), LR 51:

§315. Miscellaneous Provisions

A. - B.48. ...

49. For the year ending December 31, 2024, the Louisiana Education Tuition and Savings Fund earned an interest rate of 2.00 percent.

50. For the year ending December 31, 2024, the Savings Enhancement Fund earned an interest rate of 3.00 percent.

C. - S.2. ...

AUTHORITY NOTE: Promulgated in accordance with 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:718 (June 1997), amended LR 24:1274 (July 1998), LR 26:1263 (June 2000), repromulgated LR 26:2267 (October 2000), amended LR 27:1221 (August 2001), LR 27:1884 (November 2001), LR 28:1761

(August 2002), LR 28:2335 (November 2002), LR 29:2038 (October 2003), repromulgated LR 29:2374 (November 2003), amended LR 30:791 (April 2004), LR 30:1472 (July 2004), LR 31:2216 (September 2005), LR 32:1434 (August 2006), LR 32:2240 (December 2006), LR 33:2359 (November 2007), LR 34:1886 (September 2008), LR 35:1492 (August 2009), LR 36:492 (March 2010), LR 36:2030 (September 2010), LR 38:1954 (August 2012), LR 39:2238 (August 2013), LR 40:1926 (October 2014), LR 41:1487 (August 2015), LR 42:1082 (July 2016), LR 42:1658 (October 2016), LR 43:1731 (September 2017), LR 44:1888 (October 2018), LR 45:1177 (September 2019), LR 46:1223 (September 2020), LR 47:1495 (October 2021), LR 48:2561 (October 2022), LR 49:1551 (September 2023), LR 51:68 (January 2025), LR 51:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in LSA-R.S. 49:972.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in LSA-R.S. 49:973.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as described in LSA-R.S. 49:965.2 et seq.

Provider Impact Statement

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments on the proposed changes (SG24216NI) until 4:30 p.m., August 10, 2025, by email to LOSFA.Comments@la.gov or to Sujuan Williams Boutté, Ed. D., Executive Director, Office of Student Financial Assistance, P. O. Box 91202, Baton Rouge, LA 70821-9202.

Robyn Rhea Lively
Senior Attorney

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: START Saving Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will not result in any costs or savings to state or local governmental units. The proposed rule allows for the transfer of ownership of an account when a court order requiring such a transfer is received by staff. Additionally, the proposed change codifies the actual earnings realized on Student Tuition Assistance and Revenue Trust (START) Saving Program accounts that are invested in the Louisiana Principal Protection investment option and the actual earnings realized on the investment of Earnings Enhancements for the 2024 calendar year as required by R.S. 17:3093 D(1)(f).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated impact on state or local governmental revenues resulting from the change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or economic benefits to directly affected persons, small businesses, or non-governmental groups. The proposed rule change allows staff to facilitate an account transfer when a court of competent

jurisdiction requires it. Additionally, the proposed change adopts actual interest rates for deposits and earnings enhancements for the year ending December 31, 2024. As determined by the State Treasurer, the interest rate earned for the 2024 calendar year by the Louisiana Education Tuition and Savings Fund was 2.0%, and by the Savings Enhancements Fund was 3.0%. These interest earnings are the property of the account owners.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will not affect competition and employment.

Robyn Lively
Senior Attorney
2507#021

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Board of Examiners of Interior Designers

Officer Duties, Reinstatement, Continuing Education, and Inactive Status (LAC 46:XLIII.Chapters 1-9)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:3171 that the Board of Examiners of Interior Designers proposes to amend its existing rules and regulations to remove rules that are unnecessary or redundant.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLIII. Interior Designers

Chapter 1. Composition and Operation of the Board §118. Council of Interior Design Qualification

A. The board may maintain membership in the Council of Interior Design Qualification (CIDQ). Up-to-date information on the examinations and policies adopted from time to time by CIDQ shall be developed by the executive assistant and reported to the board regularly.

B. The board will cooperate with CIDQ in rendering other assistance calculated to aid in establishing uniform standards of professional qualification throughout the jurisdiction of CIDQ.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3174 and R.S. 37:3177.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1074 (November 1991), amended by the Office of the Governor; Board of Examiners of Interior Designers, LR 51:

Chapter 3. Officers of the Board and Their Duties §305. Secretary

A. The secretary shall be an administrative officer of the board and shall be responsible that all duties are performed. He shall act as its recording and corresponding secretary and may have custody of and shall:

1. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3174.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Interior Designers, LR 11:339, (April 1985), amended by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1074 (November 1991), amended by the Office of the Governor,

Board of Examiners of Interior Designers, LR 30:1011 (May 2004), amended LR 51:

§306. Treasurer

A. The treasurer shall act as treasurer and shall be an administrative officer of the board and shall be responsible that all duties are performed and:

1. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3173 and R.S. 37:3174.

HISTORICAL NOTE: Promulgated by Office of the Governor, Board of Examiners of Interior Designers, LR 30:1011 (May 2004), amended by the Office of the Governor; Board of Examiners of Interior Designers, LR 51:

Chapter 5. Fees and Charges

§501. Fees and Charges

A. All fees and charges may be paid by any method of payment accepted by the state of Louisiana unless required otherwise by the board. The following fees and charges have been established.

Licensing	\$150
Annual Renewal Fee	\$150
Restoration of Expired License or Reactivation of Expired License	\$150
Replacing Lost Certificate	\$ 25
Restoration of Revoked or Suspended License	\$150
Failure to Renew License within the Time Limit Set by the Board	\$ 50

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3182 and R.S. 37:3174.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Interior Designers, LR 11:339 (April 1985), amended by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1075 (November 1991), amended by the Office of the Governor, Board of Examiners of Interior Designers, LR 30:1011 (May 2004), LR 34:1922 (September 2008), amended LR 51:

§503. NCIDQ Examination

A. The NCIDQ exam is developed and administered by CIDQ (The Council for Interior Design Qualification). Persons who wish to take the NCIDQ examination must purchase the examination directly from CIDQ.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3174, R.S. 37:3177 and R.S. 37:3182.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1075 (November 1991), amended by the Office of the Governor; Board of Examiners of Interior Designers, LR 51:

Chapter 7. Issuance and Reinstatement of Licenses of Registration

§703. Restoration of an Expired License

A. - B. ...

C. If a licensee is a NCIDQ certificate holder and their license has expired for more than 24 months, the licensee must pay the restoration fee plus the renewal fee.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3174 and R.S. 37:3179.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Interior Designers, LR 11:340 (April 1985), amended by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1075 (November 1991), LR 20:864 (August 1994), amended by

the Office of the Governor, Board of Examiners of Interior Designers, LR 30:1011 (May 2004), LR 34:1923 (September 2008), amended LR 51:

§705. Lost or Destroyed Certificates/ID Cards

A. Lost or destroyed certificates may be replaced with a fee of \$25.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3174 and R.S. 37:3179.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Interior Designers, LR 11:340 (April 1985), amended by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1075 (November 1991), amended by the Office of the Governor, Board of Examiners of Interior Designers, LR 30:1012 (May 2004), LR 34:1923 (September 2008), amended LR 51:

Chapter 8. Continuing Education

§802. Continuing Education Units

A. - B. ...

C. A licensee must submit evidence on a yearly basis that he or she has participated in an approved continuing education program. The licensee must show that he or she has earned five or more contact hours of continuing education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3179.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1075 (November 1991), amended by the Office of the Governor, Board of Examiners of Interior Designers, LR 30:1012 (May 2004), LR 34:1923 (September 2008), amended LR 51:

§803. Verified Credit

A. - E ...

F. Courses with current IDCEC (Interior Design Continuing Education Council) approvals must be submitted in advance of the presentation. Courses not currently IDCEC approved must be submitted at least 75 days in advance of the presentation. Programs submitted for approval after they have been given will be reviewed by the board, but approval is not guaranteed. Further, programs which are not approved prior to the date scheduled for the program cannot publish that they have been approved by the state of Louisiana as interior design continuing education units.

G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3179.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1076 (November 1991), amended by the Office of the Governor, Board of Examiners of Interior Designers, LR 30:1012 (May 2004), LR 34:1923 (September 2008), amended LR 51:

§804. Approved Programs

A. Any HS (health, safety) program approved by the Interior Design Continuing Education Council (IDCEC) or any direct replacement entity will be pre-approved for credit by the board. The board by majority vote shall appoint a Continuing Education Advisory Committee which shall solicit, examine, review and recommend for approval by the board all continuing education courses which may be used by registrants and licensees to meet the requirements of this Chapter and Section 3179 of Title 37 of the Louisiana Revised Statutes.

B. - C. ...

D. Any application for approval of any program must contain the following information:

1. information on the course sponsor, including name, address and telephone number;

2. description of the course, including a detailed description of subject matter and course offering. The following information is required: Length of instructional period, instruction format. The description should also state how the course relates to public health, safety and welfare;

3. Verification of course completion. The information must include the sponsor's method for verifying attendance, participation and achievement of program learning objectives; Online courses, magazine articles, and any other home study programs not already IDCEC approved will be required to have testing in place in order to qualify for the review/approval process.

E. - F.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3179.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1076 (November 1991), amended by the Office of the Governor, Board of Examiners of Interior Designers, LR 30:1012 (May 2004), LR 34:1924 (September 2008), amended LR 51:

§806. Notification of Approved Programs

A. ...

B. Information on board-sponsored seminars will be sent directly to all applicants by electronic mail unless requested otherwise.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3179.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1076 (November 1991), amended LR 51:

Chapter 9. Examination and Registration

§903. Application Procedure

A. Application must be made on forms provided on the board's website or otherwise as needed. Application forms may be obtained by contacting the board office.

B. The application must request the following information:

1. - 3. ...

4. email address

5. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3174 and R.S. 37:3179.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Interior Designers, LR 11:340 (April 1985), amended by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1077 (November 1991), amended by the Office of the Governor, Board of Examiners of Interior Designers, LR 30:1013 (May 2004), LR 34:1924 (September 2008), LR 40:2543 (December 2014), amended LR 51:

§911. Inactive Status

A. - C ...

D. this section applies only to those who have not taken and passed and submitted to the board the results of the NCIDQ examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3179.1

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1077 (November 1991), amended by the Office of the

Governor, Board of Examiners of Interior Designers, LR 30:1014 (May 2004), LR 40:2543 (December 2014), amended LR 51:

§913. Application for Inactive Status

A. An applicant who wishes to apply for inactive status must file an application provided by the board. Further, the applicant must provide a good and supportable reason for inactive status.

B. Applications for inactive status will be considered on a case by case basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3174 and R.S. 37:3179.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Interior Designers, LR 17:1078 (November 1991), LR 40:2543 (December 2014), amended LR 51:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as described in R.S. 49:965.6

Provider Impact Statement

The proposed Rule has no known impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Interested persons may submit written comments until 5 p.m., August 10, 2025, to Sandy Edmonds, Board of Examiners of Interior Designers, 11736 Newcastle Avenue, Bldg 2, Suite C, Baton Rouge, LA 70816

Sandy Edmonds
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Officer Duties, Reinstatement, Continuing Education, and Inactive Status

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to have any costs or savings to state or local government units.

The proposed rule change makes various changes to the regulations of the Louisiana State Board of Examiners of Interior Designers, including simplifying existing rules and eliminating unnecessary rules.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to have any effect on revenue collections.

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 have an impact on the estimated costs and/or economic benefits to persons, small businesses, or non-governmental groups that may be affected by the enforcement of the regulations.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to have an effect on competition or employment.

Sandy Edmonds
Executive Director
2507#025

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Department of Veterans Affairs

Cemeteries (LAC 4:VII.992)

Under the authority of R.S. 29:252-261, 288-290, 295, 381-391, R.S. 36:781-787, R.S. 42:17.2, and R.S. 46:121-123, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend Department of Veterans Affairs regulations, LAC 4:VII.992.

The revisions are necessary to provide greater clarity to the rules previously promulgated in 2024, the last time that the Department of Veterans Affairs promulgated new rules. The proposed rules improve readability and clarity of intent, and add two new additional documents that may be accepted as proof of Louisiana residency for the purposes of burial eligibility.

Title 4

ADMINISTRATION

Part VII. Governor's Office

Chapter 9. Veterans' Affairs

Subchapter E. Veterans' Cemeteries

§992. Burial Eligibility for Members of the Louisiana National Guard, Reserve Components of the Armed Forces, and Their Dependents

A. Pursuant to Louisiana R.S. 29:295(E) and 38 U.S.C. 2408, the following deceased members of the Louisiana National Guard or of a drilling reserve component of the Armed Forces, and their dependents, are eligible for burial in veterans cemeteries operated by the Department of Veterans Affairs.

1. Any member of the Louisiana National Guard or of a drilling reserve component of the Armed Forces who, having drilled for six years or been activated pursuant to Title 32 of the United States Code with total drilling time with that activation six years or more, was a Louisiana resident at the time of death or at time of service and who was discharged or released from federal and state service with an honorable discharge, as shown by a discharge certificate or NGB 22, and had never been imprisoned pursuant to an order of confinement for one year or more subsequent to a felony conviction.

2. Any member of the Louisiana National Guard or of a drilling reserve component of the Armed Forces who, having drilled or been activated pursuant to Title 32 of the United States Code, was a Louisiana resident at the time of death or time of service and whose death occurs under honorable conditions while a member of the Louisiana National Guard or the reserve component, and had never

been imprisoned pursuant to an order of confinement for one year or more subsequent to a felony conviction.

3. Any spouse, minor child, or unmarried adult child of any member described above.

a. Minor child means an unmarried child under 18 years of age.

b. Unmarried adult child means a child who became permanently physically or mentally disabled and incapable of self-support before reaching 21 years of age, or before reaching 23 years of age if pursuing a full-time course of instruction at an approved educational institution.

B. The person applying for burial of an eligible member of the Louisiana National Guard, reserve component of the Armed Forces, or their dependent is responsible for providing documents with the application that verify eligibility.

C. For members of the Louisiana National Guard or of a drilling reserve component of the Armed Forces eligible for burial pursuant to Subsection A.1 and 2 of this Section, the cost of burial shall be the amount of a burial plot allowance at the time of death established by the United States Department of Veterans Affairs, according to 38 U.S.C. 2303(b)(1) and (c), for veterans who are eligible for burial in a national cemetery. If funds have not been appropriated by the legislature or the United States Department of Veterans Affairs for the cost of burial, the applicant shall pay the cost of burial prior to interment.

D. For spouses, minor children, and unmarried adult children eligible for burial pursuant to Subsection A.3 of this Section, the cost of burial including the marker shall be the amount set by R.S. 29:295(C), and shall be paid by the applicant prior to interment unless funds have not been appropriated by the legislature or the United States Department of Veterans Affairs.

a. Spouses and children shall not be buried at the cemetery if the veteran is deceased and not buried at the cemetery, unless both are deceased and to be interred at the same time, or scheduled disinterment or re-interment to be moved to the cemetery.

E. If a headstone or marker must be reordered due to incorrect information provided by the applicant, the applicant shall pay the cost of a replacement headstone or marker.

F. To establish that the residency requirement has been met, the applicant must present a document that includes the veteran's name and a Louisiana residence address either during military service or at time of death: Cemetery will determine if the document is acceptable. Some examples are:

1. Unexpired Louisiana driver's license or Louisiana special identification card;
2. Louisiana voter registration card;
3. Louisiana vehicle registration;
4. Homestead tax exemption form;
5. Louisiana full time resident income tax return (signed and marked as received by the Louisiana Department of Revenue).

6. NGB 22 showing Louisiana address as home of record.

7. Reserve discharge or contract document showing Louisiana address as home of record.

G. This Section does not apply to veterans who qualify for burial in national veterans cemeteries as provided in 38 U.S.C. 2402 and 38 C.F.R. 1.620 and therefore qualify for burial in a veterans cemetery pursuant to R.S. 29:295.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:295.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 50:502 (April 2024), 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, data, opinions and arguments regarding the proposed Rule via U.S. Mail or hand delivery. Written submissions must be directed to Connor Junkin, Executive Counsel, Department of Veterans Affairs, 602 N. 5th Street, Baton Rouge, Louisiana 70802 and must be received no later than 4 p.m. on Monday, August 11, 2025. All written comments must be signed and dated.

Charlton Meginley
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Cemeteries

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will not result in any costs or savings to state or local governmental units.

The proposed rule change makes technical changes, clarifies burial eligibility for members of the Louisiana National Guard, reserve components of the armed forces, and their dependents, and adds that a NGB 22 or reserve discharge/contract document can be used to establish residency requirements.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated impact on state or local governmental revenues resulting from the change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs 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 not affect competition and employment.

Dustin Guy
Chief of Staff
2507#018

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Motor Vehicle Commission

License by Endorsement
(LAC 46:V.515 and 7301)

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) and R.S. 6:969.40(D), and in accord with R.S. 37:51- 37:59 (Acts 2024, No. 253) and as required by Sec. 2 of Executive Order JML 25-008, the Motor Vehicle Commission intends to adopt LAC 46:V.515 and amend LAC 46:V.7301 relative to universal occupational license recognition.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part V. Automotive Industry

Subpart 1. Motor Vehicle Commission

Chapter 5. Motor Vehicle Salesmen; Dealers; Distributors §515. License by Endorsement

A. Upon receipt of a completed license application conforming to R.S. 37:51 - 37:59, the commission shall issue a license by endorsement to a natural person which may state: "Licensed by Endorsement, R.S. 37:51 et seq."

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1253(E) and Executive Order JML 25-008 Sec 2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 51:

Subpart 3. Motor Vehicle Sales Finance

Chapter 73. Licensing

§7301. License Requirement and Exception

A.1. - L. ...

M. Upon receipt of a completed license application conforming to R.S. 37:51 - 37:59, the commission shall issue a license by endorsement to natural person which may state: "Licensed by Endorsement, R.S. 37:51 et seq."

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:969.40(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 31:922 (April 2005), LR 51:

Family Impact Statement

In accordance with R.S. 49:961(A)(2)(h)(i) and 49:972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the Louisiana Register. The proposed Rule has no known impact on family formation, stability, or autonomy.

The commission has considered the impact upon family formation, stability, and autonomy by proposed rules LAC 46:V.1.515 and LAC 46:V.3.7301.M. Adoption and implementation of these two Rules have no effect upon the stability of the family; have no effect upon the authority and rights of parents regarding the education and supervision of their children; have no effect upon the functioning of the family; have no effect on family earnings and family budget; have no effect on the behavior and personal responsibility of children; and have no effect upon the ability of the family or a local government to perform the function as contained in the proposed rule.

Poverty Impact Statement

In accordance with R.S. 49:961(A)(2)(h)(ii) and 49:973, the following Poverty Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*. The proposed rules have no known impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

The commission has considered the impact upon poverty by proposed rules LAC 46:V.1.515 and LAC 46:V.3.7301.M. Adoption and implementation of these two rules have no effect upon household income, assets, and financial security; have no effect upon early childhood development and preschool through post-secondary education development; have no effect on employment and workforce development; have no effect on taxes and tax credits; and have no effect upon child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

In accordance with R.S. 49:961(A)(2)(h)(iv) and 49:974.5, the following Small Business Regulatory Flexibility Analysis is submitted with the Notice of Intent for publication in the Louisiana Register. The proposed two rules are not anticipated to have an adverse impact on small businesses.

The commission considered the impact of the proposed two rules upon small businesses. The commission has, consistent with health, safety, environmental, and economic

welfare, considered utilizing regulatory methods that will accomplish the objective of applicable statutes while minimizing adverse effects on small businesses. The methods considered were less stringent compliance or reporting requirements for small businesses; less stringent schedules or deadlines for compliance or reporting requirements for small businesses; the consolidation or simplification of compliance or reporting requirements for small businesses; and the exemption of small businesses from all or any part of the requirements contained in the proposed rules.

Provider Impact Statement

In accordance with HCR 170 of the 2014 Regular Legislative Session, the following Provider Impact Statement is submitted with the Notice of Intent for publication in the Louisiana Register. The proposed two rules should have a *de minimus* 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, and the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on proposed Rules 515 and 7301.M by August 10, 2025 to Amy M. Casey, Executive Director, Louisiana Motor Vehicle Commission by U.S. Mail at 3017 Kingman Street, Metairie, LA 70006 or at amcasey@lmvc.la.gov.

Public Hearing

Should the commission believe that a public hearing will be requested, the notice of the place, date, and time of this hearing will be published on the motor vehicle commission's website, <http://www.lmvc.la.gov/>.

Amy Casey
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: License by Endorsement

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 preparation of documents, materials, legal review, license staff training and the posting of information related to the Welcome Home Act on the agency website. The Commission estimates the costs will be approximately \$1,267 in FY 26.

The proposed rule change, pursuant to Acts 253 and 568 of the 2025 Regular Session, provides an alternative path to licensure for certain individuals as authorized in La. R.S. 37:51 et seq (The Welcome Home Act).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change codifies an alternative path to licensure for certain individuals as authorized in La. R.S. 37:51 et seq (The Welcome Home Act), which may result in an economic benefit for those applicants.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

To the extent the Welcome Home Act leads to an increase in the number of applicants, there may be an increase in competition and employment. The magnitude of such impact is indeterminable but is expected to be minimal.

Amy Casey
Executive Director
2507#028

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Medical Examiners

Fully-Trained Foreign Physicians
(LAC 46:XLV.321, 323, and 329)

Notice is hereby given that pursuant to the authority vested in it by the Louisiana Medical Practice Act, R.S. 37:1261-1292, and in accordance with the applicable provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Board of Medical Examiners (board) intends to amend its rules governing Fully Trained Foreign Physicians. The proposed rule changes will provide for the licensure of fully trained foreign physicians and establish qualifications for licensure. The proposed amendments are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 3. Physicians

Subchapter C. International Medical Graduates and Fully-Trained Foreign Physicians

§321. Scope of Subchapter; Definitions

A. The rules of this Subchapter specify additional qualifications, requirements, and procedures for the licensing of physicians who are international medical graduates or fully trained foreign physicians.

B. As used in this Subchapter, the term *international medical graduate* or *IMG* means a graduate of a medical school or college not located in any state or in Canada, recognized and officially listed by the World Health Organization and not affirmatively approved by the board.

C. As used in this Subchapter, the term *fully trained foreign physician* or *FTFP* means a physician whose education, training, and work experience has occurred outside of the United States and who meets the requirements to apply for and receive an FTFP license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1271, 37:1272 and 37:1275.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:909 (November 1984), amended LR 12:528 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:514 (June 1990), LR 27:837 (June 2001), Department of Health, Board of Medical Examiners, LR 51:

§323. Qualifications for License-IMG

A. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1272 and 37:1275.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:909 (November 1984, amended LR 12:528 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:514 (June 1990), LR 27:837 (June 2001), LR 47:729 (June 2021), Department of Health, Board of Medical Examiners, LR 51:

§329. Qualifications for License—FTFP

A. To be eligible for an FTFP license, a fully trained foreign physician applicant shall:

1. be at least 21 years of age;
2. be of good moral character as defined by §303.A;
3. possess a doctor of medicine or equivalent degree duly issued and conferred by a medical school or college approve by the board;
4. possess current and valid legal authority to reside and work in the United States and a valid Social Security number;
5. have completed USMLE steps 1-3;
6. have completed a residency program of 3 or more years (non-preceptorship), or provide a malpractice history with loss run from all liability carriers or other equivalent indemnity entities;
7. provide a detailed work history from graduation to the date of application;
8. provide a letter of current good standing from home licensing agency;
9. have a current offer for two years of employment in hospital in a rural or medically underserved area, or a current job offer for two years of employment in a hospital to fill a chronically understaffed position.

B. The FTFP license authorizes the licensee to work solely for the employer making the original job offer for a period of two years. Upon successful completion of two years of practice in the sponsoring employment, and upon providing a statement from the employer that the licensee has not had any deficiencies during that time, the physician is eligible for a full and unrestricted license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1272 and 37:1275.1.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 51:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Poverty Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

Small Business Analysis

It is not anticipated that the proposed amendments will have any adverse impact on small businesses as defined in the Regulatory Flexibility Act, R.S. 49:978.1 et seq.

Provider Statement

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with developmental disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Jacintha Duthu, LSBME, 630 Camp Street, New Orleans, LA 70130. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m., Tuesday, August 27, 2025.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the Board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on Tuesday, August 27, 2025 at 9 a.m., at the office of the LSBME, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call in advance to confirm.

Vincent A. Culotta, Jr., M.D.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Fully-Trained Foreign Physicians

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 State Board of Medical Examiners is approximately \$1,500 in FY 25 for the notice and rule publication in the *Louisiana Register*.

Proposed rule amends LAC 46:XLV.321, 323, and 328 to implement Act 286 of the 2024 Regular Session by establishing a licensure pathway for Fully Trained Foreign Physicians (FTFPs) who completed their education, training, and experience outside the United States. The rule defines eligibility criteria, including completion of USMLE Steps 1–3, possession of a medical degree from a board-approved international school, valid U.S. work authorization, and a two-year employment offer at a hospital located in a rural or medically underserved area, or in a chronically understaffed facility. FTFP licensees will be authorized to practice only for the sponsoring employer for two years, after which they may become eligible for a full and unrestricted license. The rule is intended to expand access to care in shortage areas by utilizing qualified international medical professionals.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule is anticipated to increase self-generated revenue collections for the Louisiana State Board of Medical Examiners. The agency estimates that the application fee for the new Fully Trained Foreign Physician (FTFP) license will be approximately \$385, with an annual renewal fee of approximately \$325. Revenue impact will depend on the number of licenses issued each year; however, the creation of a

new licensure category is expected to generate additional recurring revenue from both initial applications and annual renewals.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule may result in minimal costs to individuals applying for licensure as Fully Trained Foreign Physicians. However, the rule is expected to create economic benefits by expanding employment opportunities for qualified foreign-trained physicians and increasing access to medical care in underserved areas. No impact is anticipated for small businesses or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These changes will provide an additional pathway to licensure for applicants who have completed all of their training outside of the USA. Thus, these changes will allow for more applicants to come into Louisiana, increasing competition and employment.

Vincent A. Culotta, Jr. M.D.
Executive Director
2507#001

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Hospital Services
Coverage of Gene Therapies for Sickle Cell Disease
(LAC 50:V.120)

The Department of Health, Bureau of Health Services Financing proposes to adopt LAC 50:V.120 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Effective July 1, 2025 the Department of Health, Bureau of Health Services Financing adopted cell and gene therapy model that provides additional supplemental and federal rebates for gene therapies for sickle cell disease. To receive these rebates, the department amended the provisions governing inpatient hospital services to allow reimbursement for gene therapies for sickle cell disease outside the per diem rate and paid based on the actual acquisition cost. This proposed Rule is being promulgated to continue the provisions of the July 1, 2025 Emergency Rule (*Louisiana Register*, Volume 51, Number 7).

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 1. Inpatient Hospitals Services

Chapter 1. General Provisions

§120. Coverage of Gene Therapies for Sickle Cell Disease

A. Effective for dates of service on or after July 1, 2025, gene therapies for sickle cell disease administered during an inpatient stay shall be reimbursed outside of the per diem rate for the inpatient stay. Claims for gene therapies for sickle cell disease shall be reimbursed at actual acquisition cost.

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 51:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is August 19, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on August 11, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 28, 2025 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge,

LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after August 11, 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.

Bruce D. Greenstein
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Hospital Services Coverage of Gene Therapies for Sickle Cell Disease

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 25-26. It is anticipated that \$432 (\$216 SGF and \$216 FED) will be expended in FY 25-26 for the state's administrative expense for promulgation of the proposed rule and the final rule.

This proposed rule continues the provisions of the July 1, 2025, Emergency Rule which amended the provisions governing inpatient hospital services to allow the state to participate in value-based rebates for gene therapies for sickle cell disease.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no known impact on revenue collection of state or local governmental units as a result of the implementation of this proposed rule other than the federal share of the promulgation costs for FY 25-26. This proposed rule is being implemented to leverage value-based rebates, which provide an incentive for drug manufacturers to produce effective medications. It is anticipated the \$216 will be collected in FY 25-26 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule continues the provisions of the July 1, 2025 Emergency Rule which amended the provisions governing inpatient hospital services to allow reimbursement for gene therapies for sickle cell disease to be paid outside the per diem rate and paid in actual acquisition cost. Changing the reimbursement method allows the department to leverage value-based rebates, which provide an incentive for drug manufacturers to produce effective medications. It is estimated that this proposed rule will not affect providers or small businesses in FY 25-26, FY 26-27, or FY 27-28, since the rebates will not impact how much is paid for these existing services.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule has no known effect on competition and employment.

Kimberly Sullivan, JD
Medicaid Executive Director
2507#034

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT
Department of Health
Bureau of Health Services Financing

Nursing Facilities
Reimbursement Methodology
(LAC 50:VII.Chapter 200)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:VII.Chapter 200 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing reimbursement for nursing facilities to revise the language and to replace resource utilization group resident classification system with the patient driven payment model (PDPM). The PDPM shifts the focus from therapy-based payments to a more patient-centered approach that takes into account the individual needs and conditions of residents. This proposed Rule is being promulgated to continue the provisions of the June 30, 2025 Emergency Rule (*Louisiana Register*, Volume 51, Number 7).

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part II. Nursing Facilities
Subpart 5. Reimbursement

Editor's Note: This Subpart has been moved from LAC 50:VII.Chapter 13 and renumbered.

Chapter 200. Reimbursement Methodology
§20001. General Provisions

A. Definitions

Active Assessment—a resident MDS assessment is considered active when it has been accepted by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). The assessment will remain active until:

- a. a subsequent minimum data set (MDS) assessment for the same resident has been accepted by CMS;
- b. the maximum number of days (121) for the assessment has been reached;
- c. the record has been replaced by a modified assessment;
- d. the record has been inactivated; or
- e. the resident has been discharged.

* * *

Assessment Reference Date—the last day of the MDS observation period, denoted at MDS item A2300. This date is used to determine the due date and delinquency of assessments.

* * *

Case-Mix Documentation Review (CMDR)—a review of original legal medical record documentation and other documentation as designated by the department in the MDS supportive documentation requirements, supplied by a nursing facility provider to support certain reported values that resulted in a specific PDPM classification on a randomly selected MDS assessment sample. The review of the documentation provided by the nursing facility will

result in the PDPM classification being supported or unsupported.

Case-Mix Index (CMI)—a numerical value that describes the resident's resource needs within the groups under the patient driven payment model (PDPM) classification system, prescribed by the department based on the resident's MDS assessments. CMIs will be determined for each nursing facility on a quarterly basis using all residents.

* * *

Delinquent MDS Resident Assessment—an active MDS assessment that is more than 121 days old, as measured by the assessment reference date (ARD) field on the MDS, and an MDS assessment that lacks the MDS item responses necessary to calculate a valid PDPM Health Insurance Prospective Payment System (HIPPS) code.

Department—the Louisiana Department of Health (LDH), and the associated work product of its designated contractors and agents.

* * *

Final Case-Mix Index Report (FCIR)—the final report that reflects the acuity of the residents in the nursing facility during the reporting period.

a. - b. ...

Index Factor—generated pursuant to 42-CFR-413.333.

MDS Supportive Documentation Requirements—the department's publication of the minimum documentation and review standard requirements for the MDS items associated with the PDPM classification system. These requirements shall be maintained by the department and updated and published as necessary.

* * *

Optional State Assessment (OSA)—assessment required by the Medicaid program. Allows nursing facility providers using RUG-III models as the basis for Medicaid payment to do so until the legacy payment model (RUG-III) ends.

* * *

Patient Day—a unit of time, a full 24-hour period, during which a Medicaid beneficiary is receiving care in a hospital or skilled nursing facility.

Patient Driven Payment Model (PDPM)—the Medicare payment rule for skilled nursing facilities. The PDPM identifies and adjusts different case-mix components for the varied needs and characteristics of a resident's care and then combines these with a non-case-mix component to determine the full skilled nursing facilities (SNF) prospective payment system (PPS) per diem rate for that resident.

a. Effective as of the July 1, 2025, rate setting, for Medicaid program nursing facility case-mix index and reimbursement rate calculation purposes, the following PDPM components will be utilized to calculate the nursing facility provider's total residents average CMI and Medicaid residents average CMI under a blended approach. This is done by using case-mix index weights, effective October 1, 2024, as listed in table 5 from the final SNF PPS payment rule for FY 2025 (CMS-1802-F):

- i. physical therapy: 15 percent;
- ii. occupational therapy: 15 percent;
- iii. speech language pathology: 8 percent;
- iv. non-therapy ancillary: 12 percent; and
- v. nursing: 50 percent.

Point-In-Time Acuity Measurement System (PIT)—Repealed.

Preliminary Case-Mix Index Report (PCIR)—the preliminary report that reflects the acuity of the residents in the nursing facility during the reporting period.

a. - b. ...

RUG-III Resident Classification System—the resource utilization group used to classify residents. When a resident is sorted into more than one classification group using RUG-III, the RUG-III group with the greatest CMI will be utilized to calculate the nursing facility provider's total residents average CMI and Medicaid residents average CMI.

a. Effective June 30, 2025, the RUG-III Resident Classification System will no longer be utilized to classify residents except for the purposes of calculating the phase-in as described in §20005.D.4.e.

* * *

Unsupported MDS Resident Assessment—an assessment where one or more data items that are used to classify a resident pursuant to the PDPM classification, resident classification systems are not supported according to the MDS supportive documentation requirements and a different PDPM classification, would result; therefore, the MDS assessment would be considered “unsupported.”

B. - C.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 46:2742, 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 28:1473 (June 2002), repromulgated LR 28:1790 (August 2002), amended LR 28:2537 (December 2002), LR 32:2262 (December 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:825 (March 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1522 (September 2016), LR 43:525 (March 2017), LR 43:2187 (November 2017), LR 46:695 (May 2020), LR 46:1684 (December 2020), LR 50:219 (February 2024), LR 51:

§20005. Rate Determination

[Formerly LAC 50:VII.1305]

A. - C.6. ...

D. Determination of Rate Components

1. Facility Specific Direct Care and Care Related Component. This portion of a facility's rate shall be determined as follows.

a. - d. ...

e. The statewide direct care and care related floor is established at 94 percent of the direct care and care related resident-day-weighted median cost. For periods prior to January 1, 2007 the statewide direct care and care related floor shall be reduced to 90 percent of the direct care and care related resident-day-weighted median cost in the event that the nursing wage and staffing enhancement add-on is removed. Effective January 1, 2007 the statewide direct care and care related floor shall be reduced by one percentage point for each \$.30 reduction in the average Medicaid rate due to a budget reduction implemented by the department. The floor cannot be reduced below 90 percent of the direct care and care related resident-day-weighted median cost. Effective for rate periods coinciding with the phase-in established in §20005.D.4.e, July 1, 2025, through

December 31, 2026, the statewide direct care and care-related floor is established at 90 percent of the direct care and care related resident-day-weighted median cost.

D.1.f - D.4.d.v. ...

e. Effective for rate periods beginning July 1, 2025, through December 31, 2026, each applicable nursing facility provider will receive an additional pass-through rate adjustment to allow for a phase-in of the PDPM resident classification system used for determining case-mix indices. The nursing facility provider pass-through rate adjustment will be calculated and applied as follows.

i. For each rate period during the phase-in, the nursing facility provider's direct care and care-related rate components will be calculated in accordance with §20005.D.1 using the PDPM resident classification system to determine the nursing facility cost report period case mix index and nursing facility-wide average case mix index values.

ii. For use in calculating a differential, the nursing facility provider's July 1, 2025, direct care and care-related rate components will also be calculated in accordance with §20005.D.1 using the RUG-III resident classification system to determine the nursing facility cost report period case mix index and nursing facility-wide average case mix index values.

iii. For each rate period during the phase-in, the direct care and care-related rate components differential will be determined by subtracting the direct care and care-related rate components calculated for July 1, 2025, using the RUG-III resident classification system as described in §20005.D.4.e.ii from the direct care and care-related rate components calculated using the PDPM resident classification system for determining the case-mix indices as described in §20005.D.4.e.i.

iv. If the calculated direct care and care-related rate components differential exceeds a positive or negative \$5, then a pass-through rate adjustment will be applied to the nursing facility provider's reimbursement rate. The pass-through rate will be applied in an amount equal to the difference between the rate differential total and the ±\$5 threshold. This will be done in order to ensure the nursing facility provider's direct care and care-related rate components are not increased or decreased more than \$5 as a result of the change to the PDPM resident classification system for determining the case-mix indices.

(a). Should the nursing facility provider, for the rate periods used in calculating the rate differential, receive an adjusted nursing facility-wide average case mix index value due to a CMDR change or other factors, the facility will have its direct care and care-related rate components differential recalculated using the revised case mix index values. The ±\$5 rate change threshold will apply to the recalculated differential and associated case mix index values, not the original differential calculation.

v. If a nursing facility provider's calculated direct care and care-related rate components differential does not exceed the ±\$5 rate change threshold, then no pass-through rate adjustment will be applied for the applicable rate period.

D.5. - Q....

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 28:1791 (August 2002), amended LR 31:1596 (July 2005), LR 32:2263 (December 2006), LR 33:2203 (October 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:325 (February 2010), repromulgated LR 36:520 (March 2010), amended LR 36:1556 (July 2010), LR 36:1782 (August 2010), LR 36:2566 (November 2010), LR 37:902 (March 2011), LR 37:1174 (April 2011), LR 37:2631 (September 2011), LR 38:1241 (May 2012), LR 39:1286 (May 2013), LR 39:3097, 3097 (November 2013), LR 41:707 (April 2015), LR 41:949 (May 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:82 (January 2017), LR 43:526 (March 2017), LR 46:1684 (December 2020), LR 51:

§20006. Reimbursement Adjustment
[Formerly LAC 50:VII.1306]

A. ...

B. In the event the department is required to implement positive adjustments in the nursing facility program pursuant to Louisiana Constitution Art. VII, §10.14(E)(1), a separate nursing facility add-on shall be created and calculated as follows:

1. Without changing the parameters established in these provisions, if the average Medicaid program rates established annually at each July 1 are below the previous state fiscal year's average Medicaid program rates (simple average of the four quarters), the department shall implement an increase to the average Medicaid rate. This will be done by adding to the reimbursement rate paid to each nursing facility an amount equal to the difference between the July 1 Medicaid program rate and the previous state fiscal year's average Medicaid program rates. The add-on will be paid to each nursing facility using an equal amount per patient day.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:804 (April 2004), amended by the Department of Health Bureau of Health Services Financing, LR 51:

§20007. Case-Mix Index Calculation
[Formerly LAC 50:VII.1307]

A. The Resource Utilization Groups-III (RUG-III) Version 5.20, 34-group, index maximizer model shall be used as the resident classification system to determine all case-mix indices, using data from the minimum data set (MDS) submitted by each facility. Standard Version 5.20, or its successor, case-mix indices developed by CMS shall be the basis for calculating average case-mix indices to be used to adjust the direct care cost component. Resident assessments that cannot be classified to a RUG-III group, will be excluded from the average case-mix index calculation.

1. Prior to the July 1, 2025, rate setting, the RUG-III, Version 5.20, 34-group index maximizer model is used as the resident classification system to determine all case-mix indices.

B. Effective as of the July 1, 2025, rate setting, PDPM case-mix groups and case-mix index weights effective October 1, 2024, as listed in table 5 from the final SFY PPS payment rule for FY 2025 (CMS-1802-F) are used as the resident classification system to determine all case-mix indices, using data from the MDS submitted by each facility.

PDPM case-mix index weights effective October 1, 2024, developed by CMS, shall be used to adjust the direct care cost component. A hierarchical methodology is used to determine the individual CMIs. A blended approach is used to determine the case-mix indices to adjust the direct care cost component. The percentages used for blended approach are as follows:

1. physical therapy: 15 percent;
2. occupational therapy: 15 percent;
3. speech language pathology: 8 percent;
4. non-therapy ancillary: 12 percent; and
5. nursing: 50 percent.

C. Assessments completed prior to January 1, 2025, that cannot be classified to a PDPM case-mix group, will be excluded from the average case mix index calculations.

D. Assessments completed on or after January 1, 2025, that cannot be classified to a PDPM case-mix group, will be assigned the lowest CMI value relative for each PDPM component.

E. Each resident in the nursing facility with a completed and submitted assessment, shall be assigned a PDPM case-mix groups, based on the following criteria.

1. Prior to the January 1, 2017, rate setting, the RUG-III group, or its successor, is calculated based on the resident's most current assessment, available on the last day of each calendar quarter, and shall be translated to the appropriate case mix index. From the individual resident case mix indices, two average case mix indices for each Medicaid nursing facility provider shall be determined four times per year based on the last day of each calendar quarter.

2. Effective as of the January 1, 2017, rate setting, the RUG-III group, PDPM group, will be calculated using each resident MDS assessment transmitted and accepted by CMS that is considered active within a given calendar quarter. These assessments are then translated to the appropriate case mix index. The individual resident case mix indices are then weighted based on the number of calendar days each assessment is active within a given calendar quarter. Using the individual resident case mix indices, the calendar day weighted average nursing facility-wide case mix index is calculated using all residents regardless of payer type. The calendar day weighted nursing facility-wide average case mix index for each Medicaid nursing facility shall be determined four times per year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 46:2742, 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 28:1475 (June 2002), repromulgated LR 28:1792 (August 2002), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:826 (March 2012), LR 43:527 (March 2017), amended by the Department of Health Bureau of Health Services Financing, LR 51:

§20013. Case-Mix Documentation Reviews and Case-Mix Index Reports
[Formerly LAC 50:VII.1313]

A. ...

1. If the department determines that a nursing facility provider has delinquent MDS resident assessments, for purposes of determining both average CMIs, such assessments shall be assigned the case-mix index associated with the PDPM group "BC1-delinquent" for all PDPM components. A delinquent MDS shall be assigned a CMI

value equal to the lowest CMI in each PDPM component classification system.

B. - B.5.b. ...

c. If the percentage of unsupported MDS assessments in the total sample is greater than the threshold percentage as shown in column (B) of the table in Subparagraph e of this Paragraph, the impacted PDPM component(s) classification shall be recalculated for the unsupported MDS assessments based upon the available documentation obtained during the CMDR process. The nursing facility provider's CMI and resulting Medicaid rate shall be recalculated for the quarter in which the FCIR was used to determine the Medicaid rate. A follow-up CMDR process described in Subparagraphs d and e of this Paragraph may be utilized at the discretion of the department.

d. ...

e. After the follow-up CMDR, if the percentage of unsupported MDS assessments in the total sample is greater than the threshold percentage as shown in column (B) of the following table, impacted PDPM component(s) classification shall be recalculated for the unsupported MDS assessments based upon the available documentation obtained during the CMDR process. The nursing facility provider's CMI and resulting Medicaid rate shall be recalculated for the quarter in which the FCIR was used to determine the Medicaid rate. In addition, facilities found to have unsupported MDS resident assessments in excess of the threshold in column (B) of the table below may be required to enter into a documentation improvement plan with the department. Additional follow-up CMDR may be conducted at the discretion of the department.

* * *

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 28:2537 (December 2002), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:826 (March 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 43:528 (March 2017), LR 45:274 (February 2019), LR 51:

§20029. Supplemental Payments

A. - A.3.a.iv ...

b. Calculating Medicaid Rates Using Medicare Payment Principles. The prospective payment system (PPS), Medicare rates will be calculated based on Medicaid acuity data. The following is a summary of the steps involved.

i. The applicable PDPM classification for Medicaid residents is identified using each resident's minimum data set assessment. A full listing of Medicaid residents with the applicable Medicare PDPM classification is then generated.

(a). ...

ii. Rural and urban rate differentials, wage index adjustments, and value-based purchasing adjustments will be used to adjust the Medicare rate tables for each component of PDPM after the Medicaid listing is developed. The non-therapy ancillary component of PDPM will be adjusted to exclude the estimated portion of payments related to pharmacy, laboratory, and radiology services based on a

statewide percentage derived from Medicare cost report data to account for differences between what the Medicare PPS rate covers and what the Medicaid program reimburses. Medicare rate tables will be applicable to SFY periods.

(a). ...

(b). Medicare rates for each Medicaid resident in the listing are calculated using the relevant Medicare rate tables for each period of the SFY and then averaged by nursing facility. The nursing facility's average rates are then pro-rated based on the length of active time of each Medicare rate table during the SFY. The calculated rate will be multiplied by an estimate of Medicaid paid claims days for the specified period. Medicaid paid claims days will be compiled from the state's Medicaid Management Information System's (MMIS) most recent 12 months, as of the development of the Medicaid supplemental payment calculation demonstration.

c. Determining Medicaid Payments for Medicaid Nursing Facility Residents. The most current Medicaid nursing facility reimbursement rates as of the development of the Medicaid supplemental payment calculation demonstration will be utilized. These reimbursement rates will be multiplied by Medicaid paid claims compiled from the state's MMIS system from the most recent 12 months, as of the development of the Medicaid supplemental payment calculation demonstration, to establish total Medicaid per diem payments. Total calculated Medicaid payments made outside of the standard nursing facility per diem are summed with total Medicaid reimbursement from the per diem payments to establish total Medicaid payments. Payments made outside of the standard nursing facility per diem are reimbursement for the following services.

i. - iii. ...

d. Repealed.

e. Calculating the Differential between the Calculated Medicare Payments for Medicaid Nursing Facility Residents, and Medicaid Payments for those Same Residents. The total annual Medicaid supplemental payment will be equal to the individual NSGO nursing facility's differential between their calculated Medicare payments and the calculated Medicaid payments for the applicable SFY, as detailed in the sections above.

4. - 5. ...

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 42:63 (January 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 43:529 (March 2017), LR 47:476 (April 2021), LR 51:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170..

Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is August 19, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on August 11, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 28, 2025 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after August 11, 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.

Bruce D. Greenstein
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Nursing Facilities Reimbursement Methodology

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will result in increased state costs of approximately \$1,393,164 for FY 25-26, \$1,392,409 for FY 26-27, and \$1,392,409 for FY 27-28. It is anticipated that \$2,376 (\$1,188 SGF and \$1,188 FED) will be expended in FY 25-26 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule continues the Emergency Rule for June 30, 2025, which amended reimbursement for Nursing Facilities to revise the language and to replace resource utilization group resident classification system with the patient driven payment model.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately \$2,944,233 for FY 25-26, \$2,942,612 for FY 26-27, and \$2,942,612 for FY 27-28. It is anticipated that \$1,188 will be collected in FY 25-26 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule continues the Emergency Rule for June 30, 2025, which amended reimbursement for Nursing Facilities to revise the language and to replace resource utilization group resident classification system with the patient driven payment model. This proposed Rule is expected to have no impact on beneficiaries or small businesses. The change in methodology will impact payments to providers. It is anticipated that the cost as a result of this proposed rule will be approximately \$4,335,021 for FY 25-26, \$4,335,021 for FY 26-27, and \$4,335,021 for FY 27-28.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule has no known effect on competition and employment.

Kimberly Sullivan, JD
Medicaid Executive Director
2507#035

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Licensed Professional Counselors Board of Examiners

Appraisal (LAC 46:LX.503)

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 make a technical revision to clarify the scope of appraisal activities allowed for counselors.

The Licensed Professional Counselors Board of Examiners hereby gives Notice of Intent to propose changes to Chapter 5 Section 503 in the July 20, 2025, edition of the Louisiana Register.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS REVISED Part LX. Licensed Professional Counselors Board of Examiners Subpart 1. Licensed Professional Counselors Chapter 5. License and Practice of Counseling §503. Definitions for Licensed Professional Counselors and Provisional Licensed Professional Counselors

A. ...

* * *

Practice of Mental Health Counseling/Psychotherapy—rendering or offering prevention, assessment, diagnosis, and treatment, which includes psychotherapy of mental, emotional, behavioral, and addiction disorders to individuals, groups, organizations, or the general public by a licensed or provisional licensed professional counselor, which is consistent with his/her professional training as prescribed by R.S. 37:1107(A)(8), and *Code of Ethics*/behavior involving the application of principles, methods, or procedures of the mental health counseling profession which includes but is not limited to the following.

a. - d. ...

e. Appraisal—

i. use or administration of tests of language, educational and achievement tests, and adaptive behavioral tests, as well as tests of abilities, interests, and aptitudes, for the purpose of diagnosing those conditions allowed within the scope of these statutes, defining counseling goals, planning and implementing interventions, and documenting clients progress as related to mental health counseling. Appraisal includes but is not necessarily limited to the following areas.

(a). - (c). ...

ii. Qualified licensed professional counselors as well as other appropriately licensed or certified professionals may also administer or use test of language, educational and achievement, and adaptive behavior tests. The administration and interpretation of these tests are not exclusively within the scope of this regulation.

e.iii. - g. ...

* * *

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:

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 August 10, 2025, at 5 p.m.

Jamie S. Doming
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Appraisal

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 \$400 in FY 25 to 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)

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. This rule simply removes language to not create confusion. 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
2507#023

Patrice Thomas
Deputy Fiscal Officer
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NOTICE OF INTENT

Department of Public Safety and Corrections Corrections Services

Disciplinary Rules and Procedures for Adult Inmates (LAC 22:I.341)

In accordance with the provisions of the Administrative Procedures Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to amend the contents of §341, Disciplinary Rules and Procedures for Adult Inmates.

The Department of Public Safety and Corrections, Corrections Services, revised the Disciplinary Rules and Procedures as a result of a comprehensive review in order to move the conduct prohibited by Rules 31-37 into Rule 30 “General Prohibited Behavior” and to make modifications to the sanctions that can be imposed by the disciplinary board. The revision also includes modifications to the disciplinary hearing procedures and composition of the disciplinary board.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part 1. Corrections

Chapter 3. Adult Services

Subchapter B. Disciplinary Rules and Procedures for Adult Inmates

§341. Disciplinary Rules and Procedures for Adult Inmates

Editor's Note: This Section contains rules formerly printed in LAC 22:I.341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, and 363.

A. Purpose—this department regulation constitutes the department's *Disciplinary Rules and Procedures for Adult Inmates* as a regulation.

B. Applicability—deputy secretary, chief of operations, regional wardens, wardens, director of probation and parole, director of prison enterprises, sheriffs, and administrators of local jail facilities and transitional work programs. Each unit head shall ensure appropriate unit written policies are in place to comply with the provisions of this regulation.

C. Policy. The secretary's policy is that all inmates and employees shall have reasonable access to and comply with the department's *Disciplinary Rules and Procedures for Adult Inmates*. The *Disciplinary Rules and Procedures for Adult Inmates* are established to provide structure and organization for the state's facilities and a framework within which the inmate population can expect the disciplinary system to function.

1. Revisions shall be accomplished through this regulation under the signature of the secretary.

D. Disciplinary Rules and Procedures for Adult Inmates

1. This book of disciplinary rules and procedures constitutes clear and proper notice of sanctions for each inmate sentenced to the Department of Public Safety and Corrections.

2. It is the policy of the Louisiana Department of Public Safety and Corrections to operate a swift and fair disciplinary process that follows constitutional and statutory standards. The *Disciplinary Rules and Procedures for Adult*

Inmates establishes a uniform inmate disciplinary process that:

- a. maintains order and control of institutional safety;
 - b. ensures inmates are disciplined fairly;
 - c. ensures constitutional rights are protected;
 - d. modifies inmate behavior in a positive manner;
- and
- e. maintains an official record of an inmate's disciplinary history.

3. The *Disciplinary Rules and Procedures for Adult Inmates* provides structure and organization for the prisons and a framework within which the inmate population can expect the disciplinary system to function. All inmates sentenced to the custody of the Department of Public Safety and Corrections, regardless of their housing facility, shall be placed on notice as to the requirements of the *Disciplinary Rules and Procedures for Adult Inmates* by being provided with a copy of the rulebook. All inmates shall be required to sign for the receipt of the rulebook, and the signed receipt shall be filed in the inmate's master record.

4. The secretary of the Department of Public Safety and Corrections has sole authority to change these rules, regulations, and procedures. Utilization of these procedures does not constitute the granting of any enforceable right or privilege to any inmate.

5. During incarceration, inmates can expect changes to custody level, job classification, housing assignment, institutional assignment, or opportunities to participate in institutional programs or activities. Such changes may result from classification, the imposition of disciplinary penalties, the promotion of legitimate institutional goals, or security concerns. Such changes are not necessarily disciplinary penalties. When the above changes occur as a result of other department regulations and institutional policies, they are not considered penalties in the context of the disciplinary process.

6. In the event of a genuine emergency, such as a serious disturbance disrupting normal operations or a natural disaster, the secretary or designee may suspend any and all disciplinary rules and procedures for the duration of the emergency. Full hearings must be held within a reasonable time after the end of the emergency for those inmates who were subjected to loss of good time or failure to earn incentive wages.

7. Certain procedures described herein may vary when an inmate is housed in a jail facility, including but not limited to: applicability of certain sanctions, appeals processes, availability of counsel substitutes, procedures applicable to reporting infractions, and hearing timelines. Additionally, an inmate housed in a jail facility who violates a rule for which forfeiture of good time is a possible sanction may be temporarily transferred to a state facility for the purpose of conducting a high court hearing; alternatively, the hearing may be conducted remotely utilizing a department-approved telecommunications software. Hearings related to rule violations for which forfeiture of good time is not a possible sanction will be conducted in the jail facility, and the inmate will not be transferred to a state facility for a high court hearing. Variation from the procedures provided herein is not permitted in state facilities.

E. Definitions

Boards—the following boards, as defined below, shall assist in determining an inmate's custody level and placement.

a. **Classification Board**—a multidisciplinary board(s) within each facility responsible for all inmate classification decisions.

i. A facility classification board shall consist of a minimum of two facility staff members, with those staff members representing each of the following two categories:

(a.) classification, social services, medical/mental health, and

(b.) security (which member shall be of the rank of caption or higher).

ii. All inmates shall be given notice 48 hours prior to their classification reviews and shall be present for those reviews, unless precluded due to security or other substantial concerns, or as a result of a disciplinary board hearing. An inmate may waive in writing the 48-hour notice and/or the right to be present for the review.

b. **Disciplinary Board**—a multidisciplinary board convened to provide a fair and impartial review of an alleged rule violation by an inmate. A disciplinary board determines if an inmate is guilty or is not guilty of an alleged rule violation and determines an appropriate sanction of the disciplinary board determines an inmate in fact is guilty of a rule violation. A properly composed disciplinary board shall consist of two people – one duly authorized and trained chairman and one duly authorized and trained member.

c. **Re-entry Services Team**—a multidisciplinary team comprised of a classification officer, a security officer, a mental health provider, and a transition specialist to assist inmates with their transition to general population or to the community, utilizing an individualized plan and ensuring services are delivered in an effective manner.

d. **Segregation Review Board**—a multidisciplinary team comprised of a classification officer, mental health provider, and a security officer (major or above) to consider and make recommendations as to whether or not an inmate in protective segregation, preventative segregation, or restrictive housing may be moved to a less restrictive setting or remain in restrictive housing.

Classification—a process for determining the needs and requirements of those for whom confinement has been ordered and for assigning inmates to housing units, work assignments, and programs according to their needs and existing resources. Classification actions, even if resulting from an incident handled in the disciplinary process, are not disciplinary sanctions.

Confidential Informant—person whose identity is not revealed to the accused inmate but who provides an employee with information concerning misbehavior or planned misbehavior.

Confinement to Dormitory, Room, or Cell—confinement to one's regularly assigned living quarters with restrictions on out-of-cell privileges such as participation in club meetings, hobby craft, or special events. Ordinarily assigned programming, work, mandatory call outs, and medical or mental health treatment shall not be restricted. Telephone privileges, recreation time, and television privileges are included under this sanction.

Custody Levels—see established policies and procedures for information regarding the various custody levels and status review procedures.

Disciplinary/Sanctions Matrix—A uniform system of administrative sanctions which may be imposed by the Department for rule violations, which the matrix takes into consideration the severity of the violation, behavior, and any prior history of violations.

Extra Duty—work to be performed in addition to an inmate's regulation job assignment as specified by the proper institutional authority. This work performed without the benefit of incentive wages.

Incentive Pay—compensation paid to an inmate in the physical custody of the department and who is eligible to receive incentive wages and has performed satisfactory work in the compensation grade in which he has been classified.

Posted Policy—policy memoranda detailing what behavior is required or forbidden of inmates and generally reflecting the needs of the facility. Posted policies must be distributed and posted in such a manner that inmates are placed on notice as to what behavior is required or forbidden and that sanctions may be imposed should the policy be violated.

Prison Rape Elimination Act of 2003 (PREA)—federal law enacted to establish a zero-tolerance standard for the incident of sexual assault within an institutional setting. Refer to Disciplinary Rule 21 (Aggravated Sex Offense).

Sanction—a disciplinary penalty.

Segregation—special management housing whereby an inmate is confined to an individual cell separated from the general population.

Segregated Housing/Unit—any housing whereby an inmate lives separate and apart from the general population unit until such time as the segregation review board determines there is no need for further segregation. Segregated housing includes:

a. **Disciplinary Segregation**—a maximum custody housing area, typically a cell, where an inmate is housed for a definitive period of time as a result of a sanction from a disciplinary hearing.

i. **Investigative Segregation**—a maximum custody housing area, typically a cell, where an inmate is held pending the outcome of a disciplinary hearing, pending a classification review board hearing, or pending a transfer to an appropriate housing unit.

ii. **Preventative Segregation**—a maximum custody housing area, preferably a cell, where an inmate's continued presence in general population is a danger to the good order and discipline of the institution and/or whose presence poses a danger to himself, other inmates, staff, or the general public.

iii. **Protective Segregation**—a maximum custody form of separation from the general population for inmates requesting or requiring protection from other inmates for reasons of health or safety.

(a). Protective segregation consists of three levels:

(i). **Level 1 Protective Segregation**—Level 1 is a lower level of protection assignment and generally made at an inmate's request, but may be originated by staff. A disciplinary or classification review board, depending

upon the established facts and circumstances, shall confirm or deny the request and provide written reasons for its decision. All facilities are eligible to house Level 1 inmates in protective segregation.

(ii). *Level 2 Protective Segregation*—Level 2 is based upon the nature of an inmate’s crime, prior employment history (for example: former law enforcement, politician, etc.), age, or other significant protection concerns. Generally, a Level 2 inmate is determined to be unable to live in general population at any facility, but may be considered a candidate for placement in general population at some point in the future. This designation may result in the inmate’s assignment to protective segregation at Louisiana State Penitentiary, Elayn Hunt Correctional Center, David Wade Correctional Center, or the Louisiana Correctional Institute for Women.

(iii). *Level 3 Protective Segregation*—Long-term protection concerns usually due to past history of offense or employment (for example, former law enforcement or correctional officer). Generally, the inmate is determined to be unable to live in general population at any facility and is very unlikely to ever be suitable for general population. These inmates are housed in N-5 Protection Unit at David Wade Correctional Center, which is an open cell environment, and the Louisiana Correctional Institute for Women.

iv. *Transitional Segregation*—a maximum custody temporary holding area, preferably a cell, until bed space is available for placement or awaiting a transfer to another institution – transitional segregation may occur in any segregated housing area.

v. *Residential Treatment Housing*—a maximum custody area within a facility where inmates who have a mental health disorder with symptoms that are severe and persistent to the point of interfering with the inmate’s ability to behaviorally and cognitively live in a less structured secure environment are admitted for health observation and care under the supervision and direction of health care personnel. Placement in residential treatment housing is reliant on documented orders from a health care practitioner and/or psychiatrist.

vi. *Working Segregation*—a form of maximum custody for a determinate period of time distinguished by access to work and other programs consistent with security restrictions and facility procedures. This type of assignment is used primarily after a disciplinary hearing for an inmate found guilty of violating one or more rules according to established policies and procedures or as part of the step down from a more restrictive housing.

Note: The pronouns “he” and “his” as used herein are for convenience only and are not intended to discriminate against female employees or inmates. Additionally, “employee” as used herein refers not only to an employee of the Department of Public Safety and Corrections, but also to any individual having the authority to exercise supervision over an inmate.

F. Disciplinary Procedures

1. This rulebook contains the disciplinary rules and procedures for inmates remanded to the state’s custody. All inmates are required to obey the rules and regulations. The following outlines the procedures that shall be followed when an inmate violates a rule.

a. General Procedures

i. Reporting infractions

(a). When an employee witnesses or has knowledge of any act by an inmate that is in violation of the rules or posted policies, the employee shall first attempt, if appropriate, to resolve the matter informally. If the violation is observed or brought to the attention of a contract employee, volunteer, or institutional visitor, the incident shall be reported to an employee by the person observing or with knowledge of the behavior. Informal resolution may include counseling, verbal reprimand, or the giving of an instruction, warning, or order. Information resolution is not appropriate for any offense that poses a risk to the security of the institution such as solicitation of staff to violate a rule or policy, an attempt to establish an inappropriate relationship, or possession of contraband.

(i). If the incident cannot be resolved informally, the employee shall complete a disciplinary report formally charging the inmate with violating a rule. Refer to Section I “Inmate Rules and Violation Descriptions” for additional information.

(ii). The report shall be written by the employee who has reason to believe that an inmate has violated, attempted to violate or conspired to violate one or more disciplinary rules.

[a]. An inmate who intentionally attempts to violate a disciplinary rule, even if he is unsuccessful, may receive a disciplinary report for attempting to break that rule.

[b]. When two or more persons working in combination for the specific purpose of violating any disciplinary rule, they may receive a disciplinary report for conspiring to break that rule.

[c]. The description of an incident may include more than one separate and distinct rule violation. It is appropriate to include more than one rule violation on a single disciplinary report.

(iii). The disciplinary report shall include the following information:

[a][i]. the accused’s name, DOC number, housing number and job assignment;

[ii]. the reporting officer’s name and title;

[iii]. the offense number;

[iv]. the date and approximate time of the offense; and

[v]. a description of the facts of the offense;

[b]. the description of the facts of the offense shall include the name of all witnesses, the location of the incident, and a full statement of the facts underlying the charges.

[c]. a description of any unusual inmate behavior, any physical evidence and its disposition, and any immediate action taken, including the use of force.

(b). Upon completion of the disciplinary report, the supervisor shall review the information and forward the report and any supporting documentation to the disciplinary office or designated depository for processing.

(c). The warden or his designee, or the shift supervisor, can order immediate removal from general population when it is necessary to protect the inmate or others, or when the inmate is the subject of the investigation. The action must be approved, denied, or modified within 24 hours by an appropriate and higher authority who is not involved in the initial placement.

(d). In instances when an inmate is placed in investigative segregation for disciplinary purposes, the supervisor shall conduct a review of the documentation to ensure it is complete and correct and, as needed, shall investigate to confirm the reasonableness of the allegation or circumstances prompting the assignment. This review (and investigation if needed) shall be done prior to the conclusion of the supervisor's tour of duty.

(e). Time spent in investigative segregation for the offense shall be credited against segregation or extra duty sentences even when these sanctions are suspended. Credit shall not be given for time spent in investigative segregation based upon a request for protection or while an inmate is awaiting transfer to another area.

(f). Assignment to disciplinary segregation shall be for a determinate period of time with reviews by a multi-disciplinary review board in accordance with established policies and procedures.

(g). Established policies and procedures shall govern the time an inmate may be in segregated housing for rule violations, except to the extent documented reasons and due process review result in the need for continued preventative segregation due to a threat exhibited by an inmate may exist to self, other inmates, or staff.

(h). The applicable review board shall review the status of inmates who are in investigative segregation at least seven days for the first 60 days and thereafter every 30 days.

(i). The segregation review board shall review the status of inmates who are in protective segregation:

[a]. Level 1 protective segregation: at least every seven days for the first 60 days and thereafter at least every 30 days;

[b]. Level 2 protective segregation: every 90 days;

[c]. Level 3 protective segregation: annually.

(j). The applicable review board shall review the status of inmates who are in preventative segregation at least every 60 days.

(k). The applicable review board shall review the status of inmates who are in working segregation at least every 90 days.

ii. Notice of Disciplinary Report

(a). Inmates shall be served with notice of charges at least 24 hours prior to the hearing.

(b). Confirmation that the inmate was advised of the charges shall be noted on the original of the disciplinary report by the inmate's signature.

(c). If the inmate refuses to sign the disciplinary report, the delivering officer shall note the refusal in the inmate signature block and initial the box.

iii. Counsel and Counsel Substitutes

(a). Counsel is a licensed attorney of the inmate's choice who has been retained by the inmate. Counsel must be obtained within 7 days of receiving the motion granting "deferral for outside counsel."

(b). Counsel substitutes are people not admitted to the practice of law, but who are instead inmates who aid and assist, without cost or fee, an accused inmate in the preparation and presentation of his defense and appeal.

(c). Counsel substitutes are only those inmates appointed by the warden or designee to assist other inmates with their legal claims, including but not limited to, assistance with filing of administrative remedy procedure requests, disciplinary board appeals, and lost property claims. Counsel substitutes are not required to file disciplinary appeals, but should inform the inmate who wants to appeal of the proper way to file. Counsel substitutes may be removed from their positions if the warden or designee believes is appropriate. Inmates who are not counsel substitutes may not provide services to other inmates without the approval of the warden or designee.

G. Disciplinary Hearings and Sanctions

1. Hearing Procedure

a. Hearings shall provide a fair and impartial review conducted by a disciplinary officer or disciplinary board to determine if a rule infraction occurred, if the inmate is guilty or not guilty of the charges, and the appropriate sanction or sanctions.

b. An investigation report may be submitted to the disciplinary board detailing the facts uncovered in an investigation. If the investigation report is used as evidence in the hearing, a copy of the report shall be maintained in the administrative record. In the alternative, the investigator may be called as a witness to present testimony.

c. There are two types of disciplinary hearings: high court and low court. Generally, high court hearings are conducted for Schedule B violations, and low court hearings are conducted for Schedule A violations. See Section I, "Inmate Rules and Violations Descriptions," for the schedule designation applicable to each rule violation.

2. Low Court Hearing with a Disciplinary Officer

a. A hearing conducted by a ranking security officer (lieutenant or above) or any supervisory level employee from an administration or treatment appointed by the warden or designee who conducts hearings of minor violations (Schedule A) and who may impose only designated sanctions.

b. Any disciplinary officer directly involved in the incident or one who is biased for or against the accused cannot hear the case unless the accused waives recusal in writing. Performance of a routine administrative duty does not necessarily constitute direct involvement or bias.

c. At these hearings the accused inmate represents himself and is given full opportunity to speak on his own behalf.

d. Counsel substitutes, witnesses, or the accusing employee are not permitted in the hearing.

e. Low court hearings are not recorded.

f. Hearings shall be held within seven days of the date of the report, excluding weekends and holidays, unless the hearing is prevented by exceptional circumstances, unavoidable delays, or reasonable postponements. Reasons for any delays shall be documented.

3. High Court Hearing with a Disciplinary Board

a. A properly composed board shall consist of two people—one duly authorized and trained chairman and one duly authorized and trained member—each representing a different discipline (security, administration, or treatment). The secretary or designee must approve the chairman, and the warden or designee must approve the member.

b. Hearings shall be held within seven days of the date of the report, excluding weekends and holidays, unless the hearing is prevented by exceptional circumstances, unavoidable delays, or reasonable postponements. Reasons for any delays shall be documented.

c. If the inmate will be transferred to a state correctional facility from a local jail facility for the purpose of conducting the hearing, the inmate shall be brought before the disciplinary board of the local jail facility where the violation occurred and informed of the pending transfer and necessitated delay of the hearing. The date the notice was given shall be documented on the disciplinary report.

d. 72 Hour Rule

i. Any inmate who is placed in investigative segregation for a rule violation shall be afforded a disciplinary hearing within 72 hours of being placed in investigative segregation. Exceptions include official holidays, weekends, genuine emergencies, or for other good cause. The inmate shall be heard at the next available court date. When it is not possible to provide a full hearing within 72 hours of placement, the accused shall be brought before the disciplinary board, informed of the reasons for the delay, and remanded back to investigative segregation or released to his quarters after a date for a full hearing has been set.

ii. The 72 hour rule does not apply to inmates housed in local jail facilities or transitional work programs whose hearings are conducted once they are transferred to a state correctional facility or those who have had their disciplinary hearing conducted at a state correctional facility even if they are not transferred there. Inmates in this status have no expectation of a disciplinary hearing within 72 hours.

iii. The 72 hour rule does not apply to those inmates who are placed in investigative segregation for reasons other than a rule violation. Examples of these classifications include, but are not limited to:

(a) awaiting transfer to another facility or to another housing unit within the facility;

(b) transitional work program, or intake.

iv. For those inmates placed in investigative segregation for a reason other than a rule violation, an initial review shall be conducted by the appropriate board within seven days of the date of the report of placement in investigative segregation. Exceptions include official holidays, weekends, genuine emergencies, or for other good cause. Reasons for all delays shall be documented. This rule does not apply to inmates housed in local jail facilities or transitional work programs whose hearings are conducted once they are transferred to a state correctional facility or those who have had their disciplinary hearing conducted at a state correctional facility even if they are not transferred there.

e. Any member directly involved in the incident or one who is biased for or against the accused shall not hear

the case unless the accused waives recusal in writing or verbally on the record.

f. The disciplinary board may hear cases of inmates who signed written requests for protection and may recommend the appropriate action.

4. Conduct of the Hearing – Disciplinary Board

a. Before the hearing may begin, an accused must acknowledge that he is familiar with the inmates rights during the disciplinary process. Refer to Section J “Inmate Rights and Responsibilities” for additional information.

b. All rights and procedures requirements shall be followed unless waived the accused.

c. Disciplinary board hearings shall be recorded in their entirety, and the recording shall be preserved for five years.

d. An inmate who chooses not to be present at the hearing may sign a waiver which shall be read into the record. A counsel substitute shall represent him and enter a not guilty plea. The same applies to a disruptive inmate who refused to cooperate. If the inmate refuses to sign a waiver, a waiver shall be prepared and the refusal noted by two witnesses. In either scenario, the disciplinary chairman shall also sign the waiver.

e. The accused enters his name and DOC number into the record as does his counsel or our counsel substitute, if any, and confirms that he understands his rights. If the inmate indicates he does not know or understand his rights, his rights shall be explained to him.

f. The chairman or designated board member has the option to spell the words they believe to be offensive. Upon the report being read into the record, the chairman shall ask the accused inmate for a plea of “not guilty” or “guilty.” Should the accused inmate attempt to enter an unavailable plea or refuse to enter a plea, the chairman shall enter a plea of “not guilty” before proceeding with the hearing.

g. Preliminary motions shall be raised at the first opportunity or be considered waived and may include:

i. dismissal of the charge or charges;

ii. continuance, but note that inmates are not entitled to a continuance to secure counsel unless they are charged with a violation that is also a crime under state or federal law, and only one continuance will be granted unless new information is produced;

iii. requests to face accuser and call witnesses;

iv. a motion due to lack of 24-hour notice, including any challenges to the waiver of the 24-hour notice rule having not been made in writing;

v. request for investigation;

vi. any other appropriate motions.

h. All motions shall be made at the same time in the proceedings. Subsequent verbal motions shall be denied as having been waived.

i. The board shall deliberate and rule on motions at the time the motion is made, unless expressly deferred to the actual hearing.

j. A summary of motions presented shall be documented with written reasons for each ruling made on the disciplinary court motions available from classification or security staff.

k. After entering a plea and any potential motions, the accused may present his defense.

l. The board may ask questions of the accused, his witnesses or his accuser. During the hearing, the accuser should only be present to testify. The accuser shall never be present during deliberations.

m. The disciplinary board shall carefully evaluate all evidence presented or stipulated.

n. In situations where the disciplinary report is based on a single confidential informant, there must be other evidence to corroborate the violation. That evidence may include, but is not limited to: testimony from another confidential informant, the record, the investigative report, or other evidence. Whenever information is provided by confidential informants, the informant must be certified as having provided reliable information in the past and have personal knowledge of the present incident. If requested, the accusing employee shall be summoned to testify about the reliability and credibility of the confidential informant when the disciplinary report is based solely on information from confidential informants.

i. All confidential information used in the disciplinary process shall be documented on the confidential informant testimony and certification.

o. The board shall review the information presented during the deliberations.

i. During deliberations, everyone except the board and any official observers shall leave the room; and the board shall decide the case on the basis of the evidence presented at the hearing.

ii. Official observes shall not take part in the hearing or the deliberations.

iii. The disciplinary record of the accused may be examined to discover a pattern of similar misbehavior or to determine if a pending suspended sanction exists.

iv. The disciplinary record may be used to determine the appropriate sanction or sanctions to be imposed.

v. All members of the board shall verbally discuss and render their verdict.

vi. The audio recording will continue throughout the deliberations.

p. Following the deliberations, the chairman shall announce the verdict. A verdict shall require the agreement of both board members. Decisions must be unanimous. If the decision is not unanimous, the case is automatically deferred to a different disciplinary board. If the second decision is not unanimous, then a finding of not guilty is appropriate.

q. A dissenting Board member may provide written or oral reasons for their dissent.

r. If the verdict is guilty, the Chairman shall then announce the sanction or sanctions.

s. The Chairman shall articulate clearly which sanction applies to each specific rule violation for which the inmate was found guilty.

t. The Board has full authority to suspend any sanction imposed for a period of up to 90 days.

5. Correcting Disciplinary Reports

a. A reviewing employee may change the rule violation number to fit the description prior to the hearing, but should ensure that the accused receives a corrected copy of the report at least 24 hours before the hearing begins. Additional rule violations may be added if the offense is clearly described on the report. In the event that an additional rule violation is added, the reviewing employee shall ensure that the accused receives a corrected copy of the report including the additional rule violation at least 24 hours before the hearing begins.

b. Before the hearing begins, the board may change the rule number to match the description of the alleged misbehavior, if necessary, and may also change the rule number at any point prior to the deliberations, but the board should offer the accused a continuance to prepare the defense. It is the description of the conduct and not the rule violation number that determines the offense.

c. The continuance may be waived and does not necessarily need to be for 24 hours. This information shall be voiced on the recorder for the record.

6. Sanctions

a. There is an established department-approved uniform system of administrative sanctions which may be imposed upon an inmate for rule violations. The department-approved uniform system of administration sanctions considers the severity of the violation, behavior, and any prior history of similar violations.

b. Sanctions shall be for a determinant period of time which shall be documented.

c. The imposition of sanctions shall be imposed using only the department-approved uniform system of administrative sanctions.

d. The imposition of sanctions, unless waived in writing by the department chief of operations, after consideration of the hearing record, the inmate's conduct record, and any other aggravating circumstance.

e. Any violation of a rule may result in a change in an inmate's custody to a more restrictive level. Changes in an inmate's custody level shall be recommended as a sanction by the disciplinary board and approved by the classification board in accordance with established policies and procedures. Any changes of quarters, job changes or other changes that may result from imposition of this sanction are not a separate penalty for purposes of this section unless expressly indicated as a sanction.

f. In addition to other appropriate sanctions, the disciplinary board may order a job change as a result of any rule violation.

g. An inmate who violates more than one rule or the same rule more than once during an incident may receive a permissible sanction for each violation. For example, an inmate who has established a documented pattern of behavior indicating that he is dangerous to himself or others is a repeat rule violator.

h. Inmates shall be sanctioned for rule violations as a 1st tier unless they commit a second violation within 12 months of the previous violation; at which time, they shall be sanctioned as a 2nd tier and so on until they reach the maximum penalty according to the department-approved uniform system of administrative sanctions.

i. After a finding of guilty for a new violation, a previously-suspended sanction may be imposed as well as a new sanction for the new violation.

j. State and federal criminal laws apply to inmates. In addition to being sanctioned by prison authorities, inmates may also be referred for prosecution in state or federal court for criminal conduct.

k. Restitution may be imposed in accordance with established policies and procedures and may be assessed in addition to any other permissible penalties.

l. An inmate who has received a forfeiture of good time as a result of a disciplinary action shall be eligible to be considered for restoration of previously forfeited good time upon meeting the requirements established policies and procedures.

H. Appeals

1. A request for review of a disciplinary decision must follow these procedures.

a. Schedule A/Low Court Appeals to the Disciplinary Board

i. An inmate may appeal a case heard by the disciplinary officer only to the disciplinary board.

ii. As soon as the ruling is issued, the inmate who wants to appeal must clearly say so to the disciplinary officer who will then automatically suspend the sanction and schedule the case for the disciplinary board.

iii. The appeal hearing before the disciplinary board is a full hearing the same as any other hearing conducted by the board. The disciplinary board cannot increase the sanction imposed by the disciplinary officer.

iv. The appeal to the disciplinary board will be the final appeal in a case heard by the disciplinary officer. No other appeals are allowed. The appeal from the disciplinary officer to the disciplinary board will constitute the final administrative remedy regarding the disciplinary decision. Decisions rendered by the disciplinary officer and appealed to the disciplinary board may not be appealed to the warden or secretary.

b. Schedule B/High Court Appeals to the Warden

i. An inmate may appeal a case heard by the disciplinary board. All appeal requests on high court cases shall be made to the warden.

ii. The inmate may appeal himself through counsel or counsel substitute. In any case, the appeal must be received within 15 calendar days of the hearing.

iii. The appeal should be clearly written or typed on the appeal from the disciplinary board template which is available from the inmate's classification officer. If the form is not available, the appeal may be on plain paper but should contain the information called for on the form.

iv. The warden will decide all appeals within 30 calendar days of the date of the receipt of the appeal, and the inmate will be promptly notified in writing of the results

unless circumstances warrant an extension of that time period and the inmate is not notified accordingly.

v. Lengthy appeals of disciplinary actions will not be accepted into the appeals process. It is necessary for the inmate to only provide basic factual information regarding his case. Lengthy appeals will be returned to the inmate for summarization. The inmate will have five calendar days from receipt to comply with the instructions and resubmit. It is important to remember that abuse of the system impairs the department's ability to respond legitimate problems in a timely fashion.

c. Appeals to the Secretary

i. An inmate may appeal the decision of the warden to the secretary and must indicate that he is not satisfied in the appropriate box on the appeal decision. The document shall then be submitted to the disciplinary office or designated depository.

ii. The inmate must submit the form within five calendar days of the date of the receipt of the warden's decision. No supplement to the appeal shall be considered.

iii. It is only necessary that the inmate check the box indicating, "I am not satisfied," date, sign, and forward the form to the appropriate person.

iv. An inmate who does not file an appeal to the warden in a timely manner shall relinquish his right to appeal to the secretary.

v. The inmate shall receive an acknowledgement of receipt and date forwarded to the secretary's office.

vi. The institute shall provide a copy of the inmate's original appeal to be attached to the appeal decision template for submission to the secretary. The appeal decision template is available from the inmate's classification officer.

vii. The secretary shall only consider appeals of sanctions from decisions of the warden that resulted in an imposed or suspended sentence of one or more of the following penalties:

(a). forfeiture of good time;

(b). a custody change from minimum to medium if it involves transfer to another institution;

(c). a custody change to maximum;

(d). failure to earn incentive wages.

viii. In addition, appeals regarding restitution assessments may be submitted to the secretary. The appeal of such assessments must be submitted in accordance with established policies and procedures.

ix. The secretary shall decide all appeals within 85 days of the date of receipt of the appeal, and the inmate shall be promptly notified in writing of the results unless circumstances warrant an extension of that time period and the inmate is notified accordingly. Absent unusual circumstances, the secretary shall only consider review of the sanction imposed of an inmate who pled guilty.

I. Inmate Rules and Violations Descriptions

Rule No.	Rule Name	Description	Maximum Sanction
		An inmate found guilty of violating one or more of the rules defined below will be sanctioned according to the penalty schedule designated in the rule and the type of hearing provided.	
		After a finding of guilt, the disciplinary officer or the disciplinary board may impose one or two of the penalties below for each violation. The specified penalties below represent the maximum allowable sanction for an offense, and lesser penalties may be imposed as directed by the secretary.	
		Suspended Sentences: The disciplinary officer or the disciplinary board may suspend any sanction either imposes for a period of up to 90 days. The period of	

Rule No.	Rule Name	Description	Maximum Sanction
suspension begins on the date of the issuance of the ruling. When the time period has expired, the report itself remains a part of the record; however, the sanction may no longer be imposed.			
1	Contraband (Schedule B)	<p>No inmate shall have under his immediate control any illicit drugs, any product that could be used to adulterate a urine sample, unauthorized medication, alcoholic beverage, yeast, tattoo machine, tattoo paraphernalia, syringe, any type weapon, cellular phone or component hardware or other electronic communications device, whether operational or not, including but not limited to beepers, pagers, subscriber identity module (SIM) cards, portable memory chips, batteries for these devices, chargers, global satellite system equipment, or any other item not permitted by department regulation or institutional posted policy to be received or possessed or any other item detrimental to the security of the facility.</p> <p>No inmate shall disassemble or otherwise alter an electronic tablet, including its software or hardware, and shall preserve the tablet in its original condition.</p> <p>Any item not being used for the purpose for which it was intended will be considered contraband if it is being used in a manner that is clearly detrimental to the security of the facility.</p> <p>Money is contraband.</p> <p>Cigarettes or other smoking materials are considered contraband.</p> <p>To smuggle or attempt to smuggle prohibited items into or out of the facility will be in violation of this rule.</p> <p>The area of immediate control is an inmate's person, his locker or storage area, his cell, his room, his bed, his laundry bag, his hobby craft and his assigned job equipment (such as, but not limited to, his desk, his tool box, or his locker at the job) or the area under his bed on the floor unless the evidence clearly indicated that it belonged to another inmate.</p> <p>Contraband found in a common area cell shared by two or more inmates will be presumed to belong to all of them equally.</p> <p>Any inmate who is tested and has a positive reading on a urinalysis or breathalyzer test will be considered in violation of this rule. An inmate who refuses to be tested or to cooperate in testing, as well as an inmate who alters his urine specimen, will also be found in violation of this rule. Inmates unable to provide a urine specimen within three hours of being ordered to do so shall also be deemed to be in violation of this rule.</p> <p>Any sketch, painting, drawing, or other pictorial rendering produced in whole or in part by a death row inmate, unless authorized by the warden of the institution, is also considered in violation of this rule.</p>	<p>General</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 60 days Loss of minor privilege: Up to 12 weeks Confinement to dormitory, room or cell: Up to 30 days Extra duty: Up to 8 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months Loss of hobby craft: Up to 12 months Loss of visiting privileges: Up to 90 days <p>Weapon</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 180 days Forfeiture of good time: Up to 180 days Failure to earn incentive wages: Up to 12 months Loss of visiting privileges: Up to 90 days Loss of hobby craft: Up to 12 months <p>Cell Phone</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 180 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months Loss of visiting privileges: Up to 90 days <p>Drugs</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 180 days Forfeiture of good time: Up to 180 days Failure to earn incentive wages: Up to 12 months Loss of visiting privileges: Up to 90 days <p>Monetary Related</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 180 days Forfeiture of good time: Up to 180 days Failure to earn incentive wages: Up to 12 months Loss of visiting privileges: Up to 90 days
2	Unauthorized Items (Schedule A)	An inmate shall not have in his possession any item, object, or thing impermissible under prison and rules procedures. Said item, object, or thing shall not be considered a threat to the safety or security of the institution	<p>All</p> <ul style="list-style-type: none"> Loss of Minor Privileges up to 12 weeks Reprimand: At the discretion of the board Loss of electronic media player/TV: Up to 14 days Extra duty: Up to 4 days Loss of canteen privileges: Up to 14 days Loss of telephone privileges: Up to 14 days Confinement to dormitory, room or cell: Up to 14 days Failure to earn incentive wages: Up to 3 weeks Loss of yard or recreation activities: Up to 14 days Loss of other minor privileges: Up to 14 days
3	Defiance (Schedule B)	No inmate shall commit or attempt to commit bodily harm upon another person. This includes throwing any object,	3A & 3B

Rule No.	Rule Name	Description	Maximum Sanction
		<p>water or any other liquid or substance, feces, urine, blood, saliva or any form of human waste, or spitting or attempting to spit on another person.</p> <p>No inmate shall curse, insult, or threaten another person in any manner. This prohibited conduct includes abusive or insulting conversation, correspondence, phone calls, or gestures by an inmate.</p> <p>Further, no inmate shall obstruct, resist, distract, or attempt to elude staff in the performance of their duties. Nor shall an inmate intimidate or attempt to intimidate staff to manipulate staff's actions.</p> <p>This rule does not prohibit an inmate from advising staff of planned legal redress even during a confrontational situation; however, an inmate's behavior in such a situation shall not be disrespectful or violate any other disciplinary rule.</p>	<ul style="list-style-type: none"> • Loss of minor privilege: Up to 12 weeks • Confinement to dormitory, room or cell: Up to 30 days • Extra duty: Up to 8 days • Disciplinary segregation: Up to 20 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months • Loss of hobby craft: Up to 12 months • Loss of visiting privileges: Up to 90 days <p>3C (Battery of a CSO)</p> <ul style="list-style-type: none"> • Disciplinary segregation: Up to 180 days • Forfeiture of good time: Up to 180 days • Failure to earn incentive wages: Up to 12 months • Loss of Minor Privileges up to 12 weeks • Loss of Visiting Privileges up to 90 days
4	Disobedience (Schedule A)	Inmates must obey the posted policies for the facility in which they are confined. They must obey signs or other notices of restricted activities in certain areas, safety rules, or other general instructions. The only valid defense for disobedience or aggravated disobedience is when the immediate result of obedience would be bodily injury. This defense includes incapacity by virtue of a certified medical reason.	<ul style="list-style-type: none"> • Reprimand: At the discretion of the board • Loss of electronic media player/TV: Up to 14 days • Extra duty: Up to 4 days • Loss of canteen privileges: Up to 14 days • Loss of telephone privileges: Up to 14 days • Confinement to dormitory, room or cell: Up to 14 days
5	Disobedience, Aggravated (Schedule B)	Inmates must obey direct verbal orders cooperatively and promptly and not debate, argue, or ignore orders before obeying. The last order received must be obeyed when orders conflict. Even orders the inmate believes improper must be obeyed, and grievances must be pursued through proper channels. Sanctions imposed by the disciplinary officer or the disciplinary board are to be carried out by the inmate. Violations of duty status shall be punishable under this rule as willful violation of an order from the disciplinary board. The only valid defense for disobedience or aggravated disobedience is when the immediate result of obedience would be bodily injury. This defense includes incapacity by virtue of a certified medical reason.	<ul style="list-style-type: none"> • Disciplinary segregation: Up to 60 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months • Loss of Minor Privileges up to 12 weeks
6	Disorderly Conduct (Schedule A)	All boisterous behavior is forbidden. This includes, but is not limited to, horseplay, rowdy, or unruly conduct. Inmates shall not jump ahead or cut into lines at the canteen, recreational activities, dining or kitchen area, or during group movements of inmates. Visitors and guests shall be treated courteously and shall not be subjected to disorderly or intrusive conduct. Inmates shall not communicate verbally into or out of cellblocks or other housing areas.	<ul style="list-style-type: none"> • Reprimand: At the discretion of the board • Loss of electronic media player/TV: Up to 14 days • Extra duty: Up to 4 days • Loss of canteen privileges: Up to 14 days • Loss of telephone privileges: Up to 14 days • Confinement to dormitory, room or cell: Up to 14 days
7	Disrespect (Schedule A)	Employees, visitors, guests, or their families shall not be subject to disrespectful conversation, correspondence, phone call, actions, or gestures. Inmates shall address employees, visitors, guests or their families by proper title or rank or by "Mr.," "Mrs.," or "Miss," whichever is appropriate.	<ul style="list-style-type: none"> • Reprimand: At the discretion of the board • Loss of electronic media player/TV: Up to 14 days • Extra duty: Up to 4 days • Loss of canteen privileges: Up to 14 days • Loss of telephone privileges: Up to 14 days • Confinement to dormitory, room or cell: Up to 14 days
8	Escape or Attempt to	Note: All costs associated with an escape may be recovered	Attempted Escape

Rule No.	Rule Name	Description	Maximum Sanction
	Escape (Schedule B)	<p>through the appropriate imposition of restitution procedures.</p> <p>A. Attempted Escape: The attempt to commit a simple or aggravated escape as defined herein.</p> <p>B. Simple Escape: The intentional, unauthorized departure of an inmate under circumstances in which human life was not endangered, including but not limited to: from the grounds of an institution, a designated area or place within an institution, the custody of a corrections' employee while off the grounds of an institution or the custody of any law enforcement officer; the departure of a transitional work program inmate from the designated area where he is legally confined; the failure of an inmate participating in a transitional work program to report or return from his planned employment or other activity at the appointed time, or who leaves the job site or any other location where he is approved and expected to be for any reason without permission. This includes leaving without authorization from any penal and correctional facility, community rehabilitation center, transitional work program, hospital, clinic, and any and all programs where inmates are legally assigned.</p> <p>C. Aggravated Escape: The intentional, unauthorized departure of an inmate under circumstances in which human life was endangered, including but not limited to: from the grounds of an institution, a designated area or place within an institution, the custody of a corrections' employee while off the grounds of an institution or the custody of any law enforcement officer; the departure of a transitional work program inmate from the designated area where he is legally confined; the failure of an inmate participating in a transitional work program to report or return from his planned employment or other activity at the appointed time, or who leaves the job site or any other location where he is approved and expected to be for any reason without permission. This includes leaving without authorization from an penal and correctional facility, community rehabilitation center, transitional work program, hospital, clinic, and any and all programs where inmates are legally assigned. For the purpose of this rule, the commission of a crime while on escape status constitutes aggravated escape.</p>	<ul style="list-style-type: none"> Disciplinary segregation: Up to 180 days Forfeiture of good time: Up to maximum of all good time earned on the portion of the sentence served prior to the escape Failure to earn incentive wages: Up to 12 months <p>Simple Escape</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 180 days Forfeiture of good time: Up to maximum of all good time earned on the portion of the sentence served prior to the escape. Failure to earn incentive wages: Up to 12 months <p>Aggravated Escape</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 180 days Forfeiture of good time: Up to maximum of all good time earned on the portion of the sentence served prior to the escape Failure to earn incentive wages: Up to 12 months <p>All</p> <ul style="list-style-type: none"> Loss of Minor Privileges up to 12 weeks
9	Rescinded		
10	Fighting (Schedule B)	<p>Hostile physical contact or attempted physical contact is not permitted. This includes fist fighting, shoving, wrestling, kicking, horseplay and other such behavior. Contact does not necessarily have to be made for this rule to be violated.</p> <p>Self-defense clarification: Self-defense is a complete defense and can be established to the board by the inmate demonstrating that his actions did not exceed those necessary to protect himself from injury.</p>	<ul style="list-style-type: none"> Disciplinary segregation: Up to 30 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months Loss of hobby craft: Up to 12 months Loss of visiting privileges: Up to 90 days Loss of Minor Privileges up to 12 weeks
11	Fighting, Aggravated (Schedule B)	<p>Inmates shall not fight with each other using any object as a weapon (including any liquid or solid substances thrown or otherwise projected on or at another person). When two or more inmates attack another inmate without using weapons, the attackers are in violation of this rule, as are all participants in a group or gang fight. The use of teeth or feet, including kicking and stomping, will also be sufficient to constitute a violation of this rule. No inmate shall intentionally inflict serious injury or death upon another inmate. Contact does not necessarily have to be made for this rule to be violated.</p> <p>Self-defense clarification: (Refer to clarification under rule no. 10).</p>	<ul style="list-style-type: none"> Disciplinary segregation: Up to 180 days Forfeiture of good time: Up to 180 days or all good time earned on the portion of the sentence served if the incident results in the death of another inmate. Failure to earn incentive wages: Up to 12 months Loss of Hobby Craft up to 12 months Loss of Visiting Privileges up to 90 days Loss of Minor Privileges up to 12 weeks
12	Gambling (Schedule B)	<p>No inmate shall operate or participate in any game of chance involving bets or wagers or goods or other valuables. Possession of one or more gambling tickets or stubs for football or any other sport is a violation. No inmate shall operate a book-making scheme.</p> <p>Possession of gambling sheets with a list of names or codes, point spreads, how much owed, or how much wagered will be considered a violation.</p>	<ul style="list-style-type: none"> Disciplinary Segregation: Up to 20 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months Loss of Hobby Craft: Up to 12 months Loss of Visiting Privileges: Up to 90 days Loss of Minor Privileges up to 12 weeks
13	Rescinded		

Rule No.	Rule Name	Description	Maximum Sanction
14	Intoxication (Schedule B)	No inmate shall be under the influence of any intoxicating substance while in physical custody. Evidence of intoxication may include, but is not limited to, redness in eyes, slurred speech, odor of alcohol, elation, unsteady gait, boisterous behavior, being amused for no apparent reason, hysteria, being in a stupor, daze, or trance.	<ul style="list-style-type: none"> Disciplinary segregation: Up to 60 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months Loss of Minor Privileges up to 12 weeks
15	Rescinded		
16	Rescinded		
17	Property Destruction (Schedule B)	No inmate shall destroy the property of others or of the state. No inmate shall alter his own property when the result of such alteration is to render the article unsuitable according to property guidelines. Flooding an area and the shaking of doors or "racking down" are not permitted. Standing or sitting on face bowls is a violation. Whether or not the inmate intended to destroy the property and the degree of negligence involved may be utilized in defense of the charge.	<ul style="list-style-type: none"> Disciplinary segregation: Up to 60 days Loss of minor privilege: Up to 12 weeks Confinement to dormitory, room, or cell: Up to 30 days Extra duty: Up to 8 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months Loss of hobby craft: Up to 12 months Loss of visiting privileges: Up to 90 days
18	Rescinded		
19	Self-Mutilation (Schedule B)	<p>No inmate shall deliberately inflict or attempt to inflict injury upon himself or upon another consenting inmate or consent to have an injury inflicted upon him. Tattoos, piercing of any parts of the body, branding, scarring, and alterations to teeth are specifically included in this rule.</p> <p>Clear and obvious suicide, attempted suicide, or self-harm related to mental distress shall not be considered a violation of this rule.</p>	<ul style="list-style-type: none"> Loss of minor privilege: Up to 12 weeks Confinement to dormitory, room or cell: Up to 30 days Disciplinary Segregation: Up to 30 days Extra duty: Up to 8 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months Loss of hobby craft: Up to 12 months Loss of visiting privileges: Up to 90 days
20	Rescinded		
21	Sex Offenses, Aggravated (Schedule B)	<p>Nonconsensual or consensual sexual acts involving inmate-on-inmate, inmate-on-staff, or non-incarcerated person is strictly prohibited. Contact by any inmate of any person without the person's consent or of a person who is unable to consent or refuse through coercion is strictly prohibited. There can be no consensual sex in a custodial or supervisory relationship. The following sexual behaviors are prohibited and the provisions of department regulation no. OP-A-15 (Prison Rape Elimination Act) shall be followed for all allegations of a violation of Subparts A, B, C, and D.</p> <p>A. Nonconsensual Sexual Act (inmate-on-inmate): Contact between the penis and the vagina and the anus including penetration, however slight; contact between the mouth and the penis, vagina, anus, groin, breast, inner thigh or buttocks; penetration of the anal and/or genital opening of another inmate by a hand, finger, or other object. No inmate shall sexually harass another inmate by force or threat of force.</p> <p>B. Abusive Sexual Contact (inmate-on-inmate): Contact such as, but not limited to, intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, buttocks, or mouth of any person. No inmate shall sexually assault another inmate by force or threat of force.</p> <p>C. Sexual Misconduct (inmate-on-inmate): Contact or attempted contact between the penis and the vagina or the penis and the anus including penetration or attempted penetration, however slight; contact or attempted contact between the mouth and the penis, vagina, or anus; penetration or attempted penetration of the anal or genital opening of another inmate by a hand, finger or other object; carnal copulation by two or more inmates with each other, or by one or more inmates with an implement or animal; two or more inmates who have clearly been interrupted immediately before or after carnal copulation. Use of the genital organs of one of the inmates is sufficient to constitute</p>	<p>A</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 180 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months <p>B</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 90 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months <p>C</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 90 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months <p>D</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 90 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months <p>E, F, G</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 90 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months <p>All</p>

Rule No.	Rule Name	Description	Maximum Sanction
		<p>the offense. Inmates may not participate in any sexual activity with each other.</p> <p>D. Sexual Misconduct (inmate-on-staff or non-incarcerated person): Contact or attempted contact between the penis and the vagina or the penis and the anus including penetration or attempted penetration, however slight; contact or attempted contact of the mouth and the penis, vagina or anus; penetration or attempted penetration of the anal or genital opening of another person by a hand, finger, or other object; two or more persons who have clearly been interrupted immediately before or after carnal copulation. Inmates may not participate in any sexual activity with staff or non-incarcerated persons.</p> <p>E. Obscenity: No inmate shall intentionally expose the genital organs or masturbate in view of staff or non-incarcerated persons.</p> <p>F. Other Prohibited Sexual Behavior (inmate- on-inmate, inmate-on-staff or non-incarcerated person): No inmate shall make sexual remarks, gestures, or sounds; flirt; exchange personal items or make sexual threats in conversation by correspondence or telephone.</p> <p>G. Overt display of affection in a manner that may elicit sexual arousal with anyone is prohibited.</p>	<ul style="list-style-type: none"> • Loss of Minor Privileges: Up to 12 wees
22	Theft (Schedule B)	<p>No inmate shall steal from anyone.</p> <p>Fraud or the deliberate misrepresentation of fact to secure material return, special favors, or considerations is also a form of theft.</p> <p>An inmate who knowingly submits clear and obvious false information to any employee within the Department of Public Safety and Corrections is guilty of this violation.</p> <p>No inmate shall have stolen items under his immediate control. No inmate shall have institutional property – including food – under his immediate control unless he has specific permission. (Refer to rule no. 1 for the definition of “area of immediate control”).</p>	<ul style="list-style-type: none"> • Confinement to dormitory, room or cell: Up to 30 days • Extra duty: Up to 8 days • Disciplinary segregation: Up to 90 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months • Loss of hobby craft: Up to 12 months • Loss of visiting: Up to 90 days • Loss of Minor Privileges up to 12 weeks
23	Forgery (Schedule B)	<p>Forgery, which is a form of theft, is the unauthorized altering or signing of a document to secure material return or special favors or considerations. The very act of forgery will constitute proof of the crime. The forgery need not have been successful in its conclusion.</p>	<ul style="list-style-type: none"> • Confinement to dormitory, room or cell: Up to 30 days • Extra duty: Up to 8 days • Disciplinary segregation: Up to 90 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months • Loss of hobby craft: Up to 12 months • Loss of visiting: Up to 90 days • Loss of Minor Privileges up to 12 weeks
24	Unauthorized Area (Schedule B)	<p>An inmate must be in the area in which he is authorized to be at that particular time and date, or he is in an unauthorized area. No inmate shall go into any housing unit other than that to which he is assigned unless he has permission. This includes standing in the doorway.</p>	<ul style="list-style-type: none"> • Confinement to dormitory, room or cell: Up to 30 days • Extra duty: Up to 8 days • Disciplinary segregation: Up to 90 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months • Loss of Minor Privileges up to 12 weeks
25	Rescinded		
26	Unsanitary Practices (Schedule A)	<p>Inmates must maintain themselves, their clothing, and their shoes in as presentable a condition as possible under prevailing circumstances. Each inmate is responsible for keeping his bed and bed area reasonably clean, neat, and sanitary. Beds will be made according to the approved posted policy at the facility. Inmates must wear shoes or boots and cannot wear shirts that leave the armpits exposed or shorts into the kitchen or dining area. Chewing gum in the kitchen or dining area is prohibited.</p>	<ul style="list-style-type: none"> • Reprimand: At the discretion of the board • Loss of electronic media player/TV: Up to 14 days • Extra duty: Up to 4 days • Loss of canteen privileges: Up to 14 days

Rule No.	Rule Name	Description	Maximum Sanction
			<ul style="list-style-type: none"> • Loss of telephone privileges: Up to 14 days • Confinement to dormitory, room or cell: Up to 14 days
27	Work Offenses (Schedule A)	Inmates must perform their assigned tasks with reasonable speed and efficiency. Though inmates have specific job assignments, it may be required that they do work other than what their job assignments require. This work shall also be done cooperatively and with reasonable speed and efficiency. Being present, but failing to answer at the proper time during work roll call is a violation. A school assignment is considered to be a work assignment for the purpose of this rule.	<ul style="list-style-type: none"> • Reprimand: At the discretion of the board • Loss of electronic media player/TV: Up to 14 days • Extra duty: Up to 4 days • Loss of canteen privileges: Up to 14 days • Loss of telephone privileges: Up to 14 days • Confinement to dormitory, room or cell: Up to 14 days
28	Work Offenses, Aggravated (Schedule B)	An inmate who refuses to work or to go out to work or who asks to go to segregation rather than work, or otherwise participates in or advocates a work stoppage, is in violation of this rule, as is an inmate who disobeys repeated instructions as to how to perform his work assignment. Hiding out from work or leaving the work area without permission is a violation. Falling far short of fulfilling reasonable work quotas is not permitted. Being absent or late for work roll call without a valid excuse such as a no duty status or callout is a violation, as is not reporting for extra duty assignment. Being late to work or to school assignment is a violation. A school assignment is considered to be a work assignment for the purposes of this rule.	<ul style="list-style-type: none"> • Confinement to dormitory, room or cell: Up to 30 days • Extra duty: Up to 8 days • Disciplinary segregation: Up to 180 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months • Loss of hobby craft: Up to 12 months • Loss of Minor Privileges up to 12 weeks
29	Disturbance (Schedule B)	No inmate shall create or participate in a disturbance. No inmate shall incite any other person to create or participate in a disturbance. A disturbance is defined as two or more inmates involving acts of force or violence toward persons or property or acts of resistance to the lawful authority of correctional officers or other law enforcement officers under circumstances which present a threat of injury to persons, property, or to the security and good order of the institution.	<ul style="list-style-type: none"> • Forfeiture of good time: Up to 90 days • Disciplinary segregation: Up to 180 days • Failure to earn incentive wages: Up to 12 months • Loss of hobby craft: Up to 12 months • Loss of Minor Privileges up to 12 weeks
30	General Prohibited Behaviors (Schedule A)	<p>The following behaviors, which may impair or threaten the security or stability of the unit or wellbeing of an employee, visitor, guest, inmate or their families, are prohibited:</p> <ul style="list-style-type: none"> a. Strong-arming or using threats of violence or perceived harm or reprisal to secure gain or favor for oneself or others; b. Threatening, planning, conspiring, or attempting to commit a violation of the rules of behavior for adult inmates or state and federal laws; aiding or abetting another inmate involved in committing a violation of the rules or state and federal laws; c. Engaging in or making an attempt to engage in a non-professional relationship with an employee, visitor, guest, their families, or other person the inmate may come in contact with while incarcerated; d. Trafficking in drugs or alcohol, stolen goods, or sexual favors; e. Organizing or participating in a scam or similar behavior; f. Making unsolicited contact or attempted contact with the victims of the inmate's criminal activity or any immediate family member of the victim. g. Bribing, influencing or coercing anyone to violate institutional policies, procedures, rules or state and federal laws or to attempt to do so; h. Giving any employee anything of value; i. Harassing behaviors conducted via telephone, correspondence or during other activities; 	<ul style="list-style-type: none"> • Loss of Minor Privileges up to 12 weeks • Confinement to dormitory, room or cell: up to 30 days • Extra Duty: Up to 8 days • Disciplinary Segregation: Up to 180 days • Forfeiture of Good Time: Up to 90 days • Failure to Earn Incentive Wages: Up to 12 months • Loss of hobby craft: up to 12 months

Rule No.	Rule Name	Description	Maximum Sanction
		<p>j. The communication of statements or information known to be malicious, frivolous, false or inflammatory, the purpose of which is reasonably intended to harm, embarrass, or intimidate an employee, visitor, guest, or their families may be subject to all Schedule B penalties except for forfeiture of good time or loss of incentive wages; (This rule shall not apply to information or statements communicated for the express purpose of obtaining legal assistance.)</p> <p>k. Using telephones, computers or office equipment without approval;</p> <p>l. Purchasing or trading for inmate services or performing legal work for another inmate or being in possession of another inmate's legal work when not assigned as Counsel Substitute or when not approved by the Warden. It is also a violation for any inmate to give or receive anything of value relative to the provision of paralegal services, and an inmate may not perform or be in possession of staff legal work;</p> <p>m. Communicating or visiting with outsiders when not approved or communicating or visiting with any person after being given instructions not to communicate or visit with that person;</p> <p>n. Participate in organizing or advocating a work stoppage;</p> <p>o. Making or attempting to make credit purchases;</p> <p>p. Abusing any of the DOC administrative grievance processes;</p> <p>q. Belonging to a gang, advocating membership in a gang, or participating in any gang related activities, including any form of gang or group identification or signaling;</p> <p>r. Misrepresenting oneself to an employee, visitor, guest, or the public;</p> <p>s. Starting, causing, assisting in the creation of any fire, heat, or spark of any nature by any means or methods, or attempting to start a fire or attempting to heat substances utilizing electrical or mechanical devices or any other means, other than in the performance of an approved work assignment;</p> <p>t. Failing to cooperative with an investigation;</p> <p>u. Any behavior not specifically enumerated herein hat may impair or threaten the security or stability of the unity or well-being of an employee, visitor, guest, inmate or their families may still be the subject of a Disciplinary Report and all Schedule B penalties except for forfeiture of good time or loss of incentive wages;</p> <p>v. Establishing or maintaining an account on any Internet-based social networking website, as well as unauthorized access to any Internet or Intranet Network; however, this shall not include social media accounts maintained by an outside third party on behalf of the inmate.</p>	

J. Inmate Rights and Responsibilities

1. the right to be given a written copy of the disciplinary report at least 24 hours before the hearing. The disciplinary report shall describe the contents of the charges against the inmate. The inmate may waive this right in writing;

2. the right to a hearing within 72 hours of placement in segregation for a rule violation;

Note: See Section G. Disciplinary Hearings and Sanctions, Section 3(d) for specific instructions regarding the 72 Hour Rule.

3. the right to counsel substitute for all alleged violations and the right to outside retained counsel, if the

alleged violation is one for which the inmate could also be charged in criminal court. Counsel must be obtained within 7 days of receiving the motion granting "deferral for outside counsel."

4. the right to not be compelled to incriminate himself.

5. the right to present evidence and witnesses on his behalf and to request cross-examination of the accuser provided such request is relevant, not repetitious, not unduly burdensome to the institution, and not unduly hazardous to staff or inmate safety. The board has the option of stipulating to expected testimony from witnesses. In such cases, the record of the hearing shall contain a statement indicating the

nature of the stipulated testimony. The board should assign proper weight to such testimony as though the witness had actually appeared. The accusing employee must be summoned when the report is based solely on information from confidential informants, if such motion is raised;

6. the right to an unbiased hearing. Any chairman or member directly involved in the incident, who is biased for or against the accused, or who is in a therapeutic relationship with the inmate that would be jeopardized by the therapist's presence on the disciplinary board cannot hear the case unless the accused waives recusal in writing or verbally on the record. Performance of a routine administrative duty does not necessarily constitute direct involvement or bias;

7. the right to enter a separate plea to each rule violation for which he is charged;

8. the right to a written summary of the evidence and reasons for the judgment, including reasons for the sanction imposed, when the accused entered a plea of not guilty and was found guilty by the disciplinary board. The convicted inmate shall be given or sent a written summary;

9. the right to appeal the decision consistent with the appropriate appeal procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:823, *Wolff v. McDonnell*, 94 S.Ct. 2963 (1974), *Ralph v. Dees*, C.A. 71-94, USDC (Md. La.) and *Sandin v. Conner*, 115 S.Ct. 2293 (1995).

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of Adult Services, LR 27:413 (March 2001), amended by the Department of Public Safety and Corrections, Corrections Services, LR 34:2194 (October 2008), LR 39:3309 (December 2013), LR 40:1010 (May 2014), repromulgated LR 40:1104 (June 2014), amended LR 50:1650 (November 2024), amended LR 51:

Family Impact Statement

Pursuant to the provisions of R.S. 49:972, the proposed Rule has no known impact on the following:

1. The effect on stability of the family.
2. The effect on the authority and rights of parents regarding the education and supervision of their children.
3. The effect on the functioning of the family.
4. The effect on family earnings and family budget.
5. The effect on the behavior and personal responsibility of children.
6. The ability of the family or a local government to perform the functions as contained in the proposed rule.

Poverty Impact Statement

Pursuant to the provisions of R.S. 49:973, the proposed Rule has no known impact on the following:

1. The effect on household incomes, 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 the provisions of R.S. 49:965.2 - 965.8, the Regulatory Flexibility Act, the proposed Rule is not anticipated to have an adverse impact on small business; therefore, a Small Business Impact Statement has not been prepared.

Provider Impact Statement

Pursuant to the provisions of HCR170 of 2014, the proposed Rule has no known impact on the following:

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 costs to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Adrienne Aucoin, General Counsel for the Louisiana Department of Public Safety and Corrections, Corrections Services, P.O. Box 94304 Capitol Station, Baton Rouge, Louisiana 70804-9304. All comments must be submitted no later than the end of business day, central time zone, August 10, 2025.

Adrienne Aucoin
General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Disciplinary Rules and Procedures for Adult Inmates

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 resulting from this proposed rule change.

In accordance with provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections – Corrections Services, hereby gives notice of its intent to amend LAC Title 22 – Corrections, Criminal Justice, and Law Enforcement, Part 1 – Corrections, Chapter – Adult Services, Section 341 – Disciplinary Rules and Procedures for Adult Inmates. The proposed rule change revised disciplinary rules and procedures by moving the conduct prohibited by Disciplinary Rules 31 – 37 into Rule 30 entitled “General Prohibited Behavior” and to make modifications to the sanctions that can be imposed by the disciplinary board. The revision also includes modification to the disciplinary hearing procedures and composition of the disciplinary board.

Specifically, the proposed rule change:

- Reduces the number of members of the disciplinary board from three members to two members;
- Moves Disciplinary Rules 31 – 37 into Rule 30;
- Updates disciplinary procedures to include requiring unanimous decisions of board members at disciplinary board hearings, deferral to different disciplinary board for non-unanimous decisions, and a finding of not guilty upon a second non-unanimous finding by the disciplinary review board.
- Adds the Louisiana Correctional Institute for Women as a correctional institution with Level 3 protective segregation; and
- Delineates Schedule A and Schedule B violations and their corresponding sanctions.

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 this proposed rule change.

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 small businesses or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated effects on competition and employment as a result of the proposed rule change.

Thomas C. Bickham, III.
Undersecretary
2507#027

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Corrections Services**

Searches of Visitors (LAC 22:I.303)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to amend the contents of Section 303, Searches of Visitors.

The Department of Public Safety and Corrections, Corrections Services, proposes to amend search definitions, change terminology from institution or unit to facility, offender to inmate, same sex to same biological sex, other minor changes, and change the name of the secretary of the Department of Public Safety and Corrections.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part I. Corrections

Chapter 3. Adult Services

Subchapter A. General

§303. Searches of Visitors

A. Purpose. To establish the secretary's policy regarding searches of visitors at state correctional facilities and to set forth the procedures to be followed when searching visitors.

B. Applicability. Deputy Secretary, Chief of Operations, Assistant Secretary, Regional Wardens and Wardens. Each warden is responsible for ensuring that appropriate facility written policy and procedures are in place to comply with the provisions of this regulation and for implementing and notifying all affected persons of its contents.

C. Policy. The United States and Louisiana Constitutions prohibit unreasonable searches. Pursuant to R.S. 14:402, it is a crime to bring contraband into a correctional facility. Therefore, it is the secretary's policy to respect the prohibition against unreasonable searches while acting in the public interest to halt the flow of contraband into correctional facilities under the jurisdiction of the department through implementation of a policy regarding visitor searches. Such searches shall be conducted in a professional manner that minimizes indignity to the visitor while still accomplishing the objective of the search. Only staff trained in effective search techniques shall conduct searches.

D. Definitions

He/His—pronouns which include both male and female unless specifically stated otherwise.

Health Care Professional—staff who perform clinical duties, such as health care practitioners, nurses, licensed professional counselors, social workers, and emergency medical technicians in accordance with each health care professional's scope of training and applicable licensing, registration, certification, and regulatory requirements.

Facility Grounds—any tract of land owned by the state, which is under the control of the Department of Public Safety and Corrections, Corrections Services.

Note: Parking lots are also part of the facility grounds whether fenced or not.

Official Facility Guest—includes, but is not limited to: law enforcement officers; employees of the department who are based at headquarters or other facilities; elected officials; approved news media representatives; members of the Parole Board and the Pardon Board; judges; magistrates; commissioners of the Nineteenth Judicial District Court and court reporters who accompany them; civil service referees and other facility guests as designated by the warden. (It is anticipated that official facility guests would primarily be under staff escort or observation while on facility grounds.)

Personal Searches—

a. *Property Search*—a search of personal property brought onto facility grounds including, but not limited to, vehicles, lunchboxes, purses, coats, jackets and briefcases.

b. *Pat-Down Search* (also *Frisk Search*) —a search of a fully clothed visitor for the purpose of discovering contraband. Pat-down searches are conducted by an employee of the same sex.

i. The visitor being searched may be required to empty his pockets, purse or any other item in his control where contraband may be stored or carried.

ii. The visitor being searched may be required to remove any wig or hairpiece being worn. This portion of the search must be conducted in a private place and out of the view of others.

iii. The visitor being searched may also be required to remove all outerwear (coats, jackets, hats, caps, belts, gloves, shoes, socks, etc.) in order for these items to be inspected. He may also be required to run his hands through his hair and to open his mouth for inspection. The visitor will not be required to remove articles of clothing, which are the visitor's basic dress (shirt, pants, dress, skirt, etc.)

iv. The person conducting the search shall use his hands to touch the visitor being searched, through his clothes, in such a manner to determine if something is being concealed. If the person conducting the search discovers an unusual lump, bulge, etc., he may order the visitor being searched to disclose the source. Failure to comply with this order constitutes reasonable suspicion to conduct a general search or a strip search and/or to refuse the visit.

c. *General Search*—a search whereby a visitor is required to remove his clothing down to his underwear (shorts for male visitors and camisole or bra and panties for female visitors) in order that the clothing may be inspected for contraband and the visitor's person be visually observed. Visitors who claim they are not wearing underwear will still

be required to remove their basic dress. This search shall be conducted in a private place by an employee of the same biological sex as the visitor being searched and out of the view of others.

d. *Strip Search*—a visual search of a visitor's nude body, conducted by employees of the same biological sex as the visitor. Strip searches shall be conducted in a private place and out of the view of others. The visitor being searched may be required to bend over, squat, turn around, raise his arms and lift the genitals. (The foregoing list is exemplary, not exclusive.) The clothing of the visitor being searched shall be thoroughly inspected prior to returning it. Strip searches shall be conducted in a respectful and dignified manner.

e. *Visual Body Cavity Search (Strip Search/Genital Examination)*—a search having the characteristics of a strip search with the addition of a visual search of the anal and/or vaginal openings, whereby the visitor being searched is required to open the cheeks of the buttocks and/or the lips of the vagina. The visitor's clothing shall also be thoroughly inspected prior to returning it. Such searches shall be conducted by officers of the same biological sex as the visitor, in private and based on articulable factors that the visitor is carrying contraband.

f. *Body Cavity Search*—a search of a person's body cavities conducted by trained health care personnel only.

Probable Cause—articulable factors supported by reasonable suspicion that contraband is being concealed. Probable cause exists when facts and circumstances within the officer's knowledge and about which he has reasonable trustworthy information are sufficient to support a reasonable suspicion that an offense has been or will be committed and that contraband may be found at the place to be searched or on the visitor.

Reasonable Suspicion—suspicion supported by facts and circumstances which lead an employee of ordinary caution to believe that a visitor is concealing contraband in or on his body. Factors to consider in determining reasonable suspicion include, but are not limited to, the following:

- a. nature of the tip or information;
- b. reliability of the informant;
- c. degree of corroboration of the tip or other information; or
- d. other facts contributing to suspicion.

Visitor—any non-inmate or non-employee of the department who is on facility grounds for any authorized visit, or who is attempting to gain entry to the grounds for a visit, to conduct business with staff, for purposes of a tour or as a volunteer, etc.

E. When Searches Are Permitted

1. Property Search

a. Property searches of visitors may be conducted at any time when deemed appropriate by the warden or designee.

b. Property searches of official facility guests may be conducted at any time, but would generally be conducted only when there is reasonable suspicion that the guest may be in possession of contraband.

2. Pat-Down Search

a. Pat-down searches of visitors may be conducted at any time when deemed appropriate by the warden or designee.

b. Pat-down searches of official facility guests should be conducted only when there is reasonable suspicion that a guest may be in possession of contraband.

3. *General Search*. General searches of visitors or official facility guests may be conducted when there is reasonable suspicion and/or probable cause directed toward a specific visitor. However, facility officials must point to specific objective facts and rational inferences that they are entitled to draw from those facts. Absent reasonable suspicion directed toward the specific individual, these searches are prohibited. (The consent of a visitor to such a search does not make the search permissible, absent reasonable suspicion directed toward the visitor.) The search shall be conducted by one officer and witnessed by one additional officer or staff member of the same biological sex as the visitor or official facility guest and in a location out of the view of others. The warden or designee shall give prior written approval for this search.

a. The search shall be documented in the Visitor Shakedown Log by the employees who conducted the search. Additionally, the circumstances giving rise to the search and the search results shall be documented on an Unusual Occurrence Report (UOR.)

4. *Strip Search*. Strip searches of visitors or official facility guests may be conducted when there is reasonable suspicion and/or probable cause directed toward the specific visitor. However, facility officials must point to specific objective facts and rational inferences that they are entitled to draw from those facts. Absent reasonable suspicion directed toward the specific individual, these searches are prohibited. (The consent of a visitor to such a search does not make the search permissible, absent reasonable suspicion directed toward the visitor.) The search shall be conducted by one officer and witnessed by one additional officer or staff member of the same biological sex as the visitor or official facility guest and in a location out of the view of others. The warden or designee shall give prior written approval for this search.

a. A strip search shall be documented and reported as described in Paragraph E.3 of this policy.

5. *Visual Body Cavity Search*. A visual body cavity search of visitors or official facility guests may be conducted when there is reasonable suspicion and/or probable cause directed toward the specific visitor. However, facility officials must point to specific objective facts and rational inferences that they are entitled to draw from those facts. Absent reasonable suspicion directed toward the specific individual, these searches are prohibited. (The consent of a visitor to such a search does not make the search permissible, absent reasonable suspicion directed toward the visitor.) The search shall be conducted in the presence of at least two officers of the same biological sex as the visitor or official facility guest and in a location out of the view of others. The warden or designee shall give prior written approval for this search.

a. A visual body cavity search shall be documented and reported as described in Paragraph E.3 of this policy.

6. *Body Cavity Search*. When a visual body cavity search creates reasonable suspicion and/or probable cause directed toward the specific individual, a body cavity search of the visitor or official facility guest may be conducted. However, facility officials must point to specific objective

facts and rational inferences that they are entitled to draw from those facts. Absent reasonable suspicion directed toward an individual, these searches are prohibited. (The consent of a visitor to such a search does not make the search permissible, absent reasonable suspicion directed toward the visitor.)

a. Trained health care professionals only shall conduct a body cavity search and perform any necessary extraction. The visitor or official facility guest must be searched in a sanitary manner and in a sanitary location in accordance with standard medical practice. The warden or designee shall give prior written approval for this search.

b. A body cavity search shall be documented and reported as described in Paragraph E.3 of this policy.

F. Searches by Drug-Sniffing Dogs. Searches of a visitor's or official facility guest's property by trained drug-sniffing dogs may be conducted at any time.

G. When Contraband Is Not Found during a Search. The visitor or official facility guest may proceed if the visitor or official facility guest to whom reasonable suspicion and/or probable cause is directed consents to the search and no contraband is found.

H. When a Visitor or Official Facility Guest Refuses to be Searched or Contraband Is Found during a Search. Should the visitor or official facility guest refuse to be searched or contraband is found during a search, pursuant to C.Cr.P. Art. 215.2, the warden or designee may notify law enforcement officials and may detain the visitor or official facility guest for the length of time necessary for law enforcement to arrive and arrest the visitor or official facility guest or for the procurement of a search warrant. The detention shall not constitute an arrest.

I. Disposition of Contraband. Pursuant to R.S. 14:402(F), any contraband which is seized may be destroyed, donated to a charitable organization or put to lawful use within the facility, unless it is needed as evidence in a criminal prosecution. However, any money seized, which is legal tender shall be placed in a fund at the facility to be used solely for the purchase of contraband detection and escape chase team equipment. A record of the disposition of all contraband shall be maintained for the greater of either three years or the completion of any criminal proceedings arising from the incident.

J. Suspension of Visiting Privileges. If contraband is found on any visitor or official facility guest or if any visitor or official facility guest refuses to be searched or refuses to allow his property to be searched as provided in Section E. or violates any other facility rules, that particular visit may be halted, the visitor or official facility guest told to leave the facility and action taken as appropriate to suspend future visits to the facility.

1. If the offense is such that the warden desires to remove the visitor from the inmate's visitor list (either indefinitely or for a fixed period of time) the established procedures shall be followed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 14:402.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Corrections Services, LR 12:443 (July 1986), amended LR 35:488 (March 2009), amended LR 51:

Family Impact Statement

Amendment to the current Rule should not have any known or foreseeable impact on family formation, 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 poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule should not have any known or foreseeable costs and/or benefits to directly affected persons, small business, or non-governmental groups.

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.

Public Comments

Written comments may be addressed to Shirley Bonnett, Policy Division, Department of Public Safety and Corrections, Corrections Services, P.O. Box 94304, Baton Rouge, LA 70804 until 4:30 p.m. August 10, 2025.

Gary E. Westcott
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Searches of Visitors

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 resulting from this proposed rule change.

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections - Corrections Services, hereby gives notice of its intent to amend LAC Title 22 - Corrections, Criminal Justice, and Law Enforcement, Part I - Corrections, Chapter 3 - Adult Services, Section 303 - Searches of Visitors. The proposed rule change revises definitions and procedures related to the search of visitors in corrections facilities, along with other changes.

Specifically, the proposed rule change:

- Updates the definition of healthcare personnel and changes it to healthcare professional;
- Replaces terms such as "institution" or "unit" with "facility," "offender" with "inmate," and "same sex" with "same biological sex" throughout;
- Amends language for clarity and consistency;
- Updates the name of the Secretary of the Department of Public Safety and Corrections.

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 this proposed rule change.

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 small business or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

There are no anticipated effects on competition and employment as a result of the proposed rule change.

Thomas C. Bickham
Undersecretary
2507#017

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Motor Vehicles**

**Reciprocity Agreements with Foreign Countries
(LAC 55:III.171)**

In accordance with R.S. 32:404(F), the Office of Motor Vehicles proposes to amend section 171 of Part III, Chapter 1, Driver's License, Subchapter B, Reciprocity to provide that no signed agreement is required with foreign governments that allow Louisiana residents to drive in their country with a Louisiana driver's license in order for citizens of that country to drive in Louisiana with the driver's license from their country or origin. This Rule shall become effective upon the promulgation of the permanent rule in the Louisiana Register.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 1. Driver's License

Subchapter B. Reciprocity Agreements with Foreign Countries

§171. General

A. ...

B. The deputy secretary of Public Safety Services, or his designee, the Commissioner of the Office of Motor Vehicles, may sign the reciprocity agreement on behalf of the department. A duly authorized representative of the foreign government may sign the agreement on behalf of the foreign government. No signature is required for foreign governments that currently allow Louisiana residents to drive in their country with their Louisiana driver's license.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:404(F).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1316 (July 1998); amended LR 51:

Family Impact Statement

Pursuant to the provisions of R.S. 49:972 the proposed Rule has no known impact on the following:

1. the effect on stability of the family.
2. the effect on the authority and rights of parents regarding the education and supervision of their children.
3. the effect on the functioning of the family.
4. the effect on family earnings and family budget.
5. the effect on the behavior and personal responsibility of children.
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 is not anticipated to have an impact on poverty 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 providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through August 10, 2025, to Stephen A. Quidd, Executive Management Officer, Office of Motor Vehicles, Louisiana Department of Public Safety and Corrections, at P. O. Box 64886, Baton Rouge, LA 70896, delivered to 7979 Independence Blvd., Suite 301, Baton Rouge, LA 70806, stephen.quidd2@la.gov or faxed to (225)925-6303.

Bryan Adams
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Reciprocity Agreements with Foreign Countries

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule is not anticipated to result in any costs or savings for the Office of Motor Vehicles (OMV).

OMV proposes to amend Title 55 (Public Safety), Part III, Chapter 1 (Driver's License), Sections 171 of the Louisiana Administrative Code. Specifically, this proposed rule:

- Authorizes the Commissioner of the Office of Motor Vehicles, as designated by the Deputy Secretary of Public Safety Services, to sign reciprocity agreements with foreign countries.
- Clarifies that signatures for reciprocity agreements are not required when the foreign country already honors Louisiana licenses.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Foreign individuals and organizations who employ drivers from foreign countries benefit economically from streamlining the licensure process by reducing delays, minimizing administrative burdens, and enabling faster onboarding.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Bryan J. Adams
Commissioner
2507#022

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Office of Motor Vehicles

Seizure Disorder Designation (LAC 55:III.105)

In compliance with Act 100 of the 2024 legislative session, the Office of Motor Vehicles proposes to adopt section 105 of Part III, Chapter 1, Driver's License Requirements, Subchapter A, General Requirements, of the *Louisiana Administrative Code*. Specifically, this proposed Rule establishes the requirements for a person to obtain a seizure disorder designation on their driver's license or identification card. This Rule shall become effective upon the promulgation of the permanent Rule in the *Louisiana Register*.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 1. Driver's License

Subchapter A. General Requirements

§105. Seizure Disorder Designation.

A. Eligibility.

1. A person who has been diagnosed with seizure disorder from a qualified medical health professional licensed in Louisiana, or any other state or territory of the United States, verifying their condition.

2. The driver's license or identification card cannot include any other indicator, except autism and needs accommodation indicator.

B. General.

1. Seizure indicator can be displayed on:

a. any class of driver's license, including the Temporary Instructional Permit (TIP);

b. an identification card.

c. The seizure indicator may not be placed on a mobility impaired identification card.

2. Seizure Indicator if Not in Combination with Autism or Needs Accommodation Indicator.

a. If only the seizure indicator shall be placed on the credential without also having the autism indicator, the word "SEIZURE" will display on the credential below the portrait and the seizure medical alert symbol in purple will display on the credential at the top right of the portrait.

3. Seizure and Autism Indicators Both on Credential. The seizure indicator may be combined with an autism indicator, but is not required.

a. The word "AUTISM" will display below the portrait and the seizure symbol will display above the right of the portrait.

4. Seizure and Needs Accommodation Indicators (both on credential). The seizure indicator may be combined with the needs accommodation indicator, but it not required.

a. The word "SEIZURE" will display below the portrait and the needs accommodation symbol will display above the right of the portrait.

5. The seizure indicator may be removed at any time, as requested by the applicant, without documentation.

C. Required Documentation:

1. Applicant must provide:

a. The Medical Examiner's Certification of Seizure Disorder form completed by a qualified medical or mental health professional licensed in Louisiana or any other state or territory of the United States.

b. If the Medical Examiner's Certification of Seizure Disorder form indicates the applicant has not been seizure free for the six months period immediately prior to the execution of the report, a second medical report form must be completed and sent to the OMV Medical Unit. The original will be given to the applicant with instructions that the treating physician must complete it. The applicant will have thirty days from that date to submit a completed medical form before their driving privileges are suspended pursuant to R.S. 32:424. Upon review of the medical report form by the Office of Motor Vehicles Medical unit, the driving privileges of the applicant will be suspended until a second medical report form indicating the applicant was seizure free for six months has been received by the OMV Medical unit.

D. Fees. No fees in addition to the standard fees for issuance, renewal or duplicate credentials, plus the handling fee shall be assessed when the customer requests a seizure disorder designation

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:412(Q).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicle 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 poverty 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 providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through August 12, 2025, to Stephen A. Quidd, Executive Management Officer, Office of Motor Vehicles, Louisiana Department of Public Safety and Corrections, at P. O. Box 64886, Baton Rouge, LA 70896, delivered to 7979 Independence Blvd., Suite 301, Baton Rouge, LA 70806, or e-mailed to stephen.quidd2@la.gov.

Public Hearing

A public hearing on the proposed Rule will be held on August 25, 2025, at the Louisiana Department of Public Safety and Corrections, Office of Motor Vehicles Headquarters, 7979 Independence Blvd., Suite 301, Baton Rouge, La. 70806, (225) 925-6281, beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said

hearing. Individuals with disabilities who require special services should contact the above number at least seven working days in advance of the hearing. For assistance, call (225) 925-6281 (voice and TDD). Any interested person should call before coming to the public hearing as the hearing will be cancelled if the requisite number of comments, as provided in R.S.49:961(B), are not received.

Bryan J. Adams
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Seizure Disorder Designation**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule is anticipated to increase Office of Motor Vehicle (OMV) expenditures by approximately \$45,000 in FY 26. This expense is associated with required coding changes to the Legacy Driver's License and Driver Management systems to establish the new seizure disorder designation.

In compliance with Act 100 of the 2024 RS, OMV proposes to amend Chapter 1 (Driver's License) of Part III, Title 55 (Public Safety) of the Louisiana Administrative Code. Specifically, the propose rule adds "seizure disorder" as an optional designation that may be included on driver's licenses or special identification cards.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

To the extent that an individual willfully and falsely obtains a seizure disorder designation, Local Funds revenue will increase due to civil fines ranging from \$100 to \$250. For subsequent offenses, the fine increases to between \$250 and \$500. Fines collected accrue to the local governing authorities.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)**

There are no anticipated costs or economic benefits to directly affected person, small businesses, or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Bryan J. Adams
Commissioner
2507#048

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Tax Policy and Planning Division**

Electronic Filing and Payment Requirement for Dealers
Providing Telecommunications, Cable Television,
Direct-to-Home Satellite, Video Programming, and Satellite
Digital Audio Radio Services
(LAC 61:III.1551 and 1553)

Under the authority of R.S. 47:1511, 47:1519, and 47:1520 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division,

gives notice that rulemaking procedures have been initiated to adopt LAC 61:III.1551 and 1553 to require electronic filing and payment of Louisiana sales and use tax by dealers of telecommunications services, cable television services, direct-to-home satellite services, video programming services provided by cable television and satellite service providers, and satellite digital audio radio services. This action is deemed necessary to effectively administer certain sales and use taxes enacted by Act 11 of the 2024 Third Extraordinary Session of the Louisiana Legislature. Act 11 levies an additional state sales and use tax upon all telecommunications services, cable television services, direct-to-home satellite services, video programming services provided by cable television and satellite service providers, and satellite digital audio radio services in Louisiana at the rate of 5 percent of the amounts paid or charged for those services. This additional state sales tax is dedicated to the Local Revenue Fund. The Department of Revenue is requiring electronic filing and payment to properly account for the dedicated collections.

R.S. 47:1519(B)(1) authorizes the secretary to require payments by electronic funds transfer, and R.S. 47:1520(A)(2) grants the secretary the discretion to require electronic filing of tax returns or reports by administrative rule promulgated with legislative oversight in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. R.S. 47:1520(A)(1)(d) also allows the secretary to require electronic filing when the report is required for dedicated fund distribution. The purpose of this Notice of Intent is to require dealers to electronically file all state sales tax returns and electronically submit all related sales and use tax payments. This Notice of Intent is written in plain language in an effort to increase transparency.

The full text of this proposed Rule may be viewed in the Emergency Rule section of this issue of the *Louisiana Register*.

Family Impact Statement

The proposed adoption of this Rule has no known impact on family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. The proposed Rule also has no other known or foreseeable impact on:

1. the stability of the family.
2. the authority and rights of parents regarding the education and supervision of their children.
3. the functioning of the family.
4. family earnings and family budget.
5. the behavior and personal responsibility of children.
6. the ability of the family or a local government to perform this function.

Poverty Impact Statement

The proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule has no known or foreseeable measurable impact on small businesses as described in R.S. 49:974.4.

Provider Impact Statement

The proposed Rule has no known or foreseeable effect on:

1. The staffing levels requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the cost to the provider to provide the same level of service.

3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

All interested persons may submit written data, views, arguments or comments regarding this proposed Rule to Stacey Greaud, Attorney, Tax Policy and Planning Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098 or by email at stacey.greaud@la.gov and reference Mandatory Electronic Filing of Tax Returns and Payment Regulation Comments. Written comments will be accepted until 4:30 p.m., August 18, 2025.

Public Hearing

A public hearing will be held on August 19, 2025 at 10 a.m. in the River Room located on the 7th floor of the LaSalle Building, 617 North Third Street, Baton Rouge, Louisiana. Should individuals with a disability need an accommodation in order to participate please email us at LDRadarequests@la.gov or call (225) 219-2787.

Richard Nelson
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Electronic Filing and Payment Requirement for Dealers Providing Telecommunications, Cable Television, Direct-to-Home Satellite, Video Programming and Satellite Digital Audio Radio Services

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Implementation of these proposed rules is associated with \$77,450 in additional costs related to the development and testing of the return incurred in FY 25. Computer system acceptance of the required electronic return is already in place. Accounting for non-compliance penalties will not result in material additional costs.

The proposed rules require dealers providing telecommunication services, cable television services, direct-to-home satellite services, video programming services, and satellite digital audio radio services to submit returns and payments electronically on Form R-1029E, *Electronic Sales Tax Return*. The proposed rules also provide for the assessment of penalties for non-compliance and the waiver of penalties as provided for in La. R.S. 47:1520(B).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rules may increase self-generated revenue (SGR) and state general fund (SGF) collections from penalties by an indeterminable amount beginning in FY 26 (see note below). A modest and temporary increase in revenue from penalties may occur as the proposed rules are implemented, although LDR cannot predict non-compliant behavior. For returns that are currently required to be filed electronically, LDR has collected the following amounts in non-E-filing penalties: \$48,900 in FY 20, \$23,500 in FY 21, \$13,900 in FY 22, \$113,100 in FY 23, and \$188,000 in FY 24. LDR has collected the following amounts in non-E-payment penalties: \$395,800 in FY 20, \$438,500 in FY 21, \$390,900 in FY 22, \$0 in FY 23, and \$0 in FY 24. However, any actual collections in penalties are dependent upon non-compliant behavior associated with the filing types included in the proposed rules. Therefore, any increase in revenue is indeterminable.

Note: Pursuant to Act 348 of the 2020 Regular Session, penalties and fees except compensatory fees levied by LDR

will accrue to the state general fund, rather than to self-generated revenue for the department.

Local governmental units are not affected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rules require dealers providing telecommunication services, cable television services, direct-to-home satellite services, video programming services, and satellite digital audio radio services to file their returns and reports electronically on Form R-1029E, *Electronic Sales Tax Return*, and remit the tax and payment by electronic funds transfer for reporting periods beginning on or after January 1, 2025. Electronic filing of the sales tax returns will be available directly through LDR's LaTAP portal that will allow taxpayers to file for free. LDR does not have the information necessary to determine the additional costs to comply with the proposed rules, but these costs are expected to be minimal as online access and activity has largely become a business standard. To the extent non-compliance penalties are collected, affected taxpayers will incur penalty costs. LDR cannot estimate the additional penalty amount as it is dependent upon taxpayer violations and liabilities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition or employment.

Richard Nelson
Secretary
2507#016

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of State Office of the Secretary of State Division of Archives

Records Management Policies and Practices
(LAC 4.XVII.Chapters 1-15)

Under the authority of R.S. 44:405, et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend Department of State regulations, LAC 4.XVIII.Chapters 1-15.

The proposed amendments update rules that are outdated to reflect current policies and practices and repeal rules that are no longer necessary. They also add rules regarding damaged or lost records, imaging services and standards, conversion of electronic records, retention of original source records, disposition of original records after imaging, electronic records preservation, and email guidelines.

Title 4

ADMINISTRATION

Part XVII. Records Management Policies and Practices Chapter 1. Agency Records Officer Designation §101. Designation

A. In compliance with R.S. 44:411, on or before July 1 of each state fiscal year, the head of each agency, as defined by R.S. 44:402, shall designate a records officer to act as liaison between the division and the agency on all matters related to records management for the term of one year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:951 (June 2003), amended LR 51:

§103. Process

A. Each agency shall communicate the records officer designation by completing Form SS ARC 940 (Records Officer Designation Form) and submitting it to the state archivist. The form must be signed and dated by the head of the agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:951 (June 2003), amended LR 51:

§105. Responsibilities of an Agency Records Officer

A. Each agency should select a records officer who:

1. can communicate effectively with agency personnel and with the division's personnel;
2. has adequate knowledge of how the agency is organized and operates;
3. has the ability to collaborate with the agency's information technology services section on records management issues related to electronic records created, received, and maintained by the agency; and
4. has the authority to oversee the records management program of the agency, including:
 - a. the development and implementation of an agency retention schedule;
 - b. the compliance with the division's policies and state and federal laws that govern records management;
 - c. the transfer of inactive records to a records center for temporary storage (if needed);
 - d. the transfer of permanent records with historical value to the custody of the Louisiana State Archives;
 - e. the submission of disposal requests to the Louisiana State Archives listing records that have met retention requirements and are eligible for destruction;
 - f. the destruction of agency records once approval has been received from the state archivist; and
 - g. the conversion of records from their original paper format to microfilm or electronic formats (if needed).

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:951 (June 2003), amended LR 51:

§107. Changes in Records Officer Designees

A. Agencies wishing to change their agency's designee before their designation period has expired, must notify the state archivist within 30 days of such a change by completing Form SS ARC 940 (Records Officer Designation Form).

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003), amended LR 51:

Chapter 3. Retention Schedule Development

§303. Records Inventory

A. To facilitate the development of agency retention schedules in compliance with R.S. 44:411, each agency shall:

1. review the functions and activities of the agency;

2. develop a list of records produced, received, and maintained by the agency;

3. identify the inclusive dates, the medium and volume of records maintained for each record series held by the agency. This provision may be facilitated by agencies completing Form SS ARC 960 (Records Management Inventory Form) for each record series to document their decision process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003), amended LR 51:

§305. Writing the Retention Schedule

A. Each agency shall submit a draft retention schedule to the state archivist for review and approval.

1. The agency will conduct adequate research to determine the length of time each record series needs to be maintained based on its administrative, legal, fiscal, operational, evidential and informational or historical values. Legal citations should be included if federal or state statutes or rules exist regarding the retention period or confidentiality of the records series.

2. The agency will develop specific retention and disposition instructions for each records series, including the transfer of inactive records to a secure, climate-controlled records storage facility, the maintenance of long-term or permanent records within the agency, and/or the transfer of permanent records to the custody of the Louisiana State Archives.

3. The agency will develop a draft retention schedule, using form SS ARC 932 (Records Retention Schedule). The schedule shall include brief descriptions of each records series, suggested retention periods for each records series, recommended disposition instructions for non-permanent records series, notations for any records series that contains confidential information and any citations used to formulate the retention periods, if applicable.

4. A records analyst within the records management section will review the draft and suggest edits if needed.

5. Once the division and agency agree upon the finalized draft, the records retention schedule must be signed by the head of the agency or the agency's records officer and the state archivist or his designee.

6. The agency should distribute the approved records retention schedule to its employees to inform them that they must maintain records for the time specified in the records retention schedule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003), amended LR 51:

§307. Retention Schedule Maintenance

A. Each agency shall review its retention schedule annually to identify any record series requiring an addition, amendment, or deletion to the agency's approved schedule. Events that may require amendments to the schedule include but are not limited to new legislation that changes the confidentiality or retention requirements of a record or the creation or abolishment of programs within the agency, which would require the addition or deletion of record series to the retention schedule.

B. If changes to the records retention schedule are required, the agency shall submit an amended Form SS ARC 932 (Records Retention Schedule) noting any changes to its existing retention schedule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003), amended LR 51:

§309. Retention Schedule Renewal

A. An agency schedule, once approved by the Louisiana State Archives, will be valid for five years from the date of approval. Ninety days prior to the five year anniversary of a schedule's approval, each agency shall submit the schedule for renewal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003), amended LR 51:

Chapter 5. Storage of Records in the Louisiana State Archives' Records Center

§501. Definitions

A. For the purpose of this Chapter the following definitions apply.

Approved Records Center Box—a regular slotted container (RSC) box that is 1.2 cubic feet in size, with dimensions of 15 inches x 12 inches x 10 inches.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:952 (June 2003), amended LR 51:

§503. Eligibility

A. In accordance with R.S. 44:408, the records center may accept records from state agencies when they meet the following criteria.

1. The records are scheduled on an approved records retention schedule and have a retention period of ten years or less.

2. The records belong to an office of the state executive or legislative branches of Louisiana government.

3. The records are considered inactive (not from the current operational year).

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003), amended LR 51:

§505. Packing Instruction

A. Each box containing eligible records must comply with the following requirements.

1. The records are boxed in an approved records center box obtained from the records center.

2. The records in each box are from the same records series with the same retention period.

3. The records should be packed in the same order as they are filed in the agency.

4. Boxes shall not contain mixed media (i.e., microfiche with paper records).

5. Approximately 1 inch of space shall be left in each box to facilitate retrieval.

6. Records shall not be placed on top of other records in the box.

7. The approximate weight of each box shall not exceed 35 pounds.

8. Packing tape is discouraged. If utilized, it must only be used to reinforce the bottom of the box.

9. To protect the records in case of fire, agencies are strongly encouraged to pack their boxes with the records facing the long side (15 inch) of the box. If records being packed are letter-sized (8 ½ inch x 11 inch), the remaining space in the back of the box may include additional records with the records facing the short side (12 inch) of the box.

10. Boxes shall not contain hanging file folders, three ring binders, or binder clips.

11. If boxes contain records in a media other than paper (i.e., microfilm, audio/video files), the media type shall be noted on Form SS ARC 103 (Records Center Transmittal Form).

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003), amended LR 51:

§507. Labeling Instructions

A. An agency must assign a unique box number to each box to be transferred to the records center. The agency shall write or affix the box number to the upper half of the short side (12 inch) of the box. The box number must correspond to an entry made on the agency's transmittal form submitted for the box. The agency may also write a short description of the records on the box.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003), amended LR 51:

§511. Records Transmittal

A. Prior to the delivery of records to the records center for storage, an agency must submit a completed Form SS ARC 103 (Records Center Transmittal Form) to the records center.

1. A separate transmittal form (SS ARC 103) shall be completed for each disposal date (i.e., January or July of a given year).

2. For each box, the agency shall include the following information on their transmittal forms:

a. agency box number;

b. beginning and ending dates for the records in the box;

c. the records series title as it appears on the agency's approved retention schedule;

d. a notation if the records are on a media other than paper; and

e. a notation if any of the records contain confidential information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003), amended LR 51:

§513. Arranging Transfer

A. After completing the transmittal forms for the boxes to be stored at the records center, the agency shall email the transmittals to the records center. The records center will contact the agency's records officer to finalize the delivery date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003), amended LR 51:

§515. Delivery of Records

A. In general, delivery dates will be set on a first-come, first-serve basis. The records center reserves the right to postpone or reschedule delivery dates if necessary to accommodate emergency situations or special circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:953 (June 2003), amended LR 51:

§517. Ownership and Access

A. Records stored at the records center remain property of the agency depositing them at the records center. Only the depositing agency's designated employees will be allowed access to view the agency's records stored in the records center. Any requests to see an agency's records from non-authorized parties shall be forwarded to the agency's records officer for written approval. A written approval must include the name of the person requesting the records, the records center box number for the records being requested, and the signature of the agency's records officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003), amended LR 51:

§519. Requesting Stored Records

A. An agency may request access to or check out the agency's records by following these procedures:

1. The agency must contact the records center by either phone or email requesting access to or checking out a file(s) or box(es) by listing the records center box number for the boxes being requested and providing the file name(s) if particular files are being requested.

2. Requests will be processed on a first-come, first-serve basis.

3. The records center will contact the agency's records officer when the records in question are ready for review or pick-up. Upon arrival at the records center, agency personnel will be required to show proper identification before access to the records will be granted.

4. To check out records from the records center, an employee from the depositing agency shall sign acknowledging he has received the requested boxes and/or files.

5. Once an agency checks out a record, the responsibility for the record returns to the agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003), amended LR 51:

§523. Agency Disposal Approval

A. Once the agency receives the disposal request, the agency's records officer must ascertain if any of the records listed on the request require further retention. The records officer should consult with the agency's legal counsel to determine if there are any legal holds (i.e. pending or

ongoing litigation or investigations) that require the records be retained for a longer duration.

1. If the records are not needed for any legal or administrative purpose, the agency records officer shall sign the disposal request indicating which records should be destroyed.

2. If any record is still required by the agency, the agency's records officer shall provide the records center with the new disposal date requested and the reason for the extended retention. The agency may request the records be transferred back to their custody if they do not wish the records to remain in the records center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003), amended LR 51:

§525. Archival Review

A. Prior to the destruction of any records in the records center, the state archivist will review each disposal request for possible archival records. In the event that the state archivist determines the records have archival value, the state archivist will notify the depositing agency that the Louisiana State Archives will assume ownership and permanent custody of the records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003), amended LR 51:

Chapter 7. Transferring Records for Inclusion in Archives Collection

§701. General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003), repealed LR 51:

§703. Eligibility

A. In accordance with R.S. 44:401 and 44:406, the Louisiana State Archives may accept records from state agencies according to the following criteria:

1. the records are scheduled on an approved records retention schedule;

2. the records are determined to possess intrinsic, historical, or evidentiary value or are mandated by law to be kept as permanent records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:954 (June 2003), amended LR 51:

§705. Packing Instructions

A. The records shall be packed according to the following requirements:

1. The records shall be boxed in an approved archival box obtained from the Louisiana State Archives.

2. The records in each box shall be from the same records series.

3. The records should be packed in the same order as they are filed in the agency and placed into the box with care.

4. Boxes shall not contain mixed media (i.e., microfiche with paper records).

5. Approximately 1 inch of space shall be left in each box to facilitate retrieval.

6. The approximate weight of each box shall not exceed 35 pounds.

7. Taping of printed descriptions to the box and use of packing tape is prohibited.

8. To protect the records in case of fire, agencies are strongly encouraged to pack the boxes with the records facing the long side (15 inch) of the box. If records being packed are letter-sized (8 ½ inches x 11 inches), the remaining space in the back of the box may include additional records with the records facing the short side (12 inch) of the box.

9. Boxes shall not contain hanging file folders, three ring binders, or binder clips.

10. If boxes contain records in a media other than paper (i.e., microfilm, audio/video files), the media type should be noted on the Louisiana State Archives Transmittal Form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003), amended LR 51:

§707. Non-Standard Sized Packing Instructions

A. Prior to sending records that exceed 8 1/2 inches x 14 inches, the submitting agency shall contact the Louisiana State Archives' collections management section for instructions on how to pack the records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003), amended LR 51:

§709. Labeling Instructions

A. For boxes transferred to the Louisiana State Archives, the agency must:

1. assign a unique agency number to each box to be transferred by affixing the number on one of the long sides of the box;

2. provide a brief descriptor for the records (i.e., Dept of State, Correspondence 6/1/00—12/31/00; Bd of Ethics—Campaign Finance Reports #98-04 through #98-100) on the face of the box under the handle; and

3. include a duplicate copy of the Louisiana State Archives Transmittal Form matching the records series within the archival box.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003), amended LR 51:

§711. Archives Transmittal Form Required

A. Prior to the delivery to the Louisiana State Archives, the submitting agency must provide completed archives transmittal forms, which will serve as an inventory, sufficiently detailed, to enable archives staff to retrieve records as they are needed.

1. On each transmittal form, the agency shall include:

a. name and address of agency;

b. the records officer name and official title within the agency;

c. contact information (phone and email address) for the records officer;

d. any restrictions that exist for the specific records within the collection, such as attorney-client privilege or that the records contain personally identifiable information, must be included on the particular form;

e. the total number of boxes/items to be transferred;

f. signature of records officer and date signed by officer;

g. page number and total number of pages of transmittal (i.e., Page 1 of 5).

2. For each box or item, agency shall include on the transmittal:

a. title of records series as it appears on the agency's approved retention schedule;

b. only one box may be listed on an archival transmittal form.

3. Submission and the acceptance of an archives transmittal form from an agency or donor by the Louisiana State Archives constitutes an Act of Donation to the Louisiana State Archives by the agency or donor and transfers all rights and ownership of the records to the Louisiana State Archives.

4. The Louisiana State Archives will return a signed copy of the archival transmittal form signed by the receiving archivist after the transmittal has been processed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003), amended LR 51:

§715. Delivery of Records

A. The agency or donor will deliver the records to the Louisiana State Archives. In general, delivery dates will be set on a first-come, first-served basis. The Louisiana State Archives reserves the right to postpone or reschedule delivery dates if necessary to accommodate emergency situations or special circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003), amended LR 51:

§717. Long Term Records Storage

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:955 (June 2003), repealed LR 51:

§719. Requesting Stored Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003), repealed LR 51:

Chapter 9. Destruction of Public Records

§901. General

A. In accordance with R.S. 44:411, an agency shall secure written approval from the state archivist (or his designee) prior to disposing of any records of the agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003), amended LR 51:

§903. Request for Authority to Dispose of Records

A. Agencies wishing to dispose of records shall submit to the state archivist (or his designee) Form SS ARC 930 (Request for Authority to Dispose of Records). Form SS ARC 930 must have the signature of either the agency's:

1. records officer as designated in LAC 4:XVII, Chapter 1; or
2. the head of the agency.

B. Records must be listed on the agency's approved records retention schedule to be eligible for destruction. If the records have not previously been scheduled, the agency shall submit an amended Form SS ARC 932 (Records Retention Schedule) to the state archivist noting the changes to its existing retention schedule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003), amended LR 51:

§905. Non-Scheduled Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003), repealed LR 51:

§907. Destruction Authorization

A. Once a disposal request has been received by the state archivist (or his designee), the agency will be notified within 30 days of receipt that:

1. the disposal request has been approved;
2. the disposal request was partially approved or amended;
3. the disposal request has been denied along with an explanation why approval was not granted;
4. the disposal request contains records that should be transferred to the Louisiana State Archives; or
5. the disposal request requires more research and requires an additional 30 days to issue a response to the request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003), amended LR 51:

§909. Legal Hold Policy

A. Each agency is required to develop and implement an internal process for placing legal holds on records that are involved in state or federal investigations and/or litigation. The policy should address:

1. the agency's internal disposal approval process;
2. which employees are notified of a legal hold, when they are told, and how they are told;
3. who is responsible for contacting possible third party vendors who may house records or data covered under a legal hold;
4. what steps should be taken by notified employees to safeguard records or data covered under a legal hold;
5. the agency's legal hold forms (including file level notice sheets) and instructions for any legal hold

form/release forms created by the agency to implement the plan;

6. who within the agency has legal authority to lift the legal hold once the litigation or investigation has concluded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:956 (June 2003), amended LR 51:

§911. Disposal Methods

A. Once approval for disposal has been granted, an agency shall dispose of the agency records in a manner acceptable to the level of confidentiality the record requires.

1. If a records series contains no information considered confidential in nature, an agency may use any acceptable disposal method including:

- a. landfill;
- b. recycling;
- c. shredding;
- d. incineration;
- e. maceration;
- f. pulverization; and
- g. data sanitization.

2. If a records series contains information considered confidential in nature, an agency shall use any of the following disposal methods:

- a. shredding;
- b. incineration;
- c. maceration;
- d. pulverization; and
- e. data sanitization.

3. For guidance on data sanitization practices, agencies shall refer to the *Data Sanitization Policy and Procedures, October 28, 2024*, produced by the Office of Technology Services, Division of Administration, or any superseding policies produced by the same authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:957 (June 2003), amended LR 51:

§913. Certificate of Destruction

A. Agencies should document the destruction of its records by maintaining a certificate of destruction. Such destruction certificate should consist of either:

1. the Louisiana State Archives Form SS ARC 933 (Certificate of Destruction Form) along with the approved SS ARC 930 (Request for Authority to Dispose of Records Form); or

2. an equivalent document that records the date the records were destroyed, the method of destruction, the approved Form SS ARC 930 (Request for Authority to Dispose of Records Form), and the signature of at least one witness to the destruction or removal of the records. In the event that a third-party vendor is used for destruction, the date the records are transferred to the third-party vendor for destruction will constitute the destruction date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:957 (June 2003), amended LR 51:

Chapter 11. Damaged or Lost Records

§1101. Loss of Records

A. In accordance with R.S. 44:422, agencies must notify the state archivist (or his designee) in the event any records in its custody become damaged or lost.

1. Agencies must submit Form SS ARC 980G (Records Damage Assessment Form) noting which records were damaged or lost, the cause of the damage, the location of the damage, and whether the records can be scanned, replaced, or salvaged.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

Chapter 13. Electronic Records

Subchapter A. Agency Responsibilities

§1301. Definitions

A. For the purpose of this Chapter the following definitions apply:

Administrative Metadata—elements of information used to manage the records. Examples include but are not limited to information describing the creation of the record, access restrictions, rights management, and retention requirements.

Agency Record—a record as defined by R.S. 44:402.

Analog Record—a non-digital record, such as a paper document or a photographic print.

Capstone Approach to Email Management—an approach to email management developed by the National Archives and Records Administration (NARA) in which agencies can categorize and schedule email based on the work and/or position of the email account owner.

Checksum—a sum derived from the bits of a segment of an electronic file, against which later comparisons can be made to detect if an electronic file has been altered or corrupted during storage or transmission.

Conversion—the process of moving data from one format to another. Examples include but are not limited to scanning paper documents to create electronic files or microfilm.

Descriptive Metadata—elements of information used to describe the intellectual content of the record. Examples include but are not limited to the record's title, creator, date of creation, and contents. Descriptive metadata support the discovery of the record.

Electronic Mail (Email)—a system that enables an agency to compose, transmit, receive and manage text and/or graphic electronic messages and images across networks and through gateways connecting other local area networks.

Imaging—the process of reproducing the appearance of records through scanning or microphotographic processes.

Long-Term Record—a record with a total retention requirement of over 10 years but less than permanent.

Metadata—information about a record that describes the context, content, and structure of a record and supports the management, discoverability, and preservation of the record.

Migration—the act of transferring records from one information system or storage media to another.

Permanent—a record with a total retention of life of the state and intended to be maintained in perpetuity.

Records Series—a group of related or similar records, regardless of medium, that may be filed together as a unit, used in a similar manner, and typically are evaluated as a unit for determining retention periods.

Short-Term Record—a record with a total retention requirement of 10 years or less.

Structural Metadata—elements of information that describe how the parts of a record relate to one other and how the record itself relates to other records.

Technical Metadata—elements of information that describe the properties of computer files, the hardware or software used to create them, and the parameters used by systems to render them. Examples include but are not limited to the file's byte size, file format and version, color encoding, the type of equipment used to make the file.

Transitory—transitory records are records that have limited or no administrative value to the agency and are not essential to the fulfillment of statutory obligations or to the documentation of agency functions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:957 (June 2003), amended LR 51:

§1303. General

A. The head of each agency must establish internal policies to manage the agency's electronic records that ensure:

1. the agency can access and use all electronic records in its custody for the full durations of the records' retention periods, which are listed on the agency's approved retention schedule;

2. the agency is able to locate and destroy electronic records that have met retention and are approved by the state archivist for destruction;

3. the agency maintains ownership and access to its electronic records whether the records are stored in a public, private, or community cloud, a contracted environment, or under the agency's control;

4. the agency upgrades or replaces technology (hardware, software, storage media, file formats, etc.) used to store, operate, access, and use the records, as needed, throughout the lifecycles of the records, in order to maintain the accessibility, usability, and integrity of the records; and

5. the agency protects the integrity of the electronic records by developing a cybersecurity incident response plan to minimize the impact of malware, ransomware, and other cybersecurity incidents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:957 (June 2003), amended LR 51:

Subchapter B. Louisiana State Archives Imaging Policy

§1304. General

A. In accordance with R.S. 44:415, all agencies shall contract with the Louisiana State Archives for imaging services or comply with the conversion standards and disposal request procedures established by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

§1305. Compliance

A. In accordance with R.S. 44:36 and 44:39, agencies are required to exercise diligence and care in preserving the records in its custody. Agencies must ensure any record they convert to electronic format remains unalterable, accessible,

and usable for the entirety of the record's retention period as specified in the agency's approved retention schedule.

B. Agencies must carefully consider the potential risks associated with discarding the original paper record and maintaining the record only in electronic format. Electronic records are more fragile than paper records. File formats, hardware, software, and storage media rapidly become obsolete and unusable. The technology agencies use today may not be available or supported in the future. As a result, the electronic records may not be readable or accessible by replacement technology.

C. Statewide agencies considering whether to image records for the sole purpose of saving storage space should first consider the following:

1. If the records have met retention and no longer support the business functions of the agency, the agency should submit Form SS ARC 930 (Request for Authority to Dispose of Records) to the state archivist for approval to destroy the records. The records do not need to be imaged. See Chapter 9. Destruction of Public Records.

2. If the records are seldom accessed and have a retention period of less than 10 years, the agency should request to store its records in the State Records Center. The records do not need to be imaged. See Chapter 5. Storage of Records in State Records Center.

3. If the records are older than 50 years old, possess historical value, or have a permanent retention period deemed by law, the records may be eligible for transfer to the custody of the Louisiana State Archives for permanent preservation. The agency should contact the Louisiana State Archives for an appraisal of the records. See Chapter 7. Transferring Records for Inclusion in the Archives Collection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:957 (June 2003), amended LR 51:

§1306. Electronic Records Conversion Agreement

A. In accordance with R.S. 44:39 and 44:415, agencies who wish to convert records from analog format to electronic format and destroy the original analog records must obtain prior written approval from the state archivist, agree to comply with the document conversion standards established by the Louisiana State Archives in Form SS ARC 970 (Electronic Records Conversion Agreement), and submit a listing of the records series they wish to convert. To request approval, an agency shall submit to the state archivist the following:

1. Form SS ARC 970 (Electronic Records Conversion Agreement). The form must be signed by the head of the agency. The agreement is valid for five years.

2. A listing of all the records series the agency wishes to convert on Form SS ARC 972 (Electronic Records Series List).

B. If an agency wishes to seek approval to convert additional records series after the initial agreement has been approved by the state archivist, the agency must submit Form SS ARC 972 (Electronic Records Series List) listing the newly requested records series as an addendum.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

§1307. Imaging Standards

A. When converting analog records to electronic format, agencies must ensure imaging processes are defensible. The agency must be able to demonstrate:

1. the imaging of the records does not expose the agency to any undue risk;

2. the electronic version of the record is a true and accurate copy of the original source record;

3. the agency can use the electronic version of the record for all the purposes the original record served, including the ability to attest to transactions and activities;

4. all imaging processes are documented and usable as evidence and that all relevant imaging standards have been met; and

5. the records remain secure throughout the imaging process, minimizing the risk of unauthorized additions or deletions.

B. Any enhancements agencies use in the imaging process (for example, deskewing, sharpening, despeckling, cropping, contrast adjustment, brightening, and gamma correction) must not remove any of the original content of the records and must be documented.

C. Agencies must define specific metadata to access and manage the records efficiently:

1. the metadata must be sufficient to understand the content, context, and structure of the records;

2. the metadata must be sufficient to understand the relationships among the imaged records with each other and any associated records that may be maintained in their original analog format;

3. the metadata must be sufficient to identify and later retrieve the records; and

4. the metadata should include administrative, descriptive, structural, and technical metadata elements.

D. Agencies must implement the following quality control procedures:

1. provide training for all staff who are involved in the imaging process;

2. account for all records in the project's scope before the imaging process, and document any missing records or gaps in coverage found in the original source records;

3. verify that all pages and information contained in the original source records, including attachments, have been captured by visually comparing source records with their imaged versions and by referring to box lists, folder title lists, and other inventories;

4. verify the pages remain in their original order or are organized in the most accessible order;

5. verify the electronic files can be opened, viewed, are readable, and are not dimensionally distorted, do not have any information that is cropped, and do not have any content obscured by imaging artifacts;

6. ensure electronic files are named according to the agency's naming conventions;

7. verify the metadata is complete and accurate; and

8. ensure that if the agency contracts with a vendor for imaging services, the vendor complies with the Louisiana State Archives' imaging standards.

E. Agencies should follow the technical guidelines specified in the *Federal Agencies Digital Initiative's Technical Guidelines for Digitizing Cultural Heritage Materials, Third Edition* or any superseding guidelines produced by a relevant authority.

F. Agencies must maintain their records according to the standards put forth in Subchapter C. Maintenance of Electronic Records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003), amended LR 51:

§1309. Retention of Original Source Records

A. Agencies must maintain the following records in their original analog format after conversion to electronic format:

1. records that are required by federal or state statutes or regulations to be maintained in their original, physical format;

2. records that are not listed on the agency's approved retention schedule; and

3. records that are currently under a litigation hold, even if the records series has been previously approved for conversion by a signed SS ARC 970 (Electronic Records Conversion Agreement).

B. In accordance with R.S. 44:417, the state archivist may direct the transfer of the original source documents to the Louisiana State Archives if the state archivist determines the records have a historical value that warrants the continued preservation of the records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003), amended LR 51:

§1311. Disposition of Original Records after Imaging

A. Agencies may dispose of the original source records after the records are converted to electronic format provided:

1. the agency has met the requirements of §1306 and §1307; and

2. the agency has submitted Form SS ARC 930 (Request for Authority to Dispose of Records) to the Louisiana State Archives and has received approval to destroy the records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003), amended LR 51:

Subchapter C. Maintenance of Electronic Records

§1313. Electronic Records Preservation.

A. In accordance with R.S. 44:39 and 44:411, agencies must establish and maintain a program for the maintenance, access, use, security, and preservation of the records in its custody.

B. Agencies must ensure they can locate, retrieve, access, and use the electronic records for the entirety of the records' retention periods.

1. Agencies should name electronic records at the point of creation. File names must convey enough information to allow the records to be easily retrieved for discovery, public information requests, disposition, and operational use.

2. Agencies must monitor if the retention period for any record series is longer than the life of the information system the agency is using to store, access, or use the records.

3. Agencies must convert a record's file format to a usable format if its current file format is at risk of becoming obsolete.

4. Agencies must carry out system upgrades of hardware and software when needed to ensure continued access and use of the records.

5. Agencies must migrate records to a new information system before the records' current system becomes inoperable.

6. Agencies must ensure any migration of records does not neglect inactive records or records stored offline.

7. Agencies must retain responsibility for managing their electronic records, regardless of whether the records reside in a public, private, or community cloud, a contracted environment, or under the agency's physical control.

8. Agencies must monitor changes to third-party terms of service that may alter the management of records.

9. Agencies must ensure that if the records are stored in a proprietary system, the agency has an exit strategy, which allows the agency to retain legal ownership of the records and have the records returned in a usable format should the agency or vendor terminate the contract.

C. Agencies must create metadata to access and manage the electronic records.

1. The metadata must be sufficient to understand the content, context, and structure of the records.

2. The metadata must be sufficient to understand the relationships between the electronic records with each other and any associated records.

3. The metadata must be sufficient to identify and later retrieve the records.

4. The metadata should include administrative, descriptive, structural, and technical metadata elements.

5. When migrating records between information systems or converting to new file formats, agencies must ensure informational content remains unaltered and that sufficient metadata describing the context and structure of the records is retained so the records can be used for all the same business purposes as the source records.

6. When migrating records to a new information system, all records and associated metadata in the originating system must be retained until the migration is complete and the destination system has been deemed reliable and secure.

D. Agencies must preserve the integrity of the records.

1. Agencies must monitor and review access rights and permission rules for electronic records regularly.

2. Agencies must have controls for file integrity monitoring to prevent unauthorized use, alteration, concealment, or deletion of records such as checksums, audit trails, and access lists.

3. Agencies must ensure they have appropriate security and records management controls in place to manage the records throughout the records' entire lifecycle including preventing the unauthorized access to, alteration of, or disposal of records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

Subchapter D. Electronic Mail (Email) Guidelines

§1321. Retention of Email

A. An email is classified into a record series based on its content not its format. Email should not be treated as a single records series for retention scheduling purposes. Email should be incorporated into existing records series maintained by an agency.

B. An email must be maintained for the full time period specified in the retention schedule for its associated records series.

C. Agencies may adopt a Capstone or modified Capstone approach to email management and categorize and schedule emails based on the work and/or position of the email account owner. Agencies should refer to NARA Bulletin 2013-02, "Guidance on a New Approach to Managing Email Records" or any superseding guidelines developed by the same authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003), amended by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

§1323. E-Mail Is Not a Records Series

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003), repealed LR 51:

§1325. Transitory Records and Non-records Emails

A. Agencies are encouraged not to maintain emails that are transitory records or non-records. Agencies may delete them immediately without obtaining approval from the state archivist.

1. Transitory records. Transitory records are records that have limited or no administrative value to the agency and are not essential to the fulfillment of statutory obligations or to the documentation of agency functions.

2. Non-records. Non-records are kept only for convenience or reference purposes. They do not document an agency's business.

3. Examples of transitory records and non-records include but are not limited to the following: unsolicited and junk emails not related to agency work, listserv and other email broadcast lists that require subscription (including newspapers), reminders for meetings and events (i.e., cake in the conference room, staff meeting moved from 2 p.m. to 3 p.m.), personal non-work related emails received by employees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:958 (June 2003), amended LR 51:

§1327. Maintenance of Electronic Mail

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003), repealed LR 51:

§1329. User Responsibilities

A. It is the responsibility of the user of the email system to manage email messages according to their agency's retention schedule.

1. Names of sender, recipient, date/time of the message, as well as any attachments must be retained with the message.

B. When an email is sent to multiple recipients in the transaction of official business:

1. The creator of the email must retain the email and consider it a record.

2. If the recipient of the email takes any action in response to the email, the recipient must retain the email and consider it a record.

3. If the recipient receives the email for information purposes only and does not take any action in response to it, the email is considered transitory and may be deleted. Agencies are encouraged to use the "cc" designation to indicate to the recipient they were included for information purposes only.

C. User responsibilities may be mitigated by the use of a server level automated classification system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003), amended LR 51:

§1331. Agency Responsibilities

A. Each agency should adopt and disseminate to the employees the agency policy governing the proper use of email, messaging, and collaborative software. The policy should:

1. define official use and set limits on personal use of agency email, messaging, and collaborative software;

2. prohibit the use of agency email, messaging, and collaborative software to promote discrimination (on the basis of race, color, national origin, age, marital status, sex, political affiliation, religion, disability or sexual preference), promotion of sexual harassment, or to promote personal, political, or religious business or beliefs;

3. prohibit employees from sending electronic messages under another employee's name without authorization;

4. prohibit the altering of electronic messages including any attachments;

5. establish the agency process for storing and maintaining electronic messages for the duration of the message's retention period;

6. alert users of an agency's electronic messaging systems that they should not expect a right of privacy and that electronic messages may be monitored for compliance and abuse; and

7. establish which messaging services and collaboration softwares are acceptable for use in conducting agency business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003), amended LR 51:

§1333. Use of Records Management Application (RMA) Software

A. Agencies may use records management application (RMA) software to manage records in digital form. RMA software categorizes and locates records and identifies records that are due for disposition. RMA software also stores, retrieves, and disposes of the electronic records that are stored in its repository. Agencies should use RMA software that complies with DoD 5015.2-STD, "Design Criteria Standard for Electronic Records Management Software Applications," as issued by the U.S. Department of Defense or any superseding standards that may be issued by a relevant authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003), amended LR 51:

Chapter 15. Microfilm Policy

§1501. General

A. This policy applies to the microfilming of any agency record that is to be maintained solely in microfilm format and to all microfilm which is created or maintained for the full retention period of the record as a preservation copy of an agency record. This policy does not apply to access film.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003), amended LR 51:

§1503. Definitions

A. The following words and terms, when used in this Chapter, have the following meanings, unless the context clearly indicates otherwise. Terms not defined in these Sections have the meanings defined in the R.S. 44:402.

Access Film—microfilm copies of records created only for convenience of use and considered non-records under R.S. 44:402.

Aperture Card—card with a rectangular opening(s) into which 16mm/35mm microfilm frames can be inserted, mounted, or pre-mounted.

Batch—a quantity of chemicals or film which has been prepared at one time and which has been identified through labeling or through other means by the manufacturer as a batch or lot.

CAD (Computer Aided Design)—a method of creating microimages by computer-driven laser.

Certification by the Camera or Scanner Operator—a target photographed on film following the filmed records that provides identification of beginning and ending records on the film, signature of the scanner or camera operator, date the certification was filmed, and reduction range if more than one ratio has been used.

Diazo—a photographic film containing one or more photosensitive layers composed of diazonium salts in a polymeric material which react with coupler(s) to form an azo dye image after film processing.

Duplicate Microfilm—a microfilm copy made from the original or master negative. It can be silver, diazo, or vesicular film.

Essential Record—any agency record necessary to resume or continue an agency's business, to recreate its legal and financial status, and to preserve the rights of the agency,

its employees, and its clients. It is also known as a vital record.

Microfilm—roll microfilm, microfiche, computer output microfilm (COM), and all other formats produced by any method of microphotography or other means of reduction on film.

Microfilm Container—generic term for any enclosure in close or direct contact with film such as a reel, can, bag, folder, sleeve (sheath), jacket, envelope, window mount or mat, slide mount, carton, cartridge, cassette, and aperture card.

Microfilming—the methods, procedures, and processes used to produce microfilm.

Original Microfilm—first generation of film produced when records are filmed.

Silver Original—first generation silver-gelatin film or other archival quality film.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:959 (June 2003), amended LR 51:

§1505. Access to Referenced Standards and Practices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:960 (June 2003), repealed LR 51:

§1507. Retention Schedule Compliance

A. Microfilming of records must be in compliance with an approved agency retention schedule. For microfilm maintained as roll film, no more than one records series is permitted on each roll of microfilm.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:960 (June 2003), amended LR 51:

§1508. Retention of Original Source Records

A. Agencies must maintain the following records in their original analog format after microfilming:

1. records that are required by federal or state statutes or regulations to be maintained in their original, physical format;
2. records that are not listed on the agency's approved retention schedule; and
3. records that are currently under a litigation hold.

B. In accordance with R.S. 44:417, the state archivist may direct the transfer of the original source documents to the Louisiana State Archives if the state archivist determines the records have a historical value that warrants the continued preservation of the records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 51:

§1511. Annual Report Requirement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:960 (June 2003), repealed LR 51:

§1513. State Centralized Microfilm Unit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:960 (June 2003), repealed LR 51:

§1515. Film Requirement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:960 (June 2003), repealed LR 51:

§1523. Image Sequence

A. Image sequence on roll microfilm must include at a minimum:

1. leaders with a minimum of 3 feet (36 inches) of blank film;
2. a density target and resolution target;
3. a title page (including agency of record);
4. a records series identification page;
5. records on film;
6. a certification by camera or scanner operator;
7. a density target and resolution target; and
8. a trailer with a minimum of 3 feet (36 inches) of blank film.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003), amended LR 51:

§1525. Retake Sequence

A. Filming sequence for retakes and additions on all microfilm must include:

1. title target identifying the retake or addition records;
2. the retake or addition records; and
3. certification of the camera or scanner operator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003), amended LR 51:

§1529. Quality Control

A. Original processed microfilm must be visually inspected according to the following procedures:

1. A visual inspection of microfilm within two weeks of creation must be completed to verify legibility.
2. Images of documents must be uniformly placed on the film and must be free of any defects in the filming area that would interfere with the documents being read.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003), amended LR 51:

§1531. Film Imaging and Ancillary Equipment

A. It is recommended that film imaging equipment be calibrated, tested, or otherwise inspected and adjusted at least twice annually or more often if required to comply with manufacturer's specifications or recommended operating and maintenance procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003), amended LR 51:

§1533. Storage of Original Microfilm

A. Original film should be stored in a separate building from where duplicate copies or the original record are housed. In addition, films of different generic types should not be stored in the same storage room/vault or in rooms sharing common ventilation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003), amended LR 51:

§1535. Storage of Original Microfilm at State Archives

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003), repealed LR 51:

§1537. Storage Environment

A. Original microfilm should be stored in a storage room or vault that:

1. conforms to ISO 18911:2010 or any superseding standards that may be issued by a relevant authority;
2. offers protection from fire, water, steam, structural collapse, unauthorized access, and other potential hazards; and
3. has adequate temperature and humidity controls:
 - a. Temperature should not exceed 70 degrees Fahrenheit, with temperatures of 55 degrees Fahrenheit being preferable.
 - b. Relative humidity should not exceed 50 percent, with a maximum variation of plus/minus 5.0 percent relative humidity in a 24-hour period.
 - c. Due to Louisiana's high temperatures and humidity, agencies may not be able to achieve ideal storage conditions. Agencies should strive for consistency and avoid dramatic fluctuations in temperature or humidity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003), amended LR 51:

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:961 (June 2003), amended LR 51:

§1539. Containers and Storage Housing

A. Storage housing materials must be noncombustible and non-corrosive. Microfilm containers for original microfilm must:

1. be used for processed microfilm to protect the film and facilitate identification and handling;
2. be chemically stable materials such as non-corrodible metals (anodized aluminum or stainless steel), peroxide-free plastics, and acid-free paper to ensure no degradation is caused to the images; and
3. be stored in a closed housing or may be stored on open shelves or racks if the film is in closed containers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:962 (June 2003), amended LR 51:

§1541. Inspection of Stored Original Microfilm

A. Inspection of stored original microfilm may be conducted in accordance with the following standards:

1. ISO 18911:2010;
2. ANSI/AIIM MS45;
3. ANSI/AIIM TR13;
4. ANSI/NAPM IT9.1; or
5. any superseding standard that may be issued by a relevant authority.

B. When inspection is done, the sample of microfilm to be inspected for each storage room or vault, if more than one, must be 1/1000th of the total volume of stored microfilm or at least 100 microforms (rolls, jackets, microfiche, aperture cards, COM, etc.), whichever is greater. Sampling procedures must be established that will assure that all parts of the group of microfilm are represented.

C. Inspection must be conducted every five years. Microfilm that has been stored under temperature and/or humidity conditions other than those specified in this policy must be inspected every two years.

D. Containers used to store the film must be inspected for evidence of rust, corrosion, or other deterioration and replaced, if needed.

E. Original microfilm must be inspected on a light box with rewinds or comparable equipment which will not scratch the film.

F. If deterioration is found, a more extensive inspection must be conducted to locate all deteriorating film.

G. Any deteriorating film must immediately be removed from the storage area and the problem corrected before returning the film to storage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:962 (June 2003), amended LR 51:

§1543. Computer Output Microfilm (COM)

A. All policies for COM are the same as other microfilm formats, except:

1. the COM original must be wet processed silver-gelatin film for essential records and records with a retention of 10 years or more;
2. the following standards for production, testing, and inspection of COM are recommended:
 - a. ANSI/AIIM MS1;
 - b. ANSI/AIIM MS5;
 - c. ANSI/AIIM MS28;
 - d. ANSI/AIIM MS39;
 - e. ANSI/AIIM MS43;
 - f. ANSI/NAPM IT9.17; or
 - g. any superseding standard that may be issued by a relevant authority.

B. If bar coding is used, the procedures in technical report AIIM TR12 should be followed.

C. The COM original must be visually inspected every 10 feet.

D. Eye-legible titling information must include the following:

1. name of agency;
2. records series title;
3. date(s) of records; and
4. starting and/or ending indexing information.

E. A reduction ratio not exceeding 48:1 must be used.

F. Adherence image sequence for filming, mentioned in this policy, is not required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:962 (June 2003), amended LR 51:

§1545. Jacketing

A. All policies for jacketed microfilm are the same as other microfilm formats except:

1. original microfilm may be placed in a jacket, if there is a security copy stored in the same fashion as original microfilm;

2. jacket header information should include a record identifier (name, number). If no security copy exists, the following must be included in the jacket header information:

- a. name of agency;
- b. records series title;
- c. date(s) of records; and
- d. starting and/or ending indexing information.

B. Header information must be created with a black carbon-type ribbon or ink that will not bleed, spread, or transfer.

C. Microfilm jackets should comply with ANSI/AIIM MS11 or any superseding standard that may be issued by a relevant authority.

D. The procedures in AIIM TR11 are recommended for the jacketing of film.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:962 (June 2003), amended LR 51:

§1549. Expungements

A. Such action must comply with statutory law.

1. If roll film is spliced, the following information must be inserted in place of the expunged record(s):

- a. a start of expungement target;
- b. replacement documents for documents that were expunged (if necessary); and
- c. an expungement certificate containing the following information:
 - i. the number of the district court ordering the expungement;
 - ii. the signature, printed name, and title of the custodian of expunged records; and
 - iii. the date of expungement.

B. Images on film must not be expunged by punching holes through film, by using opaque, by blotting images with ink-type pen, or by using chemical means such as potassium dichromate (bleach) on film emulsion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:963 (June 2003), amended LR 51:

§1551. Destruction of Microfilmed Records

A. Microfilmed records must be destroyed only in accordance with R.S. 44:411. Microfilmed records scheduled for destruction must be disposed of in a manner that ensures protection for any sensitive or confidential information. Destruction of records on a roll of microfilm containing multiple records series must be done by destroying the whole roll of film at the time the records on

the film that have the longest retention period are eligible for destruction or, if filmed prior to the effective date of these standards, by deleting the section of the film containing records eligible for destruction and splicing the film. If the film is spliced, a destruction notice containing the following information must be inserted in place of the deleted records:

1. the records series title and the inclusive dates of the records;
2. the signature and printed name of the agency records officer approving deletion of the records; and
3. the date of the deletion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:963 (June 2003), amended LR 51:

§1553. Documentation and Record Keeping

A. Microfilm Production

1. The agency's records officer must require documentation to be maintained that identifies titles of records filmed, dates records filmed, disposition of records after filming, dates film processed, disposition of film, reduction ratio used, records series contained on each roll of microfilm, and equipment on which each microfilm was filmed and processed. The documentation must be retained until final disposition of all microfilm documented in the log or equivalent.

B. Inspection of Stored Microfilm

1. The following information must be recorded for each inspection of stored microfilm:

- a. the quantity and identification of microfilm inspected;
- b. the condition of the microfilm including description of any deterioration;
- c. any corrective action required;
- d. the date(s) of inspection and signed certification of inspector; and
- e. the date any corrective action was completed.

2. The inspection log of stored microfilm must be maintained by year and within each year numerically according to microfilm identifier or number.

C. Agency microfilm programs must be reviewed yearly by the agency's records officer for compliance with R.S. 44, Chapter 5, and this policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:405.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, Division of Archives, LR 29:963 (June 2003), amended 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, data, opinions and arguments regarding the proposed Rule via U.S. Mail, hand-delivery, or email. Written submissions must be directed to Tray Wood, General Counsel, legal@sos.la.gov, Department of State, P.O. Box 94125, Baton Rouge, Louisiana 70804-9125 and must be received no later than 4:30 p.m. on August 26, 2025. All written comments must be signed and dated.

Public Hearing

A hearing on the proposed Rule will be held on August 26, 2025 at 10 a.m. in the auditorium of the Louisiana State Archives Building, located at 3851 Essen Lane, Baton Rouge, Louisiana 70809. All interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Nancy Landry
Secretary of State

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Records Management Policies and Practices

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes are not anticipated to result in direct cost or savings to state or local governmental units. LAC 4:XVII details records management policies and procedures, which have not been updated since 2003. The proposed rule changes reflect current processes, replace outdated standards, modernize language, and correct grammatical errors. Chapter 1 through Chapter 11 provide instructions for state and local governmental units on how to submit records management

forms and/or records to the State Archives. Chapter 13 establishes best practices for managing electronic records. Chapter 15 outlines procedures for microfilming records.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes are not anticipated to have any effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes are not anticipated to result in any costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to have an effect on competition and employment.

Shanda R. Jones
Undersecretary
2507#044

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Transportation and Development Professional Engineering and Land Surveying Board

Bylaws (LAC 46:LXI.Chapter 7)

Under the authority of the Louisiana professional engineering and land surveying licensure law, R.S. 37:681 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Professional Engineering and Land Surveying Board has initiated procedures to amend its rules contained in LAC 46:LXI.701, 703, 707 and 709.

This is a revision of existing rules under which LAPELS operates. The revision (a) clarifies the published roster used in connection with determining anticipated vacancies on the board, (b) clarifies the mileage reimbursement rate, (c) changes the deadline for the election of board officers, (d) transfers one of the secretary's duties to the executive director and (e) changes the name of the Education/Accreditation Committee and updates its duties. The anticipated effective date of the proposed amendments is the date of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXI. Professional Engineers and Land Surveyors

Chapter 7. Bylaws

§701. Board Nominations

A. - B.2. ...

C. An examination will be made of the anticipated vacancies scheduled to occur during each new administrative year because of expiration of terms of appointment, as published in the roster of board members, and the appropriate nominating organization shall be soon notified, along with the official interpretation of the practice areas of engineering represented, as well as a priority listing of the desired practice areas requested to be considered.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 4:298 (August 1978), amended LR 5:120 (May 1979), LR 11:1179 (December 1985), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1023 (July 2001), LR 30:1706 (August 2004), LR 37:2411 (August 2011), LR 44:613 (March 2018), LR 51:

§703. Compensation and Expenses

A. - A.2. ...

B. Reimbursement of Transportation Expenses

1. Expenses for transportation by personally-owned vehicles shall be reimbursed at the mileage rate specified by the Louisiana Division of Administration's travel policy. Reimbursement shall be on the basis of the most direct route. The traveler shall be required to pay all of the operating expenses of the vehicle.

B.2. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:58 (February 1976), amended LR 5:110 (May 1979), LR 11:1182 (December 1985), LR 19:55 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1023 (July 2001), LR 30:1707 (August 2004), LR 44:613 (March 2018), LR 51:

§707. Board Organization

A. - B. ...

C. Date of Elections. The election of board officers shall take place not later than at the board's first meeting of the calendar year. In the event that an officer cannot complete his/her term, an election in order to fill the unexpired term shall be scheduled at the earliest practical regular or special meeting.

D. Duties

D.1. - D.2. ...

3. Secretary. The secretary shall:

a. sign, with the chairman, certificates, the issuance of which shall have been authorized by resolution of the board;

b. sign the minutes of the board meetings after approval of the minutes by the board.

D.4....

E. Committees. The board may establish standing committees, including but not limited to the following: executive committee, engineering committees, land surveying committee, engineer intern committee, laws and rules committee, education credential evaluation review committee, finance committee, nominations and awards committee, complaint review committees, continuing professional development committee, firm licensure committee, and enforcement committee. The board may also establish ad hoc committees from time-to-time as necessary.

E.1. - E.6. ...

7. Education Credential Evaluation Review Committee. The chairman of the board shall appoint an education credential evaluation review committee composed of not less than two board members. The education credential evaluation review committee shall review education credential evaluations of applicants for licensure or certification.

E.8. - E.13. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:52 (February 1976), amended LR 5:110 (May 1979), LR 11:1179 (December 1985), LR 19:54 (January 1993), LR 21:1353 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1024 (July 2001), LR 30:1707 (August 2004), LR 33:2788 (December 2007), LR 35:1908 (September 2009), LR 37:2411 (August 2011), LR 38:2563 (October 2012), LR 40:1388 (July 2014), LR 42:1104 (July 2016), LR 44:614 (March 2018), LR 45:76 (January 2019), LR 51:

§709. Executive Director

A. - B. ...

C. Duties of the Executive Director. The executive director shall:

C.1. - C.12. ...

13. employ and supervise the work of all employees essential to the work of the board, but only on approval of the executive committee and in accordance with the provisions of the licensure law;

C.14. - C.23. ...

24. assist in the legislative audit made of all receipts and disbursements at the close of each fiscal year by a certified public accountant;

25. assist the chairman with planning and compiling the agenda for each regular and special meeting of the board; and

26. be the official custodian of the records of the board and of the seal of the board and ensure that the seal of the board is affixed to all appropriate documents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation, Board of Registration for Professional Engineers and Land Surveyors, LR 2:53 (February 1976), amended LR 5:118 (May 1979), LR 11:1180 (December 1985), LR 19:55 (January 1993), LR 21:1354 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1025 (July 2001), LR 30:1709 (August 2004), LR 37:2412 (August 2011), LR 38:2563 (October 2012), LR 44:614 (March 2018), LR 45:76 (January 2019), LR 47:894 (July 2021), LR 51:

Family Impact Statement

In accordance with R.S. 49:961(A)(2)(h)(i) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule has no known impact on family formation, stability or autonomy.

Poverty Impact Statement

In accordance with R.S. 49:961(A)(2)(h)(ii) and 973, the following Poverty Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule has no known impact on child, individual or family poverty in relation to individual or community asset development.

Small Business Analysis

In accordance with R.S. 49:961(A)(2)(h)(iv) and 974.5, the following Small Business Regulatory Flexibility Analysis is submitted with the Notice of Intent for

publication in the *Louisiana Register*: The impact of the proposed Rule on small businesses has been considered. LAPELS has, consistent with health, safety, environmental and economic welfare, considered utilizing regulatory methods that will accomplish the objectives of applicable statutes while minimizing adverse impact on small businesses. The proposed Rule is not anticipated to have an adverse impact on small businesses.

Provider Impact Statement

In accordance with HCR No. 170 of the 2014 Regular Session, the following Provider Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule has no known effect on the staffing level requirements or qualifications required to provide the same level of service, the cost to the provider to provide the same level of service or the ability of the provider to provide the same level of service.

Public Comments

Interested parties are invited to submit written comments on the proposed Rule through August 10, 2025 at 4:30 p.m., to Donna D. Sentell, Executive Director, Louisiana Professional Engineering and Land Surveying Board, 8550 United Plaza Blvd., Suite 903, Baton Rouge, LA 70809-2296.

Donna D. Sentell
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Bylaws

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 resulting from this proposed rule change.

The proposed rule change does the following:

a) Clarifies that the roster used in connection with determining anticipated vacancies on the board refers to the board's published roster of board members;

b) Clarifies that the board's mileage reimbursement rate is specified by the Louisiana Division of Administration's travel policy;

c) Changes the deadline for the election of board officers from the board's January meeting to its first meeting each calendar year;

d) Transfers one of the Secretary's duties to the Executive Director; and

e) Changes the name of the Education/Accreditation Committee and updates its duties.

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 this proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change has no anticipated costs and/or economic benefits to directly affected persons, small businesses or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment in the public and private sectors as a result of the proposed rule change.

Cheron Seaman
Deputy Executive Director
2507#043

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Treasury Deferred Compensation Commission

Deferred Compensation Plan
(LAC 32:VII.101, 301, 303, 307, 313, 701,
709, 2101, 2103, 2105, and 2107)

In accordance with R.S. 42:1301 et seq., the Setting Every Community Up for Retirement Enhancement (SECURE) Act of 2019, and SECURE 2.0 Act of 2022, the Deferred Compensation Commission proposes to adopt and amend LAC 32:VII.101, LAC 32:VII.301, LAC 32:VII.303, LAC 32:VII.307, LAC 32:VII.313, LAC 32:VII.701, and LAC 32:VII.709 within the Deferred Compensation Plan. In accordance with R.S. 42:1301 et seq. and R.S. 42:17.2 (Act 393 of the 2023 Regular Session), the Deferred Compensation Commission proposes to adopt LAC 32:VII.2101, LAC 32:VII.2103, LAC 32:VII.2105, and LAC 32:VII.2107 within the Deferred Compensation Plan. These proposed rules and amendments are promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The United States Congress passed the SECURE Act and SECURE 2.0 Act. By virtue of these acts, participants in eligible 457(b) plans now have the ability to take make deferral elections at any time prior to the date the compensation being deferred is available. These acts also permit participants ages 60-63 years of age to utilize increased catch up. Additionally, these acts impose a three-year re-contribution period for participants who take distributions for qualified birth and adoption events. These acts also provide exceptions to early withdrawal penalties for small distributions for personal emergency expenses, distributions taken by victims of domestic abuse, and distributions for qualified disaster recovery. Lastly, these acts permit a plan administrator to rely on the self-certification of a plan participant that a distribution is being requested due to a valid unforeseeable emergency. The Deferred Compensation Commission proposes these Rules and amendments to adopt provisions to incorporate the aforementioned provisions of SECURE and SECURE 2.0 within the Commission's Plan Document. These proposed Rules and amendments also provide clarity in regards to a Roth matching contribution.

Furthermore, the Louisiana Legislature passed Act 393 of the 2023 Regular Session. By virtue of this act, certain agencies may hold open public meetings via electronic means provided the agency adopts rules, regulations, and procedures to allow the public to participate in the meeting via electronic means. The Deferred Compensation Commission proposes these rules to adopt provisions to enable open public meetings via electronic means.

Title 32

EMPLOYEE BENEFITS

Part VII. Public Employee Deferred Compensation

Subpart 1. Deferred Compensation Plan

Chapter 1. Administration

§101. Definitions

* * *

Designated Roth Account—a separate account maintained by the plan in accordance with IRC §402A and the regulations thereunder for accepting designated Roth contributions. A designated Roth contribution is an elective deferral that would otherwise be excludable from gross income but that has been designated by the participant who elects the deferral as not being so excludable, or a non-elective employer contribution designated as a Roth matching contribution, or an existing account which is converted to a designated Roth account in compliance with the Internal Revenue Code. Any amount in a designated Roth account shall be disregarded for the purposes of calculating required minimum distributions under IRC §401(a)(9).

* * *

Non-Elective Employer Contribution—any contribution made by an employer for the participant with respect to which the participant does not have the choice to receive the contribution in cash or property. Such term may also include an employer matching contribution, including a designated Roth matching contribution.

* * *

AUTHORITY NOTE: Promulgated in accordance with IRC §457 and R.S. 42: 1301-1308.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1962 (October 1998), amended LR 28:1494 (June 2002), LR 32:118 (January 2006), LR 37:1617 (June 2011), LR 40:2281 (November 2014), LR 50:1011 (July 2024), LR 51:

Chapter 3. Plan Participation, Options, and Requirements

§301. Enrollment in the Plan

A. The following applies to compensation deferred under the plan.

1. A participant may not defer any compensation unless a deferral authorization providing for such deferral has been completed by the participant and is filed in good order with the administrator. Such election shall become effective no earlier than the first payroll period after such new election is made, and shall continue in effect until modified, disallowed or revoked in accordance with the terms of this plan, or until the participant ceases employment with the employer. With respect to a new employee, compensation will be deferred in the payroll period during which a participant first becomes an employee if a deferral authorization providing for such deferral is executed on or before the first day on which the participant becomes an employee. Any prior employee who was a participant in the plan and either revoked their participant agreement, or is rehired by employer, may resume participation in the plan by entering into a participation agreement, which shall take effect no earlier than the first payroll period after such new participation agreement is entered into by the participant and accepted by the administrator. Any distributions being taken from this plan are to be terminated prior to the resumption of deferrals under the plan. Additionally, if distributions had

not begun pursuant to a prior severance from employment, any deferred commencement date elected by such employee with respect to those prior plan assets shall be null and void.

2. In signing the participation agreement, the participant elects to participate in this plan and consents to the deferral by the employer of the amount specified in the participation agreement from the participant's gross compensation for each pay period. Such deferral shall continue in effect until modified, disallowed or revoked in accordance with the terms of this plan. Unless the election specifies a later effective date, a change in the amount of the deferral shall take effect as of the first payroll period after the election is made, or as soon as administratively practicable, if later.

3. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with IRC § 457 and R.S. 42:1301-1308.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1964 (October 1998), amended LR 28:1495 (June 2002), LR 32:119 (January 2006), LR 37:1620 (June 2011), LR 51:

§303. Deferral Limitations

A. - C. ...

D. A participant who attains the age of 60 but not age 64 before the end of a plan year may make a deferral in excess of the limitations specified in Paragraphs A and C of this §303, up to the amount specified in IRC §414(v)(2), as such amounts are adjusted in accordance with IRC §414(v)(2)(C).

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1301-1308 and IRC § 457.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1964 (October 1998), amended LR 28:1496 (June 2002), LR 32:120 (January 2006), LR 51:

§307. Participant Modification of Deferral

A. The participant shall be entitled to modify the amount (or percentage) of deferred compensation with respect to compensation payable no later than the close of the payroll period the compensation is earned, or as soon as administratively practicable, if later, provided such modification is entered into by the participant and accepted by the commission. Notwithstanding the above, if a negative election procedure has been implemented pursuant to §301.A.4, a participant may enter into or modify a participation agreement at any time to provide for no deferral.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1301-1308 and IRC § 457.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1965 (October 1998), amended LR 28:1496 (June 2002), LR 32:120 (January 2006), LR 51:

§313. Re-Enrollment

A. A participant who revokes the participation agreement as set forth in §311.A may execute a new participation agreement to defer compensation payable no earlier than the payroll period after the election is made, or as soon as administratively practicable, if later, provided such new participation agreement is executed by the participant and accepted by the commission.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1301-1308 and IRC § 457.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1965 (October 1998), amended LR 28:1496 (June 2002), LR 32:121 (January 2006), LR 51:

Chapter 7. Distributions

§701. Conditions for Distribution

A. Payments from the participants § 457 Deferred Compensation Plan account to the participant or beneficiary shall not be made, or made available, earlier than:

1. - 5. ...

6. the participant makes a qualified birth or adoption distribution pursuant to §113 of the Setting Every Community Up for Retirement Act of 2019. Any such qualified birth or adoption distribution shall not exceed \$5,000 per birth or adoption. The commission or plan administrator may rely upon a participant's birth or adoption certificate for purposes of determining eligibility. Any individual who receives a qualified birth or adoption distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions back to the plan in an aggregate amount not to exceed the amount of such distribution.

7. the participant makes an emergency personal expense distribution in accordance with IRC §72(t)(2)(I). The commission or plan administrator may rely on a written certification by the participant that the distribution meets the requirements of IRC §72(t)(2)(I). Any individual who receives a distribution under the terms of this paragraph may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions back to the plan in an aggregate amount not to exceed the amount of such distribution.

8. the participant is a domestic abuse victim and takes a distribution in accordance with IRC §72(t)(2)(K). The commission or plan administrator may rely on a written certification by the participant that the distribution meets the requirements of IRC §72(t)(2)(K). Any individual who receives a distribution under the terms of this paragraph may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions back to the plan in an aggregate amount not to exceed the amount of such distribution.

9. the participant makes a qualified disaster recovery distribution in accordance with IRC §72(t)(2)(M). Any individual who receives a qualified disaster recovery distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions back to the plan in an aggregate amount not to exceed the amount of such distribution.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with IRC § 457 and R.S. 42: 1301-1308.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1967 (October 1998), amended LR 28:1497 (June 2002), LR 32:121 (January 2006), LR 50:1011 (July 2024), LR 51:

§709. Unforeseeable Emergency

A. If a participant has incurred a genuine unforeseeable emergency and no other resources of financial relief are available, the commission may grant, in its sole discretion, a participant's request for a payment from the participant's account. Any payment made under this provision shall be in a lump sum.

1. The commission shall have the right to request and review all pertinent information necessary to assure that hardship withdrawal requests are consistent with the provisions of IRC §457. The commission may rely on a written certification by the participant that the distribution is made when the participant is faced with an unforeseeable emergency of a type which is described in the Internal Revenue Code and the regulations thereunder, not in excess of the amount required to satisfy the emergency need, and that the participant has no alternative means reasonably available to satisfy such emergency need.

A.2. - B.7. ...

AUTHORITY NOTE: Promulgated in accordance with IRC §457 and R.S. 42:1301-1308.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1968 (October 1998), amended LR 28:1498 (June 2002), LR 32:122 (January 2006), LR 37:1621 (June 2011), LR 51:

Chapter 21. Open Meetings via Electronic Means

§2101. Agency Eligibility

A. The commission meets the criteria pursuant to Act 393 to be eligible to conduct open public meetings via electronic means.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2 (Act 393 of the 2023 Regular Session of the Louisiana Legislature).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 51:

§2103. Postings Prior to Meeting via Electronic Means

A. At least 24 hours prior to the meeting, the Commission shall post the following on the Division of Administration's website:

1. meeting notice and agenda; and
2. detailed information regarding how members of the public may:

- a. participate in the meeting via electronic means, including the applicable videoconference link and/or teleconference phone number; and

- b. submit written comments regarding matters on the agenda prior to the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2 (Act 393 of the 2023 Regular Session of the Louisiana Legislature).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 51:

§2105. Electronic Meeting Requirements and Limitations

A. The commission shall not conduct any more than one-third of its open meetings via electronic means, and will only conduct successive meetings via electronic meetings as needed.

B. To the extent practicable, a schedule of meetings identifying which will be conducted via electronic means and which will be conducted as in-person meetings may be posted on the Division of Administration's website on an annual basis.

C. All members of the commission, whether participating from the anchor location or via electronic means, shall be counted for the purpose of establishing a quorum and may vote.

D. An online archive of any open meetings conducted via electronic means shall be maintained and available for two years on the Division of Administration's website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2 (Act 393 of the 2023 Regular Session of the Louisiana Legislature).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 51:

§2107. Disability Accommodations

A. In the event it has the capability to do so, the Commission shall provide an opportunity for people with disabilities, or their designated caregiver, to participate in any electronic meeting via electronic means, provided that the person with a disability or their designated caregiver request such accommodation prior to the meeting. If the Commission determines it does not have the above-referenced capability, it shall provide for a viable alternative method for participation in electronic meetings by people with disabilities.

B. People with disabilities are defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
2. a designated caregiver of such a person; or
3. a participant member of the agency with an ADA-qualifying disability.

C. The written public notice for an open meeting, as required by R.S. 42:19, shall include the name, telephone number and email address of the designated agency representative to whom a disability accommodation may be submitted.

D. The requestor shall be provided with an accommodation, or viable alternative method, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2 (Act 393 of the 2023 Regular Session of the Louisiana Legislature).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 51:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the amended and proposed rules on the family have been considered. The amended and proposed Rules are not anticipated to have an impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed amended Rules 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. 49:974.5, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating the amended and proposed Rules.

The proposed amended Rules are 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 amended rules 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, data, opinions and arguments regarding the proposed Rule and amendments to Justin Lester, Louisiana Department of Justice, 1885 N. 3rd St., Baton Rouge, LA 70802. He is responsible for responding to inquiries regarding these proposed Rules by 4 p.m. on August 10, 2025.

Beverly Hodges
Chairperson

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Deferred Compensation Plan

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 resulting from this proposed rule change.

The Deferred Compensation Commission proposes to amend and adopt Title 32, Part VII, Chapter 1, Section 101 - Definitions; Chapter 3, Section 301 - Enrollment in the Plan, Section 303 - Deferral Limitations, Section 307 - Participant Modification of Deferral, Section 313 - Re-Enrollment; and Chapter 7, Section 701 - Conditions for Distribution, Section 709 - Unforeseeable Emergency of the Louisiana Administrative Code. Further, the Deferred Compensation Commission proposes to adopt Title 32, Part VII, Chapter 21, Section 2101 - Agency Eligibility, Section 2103 - Postings Prior to Meetings via Electronic Means, Section 2105 - Electronic Meeting Requirements and Limitations, and Section 2107 - Disability of Accommodations of the Louisiana Administrative Code.

Specifically, this rule:

- Clarifies the definition of "Designated Roth Account" and "Non-Elective Employer Contribution" in regards to a Roth matching contribution.
- Provides that participants can make deferral elections at any time prior to the date the compensation being deferred is available.
- Increases the catch-up limit for participants age 60-63 years old.

- Restricts the re-contribution period to three years for qualified birth and adoption distributions.
- Provides an exception to the early withdrawal penalty for small distributions for personal emergency expenses.
- Provides an exception to the early withdrawal penalty for distributions taken by victims of domestic abuse.
- Provides and exception the early withdrawal penalty for distributions taken for qualified disaster recovery.
- Permits the plan administrator to rely on the self-certification of a plan participant that a distribution is being requested due to a valid unforeseeable emergency.
- Provides that the Commission meets the criteria pursuant to Act 393 of the 2023 Regular Session to be eligible to conduct open public meetings via electronic means.
- Provides for posting requirements prior to meetings via electronic means.
- Provides requirements and limitations on electronic meetings.
- Provides for accommodations for members of the public and members of the commission with a disability recognized by the Americans with Disabilities Act.

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 this proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Affected individuals may economically benefit from the additional exemptions from early withdrawal penalties pertaining to personal emergency expenses, distributions taken by victims of domestic abuse, and qualified disaster recovery distribution. Affected individuals may also economically benefit from the higher catch up limit for Individuals aged 60 to 63 years old.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated effects on competition and employment as a result of the proposed rule change.

Beverly Hodges
Chairperson
2507#029

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Resident Quadrupeds and Nuisance Wildlife Control Operator Program (LAC 76:V.Chapter 1)

Notice is hereby given that the Wildlife and Fisheries Commission proposes to adopt changes to the rules and regulations that govern the permitting and operations of Nuisance Control Operators (NWCO), Control of Nuisance Wild Quadrupeds, Night Time take of Outlaw Quadrupeds, Nutria, and Beaver, Fox/Coyote Hunting Preserves and the Sale of Live Foxes and Coyotes, and Aerial Feral Hog Control Permits. The department regulates the operation of Fox/Coyote Hunting Preserves, the live sale of foxes and coyotes, the control of Nuisance Wild Quadrupeds, night time take of outlaw quadrupeds, nutria and beaver, and Aerial Feral Hog Control Permits.

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 V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§113. Fox/Coyote Hunting Preserve, Purchase and Sale of Live Foxes and Coyotes, Permitting Year-Round Coyote Trapping

A. Purpose. These regulations are to govern the trapping, purchasing, selling and captive possession of live foxes and coyotes for chasing with hounds. These regulations prohibit the importation and exportation of any species of foxes or coyotes to or from Louisiana in an effort to prevent possible disease and parasite contamination of native wild canids and humans. These regulations allow the sport of fox/coyote hunting with dogs within enclosed areas.

B. Definitions

Acclimation Pen—an area which is built within or adjacent to fox/coyote hunting preserves which will contain game and exclude hounds and which will allow game to become acclimated to an enclosed environment.

Bill of Sale—receipt showing the amount of game purchased, the date of purchase, and the person from whom the game was purchased.

Box Trap—a drop-door type of trap that upon the game's entry into the device encloses and detains the game.

Cable Device—wire device used for taking nongame quadrupeds.

Closed Season—that period of time of the calendar year not specifically included in the open season.

Department—the Louisiana Department of Wildlife and Fisheries.

Enclosure—(see fox/coyote hunting preserve).

Fox/Coyote Hunting Preserve—an area which is completely enclosed by adequate fencing to contain red fox, grey fox, or coyote and hounds which is built and maintained for the purpose of training or chasing game with hounds.

Fox/Coyote Hunting Preserve Operator—anyone acting as an agent of the owner in caring for or managing the maintenance and/or business of the preserve.

Fox/Coyote Hunting Preserve Owner—anyone who legally has possession or has legally leased property on which the enclosure is established.

LDWF-Approved Applicant—a person who has no Class 3 or greater wildlife or fish violations during the past three years, and who is at least 15 years old.

Landowner—any person who owns land on which traps are set.

Licensee—any lawful holder of a valid trapper's or nongame quadruped exhibitor/breeder license duly issued

under the authority of the department for the purposes of operating a fox/coyote hunting preserve.

Nongame Quadruped—alligators, beavers, bobcats, coyotes, grey foxes, minks, muskrats, nutrias, opossums, otters, raccoons, red foxes, skunks and other wild quadrupeds valuable for their furs or skins.

Nongame Quadruped Breeder—any person properly licensed to engage in the business of raising, exhibiting and selling nongame quadrupeds.

Nongame Quadruped Exhibitor—any person properly licensed to engage in the business of raising and/or exhibiting nongame quadrupeds.

Nontarget Animal—any animal other than red fox, grey fox or coyote.

Person—includes any individual person, association, corporation, partnership, or other legal entity recognized by law.

Possess—in its different tenses, the act of having in possession or control, keeping, detaining, restraining, holding as owner, or as agent, bailee, or custodian for another.

Raising—the production of red fox, grey fox, or coyotes in controlled environmental conditions or in outside facilities.

Rearing—(see raising).

Take—in its different tenses, the attempt or act of hooking, pursuing, netting, capturing, snaring, trapping, shooting, hunting, wounding, or killing by any means or device.

Transport—in its different tenses, the act of shipping, attempting to ship, receiving or delivering for shipment, transporting, conveying, carrying, or exporting by air, land, or water, or by any means whatsoever.

Trap—any device used in the capture of birds, quadrupeds or fish.

Trapper—any person properly licensed by the department engaged in the trapping of nongame quadrupeds.

C. Licenses and Fees.

1. A trapper's license is required to take foxes or coyotes by means of a trap during the open season for nongame quadrupeds, however, coyotes may be taken by trap during the closed season by any properly licensed trapper.

2. A nongame quadruped exhibitor's license may be issued permitting the applicant to possess, breed and/or exhibit live foxes or coyotes outside of the open trapping season, provided he meets the rules and regulations of the department;

3. A nongame quadruped breeder license may be issued permitting the applicant to possess, breed, propagate, exhibit, and sell live foxes or coyotes outside of the open trapping season.

D. General Rules

1. No person shall take, possess, purchase or sell live foxes or coyotes, except as provided in these regulations.

2. No person shall hold in captivity any live foxes or coyotes outside of the open trapping season, except as provided in these regulations.

3. Fox/coyote hunting preserves shall be of a type and construction such that it will insure the normal containment of foxes, coyotes and hounds.

4. Fox/coyote hunting preserves shall contain an adequate number of escape areas which are houndproof. These may be provided by maintaining thickets, brush piles, windrows, or where natural cover is insufficient, by providing manmade escapes such as culverts or houndproof feeding stations.

5. Licensees holding live foxes or coyotes in captivity shall be required to make available:

a. food that is palatable, uncontaminated and nutritionally adequate to ensure normal growth and maintenance;

b. water which is fresh, uncontaminated and available at all times.

6. No person shall transport, possess, purchase or sell any live foxes or coyotes taken outside the state of Louisiana. Live foxes and coyotes obtained from outside the state of Louisiana prior to the enacted date of these regulations and in possession of properly licensed persons shall be exempt.

7. No person shall transport from the state or offer for sale out of state any live foxes or coyotes.

8. Acclimation pens shall be constructed adjacent to or within an enclosure to insure the containment of foxes and coyotes and the exclusion of hounds. This requirement may be waived for "training enclosures" or in enclosures where running is discontinued for a minimum of two weeks while foxes/coyotes adjust to the enclosure environment.

9. No person may engage in the business of raising or exhibiting or otherwise possessing fox or coyotes for the purpose of operating a fox/coyote hunting preserve unless he or she has acquired and possesses a valid nongame quadruped breeder or exhibitor license.

10. A licensed trapper may offer for sale such live animals to any licensed nongame quadruped breeder or exhibitor during the open trapping season. During any such transactions, a bill of sale must be provided by the trapper to the nongame breeder or exhibitor and retained for a period of one year.

11. Trappers trapping coyotes during the closed trapping season will be required to use only either a padded (4 9/16-6 1/2 inch inside jaw width at hinge posts), offset, laminated or wide (4 5/8-6 3/8 inch inside jaw width at hinge posts) or unmodified (5 inch inside jaw width at hinge posts) foot-hold trap, or a box-type trap, or a cable restraint with a relaxing lock that loosens and tightens in response to the wildlife's action.

12. Trappers trapping coyotes during the closed trapping season and licensed as a nongame quadruped breeder may offer for sale such coyotes. During any such transaction, a bill of sale must be provided by the seller to the purchaser and retained for a period of one year by the purchaser.

13. Trappers will be required to check traps daily.

14. Trappers will be required to have in possession written permission from the landowners or lessee where traps are set.

15. Trappers shall release all nontarget species in a manner so as to keep stress or injury minimal.

16. It shall be unlawful to sell native wild foxes or coyotes outside the state of Louisiana.

17. Licensees who hold foxes or coyotes for more than one day for sale shall confine animals at a rate of no more

than one fox per 9 square feet and one coyote per 17 square feet. The cage must be high enough for each animal to easily sit or stand. The cage must be escape-proof and offer protection from adverse weather.

18. Fox/coyote hunting preserves shall be exempt from the commission action which prohibits the running of coyotes during the open turkey season.

19. The department has the authority to conduct disease investigations at any time and, pending the results of the disease investigations, has the authority to quarantine fox/coyote hunting preserves if deemed necessary. The department also has the authority to prohibit the release of animals that are diseased or have been exposed to diseased animals.

20. Neurological or sick animals shall be humanely euthanized and shall not be moved or sold in an effort to prevent the spread of disease. Licensees shall be required to immediately report to the department the occurrence of any disease contracted by captive fox or coyotes. These diseases include but are not limited to rabies, canine distemper, sarcoptic mange or Echinococcus infections.

21. Animals held under any nongame quadruped breeder or nongame quadruped exhibitor license shall not be physically altered, except for medical treatment by a Louisiana licensed veterinarian, or mutilated in any way.

E. Report Requirements

1. Report forms provided by the department must be completed and filed with the department by all persons who have been issued a nongame quadruped breeder or exhibitor license. Failure to complete these forms properly and completely will result in nonrenewal of the nongame quadruped breeder or exhibitor license.

2. All licensed nongame quadruped exhibitors will be required to include information regarding numbers of animals by species in captivity, number of known losses (death or escape), number of animals by species purchased and the sources of wildlife purchases.

3. All licensed nongame quadruped breeders will be required to include information regarding numbers of animals by species in captivity, numbers of losses, numbers of animals by species purchased and the sources of wildlife purchases, and number of sales by species and the person who bought the game. Records must be maintained for a minimum of three years.

F. Penalty for Violation. Violation of these regulations will be a Class 2 violation with the following exceptions.

1. Violation of the license requirements for nongame quadruped breeders and nongame quadruped exhibitors, including the reporting requirements, shall be a Class 2-B violation.

2. Violation of the regulations pertaining to import of foxes and/or coyotes into the state or export of foxes and/or coyotes from the state shall be a Class 4 violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:116.1(D), R.S. 56:140, R.S. 56:259, and R.S. 56:262.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17:205 (February 1991), amended LR 49:512 (March 2023), LR 49:1568 (September 2023), LR 51:

§125. Control of Nuisance Wild Quadrupeds

A. This rule applies only to the control of the wild quadrupeds listed below and only when they are conclusively proven to be creating a nuisance or causing

damage to property. The burden of establishing that the animal in question is causing the property damage shall rest with the property owner.

B. The following wild quadrupeds may be taken year-round by any properly licensed hunter without permit by the property owner or his designee, with written landowner permission, but only by trapping or shooting during legal daylight hours:

1. coyote;
2. armadillo;
3. nutria;
4. beaver;
5. raccoons;
6. skunks; and
7. opossums.

C. Squirrels, rabbits, foxes, bobcats, mink, otter, muskrat, and any of the other species listed above may be trapped alive and relocated to suitable habitat without permit provided the following conditions are met.

1. Written permission is obtained from the property owner where the animals are to be released and such written permission is carried in possession while transport and release activities are taking place.

2. Animals are treated in a responsible and humane manner and released within 12 hours of capture.

D. Traps shall be set in such a manner that provides the trapped animal protection from harassment from dogs and other animals and direct sun exposure.

E. Nuisance animals listed above may be so controlled by the property owner or his designee with written landowner permission, to prevent further damage.

F. Property owners must comply with all additional local laws and/or municipal ordinances governing the shooting or trapping of wildlife or discharge of firearms.

G. No animal taken under this provision or parts thereof shall be sold, except the animal's glands and urine. A valid trapping license is required to sell or pelt nuisance furbearers during the open trapping season. Live coyotes may be sold, provided the seller has a valid Nongame Quadruped Breeder's License and a valid Trapper's License.

H. No species taken under the provisions of this rule shall be kept in possession for a period of time exceeding 12 hours. Coyotes may be possessed alive, provided the seller has a valid Nongame Breeder's License and a valid Trapper's License.

I. This Rule has no application to any species of bird as birds are the subject of other state and federal laws, rules and regulations.

J. Game animals, other than squirrels and rabbits, may only be taken by hunting during the open season under the conditions set forth under Title 56 of the Louisiana Revised Statutes and the rules and regulations of the Department of Wildlife and Fisheries.

K. A permit may be issued to landowners or their designees to take white-tailed deer during the closed season when deer are causing substantial damage to commercial agricultural crops or orchards. Crops or orchards of less than 5 acres will not be considered for permits unless alternative exclusionary methods, including electric fencing, have been attempted and proven unsuccessful. Loss of 25 percent or more of the expected production or value of a crop must be documented by a Louisiana Department of Agriculture and

Forestry crop specialist or Louisiana State University Cooperative Extension Service agent. Emergency deer removal permits may be issued by Department of Wildlife and Fisheries Wildlife Division with approval by the Deer Program Manager and Enforcement Division. Landowners or their designees may take only the number of deer recommended by a Department of Wildlife and Fisheries biologist and specified on the permit. Only antlerless or unbranched antlered deer are legal for removal. All deer taken under this permit must be tagged in a manner specified on the permit before being moved from the site of the kill. Deer may only be taken during daylight hours and all deer meat will be salvaged and donated to a recipient or charitable organization approved by the Department of Wildlife and Fisheries. Biological samples may be requested by Department of Wildlife and Fisheries biologists for research and health monitoring purposes.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution, Article IX, Section 7, R.S. 56:1, R.S. 56:5, 56:6(10) and (15), R.S. 56:112 et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 28:2570 (December 2002), repromulgated LR 29:51 (January 2003), amended LR 35:703 (April 2009), LR 51:

§126. Outlaw Quadruped, Nutria and Beaver Night Take

A. Purpose—to establish rules and regulations for the take of outlaw quadrupeds, nutria and beaver during the nighttime hours (one-half hour after official sunset to one-half hour before official sunrise).

B. On private property, the landowner, or his lessee or agent with written permission from the landowner may take outlaw quadrupeds, nutria, or beaver during nighttime hours.

C. General Rules

1. The landowner, lessee or agent, with written permission from the landowner, may take or authorize the take of outlaw quadrupeds, nutria or beaver during nighttime hours on private property from one-half hour after official sunset to one-half hour before official sunrise.

2. Any participant shall not trespass or commit any other violations of law while conducting activities authorized.

3. No person shall be allowed to participate or be present during activities authorized if convicted of a class 3 or greater wildlife violation within the previous five years or if they have any other prohibition which would prevent the legal use of a firearm or participation in a hunting activity.

4. Outlaw quadrupeds, nutria and beaver may be taken by any means of take authorized by Title 56 of the Louisiana Revised Statutes and the rules and regulations of the Department of Wildlife and Fisheries.

5. Any person attempting to take outlaw quadrupeds, nutria, or beaver between the hours of one-half hour after official sunset to one-half hour before official sunrise shall notify the sheriff of the parish in which the property is located of the intention to attempt to take outlaw quadrupeds, nutria or beaver within 24 hours prior to the attempted taking or immediately upon taking.

D. Penalties for Violation

1. Persons found in violation of rules and regulations contained herein or any other laws shall be subject to the penalties as authorized by law, violation of these regulations will be a class 3 violation as defined in R.S. 56:33.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:112, R.S. 56:115, and R.S. 56:116.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 42:1692 (October 2016), amended LR 51:

§127. Nuisance Wildlife Control Operator Program

A. Purpose

1. The purpose of this Section is to establish guidelines for the permitting of Nuisance Wildlife Control Operators (NWCO's) and the procedures to be used by the NWCO's in controlling nuisance wildlife.

2. NWCO's are defined as individuals who offer commercial services for the control of nuisance wildlife.

B. Permits

1. All NWCO's must have a valid NWCO permit issued by the Louisiana Department of Wildlife and Fisheries (LDWF) in their possession while engaged in nuisance wildlife control activities. NWCO permits are issued only to individuals and each individual engaged in NWCO activities must possess a NWCO permit issued in his/her name. This rule does not provide for or authorize any NWCO to name a subpermittee.

2. In addition to the NWCO permit, all NWCO's must possess a valid Louisiana trapping license and valid Louisiana basic hunting license (or equivalent) in their possession while engaged in nuisance wildlife control activities. Additionally, any NWCO servicing non-protected reptile and amphibian nuisance calls must possess a valid basic fishing license or equivalent.

3. NWCO permits will be issued on a calendar year basis (January 1-December 31) and must be renewed annually.

C. Permit Requirements

1. All applicants must be 18 years of age or older.

2. The applicant must achieve a minimum score of 80 percent on the LDWF NWCO examination. The examination shall consist of questions relating to wildlife biology and behavior, nuisance animal control methods and procedures, and nuisance wildlife control laws, rules and regulations. Any applicant who fails to pass the examination may take another examination no earlier than 30 days from the date of the prior examination. Applicants may not attempt to take the NWCO examination more than three times per calendar year.

3. Anyone who has been convicted of a Class 3 or greater wildlife violation in Louisiana, or the equivalent in another state within the past three years shall not be eligible for a NWCO permit. Also, any person whose hunting or trapping license privileges have been revoked and is prohibited from hunting and trapping in Louisiana shall not be allowed to possess or operate under the authority of a NWCO permit.

D. Exemptions

1. Employees of the Louisiana Department of Wildlife and Fisheries, Louisiana Department of Agriculture and Forestry, Louisiana Department of Transportation and Development, U.S. Fish and Wildlife Service, and USDA/APHIS/Wildlife Services are exempt from all NWCO permit requirements while they are on duty and carrying out official business of their respective agency. Also, city, parish, or local municipal government employees assigned to animal control duties are exempt from permit

requirements while on duty and carrying out official business of their respective agency. It is recommended that exempted agencies adopt a policy requiring euthanasia of all skunks, raccoons, feral hogs, coyotes, and nutria. Animals that are not euthanized may not be released on LDWF owned or managed land such as wildlife management areas or refuges and may not be sold, bartered or exchanged.

E. Reporting and Renewal Requirements

1. All NWCO's must complete the annual reporting form electronically.

2. Any NWCO who does not submit his/her report by the 30th day after the expiration date of the permit, or who submits a false or materially incomplete report shall be issued a citation for violation of Louisiana Wildlife and Fisheries Commission rules and regulations. If the citation does not result in a conviction, plea of guilty, or plea of no contest, the NWCO will be considered for reapplication upon receipt of the late annual report.

3. Records must be current and shall be available for inspection at all times by Wildlife Enforcement Agents or any other authorized representatives of the department. NWCO's must maintain copies of all records and reports for three years.

F. Procedures and Guidelines

1. The NWCO permit authorizes the holder to capture, euthanize or relocate designated species of wildlife by safe and effective means at any time of the year and without limits provided the operator is acting on a valid, documented wildlife complaint.

2. The following procedures and guidelines for NWCO permittees shall be in effect to establish what species of wildlife may be taken under the authority of this permit, the legal methods that may be used to take nuisance wildlife under the authority of this permit, and the legal methods of disposing of nuisance wildlife.

a. Only wildlife damage or nuisance complaints affecting humans and/or their property are considered valid complaints. Complaints involving conflicts between two or more species of wildlife are not valid nuisance wildlife complaints.

b. NWCO permittees are only authorized to live trap and relocate, live trap and euthanize, or lethally trap the following species when such action is warranted by a valid nuisance wildlife complaint: armadillo, beaver, bobcat, coyote, feral hogs, fox, mink, muskrat, nutria, opossum, otter, rabbit, raccoon, squirrel (including flying squirrel) and skunk. NWCO permittees are only authorized to live trap and relocate, live trap and euthanize, or lethally trap reptiles and amphibians that are not protected by federal law. Nuisance birds may be controlled as provided by existing law. Except, Muscovy ducks may be captured and euthanized by licensed NWCO's. Muscovy ducks are not permitted to be relocated. Bats may be controlled by exclusion or by capture and relocation only. Bats shall not be controlled by any lethal methods. It is recommended all NWCO's working with bats complete the Bat Conservation International (BCI) professional excluders' course available on-line. Red-eared sliders may not be relocated or released off or away from the site of capture.

c. The NWCO permit does NOT authorize the capture and/or handling of white-tailed deer, bears, wild turkeys or alligators.

d. The sale, trade, barter, gifting or retention of any wildlife or part thereof taken under the authority of a NWCO permit is prohibited except that furbearers taken during the open trapping season may be sold as provided by law except glands and urine of the animal. Except in order to sell live coyotes an individual must possess a nongame quadruped breeders license and a valid trapper's license.

e. NWCO permittees must follow all state and federal laws, rules and regulations that apply to the taking of wildlife, with the exception of season dates and bag limits, except as otherwise provided in this section.

f. All wildlife taken under a NWCO permit shall be taken and disposed of in a manner to ensure safe and effective handling and/or euthanasia. Acceptable carcass disposal options include deep burial (four feet), incineration, and sanitary landfills. Disposal of carcasses must be in compliance with all local codes and ordinances. Euthanasia of a captured animal is to be performed under the guidelines adopted by the American Veterinary Medical Association (AVMA).

g. Traps or other capture devices set for live capture (including foot hold traps) shall be checked a minimum of once every 24 hours and all animals removed. Traps intended to result in immediate death must be checked a minimum of once every 48 hours. All traps and other capture devices shall be marked with permanent tags bearing the LDWF issued permit number of the NWCO.

h. Only legal methods of take, as provided by existing law, shall be authorized under the NWCO permit. In addition to legal traps and cable devices, nets and capture by hand are authorized.

i. All traps and other capture devices shall be set in a manner that:

- i. will minimize the risk to non-target animals;
- ii. will minimize the risk to the public and to pets;

and

- iii. are out of the view of the general public.

j. The NWCO permit does not authorize the use of firearms, except that nutria, beaver, coyotes, armadillos, otter, raccoon, skunk, and feral hogs where legal, may be taken as provided by existing law. Firearms may also be used in accordance with the American Veterinary Medical Association (AVMA) guidelines on euthanasia. Use of any firearms shall be subject to all state, parish and municipal restrictions and ordinances.

k. When relocation is authorized, the NWCO may have the wildlife in possession for no more than 24 hours unless specifically authorized by the department.

l. Wildlife that is relocated shall be released at least five miles outside of any city limit and must be released within the state of Louisiana.

m. Wildlife shall not be released on private land without written permission of the landowner or landowner designee.

n. Wildlife shall not be released on public land without first obtaining written permission from the governmental entity owning or administering the release property.

o. Captured wildlife that appears to be sick or injured shall not be relocated. NWCO's must contact the appropriate LDWF regional office for instructions regarding sick wildlife. Injured animals may be delivered to a licensed

rehabilitator or euthanized in accordance with AVMA guidelines.

p. Raccoons, skunks, feral hogs, coyotes and nutria shall not be relocated and shall be euthanized, within 12 hours of capture, in accordance with the current AVMA guidelines on euthanasia. Except, coyotes may be sold live if the NWCO also possess a valid Nongame Quadruped Breeder's License.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution, Article IX, Section 7, R.S. 56:1, R.S. 56:5, R.S. 56:6 (10) and (15), and R.S. 56:112 et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 30:2080 (September 2004), amended LR 36:75 (January 2010), LR 51:

§135. Aerial Feral Hog Control Permits

A. Purpose

1. The purpose of this Section is to establish regulations concerning the use of aircraft to aid in the control of feral hogs. The regulations provide and establish general rules regarding permit requirements, reporting requirements, landowner authorization, and safety training.

B. Definitions

Aerial Hog Control Permit—a permit issued by LDWF to locate, pursue, take, harass, or kill feral hogs by using an aircraft.

Applicant—an individual, partnership, or corporation who files an application for an aerial hog control permit.

Department or LDWF—the Louisiana Department of Wildlife and Fisheries.

Gunner—an individual who uses a firearm to shoot or attempt to shoot feral hogs pursuant to an aerial hog control permit.

Landowner's Authorization—signed consent from the landowner or the landowner's agent.

Observer—any person other than the pilot or gunner who is on board an aircraft while feral hog control measures are being taken pursuant to an aerial hog control permit.

Permittee—any individual who has obtained a valid aerial hog control permit.

Pilot—an individual who pilots an aircraft to locate, pursue, take, harass, or kill feral hogs pursuant to an aerial hog control permit.

Possess—in its different tenses, the act of having in possession or control, keeping, detaining, restraining, holding as owner, or as agent, bailee, or custodian for another.

Qualified Landowner or Landowner's Authorized Agent—a person who contracts to be a gunner or observer and who has not:

a. been convicted of a class 3 or greater wildlife violation in Louisiana, or the equivalent in another state within the past five years; or

b. been convicted of a violation of 16 U.S.C. §§3371-3378 (the Lacey Act).

Take—in its different tenses, the attempt or act of hooking, pursuing, netting, capturing, snaring, trapping, shooting, hunting, wounding, or killing by any means or device.

C. Permits

1. An aerial feral hog control (AFHC) permit authorizes the permittee to utilize a helicopter to locate, pursue, take, harass, or kill feral hogs.

2. It shall be unlawful for any person to use a helicopter to locate, pursue, take, harass, or kill feral hogs without an AFHC permit.

3. Possession of an AFHC permit does not exempt the permit holder from other local, state, or federal rules, laws, or permit requirements.

4. Permits are not transferrable.

D. Permit Requirements

1. Application for an aerial feral hog control (AFHC) permit shall be made on an official application form provided by the department. AFHC permits will be valid for the calendar year in which issued and will expire on December 31 of each year.

2. A permit may be issued in the name of an individual, partnership, or corporation for named pilots to locate, pursue, take, harass, or kill feral hogs by the use of an aircraft.

3. Application for a permit shall include:

a. name, address, and phone number of applicant;
b. if applicant is an individual, the birth date, federal aviation administration (FAA) certificate number, and driver's license number of the applicant;

c. name, address, driver's license number, FAA license number, and date of birth for each individual pilot; and

d. make, model, color, and registration number of each aircraft to be used.

4. Anyone who has been convicted of a class 3 or greater wildlife violation in Louisiana, or the equivalent in another state within the past five years, or been convicted of a violation of 16 U.S.C. §§3371-3378 (the Lacey Act) shall not be eligible for an AFHC permit.

5. The application must contain a signed waiver statement holding the Department of Wildlife and Fisheries and its employees harmless for liability as a result of issuing an AFHC permit. AFHC permits will only be issued to those applicants who are willing to accept full responsibility and liability for any damages or injuries that occur during or as a result of activities related to the AFHC permit.

E. Landowner's Authorization

1. Prior to participation in permitted activities, a permit holder must submit to LDWF a landowner's authorization form (LOA) for each contiguous and non-contiguous piece of property on which feral hog control activities will be performed.

2. A landowner's authorization form will be made on an official application form provided by the department and shall include:

a. the name, mailing address, driver's license number, and phone number of the landowner;

b. the name, mailing address, driver's license number, and phone number of the authorized landowner's agent, if applicable;

c. the name and permit number of the permittee;

d. a description and specific location of the property, including acreage; and

e. justification for why feral hogs should be controlled by use of a helicopter.

3. A landowner's authorization for feral hog control will be valid for the duration of the permit, unless:

a. that permit expires without renewal or is revoked;

b. the landowner's authorization specifies a time limit; or

c. the landowner requests in writing to LDWF and the permittee that authorization be withdrawn.

4. A single LOA form may be submitted by a group of landowners or by an association on behalf of such landowners. In the case of a group submission, the landowner's authorization form must have an attached list of participating landowner names, phone numbers, mailing addresses, physical addresses of the properties, and acreages for each participating landowner. The justification for control will be for the entirety of the properties listed on the form.

5. Property outlined in an LOA must exceed 1000 acres to be eligible for feral hog control activities under an AFHC permit.

6. If a LOA is approved by LDWF, a unique control number will be issued to identify the property and LOA in permit activities.

7. AFHC permit activities may not commence on a property until a LOA control number has been assigned by LDWF and received by the permittee.

F. Landowner's Authorization to Appoint Subagents

1. A permittee may contract with a qualified landowner or landowner's authorized agent to act as a gunner or observer in the location, pursuit, taking, harassing or killing of feral hogs from a helicopter, provided that the permittee possesses a valid, properly obtained LOA describing the activity.

2. A landowner with a valid LOA number can allow an AFHC permit holder to appoint subagents to act as gunners or observers during permit activities, provided that the landowner or the landowner's authorized agent has completed a landowner's authorization to appoint subagents (LAAS) form. Such forms shall be made on an official application form provided by the department and shall include:

a. the name, mailing address, and phone number of the landowner;

b. the name, mailing address, and phone number of the authorized landowner's agent, if applicable;

c. the name and permit number of the permittee;

d. LOA number;

e. physical address of the property referenced by the LOA number;

f. signatures and dates of agreement to the terms by the landowner or landowner's authorized agent and the permittee; and

g. time limit for the LAAS, if desired.

3. LAAS forms will be valid for the duration of the permit, unless:

a. that permit expires without renewal or is revoked;

b. if the LAAS specifies a time limit; or

c. if a landowner requests in writing to the permittee that authorization be withdrawn.

4. AFHC permit holders will be responsible for completion of LAAS forms, and will maintain completed LAAS forms in perpetuity.

5. LAAS forms will be made available for inspection upon demand by LDWF personnel.

G. General Rules

1. A holder of an AFHC permit is authorized to engage in feral hog control by the use of an aircraft only on land described in the landowner's authorization (LOA).

2. The AFHC permit shall be carried in the aircraft when performing feral hog control activities using an aircraft.

3. The permit is only valid for the taking of feral hogs from a helicopter. Taking any wildlife or animals other than feral hogs is strictly prohibited.

4. A pilot of an aircraft used for feral hog control must maintain a daily flight log and report as detailed below. The daily flight log must be up-to-date and made available for inspection upon demand of LDWF employees.

5. A pilot of an aircraft must possess and maintain a valid pilot's license as required by the FAA.

6. All pilots and permittees must comply with FAA regulations for the specific type of aircraft listed in the permit.

7. The permit holder may only use an aircraft to take feral hogs that are causing verifiable damage to land, structures, crops, water, or livestock, domestic animals, or human life.

8. An AFHC permit holder may only take feral hogs that are located on property outlined in the LOA. It is prohibited to fire shots over property not included in the LOA. It is prohibited to fire upon, haze, harass, or track any animals, including feral hogs, located on property not listed in the LOA.

9. Any activities performed under this permit must occur during daylight hours, from one-half hour before official sunrise to one-half hour after official sunset.

10. An AFHC permit is not to be used for sport hunting.

11. All observers and gunners must successfully complete a four hour safety training held by the permittee prior to participating in AFHC permit activities. Safety training must include aspects of:

- a. aircraft safety procedures;
- b. target and non-target animal identification;
- c. firearm safety;
- d. emergency procedures.

12. Attendance at a safety training course will allow a gunner or observer to participate in AFHC permit activities for 90 days after successfully completing the class.

13. Permittee must report violations of these regulations by pilots, observers, gunners, or ground personnel during AFHC activities to LDWF within 24 hours of occurrence of the violation.

14. Any unreported violation of AFHC regulations by a pilot, gunner, or observer may result in immediate and permanent loss of this permit and possible criminal prosecution.

H. Reporting and Renewal Requirements

1. A report of activities completed under this permit shall be required within 30 days of the end of each calendar quarter. Additionally, a report of activities completed under this permit shall be required when submitting a request for permit renewal or upon termination of the permit. All reports

shall be maintained for a minimum of three years. This report shall be completed on official forms provided for this purpose by LDWF, and consist of daily flight log sheets, showing:

- a. name, permit number, and signature of permit holder;
- b. number of feral hogs managed under the permit;
- c. landowner's authorization control number issued by LDWF;
- d. dates of flight;
- e. time of day an authorized flight begins and is completed;
- f. type of management taken by use of aircraft;
- g. name, pilot's license number, and signature of pilot;
- h. name and address of gunner(s) and observer(s);
- i. date that safety training was successfully completed by observer(s) and gunner(s).

2. Application for renewal of an AFHC permit must be submitted to LDWF no later than 45 days prior to expiration of the permit and AFHC permits will not be renewed until all renewal requirements are received.

3. If no flights were taken during the calendar quarter, a negative daily flight log and report must be submitted to LDWF.

I. Penalties for Violation. Unless another penalty is provided by law, violation of these regulations will be a class two violation as defined in title 56 of the *Louisiana Revised Statutes*. In addition, upon conviction for violation of these regulations, the AFHC permit associated with the permittee may be revoked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:112(B).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 40:2282 (November 2014), amended 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.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments relative to the proposed Rule until September 1, 2025, to Bradley Breland, Office of Wildlife, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000 or via e-mail to bbreland@wlf.la.gov.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Resident Quadrupeds and Nuisance
Wildlife Control Operator Program**

Special Bait Dealer's Permit
(LAC 76:VII.329)

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes are not anticipated to impact the Louisiana Department of Wildlife and Fisheries (LDWF) expenditures.

The proposed rule change makes the following changes:

1. Removes the two-year training requirement to possess a non-game quadruped breeder or exhibitor license;
2. Eliminates an annual special permit for trapping coyotes outside the annual trapping season;
3. Requires non-game quadruped breeders to maintain records for a minimum of three years;
4. Adds raccoons to the list of wild quadrupeds that may be taken year-round by trapping or shooting during daylight hours;
5. Removes all permitting language to align rules regarding nighttime make consistent with Title 56;
6. Changes Class II to Class III or greater wildlife violation for permit requirements;
7. Removes the prohibition on felons serving as Nuisance Wildlife Control Operators (NWCO);
8. Clarifies rules for the electronic submission of NWCO reports;
9. Allows NWCO to capture and euthanize Muscovy ducks;
10. Changes "leg-hold traps" to "foot-hold traps" and "snares" to "cable devices";
11. Allows NWCO to euthanize otter, raccoon, and skunk using firearms;
12. Allows NWCO with a valid Non-Game Quadruped Breeders License to sell coyotes; and
13. Removes background check requirement for aerial gunning of hogs.

**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 agencies.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule changes may reduce regulatory compliance costs incurred by NWCO and wildlife rehabilitators. The LDWF issued an average of 147 nuisance wildlife control operator licenses between License Year 2022 and License Year 2024. Most of the game breeder operations in Louisiana meet the characteristics of small businesses.

Adding raccoons to the list of wild nuisance quadrupeds will allow private landowners the ability to control the species without hiring a NWCO.

Allowing NWCO to euthanize Muscovy ducks, a non-native species, will benefit landowners and pond managers where the ducks congregate.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There is no anticipated effect on competition and employment as a result of the proposed rule changes.

Bryan McClinton
Undersecretary
2507#049

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

Notice is hereby given in accordance with the Administrative Procedure Act, R.S. 49:961 et seq., and through the authority granted in R.S. 56:497(C), that the Wildlife and Fisheries Commission does hereby amend a Rule, LAC 76:VII.329, which provides for a special bait dealer's permit program. The amendment to the current rule will allow those operating under a special bait dealer's permit the option to sell bait directly from their vessels. The change will clarify language in the existing rule allowing the special bait dealer's permit holder the option to sell bait directly from the vessel and allow a properly licensed fisher, operating under the special bait dealer's permit, the ability to sell bait directly to the public from the vessel. This change may increase the opportunity for the recreational fishing public to access live bait, while allowing uninterrupted operation for the commercial establishments that sell live bait.

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 promulgate the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

**Chapter 3. Saltwater Sport and Commercial Fishery
§329. Special Bait Dealer's Permit**

A. Policy. The special bait dealer's permit is intended solely for the benefit of the recreational fishing public which desires to use live shrimp and live croaker as bait during the closed shrimp seasons. Its purpose is to allow the uninterrupted operation of those commercial establishments which sell live bait shrimp and live croaker to the fishing public during the closed shrimp seasons. The permit is not intended for the direct use of recreational fishermen, charter boats, commercial fishermen who sell dead shrimp or croaker, or for any other entity which may wish to catch shrimp or croaker for their own use during the closed shrimp seasons.

B. Application

1. Applicants wishing to sell live shrimp or live croaker harvested from Louisiana waters during closed shrimp season must apply for a special bait dealer permit from the department for a fee of \$110.

2. The special bait dealer's permit shall be valid for one year beginning January 1 and ending December 31 of that same calendar year. The permit may be purchased at any

time during the year for the current permit year and beginning November 15 for the immediately following permit year.

3. Applications will be accepted only from the owner of an onshore facility which sells or plans to sell live shrimp or live croaker to recreational fisherman.

4. Applicant shall be responsible for acquiring and possessing all proper licenses, including the wholesale/retail seafood dealer's license.

5. Any person convicted of any class three or greater wildlife or fisheries violation within the previous three years prior to the date of application shall not qualify to obtain a special bait dealer's permit or be onboard any vessel engaged in permitted activities.

6. Applicant must post a \$1,000 cash bond before the permit is issued. This bond will be forfeited if the permittee, his employee, or his contractor violates any provision of the rules and regulations concerning the special bait dealer's permit or if the permittee, his employee, or his contractor violates any commercial fishing law or regulation while operating under the permit.

7. All new applications shall require an inspection by the department of their onshore facility and vessel prior to permit being issued. Subsequent inspections may be required at renewal. Inspection requirements shall verify applicant is operating a commercial establishment which sells live shrimp or live croakers to the fishing public for use as bait and shall include:

- a. onshore facility and vessel able to maintain live shrimp or live croakers;
- b. onshore facilities and vessel tanks must have provisions for aeration and/or circulation of the water in which live shrimp or live croakers are held;
- c. onshore facility holding tanks must have a minimal combined capacity of 300 gallons. Tanks having less than 30 gallon capacity will not be included in combined on shore facility capacity;
- d. vessel tanks must be carried on or built into the vessel and have a minimum of one compartment or tank with a minimum capacity of 30 gallons; alternatively, the permit holder may hold live shrimp and croaker for sale in a submerged cage tethered to the vessel;
- e. notice to the public must be posted that live bait is available.

8. Only the vessel and those commercial fishermen specified at the time of application shall operate under the permit. Amendments to vessel or commercial fishermen listed under the permit must be submitted to the department and approved before the new vessel or commercial fisherman can operate under the permit. The permit is not transferable to any other person or vessel. The entire original permit must be carried on the vessel while in operation.

C. Operations

1. The entire original permit must be in the possession of the commercial fisherman while operating under the conditions of the permit. Only the vessel and those commercial fishermen specified at the time of application shall operate under the permit. No other vessel or commercial fisherman shall be used under this permit.

2. Live wells, aeration tanks, and other vessel facilities to maintain live shrimp or croaker must be carried on or built into this vessel while operating under the

conditions of the permit. Alternatively, the permit holder is also authorized to hold and sell live shrimp and croaker for sale in submerged cages tethered to the vessel.

3. No person shall transfer any shrimp or croaker taken under a permit from one vessel to another unless both vessels are permitted under the same wholesale/retail seafood dealer, and the captain of the harvesting vessel has signed a trip ticket for the harvested bait, and the bait is then transported directly to the wholesale/retail seafood dealer under which both vessels are operating; upon receiving the harvested bait the dealer shall complete the trip ticket.

4. No person shall sell any shrimp or croaker taken under a special bait dealer's permit during the closed shrimp seasons from a vessel unless they possess a wholesale/retail seafood dealer's license or a fresh products dealer license and the fisherman has a signed trip ticket and records the amount of harvested bait for the entirety of the trip.

5. Signs which identify the vessel as working under the special bait dealer's permit shall be posted on the vessel. These signs shall be visible from either side of the vessel and from the air; the word "BAIT" and the permit number shall be placed on these signs in letters at least 12 inches high.

6. No more than two gallons of dead shrimp or croaker or combination thereof may be aboard the vessel while it is operating under the permit or selling bait. All dead shrimp or croaker or combination thereof in excess of two gallons must be immediately returned to the water. Shrimp or croaker dying in onshore holding facilities or tanks may be sold for bait use only.

7. Trawl and skimmer vessels operating under a special bait dealer's permit must adhere to a tow time, not exceeding, 15 minutes. Tow times are measured from the time the codend enters the water until it is completely removed from the waters. The net must be completely emptied of catch on the deck after the codend is removed from the water.

8. Except as provided in Paragraph 9, permitted gear is limited to one trawl not to exceed 25 feet along the cork line 33 feet along the lead line or two skimmer nets having an individual net frame size not more than 16 feet measured horizontally or 12 feet measured vertically or 20 feet measured diagonally.

a. These are the only commercial fishing gears which can be used or carried aboard the permitted vessel while the vessel is operating under the permit; no other commercial fishing gear other than unserviceable crab traps as described in R.S. 56:322(G) may be on the vessel when it is being used under the special bait dealer's permit.

9. Notwithstanding any portion of this Section to the contrary, permitted gear when operating under the special bait dealer's permit is as follows:

a. one trawl measuring 50 feet long or less along the cork line and 66 feet long or less along the lead line. Mesh size must be at least 5/8-inch bar or 1-1/4 inches stretched and 3/4-inch bar or 1-1/2 inches stretched during the fall inshore shrimp season from the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Atchafalaya River.

b. double skimmer nets may have an opening circumference of no more than 72 feet for each net and a maximum lead line length of 33 feet. Skimmer nets may be mounted to the horizontal net frame at any distance from the

gunwale of the vessel as long as the mounting distance and horizontal length of the net frame does not exceed 20 feet from the gunwale. Mesh size must be at least 5/8-inch bar or 1-1/4 inches stretched and 3/4-inch bar or 1-1/2 inches stretched during the fall inshore shrimp season from the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Atchafalaya River.

c. the provisions of this Paragraph shall be effective until December 31, 2026.

10. Bait shrimp or croaker may be taken only from official sunrise to official sunset; however, the department at its discretion, may designate the areas and hours of night time operations under the permit provided permitted vessels are equipped with a working vessel monitoring system as described in LAC 76:VII.371.

11. Each time the permit is used the permittee must notify the department by contacting the Communications Section on the designated toll free telephone number provided on the permit and recording the confirmation number received. Before the vessel departs the dock under the permit, the department must be advised of the time of departure and the sub-basin code corresponding to the department's trip ticket sub-basin map in which trawling or skimming will take place; immediately after the permitted vessel returns to the dock the department must be notified of the time of return by contacting the Communications Section on the designated toll free telephone number provided on the permit.

12. The permittee shall maintain an up-to-date record of the activities conducted under the permit on forms provided by the department for that purpose. These records shall be kept onboard the vessel and made available for inspection by agents of the department upon request by said agents at any time and shall include the permittee's name and permit number, date, departure time, fishing location, gear used, confirmation number, return time, and number of live shrimp or live croaker harvested. All applicable record information shall be completed before fishing operations begin. In addition, any agent of the department shall be allowed to make an onsite inspection of any facilities or vessels operating under the permit, at any time. Nothing herein this Section shall exempt the permittee from trip ticket reporting requirements as provided for in R.S. 56:306.4.

D. Penalties

1. No person shall violate any provision of this Section. Violations of any provision of this Section shall constitute a class 4 violation as defined in R.S. 56:34.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:326.3 and R.S. 56:497(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, and Wildlife and Fisheries Commission, LR 3:210 (April 1977), amended LR 15:867 (October 1989), LR 19:215 (February 1993), LR 23:86 (January 1997), LR 33:864 (May 2007), LR 36:77 (January 2010), LR 38:3250 (December 2012), LR 47:1651 (November 2021), LR 49:2118 (December 2023), 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

The proposed rulemaking will have no impact on poverty as described in R.S.49:973.

Small Business Analysis

The proposed Rule change is expected to have a positive impact on the small businesses that harvest live bait.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments relative to the proposed Rule to Mr. Robert Bourgeois, Permit Manager - Biologist DCL-B, Research and Assessment Section, 2000 Quail Dr., Baton Rouge, LA 70808, or via email to rbourgeois@wlf.la.gov prior to September 1, 2025.

Kevin Sagrera
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Special Bait Dealer's Permit

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 requires persons operating under a special bait dealer's permit and selling shrimp and croaker from vessels to possess a wholesale/retail seafood dealer's license or a fresh products license during the closed shrimp season. The proposed rule change will allow vessels with a compliant onshore facility to hold live shrimp and croaker for sale in a submerged cage tethered to the vessel. Additionally, the proposed rule change clarifies rules regarding permissible gear, required documentation, and the disposition of dead bait.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change may increase revenue collections for LDWF. This increase would occur if fishermen were to sell shrimp and croaker to the public from their vessels, as they would be required to obtain a wholesale/retail seafood dealer's license or a fresh products license.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change would benefit permitted commercial fishers possessing special bait dealers' permits who harvested bait shrimp and croaker by allowing them to sell bait while on the water. The LDWF issued an average of 58 resident special bait permits and 10.3 non-resident special bait dealer permits between License Year 2022 and License Year 2024. The LDWF maintains a list of 59 unique businesses that held 58 special bait dealer permits in June 2025.

Many of the entities that hold a special bait dealer's permit meet the qualifications of small businesses.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change may have a minor positive effect on employment if the special bait dealer's permit holders hire more commercial fishers to harvest shrimp and croakers to assist in selling them from their vessels.

NOTICE OF INTENT

Workforce Commission Office of Workers' Compensation Administration

Hearing Rules (LAC 40:I.5500-6745)

The Workforce Commission does hereby give notice of its intent to amend certain portions of the *Louisiana Administrative Code*, Title 40, Labor and Employment, Part I, Workers' Compensation Administration, Subpart 3, Hearing Rules. Updating the hearing rules is necessary to ensure alignment with current law and administrative practice, reflecting any legislative changes and judicial interpretations that impact the adjudication process. Revisions will also clarify procedural requirements, such as filing standards, evidentiary expectations, and deadlines, to reduce confusion and promote fairness for all parties. By streamlining these processes, the updates aim to improve the efficiency and timeliness of hearings, reducing delays and supporting quicker case resolutions. Additionally, incorporating technological advancements—such as virtual hearings—will modernize the system to reflect current capabilities. Finally, standardizing rules across all district offices will promote consistency and uniformity in practice, ensuring equitable treatment regardless of venue. This Rule is promulgated by the authority vested in the assistant secretary of the Office of Workers' Compensation found in R.S. 23:1291 and R.S. 23:1310.1(C).

Title 40

LABOR AND EMPLOYMENT

Part I. Workers' Compensation Administration

Subpart 3. Hearing Rules

Chapter 55. General Provisions

Subchapter A. Purpose; Definitions

§5500. Construction of Rules and Purpose

A. The purpose of these rules and appendices is to govern the practice and procedures before the Workers' Compensation Court which is a statewide court having jurisdiction of claims for workers' compensation benefits, the controversion of entitlement to benefits and other relief under the Workers' Compensation Act. These rules are designed to facilitate the equitable, expeditious and simple resolution of workers' compensation disputed claims filed with the court.

B. If any provision or item of a Section, or the application thereof, is held to be invalid, such invalidity shall not affect other provisions, items, or applications of the section which can be given effect without the invalid provision, item or application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1(C).

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§5501. Definitions

A. As used in these rules, unless otherwise indicated the following words shall have the following meanings.

Assistant Secretary—synonymous with Director

Bound—shall refer to binding by ringed binder, or other means. Bound shall not include staples, spiral binding, or binding with rubber band.

Claimant—shall refer to the injured employee.

Court—the Office of Workers' Compensation court within the Office of Workers' Compensation Administration of the Louisiana Workforce Commission.

Director—the appointing authority of the Office of Workers' Compensation Administration of the Louisiana Workforce Commission.

E-mail—electronic mail.

Judge—a workers' compensation judge.

Judicial District—as referred to in R.S. 1310.4, any of the 10 locations of a workers' compensation district office, i.e. Shreveport, Monroe, Alexandria, Lake Charles, Lafayette, Baton Rouge, Covington, New Orleans, Harahan, Houma, and the parishes each encompass.

Mediator—a workers' compensation mediator.

Office—the Office of Workers' Compensation Administration of the Louisiana Workforce Commission.

Petitioner—shall, as the context requires, mean the employer, the insurance carrier, the group self-insurance fund, the health care provider, claimant, or a dependent of a claimant.

Virtual—a court proceeding that takes place through a video conferencing system or platform.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:264 (February 1999), amended LR 25:1859 (October 1999), LR 33:652 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 37:1626 (June 2011), amended LR 51:

Subchapter B. Commencement

§5503. Jurisdiction Authority

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:265 (February 1999), amended LR 25:1859 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration LR 51:

§5505. Jurisdiction over Subject Matter and Persons

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:265 (February 1999), amended LR 25:1860 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation, LR 51:

§5507. Commencement of a Claim

A. ...

B. Any claim may be initiated by filing the Form LWC-WC-1008 in accordance with R.S. 23:1310.3 by hand delivery, United States mail, commercial courier, facsimile transmission, designated electronic filing system or by any manner provided by law addressed to the district office of proper venue or the assistant secretary's office at the Office of Worker's Compensation Administration.

C. Any party aggrieved by the R.S. 23:1203.1(J) determination of the medical director may seek judicial review by filing a Form LWC-WC-1008 in a workers' compensation district office within 45 days of the date said determination is mailed to the parties. A party filing an appeal under this Section must simultaneously notify the other party and the medical director that an appeal of the medical director's decision has been filed. Upon receipt of the appeal, the workers' compensation judge shall immediately set the matter for an expedited hearing to be held not less than 15 days nor more than 30 days after the receipt of the appeal by the office. The workers' compensation judge shall provide notice of the hearing date to the parties at the same time and in the same manner. A Form LWC-WC-1008 appealing the medical director's decision shall not cumulate any other causes or actions that any of the parties may have.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1(C).

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:265 (February 1999) amended LR 25:1860 (October 1999), LR 33:652 (April 2007), amended by the Workforce Commission, Office of Workers' Compensation Administration, LR 37:1626 (June 2011), LR 41:560 (March 2015), amended LR 51:

§5508. Preliminary Determinations

A. Any request for a preliminary determination pursuant to R.S. 23:1201.1 shall be made in the answer or amended answer and shall include:

1. a copy of the LWC-WC-1002 and notice of disagreement; and
2. a motion and order to set telephone status conference.

B. Upon receipt of a preliminary determination, the court shall:

1. Set a telephone conference within 15 days from receipt of the preliminary determination to schedule a preliminary determination hearing. Schedule the preliminary determination to be heard within 90 days from the telephone status conference. The deadline for any discovery shall be 30 days before the preliminary determination hearing. The parties must exchange evidence 15 days before the hearing and send copies of the exhibits, exhibit list and memorandum to the presiding workers' compensation judge.

2. The workers' compensation judge shall advise all parties of the deadlines set forth hereinabove in the telephone status conference.

3. The court shall forward a scheduling conference order to the parties within three days of the telephone status conference. The order shall include a list of issues to be determined, the date of the scheduled hearing, the deadline for discovery, the deadline for the exchange of exhibits, the deadline for the submission of exhibits and the deadline for the submission of memoranda to the court.

4. After the preliminary determination hearing, the court shall forward a written preliminary determination to the parties within 30 days of the hearing.

5. The court will issue notice of the judge's written preliminary determination. The notice shall advise the parties of their options to accept or reject the finding and that if the court does not receive written notification within 15 days of further action by the parties, the court will close the file or proceed to trial on the merits on all remaining issues.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1(C).

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§5509. Delay for Answering

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:265 (February 1999), amended LR 25:1860 (October 1999), LR 33:652 (April 2007), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation LR 51:

§5511. Service

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:265 (February 1999), amended LR 25:1860 (October 1999), LR 33:652 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation, LR 37:1626 (June 2011), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation LR 51:

§5515. Proper Venue

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:265 (February 1999), amended LR 25:1860 (October 1999), LR 33:652 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation, LR 37:1626 (June 2011), amended by the Workforce Commission, Office of Workers' Compensation Administration, LR 41:2692 (December 2015), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Subchapter C. Recusal

§5525. Procedure for Recusal of a Workers' Compensation Judge

A. Recusal of a workers' compensation judge shall be governed by Code of Civil Procedure Article 151.

B. A workers' compensation judge may recuse himself, prior to a judgment being rendered, whether a motion for his recusation has been filed by a party or not, in any cause in which a ground for recusation exists.

C. If a judge recuses himself pursuant to this Section, he shall provide in writing to the Chief Judge the specific grounds under Code of Civil Procedure Article 151 for which the recusal is ordered within 15 days of the rendering of the order of recusal.

D. On written application of a workers' compensation judge, the chief judge shall immediately reassign the matter to another workers' compensation judge in either the same workers' compensation district office or another workers' compensation district office.

E. Any party to a workers' compensation claim may file a written motion for recusal of the judge to whom the matter is assigned specifying the grounds for recusal. This motion shall be filed prior to trial or hearing unless the party discovers the facts constituting the ground for recusal thereafter. In such case, the motion shall be filed immediately after the facts are discovered, but in no case after judgment. If a valid ground for recusation is set forth in

the motion, the judge shall either recuse himself or refer the matter to the chief judge. Upon receipt of the motion the chief judge shall either try the motion or assign it to another workers' compensation judge for trial. Trial of the motion shall be held in an expedited manner and in no event later than 14 days following filing of the motion.

F. If a valid ground for recusation is not set forth in the motion, the judge shall deny the motion and proceed with the trial of the cause. Any party aggrieved by any denial may file an appeal in accordance with the provisions of R.S. 23:1310.5.

G. Consolidated cases are to be considered as one case within the meaning of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:1860 (October 1999), amended LR 33:652 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation, LR 37:1626 (June 2011), amended LR 51:

Subchapter D. Power and Authority

§5533. General

A. - D.3. ...

E. Each court shall have available a list of attorneys, who have indicated a willingness to handle workers' compensation matters. Any interested attorney may be added to the list by written request to the clerk of each of the workers' compensation district courts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:266 (February 1999), amended LR 25:1860 (October 1999), LR 33:653 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 37:1627 (June 2011), amended LR 51:

§5534. Submission and Investigation of Complaints

Alleging Judicial Misconduct or Disability

A. Complaints alleging misconduct or disability on the part of any workers' compensation judge shall be submitted to the assistant secretary in writing, and shall include:

1. - 4. ...

5. if the alleged misconduct or disability concerns a specific matter pending before the judge, the complainant

shall list all parties thereto and/or their counsel of record, and shall certify that a copy of the complaint has been provided to them via facsimile, other electronic transmission, commercial courier, or by certified mail.

B. Upon receipt of the complaint, the assistant secretary or his designee shall commence a preliminary review. Complaints which solely criticize a judge's official decision making or claim judicial error subject to appellate review, or which fail to comply with Subsection A of this Section, shall be screened out as frivolous, and notification of rejection shall be sent to the complainant and all persons identified per Paragraph A.5 of this Section.

C. The assistant secretary or his designee shall investigate all non-frivolous complaints as deemed reasonable and necessary. Pursuant to the investigation, a copy of the complaint shall be provided to the judge who is subject thereof, who shall provide a written answer to the assistant secretary within 10 days of receiving the complaint, setting forth a response to the allegations and including any appropriate commentary or explanation.

D. Within 60 days of receipt of the original complaint by the office, the assistant secretary shall determine any disciplinary action to be taken. A copy of the decision shall be provided contemporaneously to the judge who is the subject of the complaint.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1(C) and R.S. 23:1291.

HISTORICAL NOTE: Promulgated by the Workforce Commission, Office of Workers' Compensation Administration, LR 41:2691 (December 2015).

§5535. Contempt

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:266 (February 1999), amended LR 25:1861 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§5537. Procedure to Report Contempt Finding

A. Form for Judges to Report Contempt Findings

WORKERS' COMPENSATION CONTEMPT FINDINGS FORM

Note: Form due to Assistant Secretary within 30 days of ruling per La. R.S. 23:1310.7

SECTION I: DOCKET CASE INFORMATION (print please)

1. Plaintiff Party Name	1a. Attorney (if any)
2. Defendant Party Name	2a. Attorney (if any)
3. Judge's Name	4. Date of Event/Hearing
5. District #	6. City

SECTION II: FACTS

1. Name of Party in Contempt
2. Parties to the claim and their relationship (ex: John Brown, claimant) :
3. Code of Civil Procedure Violation (check all that apply): <input type="checkbox"/> Article 222- Direct Contempt # of violations _____ Total amount of civil fines assessed \$ _____ Summarize actions used to discourage behavior: _____ _____ _____ <input type="checkbox"/> Article 224- Constructive Contempt # of violations _____ Total amount of civil fines assessed \$ _____ Summarize actions used to discourage behavior: _____ _____ _____ 4. Attach written reasons issued with ruling

Signature of Judge _____ Date _____

Signature of Chief Judge _____ Date _____

Signature of Assistant Secretary _____ Date _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:266 (February 1999), amended LR 25:1861 (October 1999), LR 33:653 (April 2007), amended, LR 48:2995 (December 2022), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Subchapter E. Clerks**§5539. District Clerk; Pleadings Filed; Docket Books**

A. - B. .

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:266 (February 1999), amended LR 25:1861 (October 1999), LR 33:653 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 37:1627 (June 2011), amended LR 51:

Subchapter F. Bailiffs**§5541. Security**

A. The term "bailiff" shall refer to any peace officer, duly commissioned reserve officer, or any qualified security

personnel assigned by the assistant secretary to maintain order at each workers' compensation court.

B. - C. ...

D. No person shall be admitted to or allowed to remain in the premises with any object that might be employed as a weapon unless he or she has been authorized in writing by the workers' compensation judge to do so, or unless allowed by law.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:266 (February 1999), amended LR 25:1861 (October 1999), LR 33:653 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 37:1627 (June 2011), amended LR 51:

Subchapter G. Attorneys and Other Persons before the Court**§5543. Workers' Compensation Courtroom Decorum and the Conduct of Attorneys and Judges**

A. The following shall be observed in the opening of workers' compensation court and general courtroom decorum.

1. The bailiff shall open each session of workers' compensation court with an appropriate recitation and order, as directed by the judge.

B. General Courtroom Conduct

1. No person may engage in any conduct that would be disruptive to the business of the court, including but not limited to the following:

a. No tobacco or vaping in any form will be permitted at any time.

b. No food or beverage shall be brought into the courtroom, unless permitted by the court.

c. Displaying any political advertisement of any nature while in the courthouse.

d. No firearms, knives, or other weapons shall be brought into the courtroom, unless permitted by the judge or by law.

C. As officers of the workers' compensation court, attorneys are reminded of their obligations to assist in maintaining the dignity of the court. All attorneys and other officers of the court shall dress in appropriate professional attire in the virtual or physical courtroom.

D. Hats, shorts, bare midriffs or bare feet in the virtual or physical courtroom are prohibited. Witnesses, parties, and spectators shall appear in appropriate attire as determined by the judge.

E. Attorney Conduct

1. Any attorney who tenders himself or herself before the court and represents that he or she is duly authorized to practice law, but who has been declared ineligible, suspended, or disbarred from practice before the courts of this State, may be subject to contempt proceedings upon motion of the court or any party.

2. No one may represent a party or witness in any proceeding except counsel of record, unless allowed to do so by law.

3. As a general rule and at the discretion of the court, attorneys desiring to address the court while it is in session shall do so while standing. Unless directed otherwise by the judge, all judgments, orders, decrees, or other documents shall be handed to the bailiff, who shall hand them to the judge.

4. Private conversation or conference between attorneys or others in attendance during any court session should not be disruptive to the proceedings.

5. Attorneys shall address all remarks, objections, and comments to the judge, never to opposing counsel. Impromptu argument or discussion between counsels will not be permitted.

6. Except with leave of court obtained, only one attorney for each party shall examine any one witness.

7. Counsel may not approach the witness in the witness chair without first obtaining the court's permission.

8. Before showing an exhibit to a witness, counsel shall first either show opposing counsel the exhibit or provide opposing counsel with a copy of the exhibit.

9. Unless agreed upon by all parties, counsel and parties shall not copy the court on correspondence between them.

10. Attorneys shall abide by the Rules of Professional Conduct and should abide by the Louisiana Code of Professionalism.

F. Code of Professionalism in the Courts

1. Attorneys and judges should conform to the Code of Professionalism.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:267 (February 1999), amended LR 25:1861 (October 1999), amended by the Louisiana Workforce Commission, Office of Workers' Compensation, LR 51:

§5545. Attorneys

A. In all hearings before the Workers' Compensation Judge, certain parties may appear in person or by counsel licensed to practice law in the state of Louisiana. Corporate entities, unincorporated associations, insurance companies and own-risk carrier shall appear only by such counsel. Counsel who will appear before the Workers' Compensation Judge on behalf of a party in any proceeding shall notify the Office of Workers' Compensation of their appearance by filing an entry of appearance or other appropriate pleading and shall be bound by Code of Civil Procedure Article 371.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:267 (February 1999), amended LR 25:1861 (October 1999), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§5547. Withdrawal of Counsel

A. Enrolled attorneys have, apart from their own interests, continuing legal and ethical duties to their clients, all adverse parties, and the court. Accordingly, the following requirements govern any motion to withdraw as counsel of record:

1. The withdrawing attorney who does not have written consent from the client shall make a good faith attempt to notify the client in writing of the withdrawal and of the status of the case on the court's docket. The attorney shall deliver or mail this notice to the client before filing any motion to withdraw.

2. If the action or proceeding has been assigned to a particular judge, then the motion to withdraw shall be submitted to the judge presiding over that case.

3. If the attorney has been terminated by the client, has only made a limited appearance as authorized by Rule 1.2(c) of the Rules of Professional Conduct which appearance has been completed, or the case has been concluded, he shall state the same in his motion to withdraw.

4. Any motion to withdraw shall include the following information:

a. The motion shall state current or last-known street address and mailing address of the withdrawing attorney's client. The withdrawing attorney shall also furnish this information to the clerk of court.

b. If a scheduling order is in effect, a copy of it shall be attached to the motion.

c. The motion shall state whether any conference, hearing, or trial is scheduled and, if so, its date.

d. The motion shall include a certificate that the withdrawing attorney has complied with paragraph (A)(1) of this section and with Rule 1.16 of the Rules of Professional

Conduct, Louisiana State Bar Association, Articles of Incorporation, Art. 16. A copy of the 12 written communications required by paragraph (a) shall be attached to the motion.

e. If the motion is to withdraw upon completion of a limited appearance, the motion shall include a certification by the withdrawing attorney that the agreed upon limited services have been completed and that the withdrawing attorney has submitted all judgments or orders resulting from the limited appearance as ordered by the court. A copy of the relevant Notice of Limited Appearance shall be attached to the motion.

5. If counsel's withdrawal would delay a scheduled hearing or trial, the court shall not allow the withdrawal unless exceptional circumstances exist, the client terminated the attorney, or limited representation was undertaken pursuant to a Notice of Limited Appearance and completed.

B. Counsel of record who withdraws or is discharged prior to submission of the case, and desires to assert a claim for fees, must attach an affidavit to that effect and set forth the period of time during which his client was under his or her representation. If asserting a claim, counsel shall also file the lien form, LWC-WC-1027, identifying any attorney lien he alleges on the pending claim for payment of attorney fees.

C. Counsel who has represented a person prior to litigation may put the Office of Workers' Compensation on notice that they desire to assert an interest in a claim. The attorney choosing to assert an interest in a claim shall do so by filing form LWC-WC-1027 Lien Form and an affidavit asserting the nature of the interest in the proper venue. A copy of the notice shall be provided to all other parties of interest.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:267 (February 1999), amended LR 25:1862 (October 1999), LR 33:653 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Chapter 57. Actions

Subchapter A. General Provisions

§5701. Prescription; Filing Procedure

A. Prescription periods shall be as set forth in R.S. 23:1031.1.E, F, I, 1209, and 1234. Time limits shall be calculated from the date of mailing as shown by the post mark, other proof of mailing, or the date a facsimile is received.

B. All pleadings filed with the court may be filed by facsimile transmission to the assigned facsimile number of the district of proper venue. A facsimile transmission, when filed, has the same force and effect as the original. If the party fails to comply with the requirements of Paragraph C of this Section, a facsimile filing shall have no force or effect.

1. Filings are not accepted by e-mail.

C. Follow-up to facsimile

1. Within seven days, exclusive of legal holidays, after the district office or the records management division has received a facsimile transmission, the party filing the document shall deliver the following to the district office or records manager:

- a. the original signed document;
- b. the applicable filing fee, if any per LAC 40:I.6605, Fees, of this Part; and
- c. a transmission fee of \$10 for the first 5 pages and \$2.50 for each page thereafter.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:267 (February 1999), amended LR 25:1862 (October 1999), LR 33:654 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 37:1627 (June 2011), LR 46:798 (June 2020), amended LR 51:

§5703. Prematurity

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:267 (February 1999), amended LR 25:1862 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§5705. Abandonment

A. - A.3. ...

4. where a party fails to appear for any properly noticed conference or hearing;

A.5. - D....

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:268 (February 1999), amended LR 25:1862 (October 1999), LR 33:654 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 37:1627 (June 2011), amended by LR 51:

Subchapter B. Settlement

§5709. Joint Petition Settlements

A. Perfecting Settlements

1. A lump sum or compromise settlement shall be presented to the presiding judge in a pending disputed claim or to any judge in an undisputed claim for approval on Form LWC-WC-1011 and upon joint petition of the parties.

2. The procedure for perfecting settlements shall be governed by R.S. 23:1272. A hearing in open court with all parties present shall be required when one or more parties is not represented by counsel. Appearance by the parties and/or their representative may be waived if all parties are represented by counsel. In special circumstances and in the interest of judicial economy, the judge may allow the unrepresented party to waive his appearance and permit the party to appear by telephone. Appearance by the represented parties and/or their representative may be waived in written form.

B. ...

C. Upon request of both parties or upon the order of the Court, the Court shall allow the participation of any party in any settlement hearing and proceeding to be conducted via virtual conference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:268 (February 1999), amended LR 25:1863 (October 1999), LR

33:654 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 37:1628 (June 2011), amended by LR 51:

§5710. Pro Se Settlement Hearings by Virtual Means

A. A hearing on any Pro Se Settlement may be conducted by any virtual means assigned by the court when requested by the parties.

B. The parties may request a Pro Se Settlement Hearing via virtual means if all parties consent to conducting the Pro Se Settlement Hearing via virtual means, or for good cause shown.

C. Jurisdiction for hearing.

1. For cases that are docketed and pending in a workers' compensation court at the time a party requests a Pro Se Settlement Hearing by virtual means, the request for hearing shall be filed in the court in which the case is pending; however, upon agreement of the parties and the presiding judge, the matter may be heard in any workers' compensation court.

2. For undocketed settlements, the hearing shall be scheduled in a court agreed upon by the parties. If the parties are unable to agree on the court in which an undocketed settlement will be heard, the hearing shall be scheduled in any court in which venue would be appropriate.

D. To request a virtual Pro Se Settlement Hearing, the party shall contact the district office in which the hearing is to be scheduled. Contact may be made by phone, facsimile, or email transmission to the district office in which the hearing is to be scheduled. Upon scheduling the virtual hearing, the court will notify the parties of the date and time of the hearing. A virtual hearing is not considered to be on the docket until the parties have received a confirmation from the court that the matter is scheduled.

E. Any pleadings and exhibits that will be introduced at a virtual hearing must be received by the court at least one full business day prior to the hearing. Failure to abide by this section may result in the proceeding being continued.

F. Prior to the scheduled Pro Se Settlement Hearing, the parties shall make sure they are able to use the virtual means used by the court. Each participant shall have a device with a microphone, camera, and internet access.

G. The parties attending the Pro Se Settlement Hearing shall ensure that at the time of the hearing they are in a location that is free from distractions, excessive noise, or echoes.

H. Should any participant in a virtual hearing have any difficulty with audibility or technology during a remote proceeding, the participant shall call the court in which the case is pending to advise of the same. All Notices of Hearing shall include the phone number for the court in which a virtual hearing is scheduled.

I. Any recording of a court proceeding held by video or teleconference, including "screen-shots" or other visual copying of a hearing, is strictly prohibited. Workers' compensation proceedings are confidential, and the participants in a virtual hearing shall ensure that they are in a location that provides appropriate privacy and security to avoid any violations of confidentiality. Violation of these prohibitions may result in sanctions, denial of entry to future hearings, or any other sanctions deemed necessary by the court.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Chapter 58. Pleadings

Subchapter B. Forms

§5805. Amendment of Claim and Answer

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:268 (February 1999), amended LR 25:1863 (October 1999), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 37:1628 (June 2011), repealed LR 51:

§5809. Forms

A. The Office of Workers' Compensation Administration shall prepare and adopt such forms for use in matters before the Office of Workers' Compensation Administration as it may deem necessary or advisable. Whenever Office of Workers' Compensation Administration forms are prescribed and are applicable, they shall be used. A photo ready copy of any form may be procured upon request to any district office, the office of the assistant secretary, or from the official website, www.laworks.net.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:269 (February 1999), amended LR 25:1863 (October 1999), LR 33:654 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 37:1628 (June 2011), amended by LR 51:

§5811. Format of Documents

A. Any pleading or other document submitted to the assistant secretary or to any judge shall be typed or printed legibly on 8 ½ inch x 11 inch paper, bound, and shall bear the name and signature of the person who prepared it, the firm name, if applicable, the complete address including the zip code, an electronic address, the telephone and facsimile number, including the area code and the docket number, if one has been assigned to the claim and the name of the judge assigned to the claim, if available. All attorneys shall note their bar roll number on all pleadings filed with the court.

B. Copies of all correspondence and any other instruments sent to the Office of Workers' Compensation Administration shall be sent on the same business day and in the same manner by electronic transmission, commercial carrier/courier, or by hand by the party originating the correspondence to all other parties of record in the case and a certificate to that effect shall be attached to the original and filed with the office.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:269 (February 1999), amended LR 25:1863 (October 1999), LR 33:654 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Subchapter C. Mediation

§5813. Mediation Conference

A. - B. ...

C. On the scheduled date of the mediation conference, each party shall provide a representative to participate in the mediation conference, either in person or telephonically, or virtually, who has been provided with authority to enter into negotiations in a good faith effort to resolve the issue(s) in dispute. The attorneys for the parties may participate in the mediation conference via telephone only upon mutual consent of the parties. No stenographic report shall be taken at any mediation conference and no witnesses shall be called. All statements made at any mediation conference shall be privileged and shall not be admissible in any subsequent status conference, pretrial conference, hearing, or trial. Any party to the claim and/or their representative may request a copy of the Form LWC-WC-1008 filed in the claim prior to the scheduled mediation conference. No such request shall be denied by any employee of the Office of Workers' Compensation Administration. If the parties agree, the mediator may schedule additional mediation conferences when deemed appropriate.

D. Nothing in this rule shall prohibit parties from requesting the services of an Office of Workers' Compensation mediator prior to the filing of a disputed claim for compensation (Form LWC-WC-1008). Said request shall be made by the parties in the same manner as provided for in Subsection A of this Section. However, neither the request nor the participation in a pre-litigation mediation conference shall interrupt the running of prescription.

E. Should the parties engage in a private mediation, within five days of the conclusion of said private mediation, the parties shall certify to the court that a private mediation has occurred and the results thereof. Said certification shall be provided by the parties via United States mail, electronic transmission, or facsimile transmission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:1863 (October 1999), amended LR 33:654 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 37:1628 (June 2011), amended by LR 51:

§5817. Conclusion of Mediation Conferences Held by an Office of Workers' Compensation Mediator

A. When it becomes apparent during the course of a pre-litigation mediation conference that an agreement on all issues cannot be reached, the Office of Workers' Compensation mediator shall issue a report stating the result of the conference. The report shall be issued to the parties immediately following the conference by facsimile transmission, by electronic transmission or by mail within five days thereof.

B. When it becomes apparent during the course of a post-litigation mediation conference that agreement on all issues cannot be reached, the Office of Workers' Compensation mediator shall issue a report stating the results of the conference. The report shall be issued immediately following the conference to the parties and to the judge where the claim was filed. The report shall be issued in person, by facsimile transmission, by electronic transmission, or by mail within five days thereof.

C. Following a mediation conference, at which agreement is reached on all issues in dispute, a report

embodying the agreement shall be issued to the parties in person, by facsimile transmission, by electronic transmission, or by mail within five days thereof. The mediator shall file the original report with the judge presiding over the district where the claim was filed or in the case of a pre-litigation mediation conference, with the judge presiding over the district situated within the parish of the claimant's domicile. The report may require dismissal of the claim or the filing of an LWC Form 1011 within 30 days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:269 (February 1999), amended LR 25:1864 (October 1999), LR 33:655 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 37:1629 (June 2011), amended by LR 51:

Subchapter D. Exceptions

§5821. Required Elements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:270 (February 1999), amended LR 25:1865 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§5823. Kinds of Exceptions; Time for Pleading

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:270 (February 1999), amended LR 25:1865 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§5824. Rule to Show Cause; Time for Filing

Memoranda

A. Any party may seek to have any exception or motion heard by filing a rule to show cause.

B. The memorandum in support shall be filed at the time of filing of the rule to show cause.

1. A party who opposes an exception or motion shall concurrently furnish the trial judge and serve on all other parties an opposition memorandum so it is received at least eight calendar days before the scheduled hearing, except for motions for summary judgment, which delays are established by La. Code Civ. Proc. art. 966.

2. The mover or exceptor may furnish the trial judge a reply memorandum, but only if the reply memorandum is furnished to the trial judge and served on all other parties so that it is received before 4:00 p.m. on a day that allows one full working day before the hearing, except for motions for summary judgment, which delays are established by La. Code Civ. Proc. art. 966. For example, if the hearing is set for Friday, the reply memorandum shall be received no later than 4:00 p.m. the preceding Wednesday. If the hearing is set for Monday, the reply memorandum shall be received no later than 4:00 p.m. the preceding Thursday.

3. Parties who fail to comply with paragraphs B and B.1 of this Section shall forfeit the privilege of oral argument and may forfeit the presentation of additional evidence or testimony. If a party fails to timely serve a memorandum, thus necessitating a post-hearing

supplemental memorandum or continuance to give the opposing side a fair chance to respond the court may order the late-filing party to pay the opposing side's costs incurred on account of the untimeliness.

C. Motion to Strike an untimely Memorandum in Support of or a Memorandum in Opposition, shall be heard prior to the hearing without the necessity of a Rule to Show Cause.

D. Paragraph B does not apply to the following motions:

1. A motion for an extension of time to perform an act.
2. A motion to continue a pre-trial conference, hearing, motion, mediation, or trial of an action.
3. A motion to add or substitute parties.
4. A motion to amend pleadings or to file supplemental pleadings unless the timing for filing amending or supplemental pleadings is beyond the deadline for filing same.
5. A motion to withdraw or substitute counsel of record.
6. A motion to consolidate.
7. Any unopposed motion or joint motion.
8. A motion for the court to give in writing its findings of fact and reasons for judgment under La. Code Civ. Proc. art. 1917.
9. A motion to compel a response to discovery when no response has been made.
10. Any motions allowed to be granted ex parte under La. Code Civ. Proc. art. 963.
11. Any motion listed in 1 through 10 shall state the grounds in support, cite any applicable rule, statute, or other authority justifying the relief sought, and comply with LAC 40:I.5824 to the extent applicable

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 33:656 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Subchapter E. Motions

§5831. Motion or Rule Day

A. Each judge shall designate a specific day of the week for the hearing of rules, motions, exceptions and arguments. A list of the rule days for each district shall be available in any district office.

B. In advance of the date set for the hearing of an exception, motion or rule, any counsel may notify the court that he waives his appearance and is willing to submit the matter on briefs. At the time set for the hearing, any person may waive oral argument.

C. A motion for summary judgment shall be filed no later than 65 days prior to trial unless both parties agree to waive the deadline with the approval of the court. Motions for summary judgment shall be governed by Louisiana Code of Civil Procedure articles 966, 967 and 968.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:270 (February 1999), amended LR 25:1865 (October 1999), LR 33:656 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§5833. Written Motion Required; Exception

A. An application to the court for an order, if not presented in some other pleading, shall be by motion which, unless made during trial or hearing or in open court, shall be in writing. All Motions and Exceptions shall contain corresponding memoranda except as stated in LAC 40:I.5824.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:270 (February 1999), amended LR 25:1865 (October 1999), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§5835. Ex Parte and Contradictory Motions; Rule to Show Cause Favored

A. A contradictory hearing properly noticed by the court with the adverse party may be held unless waived upon joint motion of the parties. Appearance by the parties and/or their representative may be waived in written form. The judge may entertain such motion by telephone or virtual conference with all parties participating. Such conference shall be initiated by the party requesting the conference.

B. Contradictory Exceptions and Motions.

1. All exceptions and motions, including those incorporated into an answer, shall be accompanied by a proposed order requesting that the exception or motion be set for hearing. If the exceptor or mover fails to comply with this requirement, the court on its own motion, may set the matter for a hearing on the merits of the exception or motion or upon motion of a party may strike the exception or motion after contradictory hearing properly noticed by the court. To assist the court in scheduling the hearing, the exception or motion, and any opposition thereto, shall state:

- a. whether or not the case is set for trial and, if so, the trial date; and
- b. whether testimony will be offered at the hearing.

C. Time between filing and hearing for motions for summary judgment is governed by La. Code Civ. Proc. art. 966.

D. Time between filing and hearing.

1. Unless good cause is shown, hearings on an exception or motion shall be set not less than fifteen calendar days after filing.

E. Ex parte motions.

1. Paragraphs B and C do not apply to:
 - a. unopposed motions;
 - b. motions in which all affected parties have joined; or
 - c. motions permitted by law or by these Rules to be decided ex parte.
2. Any motion that may be decided ex-parte shall be accompanied by a proposed order, except a motion for the court to give in writing its findings of fact and reasons for judgment under La. Code Civ. Proc. art. 1917.

F. Motions and Exceptions Referred to the Merits.

1. If a party filing a motion or exception wishes to refer it to the merits, the party shall file an unopposed motion, accompanied by a proposed order, asking that it be referred to the merits. This does not apply to motions for summary judgment. If the court finds that the interests of

justice would be served by referring the motion or exception to the merits, the court may do so.

G. Unopposed motion.

1. An "unopposed motion" is one to which all affected parties have consented. Before representing to the court that the motion is unopposed, the mover shall contact all parties affected by the motion and obtain their consent. The moving party shall certify in the motion that the consent requirement has been met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:270 (February 1999), amended LR 25:1865 (October 1999), LR 33:656 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Chapter 59. Production of Evidence

Subchapter A. General

§5905. Protective Orders

A. Upon motion by a party or by a person from whom discovery is sought, and for good cause shown after contradictory hearing properly noticed by the court, the judge may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense. The judge may entertain such motion by telephone or virtual conference with all necessary parties participating. Such conference shall be initiated by the party requesting the conference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:272 (February 1999), amended LR 25:1865 (October 1999), LR 33:656 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Subchapter B. Subpoena

§5909. Issuance; Service

A. Subpoenas issued in connection with any workers' compensation matter shall be served by the party requesting issuance of the subpoena, and may be served by certified mail return receipt requested or any other manner provided in LAC 40:I.5511 or by ex parte motion to appoint a process server. Proof of service shall be the responsibility of the party requesting the subpoena. Once issued and served, a subpoena may be canceled by the requesting party only after written notice to the opposing side. It shall be the responsibility of the requesting party to provide written notification of cancellation to all opposing parties as well as the person under subpoena. It shall be the responsibility of the parties to copy each other on the subpoenas they issue.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:272 (February 1999), amended LR 25:1866 (October 1999), LR 33:656 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§5911. Exceptions

A. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:272 (February 1999), amended LR 25:1866 (October 1999), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§5913. Subpoena of Confidential Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:272 (February 1999), amended LR 25:1866 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Subchapter C. Depositions

§5915. Scope of Discovery

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:272 (February 1999), amended LR 25:1866 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§5921. General; When Taken

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:273 (February 1999), amended LR 25:1866 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Subchapter D. Production of Documents

§5927. Expert Witness Fee

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 33:657 (April 2007), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§5931. General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:274 (February 1999), amended LR 25:1866 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§5933. Production of Documents; General; Medical Evidence

A. In general, the production of documents shall be governed by Code of Civil Procedure Articles 1461, et seq. and R.S. 23:1127.

B. Objection to medical evidence shall be as provided in R.S. 23:1122. When a timely objection is received, the judge may set a hearing on the motion, or rule on the matter at the trial on the merits. The judge further has the discretion to order, after a contradictory hearing properly noticed by the court, a deposition of the doctor if necessary to clarify a report or to obtain additional information, during the discovery period or at the trial on the merits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:274 (February 1999), amended LR 25:1866 (October 1999), LR 33:657 (April 2007).

Subchapter E. Motion to Compel

§5941. Requests for Admission

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:275 (February 1999), amended LR 25:1867 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§5943. Independent Medical Examinations; Report; Deposition of Examiner; Objections

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:275 (February 1999), amended LR 25:1867 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§5953. Right of an Employee to Written Report of Medical Examination

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1867 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Subchapter E. Motion to Compel

§5955. Motion for Order Compelling Discovery

A. Before filing any motion to compel discovery, the moving party or attorney shall confer in person or by telephone with the opposing party or counsel for the purpose of amicably resolving the discovery dispute. The moving party or attorney shall attempt to arrange a suitable conference date with the opposing party or counsel and confirm the date by written notice sent at least five days before the conference date, unless an earlier date is agreed upon or good cause exists for a shorter time period. If by telephone, the conference shall be initiated by the person seeking the discovery responses.

B. No counsel for a party shall file, nor shall any clerk set for hearing, any motion to compel discovery unless accompanied by a signed and dated "Certificate of Conference".

1. If a discovery conference is held the Certificate of Conference shall state: The parties or counsel personally conducted a conference on [insert date]. At this conference, there was a substantive discussion of every item presented to the court in this motion and, despite their best efforts, the parties or counsel were unable to resolve the matters presented.

2. If a discovery conference is not held the Certificate of Conference shall state: The moving party or counsel has personally attempted to contact the respondent or counsel to arrange a conference to resolve the matters presented in this

motion as follows: [Insert dates, times, methods of contact, and results here.] Respondent or counsel has failed to respond or failed to confer in good faith in an attempt to resolve the matters presented.

C. If the court finds that the parties or counsel have failed to confer in good faith, or have willfully failed to confer, the court may impose, at its discretion, sanctions on the non-conferring party, including attorney fees and costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:275 (February 1999), amended LR 25:1867 (October 1999), LR 33:657 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Subchapter F. Sanctions

§5963. Failure to Comply with Order Compelling

Discovery

A. Failure to comply with an order compelling discovery can result in dismissal without prejudice. In addition, the judge may proceed with contempt proceedings as provided in R.S. 23:1310.7.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:276 (February 1999), amended LR 25:1867 (October 1999), LR 33:657 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Chapter 60. Pretrial Procedure

§6001. Scheduling Conferences

A. After 120 days following receipt of responsive pleadings, a scheduling conference for the purpose of setting pretrial deadlines shall be held by telephone.

1. The parties may move jointly for a status conference for the purpose of setting an earlier scheduling conference.

B. - B.7. ...

C. At the conclusion of the scheduling conference and no longer than 14 days following the conference, a scheduling order, developed by the assistant secretary, shall be issued by the judge setting forth the actions taken and deadlines set at the conference. Such order shall control the subsequent course of the claim, unless modified to prevent manifest injustice upon motion of a party or by order of the court.

D. ...

E. If the parties agree, discovery may be conducted after the date set in the scheduling order for the completion of discovery and the parties shall notify the court.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:1867 (October 1999), amended LR 33:657 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 37:1629 (June 2011), amended LR 51:

§6005. Pretrial Conference

A. A pretrial statement shall be filed with the appropriate district office within the time frame designated in the scheduling order.

B. ...

C. The pretrial conference shall be jointly requested by the parties or may be ordered by the court. The pretrial conference may be held by telephone or virtually, unless in the judge's discretion, attendance in person at the conference is necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:277 (February 1999), amended LR 25:1868 (October 1999), LR 33:657 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 37:1629 (June 2011), amended LR 51:

§6007. Pretrial Order

A. - A.6. ...

B. Amendments to the pretrial statement submitted after the scheduling deadline for pretrial statements shall only be by written motion and permitted only for good cause shown. No new issues shall be raised that have not been raised in the Disputed Claim for Compensation or in an Answer except by written order of the judge for good cause or upon mutual agreement of the parties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:277 (February 1999), amended LR 25:1868 (October 1999), LR 33:657 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Chapter 61. Hearings

Subchapter A. Hearings

§6101. Examination of an Injured Employee

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:1868 (October 1999), amended LR 33:658 (April 2007), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6102. Judicial matters by remote technology

A. Virtual hearings or conferences may be conducted in workers' compensation courts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Subchapter B. Continuance and Stays

§6103. General

A. Motions to continue shall be governed by R. S. 23:1310.5.1.

B. An opposed continuance shall not be granted for the absence of a subpoenaed witness if the subpoena was not issued in accordance with LAC 40:I.5909 of these rules.

C. ...

D. Joint requests for continuance of a pre-litigation or post-litigation mediation conference held by an Office of Workers' Compensation mediator shall be submitted to the selected mediator in writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR

25:277 (February 1999), amended LR 25:1868 (October 1999), LR 33:658 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 37:1630 (June 2011), amended LR 51:

§6104. Stays

A. Uncontested motions to stay shall be governed by R.S. 23:1310.5.2. Upon contested motion of a party and for good cause shown after a contradictory hearing, the workers' compensation judge may order a stay of certain proceedings or the claim.

B. ...

C. LAC 40:I.5705 of these rules shall not apply to any matter subject to a stay order as long as such order is in effect.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 37:1630 (June 2011), amended LR 51:

Chapter 62. Trial

Subchapter A. Trial Procedure

§6203. Trial on the Merits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:1869 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6205. Cumulative Medical Testimony

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:278 (February 1999), amended LR 25:1869 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Subchapter B. Dismissal

§6211. Dismissal

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:278 (February 1999), amended LR 25:1869 (October 1999), LR 33:658 (April 2007), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Subchapter C. Assessment of Costs

§6215. Assessment of Costs

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999), amended LR 25:1869 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Chapter 63. Judgments

Subchapter A. General

§6301. Submission of Evidence Submission for

Judgement/Decision; Post Hearing Briefs

A. -B. ...

C. Post-trial/hearing briefs

1. Whenever, the judge allows or orders post-trial/hearing briefs, the parties shall be allowed 15 working days from the conclusion of the trial or final submission of all evidence, whichever occurs latest, to file the briefs.

2. The judge may set a longer period than 15 working days on his or her order and if agreed to by all parties.

D. The brief must be received in the district office either through the United States Postal Service, or facsimile transmission (with verified signature) within the delays provided and without benefit of the use of the postmark to meet the deadline.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999), amended LR 25:1869 (October 1999), LR 33:658 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6305. Default; General Provisions; Scope of Judgment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999), amended LR 25:1870 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Subchapter B. Modification

§6311. General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999), amended LR 25:1870 (October 1999), LR 33:659 (April 2007), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6313. Amendment of Judgment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999), amended LR 25:1870 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6315. Request for Modification

A. If the original decision or award was made by a district court judge, the party seeking the modification shall furnish the workers' compensation judge with the appropriate evidence and documents from the district proceedings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999), amended LR 25:1870 (October 1999), LR 33:659 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6317. Exception

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999), amended LR 25:1870 (October 1999), LR 33:659 (April 2007), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Chapter 64. Appellate Procedure

Subchapter A. General

§6401. General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999), amended LR 25:1870 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6405. Payment of Appellate Costs

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999), amended LR 25:1870 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Chapter 65. Special Disputes

Subchapter A. Attorney Fees

§6503. Attorney Fees; Application, Review and Approval

A. Whenever the judge renders an award of penalties or attorney fees due to the conduct of the other party under any provision authorized by the Workers' Compensation Act, the judgment shall state the specific acts or omissions of the party which gave rise to the award of a penalty or attorney fee and the basis for the amount of the award.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:281 (February 1999), amended LR 25:1870 (October 1999), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Subchapter C. Financial and Compliance Hearings

§6509. Financial and Compliance Hearings

A. ...

B. If a resolution is not reached, pursuant to R.S. 23:1171.1, a hearing shall be held within 15 days of the conclusion of the initial mediation conference, and shall be conducted in accordance with the provisions of the Administrative Procedure Act.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:281 (February 1999), amended LR 25:1871 (October 1999), LR 33:659 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 37:1630 (June 2011); amended by LR 51:

Chapter 66. Fees and Costs

Subchapter A. General

§6603. Local Rules Prohibited

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:281 (February 1999), amended LR 25:1871 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6605. Fees

A. The clerks for the Office of Workers' Compensation Administration shall be entitled to demand and receive the following fees as court costs in a workers' compensation dispute. Fees not pre-paid shall be due upon dismissal of or final judgment in the docket number, or on demand by the clerk:

1. - 5. ...

6. filing by facsimile—\$10 for the first 5 pages and \$2.50 for each page thereafter;

7. cost of preparation of record for appeal—available upon request from the district office;

8. cost of service by certified mail—the actual postage price on the United States Postal Service's website on the date on which service is requested for the item and attachments being served for the total of the following:

a. fees for a Certified Mail letter, and

b. fees for Return Receipt Service;

9. -10.b. ...

11. Service by commercial courier - if requesting service by commercial courier, the party requesting service by commercial courier shall provide to the court an envelope used by the commercial courier with the requestor's account number on it or a prepaid envelope which is properly addressed to the person or entity on whom service is being sought.

B. The Office of Workers' Compensation Administration shall be entitled to demand and receive the following fees which shall be pre-paid in full before any records are produced, unless otherwise ordered by a workers' compensation judge or otherwise provided by law:

1. - 2. ...

3. if a requestor is indigent and seeks to have the fee waived, the requestor shall fully execute an in forma pauperis request on the LWC Request for Waiver of Advance Costs Form, and file the form with the Office of Workers' Compensation court in which the case is pending and/or is filed. If the form is deemed proper and the relief sought appropriate, a workers' compensation judge shall execute the pauper order, and the records request will be produced without pre-payment. If the request is denied by a workers' compensation judge, all costs shall be pre-paid in full before any records are produced.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:281 (February 1999), amended LR 25:1871 (October 1999), amended by the Louisiana Workforce Commission, Office of Workers' Compensation, LR 37:1630 (June 2011), amended by the Workforce Commission, Office of Workers' Compensation Administration, LR 42:763 (May 2016), LR 44:102 (January 2018), amended by LR 51:

§6607. Posting of Docket

A. The clerk of the district office shall post a daily docket upon which shall be entered all matters set for mediation, hearing, or trial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:282 (February 1999), amended LR 25:1871 (October 1999), LR 33:659 (April 2007), amended by the Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Subchapter C. Waiver of Costs for Indigent Party

§6613. General

A. Waiver of costs for indigent party shall be governed by *Code of Civil Procedure*, articles 5181 et seq. An indigent party's request for waiver of costs shall be made on a LWC Request for Waiver of Payment of Advance Costs form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:282 (February 1999), amended LR 25:1872 (October 1999), LR 33:660 (April 2007), amended by the Workforce Commission, Office of Workers' Compensation Administration, LR 44:103 (January 2018), amended by LR 51:

Subchapter D. Severability of Sections

§6627. General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:283 (February 1999), amended LR 25:1872 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Subchapter E. Forms

§6629. Annual Report of Workers' Compensation Costs; Form LDOL-WC-1000

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:283 (February 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6631. Notice of Payment, Modification, Suspension, Termination or Controversion of Compensation or Medical Benefits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:286 (February 1999), amended by the Workforce Commission, Office of Workers' Compensation Administration, LR 40:387 (February 2014), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation, LR 51:

§6633. Stop Payment Form; Form LDOL-WC-1003

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:287 (February 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6635. Request for Social Security Benefits Information; Form LDOL-WC-1004

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:290 (February 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6637. Motion for Recognition of Right to Social Security Offset; Form LDOL-WC-1005A

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:293 (February 1999), amended LR 25:1872 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6639. Order Recognizing Right to Social Security Offset; Form LDOL-WC-1005B

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:293 (February 1999), amended LR 25:1872 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6641. Subpoena for Deposition and Subpoena Deuces Tecum; Form LDOL-WC-1006A

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:294 (February 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6643. Subpoena Deuces Tecum for Inspection; Form LDOL-WC-1006B

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:294 (February 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6645. Subpoena and Subpoena Deuces Tecum; Form LDOL-WC-1006C

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:294 (February 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6647. Employer's Report of Injury/Illness; Form LWC-WC-IA-1

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers' Compensation, LR 38:3252 (December 2012), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6649. Disputed Claim for Compensation; Form LDOL-WC-1008

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:297 (February 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6651. Request for Compromise and Lump Sum Settlement; Form LDOL-WC-1011

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:299 (February 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6653. Request for Independent Medical Examination; Form LDOL-WC-1015

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:301 (February 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6655. Employer's Report of Occupational Injury and Illness Quarterly Summary; Form LDOL-WC-1017A

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:302 (February 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6657. Employee's Monthly Report of Earnings; Form LDOL-WC-1020

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:304 (February 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6659. Employee and Employer Certificate of Compliance; Form LDOL-WC-1025

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:305 (February 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6661. Employee's Quarterly Report of Earnings; Form LDOL-WC-1026

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:307 (February 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6662. Attorney Fee Notice of Lien; Form LDOL-WC-1027

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:1873 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6663. Scheduling Order; Form LDOL-WC-1028

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:1873 (October 1999), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6664. Choice of Physician; Form LDOL-WC-1121

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR

30:2067 (September 2004), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6665. Workers' Compensation Records Request Form; LWC-WC-1150

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1 and R.S. 23:1293.

HISTORICAL NOTE: Promulgated by the Workforce Commission, Office of Workers' Compensation Administration, LR 44:103 (January 2018), repromulgated LR 44:798 (April 2018), amended LR 50:832 (June 2024), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6667. Employee Authorization for OWCA to Release Confidential Workers' Compensation Records; LWC-WC-1151

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1 and R.S. 23:1293.

HISTORICAL NOTE: Promulgated by the Workforce Commission, Office of Workers' Compensation Administration, LR 44:105 (January 2018), amended LR 50:832 (June 2024), repealed by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

Chapter 67. Forms

§6701. Annual Report of Workers' Compensation Costs; Form LWC-WC-1000

ANNUAL REPORT OF WORKERS' COMPENSATION COSTS
FOR CALENDAR YEAR _____

1. EMPLOYER INFORMATION		2. INSURANCE COMPANY INFORMATION	
Account # _____ Name: _____ Address: _____ City, St., Zip: _____ Contact Person: _____ Phone #: _____		Account # _____ Name: _____ Address: _____ City, St., Zip: _____ Contact Person: _____ Phone #: _____	
Fed EIN: _____ Phone Number: _____ ()			
3. Coverage Provided: <input type="checkbox"/> Self-insured / Excess Insurance <input type="checkbox"/> Conventional Workers' Compensation Policy <input type="checkbox"/> Combination of Insurance Policies [R.S. 23:1168(A)(2)]			
4. COSTS INCURRED DURING THE CALENDAR YEAR (See Instructions)			
		Paid by Employer	Paid by Insurance
A. Indemnity Benefits:			
	1. Temporary Total		
	2. Supplemental Earnings		
	3. Permanent Partial		
	4. Permanent Total		
	5. Death Benefits		
	6. Other Compensation		
	TOTAL INDEMNITY BENEFITS		
B. TOTAL COMPROMISE/LUMP SUM SETTLEMENTS:			
C. Medical Expenses:			
	1. Hospital		
	2. Physicians		
	3. Diagnostic Tests/Procedures		
	4. Prescription Drugs		
	5. Transportation		
	6. Independent Medical Exams		
	7. Physical/Occupational Therapy		
	8. Other		
	TOTAL MEDICAL EXPENSES		
D. Rehabilitation Expenses			
	1. Vocational Rehabilitation		
	2. Labor Market Surveys		
	3. Evaluations		
	4. Other		
	TOTAL REHABILITATION EXPENSES		

LWC-WC-1000
REV. 5/25

COMPLETE BOTH PAGES

		Paid by Employer	Paid by Insurance
E. TOTAL FUNERAL EXPENSES			
F. Legal Expenses			
	1. Attorney Fees		
	2. Court Costs		
	3. Deposition Costs		
	4. Investigation Costs		
	5. Penalties and Interest		
	6. Administrative/Other Costs		
	TOTAL LEGAL EXPENSES		
G. Cost Summary			
	1. Total Indemnity Benefits (ITEM A)		
	2. Total Compromise/Lump Sum Settlements (ITEM B)		
	3. Total Medical Expenses (ITEM C)		
	4. Total Rehabilitation Costs (ITEM D)		
	5. Total Funeral Expenses (ITEM E)		
	6. 3rd Party Recoveries for Costs (not included above)		
	7. Total Assessable Costs (1 + 2 + 3 + 4 + 5 - 6)		
	8. Total Legal Expenses (ITEM F)		
	9. TOTAL WORKERS' COMPENSATION COSTS		
H. Number of Claims Summary			
	1. Carried over from prior year		
	2. Opened during current year		
	3. Closed during current year		
	4. Open at year end (1 + 2 - 3)		
	5. Total Medical only claims		
I. OPEN RESERVE CLAIMS (at year end)		Number	
		Amount	
<p>NOTE: The amount of compensation benefits paid will be used by the Assistant Secretary to make assessments for the administration of the Workers' Compensation Office under the provisions of Act 29, 1983, R.S. 23:1291.1 All other information submitted will be used for statistical records only with the names of employers and carriers being confidential and privileged. (La. R.S. 23:1293)</p>			
FOR OFFICIAL USE ONLY		<p>I certify that the information contained herein is true and correct to the best of my knowledge and belief.</p> <p>Signature _____ Date _____</p>	

RETURN TO:
 ATTN: AUDIT & COMPLIANCE
 OFFICE OF WORKERS' COMPENSATION
 P.O. BOX 94040
 BATON ROUGE, LA 70804-9040
 (225) 342-7571 (PHONE) (225) 219-5988 (FAX)

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COMPLETE BOTH PAGES

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1291.1 & R.S. 23:1293

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6703. Notice of Payment, Modification, Suspension, Termination or Controversion of Compensation or Medical Benefits; Form LWC-WC-1002

EMPLOYER/PAYOR MAIL TO:

OFFICE OF WORKERS' COMPENSATION
POST OFFICE BOX 94040
BATON ROUGE, LA 70804-9040

1. Employee Social Security No. _____ - _____ - _____

2. Payor Claim No.: _____

3. Date of Injury/Illness _____

4. Date of Notice: _____

**NOTICE OF PAYMENT, MODIFICATION, SUSPENSION, TERMINATION OR CONTROVERSION
OF COMPENSATION OR MEDICAL BENEFITS**

5. Purpose of Form (check one):

Initial Payment _____ Modification _____ Suspension _____ Termination _____ Controversion _____

6. (a) Employee Name: _____
Address: _____
Telephone: _____
- (b) Employee Representative Name (if known) _____
Address: _____
Telephone: _____
Facsimile: _____
- (c) Employer Name: _____
Address: _____
Telephone: _____
Facsimile: _____

7. Effective Date of Initial Payment, Modification, Suspension, Termination or Controversion: ____/____/20____

8. Description of Injury/Occupational Disease: _____

9. Average Weekly Wage: \$ _____

10. **Payment/Modification** (check one): Initial Payment _____ Modification _____

Indemnity Benefits are to be paid as follows:

A. Permanent Total Disability (PTD) _____ Temporary Total Disability (TTD) _____ (check one) benefits at the rate of \$ _____ per week;

B. Supplemental Earnings Benefits (SEB) paid at the rate of \$ _____ per _____ based on a wage earning capacity of \$ _____; **OR**

SEB paid at the rate of \$ _____ per _____ dependent on wages as reflected in LWC-WC-1020's to be submitted by employee each month;

C. Reduced PTD _____ TTD _____ SEB _____ (check one) at the rate of \$ _____ due to employee's receipt of (check applicable item):

_____ Social Security Benefits at the rate of \$ _____ per _____;
_____ Other Workers' Compensation Benefits at the rate of \$ _____ per _____;
_____ Employer Funded Disability Benefits at the rate of \$ _____ per _____;
_____ Unemployment Insurance Benefits
_____ Third Party Recovery in the amount of \$ _____
_____ 50% reduction of compensation based on Employee's refusal to cooperate with Vocational Rehabilitation
_____ Reduction due to child support order
_____ Other (Describe): _____

D. Permanent Partial Disability (PPD) Benefits of \$ _____ per week payable for _____ weeks.
E. Death Benefits have begun in the amount of \$ _____ per week, representing _____ % of AWW.

Employee Name _____

Date of injury/illness _____

11. **Suspension/Termination**

Indemnity and/or Medical Benefits have been suspended/terminated due to:

- _____ Employee's refusal to submit to a medical examination;
- _____ Employee's refusal to execute a Choice of Physician form;
- _____ Fraud
- _____ Dispute over Compensability (Describe): _____

- _____ Employee's refusal to return the form LWC-WC-1025 or LWC-WC-1020;
- _____ Released to return to work full duty;
- _____ Employee able to earn 90% of pre-accident average weekly wage; or
- _____ Other (Describe): _____

12. **Controversion**

Employee's rights to Indemnity and/or Medical Benefits are disputed and have been denied because Employer/Payor disputes:

- _____ Compensable Work Accident;
- _____ Compensable Injury;
- _____ Employment Relationship;
- _____ Causation;
- _____ Disability;
- _____ Fraud;
- _____ Jurisdiction; or
- _____ Other (Describe): _____

13. Notice Submitted By:

Signature of Preparer: _____
Printed name: _____
Position/Affiliation: _____
Telephone: _____
Facsimile: _____
Address: _____

14. Please provide the following information:

Payor/Self Insured Employer Name: _____
Telephone: _____
Facsimile: _____
Address: _____

NOTICE OF DISAGREEMENT

(to be completed by Employee/Employee Representative)

MAIL TO:

The preparer for Employer/Payor
at the address listed in Section 13
of the LWC-WC-1002.

Employee Social Security No.: _____ - _____ - _____

Payor Claim No. (if known): _____

Date of Injury/Illness: _____

Date of Notice of Disagreement: _____

BASIS OF DISAGREEMENT

1. Average Weekly Wage is incorrect. The correct AWW amount is \$ _____.
2. The type of workers' compensation indemnity benefits is incorrect. The correct type is PTD/TTD/SEB/PPD (circle one).
3. The amount/rate of workers' compensation indemnity benefits is incorrect. The correct amount is \$ _____ per _____.
4. The basis for Employer/Payor's suspension/termination/controversion of benefits is incorrect because (describe):

5. Other (describe): _____

6. Notice Submitted By:

Employee Name: _____
Telephone: _____
Address: _____

Employee Representative
La. Bar Roll No. _____
Address: _____

Telephone: _____
Facsimile: _____

Signature _____
Printed name: _____

AUTHORITY NOTE: Promulgated in accordance with R.S.
23:1201.1

HISTORICAL NOTE: Promulgated by the Louisiana
Workforce Commission, Office of Workers' Compensation
Administration, LR 51:

§6705. Stop Payment Form; Form LWC-WC-1003

MAIL TO:
ATTN: RECORDS MANAGEMENT
OFFICE OF WORKERS' COMPENSATION
POST OFFICE BOX 94040
BATON ROUGE, LA 70804-9094
(225) 342-7565, TOLL FREE (800) 201-3457

SOCIAL SECURITY NUMBER

DATE OF INJURY/ILLNESS

STOP PAYMENT FORM

Per La. R.S. 23:1201(H), this form is sent by the Employer/Insurer to the injured workers and the OWCA within 14 days of the closure of a case. An **AMENDED COPY** is required if the case re-opens or additional costs are incurred.

1. _____ (Employee)	2. _____ Date of this Notice
3. _____ Part(s) of Body Injured	4. _____ Date Compensation Paid Through
5. Purpose of Form: (check only one) <input type="checkbox"/> Payment stopped-Employee working at equal or greater wages <input type="checkbox"/> Payment stopped-Employee able to work at same or greater wages <input type="checkbox"/> Payment stopped-Lump sum/Compromise settlement approved <input type="checkbox"/> Other _____	
<input type="checkbox"/> Payment stopped-Maximum period for paying SEB has expired <input type="checkbox"/> Payment stopped-3rd Party recovery without notice <input type="checkbox"/> Amend or correct prior 1003	
6. Length of Disability _____ weeks _____ days.	
7. Give ICD-9/ICD-10 Diagnostic code(s) _____	
8. Give CPT Procedure code(s) _____	
9. COSTS INCURRED FOR THIS CASE:	
A. Indemnity Benefits 1. Temporary total _____ 2. Supplemental earnings _____ 3. Permanent partial _____ 4. Permanent total _____ 5. Death Benefits _____ 6. Other Benefits _____	D. Rehabilitation Expenses 1. Medical Rehabilitation _____ 2. Vocational Rehabilitation _____ 3. Labor Market Survey _____ 4. Evaluation _____ 5. Other _____
TOTAL INDEMNITY BENEFITS (Add A. Items 1-6) \$ _____	TOTAL REHABILITATION EXPENSES (Add D. Items 1-5) \$ _____
B. TOTAL SETTLEMENT AMOUNT \$ _____	E. TOTAL FUNERAL EXPENSES \$ _____
C. Medical Expenses 1. Hospital _____ 2. Physician _____ 3. Diagnostic Tests/Procedures _____ 4. Prescription Drugs _____ 5. Transportation Costs _____ 6. Independent Medical Exams _____ 7. Occupational/Physical Therapy _____ 8. Other _____	F. Legal Expenses 1. Attorney Fees _____ 2. Court Costs _____ 3. Deposition Costs _____ 4. Investigative Costs _____ 5. Penalties and Interest _____ 6. Administrative/Other Costs _____
TOTAL MEDICAL EXPENSES (Add C. Items 1-8) \$ _____	TOTAL LEGAL EXPENSES (Add F. Items 1-6) \$ _____
G. 3 RD PARTY RECOVERY FOR COSTS (Not Included Above) \$ _____	
H. TOTAL WORKERS' COMPENSATION COSTS (Add A-G) \$ _____	
I. BALANCE OF UNUSED RESERVES \$ _____	
Submitted by:	
Preparer's Name: _____	Employee Name: _____
Employer/Insurer: _____	Employer: _____
Address: _____	Address: _____
Phone: () _____	Phone: () _____
Employer/Insurer NCCI Number: _____	

LWC-WC-1003

REV. 06/25

§6707. Request for Social Security Benefits Information; Form LWC-WC-1004

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1201(H)

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

REQUEST FOR SOCIAL SECURITY BENEFITS INFORMATION
(L.R.S. 23:1225)

DATE _____

NAME _____

SSN _____

Please provide information concerning the referenced worker.

Workers' Compensation Judge

Type of Social Security Benefit: ☐ Disability ☐ Retirement ☐ Other ☐ None

Current Social Security Benefit Paid to Employee \$ _____

Number of Auxillaries/Dependants on Record # _____

Age of Youngest Auxillary/Dependant _____

PART I - CALCULATION OF INITIAL OFFSET

Date of Entitlement _____

1. Original 80% Average Current Earnings (ACE) on Record \$ _____

2. Total Family Benefit (TFB) \$ _____

3. Higher of Amounts Shown Above \$ _____

4. Monthly Workers' Compensation (WC) Rate
(Subject to reduction due to allowable expenses) \$ _____

5. Social Security Benefits Payable After Offset in Month of Entitlement
(#3 minus #4, if a negative amount show 0) \$ _____

6. Original Federal Offset Amount (#2 minus #5) \$ _____

**PART II - CHANGE IN FEDERAL OFFSET AMOUNT DUE TO TRIENNIAL REDETERMINATION
OF THE ACE** (42 USC 424 (F) (1) and 20 CFR 404.408(1))

Effective January _____

1. Redetermined 80% ACE \$ _____

2. Original 80% ACE \$ _____

3. Difference Between Original and Redetermined ACE (#2 minus #1) \$ _____

4. Cost of Living Allowance (COLA) Increases for Same Period of Time (Date of Entitlement
Through Date of Redetermination) \$ _____

5. Decrease in Offset (#3 minus #4; if negative, show 0) \$ _____

6. Federal Offset Amount (#6 in Part I minus #5) \$ _____

The next Triennial Redetermination of the ACE should be completed in / /

PREPARED BY: _____

Social Security Field Office

LWC -WC-1004
REVISED 7/8/08

**§6709. Motion for Recognition of Right to Social
Security Offset; Form LWC-WC-1005A**

AUTHORITY NOTE: Promulgated in accordance with R.S.
23:1310.1 & R.S. 23:1225

HISTORICAL NOTE: Promulgated by the Louisiana
Workforce Commission, Office of Workers' Compensation,
Administration LR 51:

STATE OF LOUISIANA
LOUISIANA WORKFORCE COMMISSION
OFFICE OF WORKERS' COMPENSATION

_____* SS#: _____
VERSUS* DOCKET NO: _____
_____* DISTRICT: _____

MOTION FOR RECOGNITION OF RIGHT TO SOCIAL SECURITY OFFSET

NOW INTO COURT as undersigned comes _____,
employer/insurer in the referenced case, and requests the Workers' Compensation Judge to enter an order
recognizing its right to take the reverse offset, since the claimant in this matter is receiving permanent total
disability benefits under the Louisiana Workers' Compensation Act in addition to benefits under 42 U.S.C.
Chapter 7, Subchapter II, entitled Federal Old Age, Survivors, and Disability Insurance Benefits.

SIGNED this the _____ day of _____, 20 _____.

(PRINT NAME)

Agent for _____

LWC-WC-1005A

Rev. 7/08

**§6711. Order Recognizing Right to Social Security
Offset; Form LWC-WC-1005B**

AUTHORITY NOTE: Promulgated in accordance with R.S.
23:1310.1 & R.S. 23:1225

HISTORICAL NOTE: Promulgated by the Louisiana
Workforce Commission, Office of Workers' Compensation
Administration, LR 51:

STATE OF LOUISIANA
LOUISIANA WORKFORCE COMMISSION
OFFICE OF WORKERS' COMPENSATION

_____* SS#: _____
VERSUS * DOCKET NO: _____
_____* DISTRICT: _____

ORDER RECOGNIZING RIGHT TO SOCIAL SECURITY OFFSET

This matter is before the Workers' Compensation Judge on the motion of the employer/insurer for recognition of its right to claim the social security reverse offset in this case. The Workers' Compensation Judge finds that the claimant is receiving permanent total disability benefits under the provisions of the Louisiana Workers' Compensation Act in addition to benefits under 42 U.S.C. Chapter 7, Subchapter II, entitled Federal Old Age, Survivors, and Disability Insurance Benefits. The Workers' Compensation Judge further finds that under those provisions of L.R.S. 23:1225(A) the employer/insurer has claimed and is entitled to a reduction in the Workers' Compensation benefits paid to claimant in the amount of _____.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the employer/insurer is hereby allowed to offset the Workers' Compensation benefits paid to claimant in the amount of _____
beginning on _____, 20 _____, the date of employer/insurer's judicial demand.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Social Security Administration reverse its social security offset effective _____, 20 _____, the date of employer/insurer's judicial demand.

READ, RENDERED AND SIGNED this the _____ day of _____
20 _____ at _____ Parish, Louisiana.

WORKERS' COMPENSATION JUDGE

LWC-WC-1005B
Rev. 7/07

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1 & R.S. 23:1225

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6713. Subpoena for Deposition and Subpoena Duces Tecum; Form LWC-WC-1006A

**SUBPOENA FOR DEPOSITION
AND SUBPOENA DUCES TECUM**

_____ * **DOCKET NO.** _____ **DISTRICT** _____
VERSUS _____ * **OFFICE OF WORKERS' COMPENSATION**
_____ * **STATE OF LOUISIANA**
TO _____

YOU ARE HEREBY COMMANDED to appear at the office of _____

address _____

_____ Telephone # _____ at _____ o'clock _____
_____.m. on the _____ day of _____, 20____, to have your oral testimony taken in the
above entitled and numbered cause.

YOU ARE/ARE NOT (circle one) FURTHER COMMANDED to produce at the above time
and place the following:

This **SUBPOENA** was issued by the Office of Workers' Compensation on the _____ day of
_____, 20_____.

This **SUBPOENA** was ordered by Attorney:

Telephone: (____) _____

LWC-WC-1006A (Rev. 06/25)

Records Manager's Name: _____
Office of Workers' Compensation

I hereby certify I have served a copy of this
subpoena on all attorneys of record.

AUTHORITY NOTE: Promulgated in accordance with R.S.
23:1310.1 & R.S. 23:1310.7

HISTORICAL NOTE: Promulgated by the Louisiana
Workforce Commission, Office of Workers' Compensation
Administration, LR 51:

**§6715. Subpoena Duces Tecum for Inspection; Form
LWC-WC-1006B**

SUBPOENA DUCES TECUM FOR INSPECTION

VERSUS

* **DOCKET NO.** _____ **DISTRICT** _____
* **OFFICE OF WORKERS' COMPENSATION**
* **STATE OF LOUISIANA**

TO _____

YOU ARE HEREBY COMMANDED to produce (or mail/deliver) at the office of _____

Address _____

Telephone # _____ at (by) _____ o'clock ____m.

on the _____ day of _____, 20____, the following documents:

This **SUBPOENA** was issued by the Office of Workers' Compensation on the _____ day of _____, 20____.

This **SUBPOENA** was ordered by Attorney:

Telephone: (____) _____

Records Manager's Name: _____
Office of Workers' Compensation

I hereby certify I have served a copy of this subpoena on all attorneys of record.

LWC-WC-1006B Rev. 06/25

§6717. Subpoena and Subpoena Deuces Tecum; Form LWC-WC-1006C

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1 & R.S. 23:1310.7

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

SUBPOENA AND SUBPOENA DUCES TECUM

VERSUS

* DOCKET NO. _____ DISTRICT _____
* OFFICE OF WORKERS' COMPENSATION
* STATE OF LOUISIANA

TO _____

YOU ARE HEREBY COMMANDED to appear before the Workers' Compensation Court at

Address: _____

_____ Telephone # _____ at _____ o'clock

_____.m. on the _____ day of _____, 20____, or on any other day that this matter may be

continued to give testimony in the above entitled and numbered cause. **You must remain in Court until discharged by the Judge. You must testify to the truth, to the best of your knowledge in this case .**

YOU ARE/ARE NOT (circle one) FURTHER COMMANDED to produce at the above time and place the following:

FAILURE TO APPEAR OR PRODUCE AS DIRECTED ABOVE SHALL SUBJECT YOU TO ANY PENALTY AS PRESCRIBED BY LAW.

This **SUBPOENA** was issued by the Office of Workers' Compensation on the _____ day of _____, 20____.

This **SUBPOENA** was ordered by Attorney:

Telephone: (____) _____

Records Manager's Name: _____
Office of Workers' Compensation

I hereby certify I have served a copy of this subpoena on all attorneys of record.

LWC-WC-1006C Rev. 06/25

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1 & R.S. 23:1310.7

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6719. Employer's Report of Injury/Illness; Form LWC-WC-IA-1

WORKERS COMPENSATION – FIRST REPORT OF INJURY OR ILLNESS

EMPLOYER (NAME & ADDRESS INCL ZIP)		CARRIER/ADMINISTRATOR CLAIM NUMBER	OSHA LOG NUMBER	REPORT PURPOSE CODE
		JURISDICTION		JURISDICTION CLAIM NUMBER
		INSURED REPORT NUMBER		
INDUSTRY CODE		EMPLOYER'S LOCATION ADDRESS (IF DIFFERENT)		LOCATION #
				PHONE #
EMPLOYER FEIN				
CARRIER/CLAIMS ADMINISTRATOR				
CARRIER (NAME, ADDRESS, & PHONE #)		POLICY PERIOD	CLAIMS ADMINISTRATOR (NAME, ADDRESS & PHONE NO)	
		TO		
		CHECK IF APPROPRIATE		
		SELF INSURANCE <input type="checkbox"/>		
CARRIER FEIN	POLICY/SELF-INSURED NUMBER		ADMINISTRATOR FEIN	
AGENT NAME & CODE NUMBER				
EMPLOYEE/WAGE				
NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH	SOCIAL SECURITY NUMBER	DATE HIRED
ADDRESS (INCL ZIP)		SEX	MARITAL STATUS	OCCUPATION/JOB TITLE
		<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> UNMARRIED <input type="checkbox"/> SINGLE/DIVORCED <input type="checkbox"/> MARRIED <input type="checkbox"/> SEPARATED <input type="checkbox"/> UNKNOWN	EMPLOYMENT STATUS
PHONE		# OF DEPENDENTS	NCCI CLASS CODE	
RATE PER:	<input type="checkbox"/> DAY WEEK <input type="checkbox"/> MONTH OTHER	DAYS WORKED/WEEK	FULL PAY FOR DAY OF INJURY? DID SALARY CONTINUE?	<input type="checkbox"/> YES <input type="checkbox"/> NO
OCCURRENCE/TREATMENT				
TIME EMPLOYEE BEGAN WORK	<input type="checkbox"/> AM <input type="checkbox"/> PM	DATE OF INJURY/ILLNESS	TIME OF OCCURRENCE	<input type="checkbox"/> AM <input type="checkbox"/> PM
		() CANNOT BE DETERMINED		
CONTACT NAME/PHONE NUMBER		TYPE OF INJURY/ILLNESS		PART OF BODY AFFECTED
DID INJURY/ILLNESS/EXPOSURE OCCUR ON EMPLOYER'S PREMISES?		TYPE OF INJURY/ILLNESS CODE		PART OF BODY AFFECTED CODE
<input type="checkbox"/> YES <input type="checkbox"/> NO				
DEPARTMENT OR LOCATION WHERE ACCIDENT OR ILLNESS EXPOSURE OCCURRED		ALL EQUIPMENT, MATERIALS, OR CHEMICALS EMPLOYEE WAS USING WHEN ACCIDENT OR ILLNESS EXPOSURE OCCURRED		
SPECIFIC ACTIVITY THE EMPLOYEE WAS ENGAGED IN WHEN THE ACCIDENT OR ILLNESS EXPOSURE OCCURRED		WORK PROCESS THE EMPLOYEE WAS ENGAGED IN WHEN ACCIDENT OR ILLNESS EXPOSURE OCCURRED		
HOW INJURY OR ILLNESS/ABNORMAL HEALTH CONDITION OCCURRED. DESCRIBE THE SEQUENCE OF EVENTS AND INCLUDE ANY OBJECTS OR SUBSTANCES THAT DIRECTLY INJURED THE EMPLOYEE OR MADE THE EMPLOYEE ILL				
				CAUSE OF INJURY CODE
DATE RETURN(ED) TO WORK	IF FATAL, GIVE DATE OF DEATH	WERE SAFEGUARDS OR SAFETY EQUIPMENT PROVIDED?		<input type="checkbox"/> YES <input type="checkbox"/> NO
		WERE THEY USED?		<input type="checkbox"/> YES <input type="checkbox"/> NO
PHYSICIAN/HEALTH CARE PROVIDER (NAME & ADDRESS)		HOSPITAL OR OFF SITE TREATMENT (NAME & ADDRESS)		INITIAL TREATMENT
				<input type="checkbox"/> NO MEDICAL TREATMENT <input type="checkbox"/> MINOR BY EMPLOYER <input type="checkbox"/> MINOR CLINIC/HOSP <input type="checkbox"/> EMERGENCY CARE <input type="checkbox"/> HOSPITALIZED > 24 HOURS <input type="checkbox"/> FUTURE MAJOR MEDICAL/ LOST TIME ANTICIPATED
OTHER				
WITNESSES (NAME & PHONE #)				
DATE ADMINISTRATOR NOTIFIED	DATE PREPARED	PREPARER'S NAME & TITLE		PHONE NUMBER

LWC-WC IA-1

IAIABC 2002

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1306

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6721. Disputed Claim for Compensation; Form LWC-WC-1008

To be filed with OWCA District Office
of proper venue per La. R.S. 23:1310.4
lawworks.net/WorkersComp/OWC_districtofficelisting.asp

Questions should be directed to the District Office or
The Office of Workers' Compensation Administration
Phone: (225) 342-7970 or Toll Free (800) 201-2499

DISTRICT: _____
(Identify venue choice here)

DOCKET #: _____
(to be completed by district office)

DISPUTED WORKERS' COMPENSATION CLAIM

This claim is submitted by or on behalf of (check one): _____ Employee _____ Employer _____ Insurer/SIF _____ Healthcare
Provider (HCP) _____ Dependent/Other _____ LWC

1. EMPLOYEE Service ____Y ____N Name _____ Street or P.O. Box _____ _____ City/State _____ Telephone _____ Email or Fax _____ Birthdate _____ SSN _____ <u>Attorney Information</u> Service ____Y ____N Name _____ Street or P.O. Box _____ _____ City/State _____ Bar Roll No. _____ Telephone _____ Email and Fax _____	2. EMPLOYER Service ____Y ____N Name _____ Registered Agent (Corp. or LLC) _____ Street or P.O. Box _____ _____ City/State _____ Telephone _____ Email or Fax _____ <u>Attorney Information</u> Service ____Y ____N Name _____ Contact Person _____ Street or P.O. Box _____ _____ City/State _____ Telephone _____ Bar Roll No. _____ Email and Fax _____
3. INSURER/SIF Service ____Y ____N (Insurer listing ewccv.com/cvs/?ref=https://www.lawworks.net/) Name _____ Registered Agent _____ Street or P.O. Box _____ _____ City/State _____ Telephone _____ Email or Fax _____ <u>Attorney Information</u> Service ____Y ____N Name _____ Contact Person _____ Street or P.O. Box _____ _____ Bar Roll No. _____ City/State _____ Telephone _____ Email and Fax _____	4. THIRD PARTY ADMINISTRATOR Service ____Y ____N Name _____ Contact Person _____ Street or P.O. Box _____ _____ City/State _____ Telephone _____ Email or Fax _____ <u>Attorney Information</u> Service ____Y ____N Name _____ Street or P.O. Box _____ _____ City/State _____ Bar Roll No. _____ Telephone _____ Email and Fax _____

5. HEALTH CARE PROVIDER Service <input type="checkbox"/> Y <input type="checkbox"/> N Name _____ Contact Person _____ Street or P.O. Box _____ _____ City/State _____ Telephone _____ Email or Fax _____ <u>Attorney Information</u> Service <input type="checkbox"/> Y <input type="checkbox"/> N Name _____ Street or P.O. Box _____ _____ City/State _____ Bar Roll No. _____ Telephone _____ Email and Fax _____	6. <u>DEPENDENT</u> or <u>OTHER</u> Service <input type="checkbox"/> Y <input type="checkbox"/> N Name _____ Capacity/Relationship to Employee _____ _____ Street or P.O. Box _____ _____ City/State _____ Telephone _____ Email or Fax _____ <u>Attorney Information</u> Service <input type="checkbox"/> Y <input type="checkbox"/> N Name _____ Street or P.O. Box _____ _____ City/State _____ Bar Roll No. _____ Telephone _____ Email and Fax _____
--	--

Service Instructions – Please indicate whether you are requesting service on the parties listed above by checking Y for “yes” or N for “no” in the assigned space. Attach any special service instructions in writing. All persons on whom service is requested will be served by certified mail at the address listed above unless otherwise instructed.

7. ACCIDENT/INJURY/OCCUPATIONAL DISEASE DATA (Attach additional pages as necessary.)

(a) Employee’s Occupation _____ Average Weekly Wage \$ _____

(b) Date of accident or date occupational disease symptoms began ____/____/____

(c) Name of Employer Representative or Supervisor to whom accident was first reported: _____

(d) Date/time when accident was first reported to Employer Representative or Supervisor _____

(e) Parish where accident occurred _____

(f) Employee’s Parish of residence at time of the injury/illness _____

(g) List Affected/Injured Body Part and/or describe the nature of occupational disease(s)

(h) Describe the accident/injury, including manner in which it occurred, persons/equipment involved, type of injury, etc. If the employee claims an occupational disease, describe the symptoms and the date on which they manifested.

(i) List the name and address for all witnesses to the accident.

8. MEDICAL TREATMENT (Attach additional pages as necessary.)

List the name and address of all physicians, hospitals, or other healthcare providers who have treated the employee as a result of the injury/occupational disease described above.

9. THE BONA FIDE DISPUTE – Briefly describe all disputed issues (Attach additional pages as necessary.)

In addition, check all of the applicable items below:

- ☐ (a) No wage benefits have been paid
- ☐ (b) Wage benefits were improperly terminated on ____/____/____
- ☐ (c) Wage benefits were improperly reduced on ____/____/____
- ☐ (d) The worker's compensation rate is incorrect. It should be \$ _____
- ☐ (e) No medical treatment has been authorized
- ☐ (f) Failure to pay the correct amount of medical benefits
- ☐ (g) Failure to pay medical benefits timely
- ☐ (h) Medical treatment, specifically _____ (procedure/description)
recommended by _____ (healthcare provider) has been
denied/has not been authorized **(Issues of medical necessity are subject to La. R.S. 23:1203.1.)**
- ☐ (i) Appeal of a LWC-WC-1009/Disputed Claim for Medical Treatment **(Attach a copy of the OWCA medical director's decision. The 1009 appeal may not be joined with any other issues. File a separate 1008 for any other claims you are asserting.)**
- ☐ (j) Choice of treating physician has not been authorized (List physician's name, address, and specialty.)

- ☐ (k) Vocational Rehabilitation has not been properly provided/authorized
- ☐ (l) Disability status is incorrect. Correct status is **(Check all that apply)** ____ Temporary Total ____ Permanent Total
____ Supplemental Earnings Benefits ____ Permanent Partial
- ☐ (m) Death Benefits have ____ not been paid and/or ____ not been properly paid
- ☐ (n) Offset (specify)

- ☐ (o) Credit (specify)

- ☐ (p) Mandatory Insurance Compliance System (MICS) case **(Attach MICS pleading and order to set hearing.)**

9. THE BONA FIDE DISPUTE – (continued)

- ☐ (q) Penalties/Attorney Fees
☐ (r) Interest
☐ (s) Costs
☐ (t) Fraud (specify facts)

10. REQUESTS FOR EXPEDITED HEARING (If you are requesting an expedited hearing, you must attach a corresponding motion detailing the legal and factual basis for the request and an order to be signed by the workers' compensation judge setting the hearing.)

In addition, check all that apply:

- ☐ choice of physician
☐ attendance at medical examination
☐ denial/demand of vocational rehabilitation
☐ execute choice of physician form
☐ return of LWC-WC forms 1025 or 1020
☐ lift suspension of benefits for failure to comply with R.S. 23:1121(B)(1)
☐ lift suspension of benefits for failure to attend medical exam
☐ lift suspension of benefits for failure to comply with R.S. 23:1208(H)
☐ lift reduction of benefits for failure to cooperate with vocational rehabilitation
☐ 1009 appeal
☐ MICS
☐ Objection to La. R.S. 23:1123 IME
☐ other (specify)

NOTES: You may attach a petition with additional information. Insurance coverage information for employers may be verified online at www.laworks.net. All pleadings and court filings shall be submitted on letter sized paper only.

I ☐ **DO** ☐ **DO NOT (check one)** agree to accept service of all notices from the Office of Workers' Compensation at the ☐ facsimile and/or ☐ email (**check one or both**) listed above.

Signature of Petitioner

Date

Signature and Bar # of Attorney (if applicable)

Date

CERTIFICATION: I hereby certify that all information contained in the foregoing Disputed Claim is correct to the best of my knowledge and information. A copy thereof has been provided to all known parties via U.S. mail, postage prepaid.

Signature (person who prepared and mailed the form)

Printed Name: _____

LWC-WC-1008 Page 4 of 4

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6725. Request for Compromise and Lump Sum Settlement; Form LWC-WC-1011

<p>SUBMIT TO: OWCA DISTRICT OFFICE or OFFICE OF WORKERS' COMPENSATION POST OFFICE BOX 94040 BATON ROUGE, LA 70804-9040</p> <p>PHONE (225) 342-7970 TOLL FREE (800) 201-2499</p>	<p>1. Social Security No. _____-_____-_____ 2. Date of Injury/Illness _____-_____-_____ 3. Part(s) of Body Injured _____ 4. OWC Docket Number _____ 5. OWC District Number _____</p>
--	--

**REQUEST FOR COMPROMISE
OR LUMP SUM SETTLEMENT**

DATE OF APPROVAL _____	
JUDGE _____	

<p style="text-align: center;">EMPLOYEE</p> <p>6. Name _____ Street or Box _____ City _____ State _____ Zip _____ Phone _____</p>	<p style="text-align: center;">EMPLOYEE'S ATTORNEY</p> <p>7. Name _____ Street or Box _____ City _____ State _____ Zip _____ Phone _____ Fax _____</p>
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<p style="text-align: center;">EMPLOYER</p> <p>8. Name _____ Street or Box _____ City _____ State _____ Zip _____ Phone _____</p>	<p style="text-align: center;">INSURER/ADMINISTRATOR (circle one)</p> <p>9. Name _____ Street or Box _____ City _____ State _____ Zip _____ Phone _____ Fax _____</p>
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<p style="text-align: center;">EMPLOYER/INSURER'S ATTORNEY (circle one)</p> <p>10. Name _____ Street or Box _____ City _____ State _____ Zip _____ Phone _____ Fax _____</p>	
--	--

11. DATE OF SETTLEMENT CONFERENCE: _____
12. TERMS AND AMOUNT OF SETTLEMENT: _____
13. BENEFITS PAID TO DATE:
a.) AVERAGE WEEKLY WAGE: \$ _____
b.) WORKERS' COMPENSATION BENEFITS: \$ _____
c.) MEDICAL BENEFITS: \$ _____
d.) DEATH BENEFITS: \$ _____
14. ATTORNEY FEES PAID TO DATE: \$ _____
15. ADDITIONAL FEES REQUIRED: _____

ATTACHMENTS REQUIRED:

<p>_____ JOINT PETITION _____ FORM 1007 ATTACHED _____ or ON FILE _____ _____ FORM 1003 ATTACHED _____ or ON FILE _____ _____ EMPLOYEE AFFIDAVIT _____ EMPLOYER CONCURRENCE _____ ALLEGATION OF LEGAL REPRESENTATION</p>	<p>_____ MOST RECENT MEDICAL REPORT _____ WAIVER OF RIGHTS UNDER La. R.S. 23:1271 _____ FILING FEE PAID _____ ORDER OF APPROVAL _____ MOTION AND ORDER FOR ATTORNEY FEES _____ MOTION AND ORDER TO DISMISS 1008 (IF APPLICABLE)</p>
---	---

SUBMITTED BY: _____
PHONE: _____

LWC-WC-1011
REV. 06/25

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1 & R.S. 23:1272

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

**§6727. Request for Independent Medical Examination;
Form LWC-WC-1015**

<p>RETURN TO: OFFICE OF WORKERS' COMPENSATION POST OFFICE BOX 94040 BATON ROUGE, LA 70804-9040 EMAIL: medicalservices@lwc.la.gov PHONE: (225) 342-2030 TOLL FREE (800) 201-2494</p>	<p>1. Social Security No. _____ 2. Date of Injury/Illness _____ 3. Part(s) of Body Injured _____ 4. Date of Birth _____ 5. No 1008/suit is pending (check if applicable) _____ 6. OWCA Docket Number _____ 7. OWCA District Number _____</p>
REQUEST FOR La. R.S. 23:1123 INDEPENDENT MEDICAL EXAMINATION	
<p>8. Issues in Dispute (<i>check all that apply</i>): <input type="checkbox"/> Employee's condition <input type="checkbox"/> Employee's capacity to work</p> <p>A. The Assistant Secretary of the Office of Workers' Compensation shall choose the medical practitioner to conduct the IME per La. R. S. 23:1123.</p> <p>B. All requests to the OWCA for an IME shall include the following: <ul style="list-style-type: none"> • A cover letter explaining the conflicting medical issue(s) in dispute (reason for request) along with the conflicting medical reports must be attached to this form. The reports that document the dispute shall be most recent. • A list of names, addresses, and phone numbers of all physicians/medical providers who have treated or examined the injured employee for this injury. For each physician/medical provider listed, please state which party chose the provider. </p> <p>C. The submitting party shall mail a copy of this request and all included documents to all parties and their attorneys on the same day.</p> <p>D. The Assistant Secretary will not appoint an IME unless there is a dispute as to the employee's condition or capacity to work pursuant to La. R.S. 23:1123.</p> <p>E. Upon notice that your request for an IME is granted, you shall forward medical documents from all parties' medical providers (including but not limited to applicable reports, notes, test results, FCEs, X-rays, MRIs, and CT scans) to the IME physician's office with a copy of the OWCA IME Agreement and the OWCA letter to the doctor. Do not attach a private cover letter. You shall forward a statement to all parties and their attorneys identifying any films provided to the IME by provider name, type, and date of service in addition to identical copies of all documents, excluding films, you sent to the IME physician's office.</p> <p>F. You shall not communicate verbally or in writing with the IME prior to the IME rendering the IME report unless otherwise directed by Medical Services for limited processing issues.</p> <p>G. The type of indemnity benefit, if any, an employee may be entitled to is a legal determination outside of the scope of the IME.</p>	
<p style="text-align: center;">EMPLOYEE</p> <p>9. Name _____ Street or Box _____ City _____ State _____ Zip _____ Phone () _____</p>	<p style="text-align: center;">EMPLOYEE'S ATTORNEY</p> <p>10. Name _____ Street or Box _____ City _____ State _____ Zip _____ Phone () _____ Bar Roll # _____ Email: _____</p>
<p style="text-align: center;">EMPLOYER</p> <p>11. Name _____ Street or Box _____ City _____ State _____ Zip _____ Phone () _____</p>	<p><input type="checkbox"/> INSURER or <input type="checkbox"/> THIRD PARTY ADMINISTRATOR (<i>check one</i>)</p> <p>12. Name _____ Street or Box _____ City _____ State _____ Zip _____ Phone () _____ Email: _____</p>
<p>ATTORNEY FOR EMPLOYER INSURER (<i>check all that apply</i>)</p> <p>13. Name _____ Street or Box _____ City _____ State _____ Zip _____ Phone () _____ Bar Roll #: _____ Email: _____</p>	
LWC-WC-1015 Rev. 06/25	

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1291 & R.S. 23:1123

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6729. Employee's Monthly Report of Earnings; Form LWC-WC-1020

EMPLOYEE'S MONTHLY REPORT OF EARNINGS

You must submit this report to your employer's workers' compensation insurer within 30 days of your job-related injury, and every 30 days as long as you receive workers' compensation indemnity benefits. You do not have to submit this report if you have only received medical benefits. Your workers' compensation benefits may be suspended if you do not timely submit this report.

Warning: Per La. R.S. 23:1208 of the Louisiana Workers' Compensation Statute, it shall be unlawful for a person, for the purpose of obtaining or defeating any benefit payment under the provisions of this Chapter, either for himself or for any other person, to willfully make a false statement or representation. Penalties for violations include imprisonment, fines, and/or the forfeiture of benefits.

DO NOT leave any blanks on this report. Print or type all responses, and use Not Applicable (N/A) or Zero (0-) where appropriate.

1. The information in this report is true for the period beginning _____, 20__ and ending _____, 20__.
2. For the period covered in this report, did you receive a salary, wage, sales commission, or payment, including cash, of any kind? ☐ Yes ☐ No
If yes, give name and address of employer _____
If yes, give your gross earnings _____
3. For the period covered in this report, were you self-employed or involved in any business enterprise? **These include but are not limited to** farming, sales work, operating a business (even if the business lost money), child care, yard work, mechanical work, or any type of family business. ☐ Yes ☐ No
If yes, describe the type of business you are involved in, your job duties, and the amount of income received from the business. _____
4. Did you perform any volunteer work during the period covered in this report? ☐ Yes ☐ No
If yes, describe the type of volunteer work you performed. _____
5. Did you receive any unemployment insurance benefits for the period covered in this report? ☐ Yes ☐ No
If yes, how much? _____ For how many weeks? _____
6. Did you receive any old age insurance benefits under Title II of the Social Security Act? ☐ Yes ☐ No
If yes, how much? _____
7. Did you receive any Social Security Disability Benefits, retirement benefits, or any other type of disability or government benefits? ☐ Yes ☐ No
If yes, how much? _____ What type of benefits did you receive? _____

Employee Certification

I certify that I understand the contents of this entire document and understand I am held responsible for this information. I certify my answers are complete and true, and certify my compliance with the Louisiana Workers' Compensation Act.

Print Name _____	Signature _____	Social Security Number _____	Date _____
Physical/Street Address _____	City _____	State/Zip _____	Telephone Number _____
Date of Injury _____	Claim Number _____	Insurer _____	Telephone Number _____

LWC-WC-1020
REVISED 06/25

§6731. Employee Certificate of Compliance; Form LWC-WC-1025EE

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1291 & R.S. 23:1221

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

**EMPLOYEE
CERTIFICATE OF COMPLIANCE**

You must submit this form to your employer's workers' compensation insurer or to your employer within 14 days of its receipt. Your workers' compensation benefits may be suspended if you do not timely submit this Certification. You would be entitled to all suspended benefits after this Certification is provided to your insurer, if you are otherwise eligible for benefits.

It is unlawful for you to work and receive workers' compensation disability benefits, except for supplemental earnings benefits. Supplemental earnings benefits are paid when an employee is able to work, but is unable to earn 90% or more of his pre-injury wages as a result of a job related accident. As an injured worker, you must notify your employer or insurer of the earning of any wages, changes in employment or medical status, receipt of unemployment benefits, receipt of social security benefits and receipt of retirement benefits. If you receive benefits for more than 30 days, you will be required to certify your earnings to your insurer quarterly.

It is unlawful for you to receive workers' compensation indemnity disability benefits and unemployment benefits at the same time, except for permanent partial disability benefits. Permanent partial disability benefits are paid solely for amputation or for anatomical loss of use of a body part or function. If you violate this provision, you may be fined up to \$10,000, imprisoned up to 90 days, or both.

It is unlawful for you to willfully make, or to assist or counsel someone else to make, a false statement or representation in order to obtain or to defeat workers' compensation benefits. If you violate this provision, you may be fined, imprisoned, or both, as follows:

<u>Unlawful Benefits Paid or Claimed</u>	<u>Fine</u>	<u>Imprisonment</u>
\$10,000 or more	up to \$10,000	up to 10 years, with or without hard labor
\$2,500 or more but less than \$10,000	up to \$ 5,000	up to 5 years, with or without hard labor
less than \$2,500	up to \$500	up to 6 months

In addition to these criminal penalties, you may be assessed a civil penalty of up to \$5,000 and may forfeit your right to receive workers' compensation benefits.

EMPLOYEE CERTIFICATION

I certify that I understand the contents of this entire document, and that I understand I am held responsible for this information. I certify my compliance with the above stated requirements regarding receipt of workers' compensation benefits.

_____ Print Name	_____ Signature	_____ Social Security Number	_____ Date
_____ Address	_____ City	_____ State / Zip	() Phone Number

Note: Only one copy is required per case from the employee.

Please mail this form to your employer or your employer's insurer.

**LWC-WC-1025.EE
REVISED 06/2025**

**§6733. Employer Certificate of Compliance; Form
LWC-WC-1025ER**

AUTHORITY NOTE: Promulgated in accordance with R.S.
23:1208

HISTORICAL NOTE: Promulgated by the Louisiana
Workforce Commission, Office of Workers' Compensation
Administration, LR 51:

EMPLOYER CERTIFICATE OF COMPLIANCE

You must submit this Certification to your workers' compensation insurer. Failure to submit this Certification as required may result in your being penalized by a fine of \$500, payable to your insurer.

You must secure workers' compensation for your employees through insurance or by becoming an authorized self-insured. If you fail to provide security for workers' compensation, you must pay an additional 50% in weekly benefits to your injured workers.

If you willfully fail to provide security for workers' compensation, then you are subject to a fine of up to \$10,000, imprisonment with or without hard labor for not more than 1 year, or both. If you have been previously fined and again fail to provide security for workers' compensation, then you are subject to additional penalties, including a court order to cease and desist from continuing further business operations.

You must not collect, demand, request, or accept any amount from any employee to pay or reimburse for the workers' compensation insurance premium. If you violate this provision, you may be punished with a fine of not more than \$500, or imprisoned with or without hard labor for not more than one year, or both.

It is unlawful for you to willfully make, or to assist or counsel someone else to make, a false statement or representation in order to obtain or to defeat workers' compensation benefits. If you violate this provision, you may be fined up to \$10,000, imprisoned with or without hard labor for up to 10 years, or both depending on the amount of benefits unlawfully obtained or defeated. In addition to these criminal penalties, you may be assessed a civil penalty of up to \$5,000.

EMPLOYER CERTIFICATION

I certify that I have read this entire document and understand its contents, and that I understand I am held responsible for this information. I certify my compliance with the Louisiana Workers' Compensation Act.

Preparer Name	(PRINT)	Signature	Date
Company Name		Company Address	
()			
Phone Number		Insurance Policy Number	
Employee Name		Employee Social Security Number	

LWC-WC-1025.ER
REV. 06/25

§6735. Employee's Quarterly Report of Earnings; Form LWC-WC-1026

AUTHORITY NOTE: Promulgated in accordance with R.S.
23:1208

HISTORICAL NOTE: Promulgated by the Louisiana
Workforce Commission, Office of Workers' Compensation
Administration, LR 51:

EMPLOYEE'S QUARTERLY REPORT OF EARNINGS

You must submit this Report to your workers' compensation insurer within 14 days. Your workers' compensation benefits may be suspended if you do not timely submit this Report. You would be entitled to all suspended benefits after this report is provided to your Insurer, if you are otherwise eligible for benefits.

You do not have to file this report if you have timely filed all necessary LWC-WC-1020 forms, or if you have only received medical benefits.

DO NOT leave any blanks on this Report. Print or type all responses, and use N/A (not applicable) or -0- (zero) where appropriate.

1. The information in this Report is true for the period beginning _____, 20 ____ and ending _____, 20 ____.
2. The name and address of the employer that I am receiving benefits from is: _____
3. Did you work for this employer in the past quarter? _____
If yes, how much were your gross wages? \$ _____
4. Did you work for any other employer in the past quarter? _____ If yes, the name and address of the employer is _____
If yes, how much were your gross wages? \$ _____
5. Did you have any earnings through self employment in the past quarter? _____ If yes, how much? \$ _____
6. Did you receive any unemployment compensation benefits in the past quarter? _____ If yes, how much? \$ _____
7. I received \$ _____ in old age benefits under Title II of the Social Security Act.
8. I received \$ _____ in Social Security Disability Benefits or other disability benefits.

EMPLOYEE CERTIFICATION

I certify that I can read the English language, that I have this entire document and understand its contents, and that I understand I am held responsible for this information. I certify my answers are complete and true, and certify my compliance with the Louisiana Workers' Compensation Act.

PRINT NAME	SIGNATURE	SOCIAL SECURITY NUMBER
ADDRESS	CITY	STATE / ZIP
EMPLOYER NAME	PHONE NUMBER	DATE

LWC-WC-1026
REVISED 6/25

§6737. Attorney Fee Notice of Lien; Form LWC-WC-1027

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1291 & R.S. 23:1221

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

VERSUS

DOCKET NUMBER: _____ DISTRICT: _____
OFFICE OF WORKERS' COMPENSATION
STATE OF LOUISIANA

NOTICE OF LIEN

Pursuant to Louisiana Administrative Code 40:I.5547(B), _____ serves notice upon this Honorable Court and all parties to the above entitled claim that he/she represented the claimant or petitioner from ____ / ____ / ____ to ____ / ____ / ____ and hereby asserts a lien on the proceeds of the claim for unpaid attorney fees.

In support, counsel states as follows:

1. On ____ / ____ / ____, ☐ counsel withdrew representation or ☐ claimant/petitioner discharged attorney.
2. The attorneys and/or representatives for each party are listed below. Parties not represented by counsel at the time of this notice are identified in the list below as *pro se*.

Employee:

Employer:

Insurer:

Health Care Provider:

Other: (Please specify)

3. Attached is the retainer contract and Affidavit asserting a claim for fees.
4. I certify that I have served a copy of this lien form and the Affidavit to all parties.

Respectfully submitted,

Attorney Name: _____
Bar Roll #: _____
Address: _____
Phone: (____) _____
Fax: (____) _____
Email: _____

AUTHORITY NOTE: Promulgated in accordance with R.S.
23:1310.1

HISTORICAL NOTE: Promulgated by the Louisiana
Workforce Commission, Office of Workers' Compensation
Administration, LR 51:
§6739. Scheduling Order; Form LWC-WC-1028

CLAIMANT/PETITIONER

DOCKET NUMBER: _____ DISTRICT: _____

VERSUS

OFFICE OF WORKERS' COMPENSATION

DEFENDANT

STATE OF LOUISIANA

SCHEDULING ORDER

On _____, a scheduling conference was held pursuant to Louisiana Administrative Code Title 40 Section 6001.

PRESENT:

_____ representing _____
_____ representing _____
_____ representing _____

IT IS ORDERED:

1. Motions for Summary Judgment shall be filed and served on all parties no later than 65 calendar days prior to trial, pursuant to La. CCP Art. 966.
2. Pre-trial statements shall be filed by all parties no later than 60 calendar days prior to trial.
3. The deadline to amend pleadings is 45 calendar days prior to trial.
4. The deadline to file pretrial motions is 45 calendar days prior to trial excluding Motions in limine and Peremptory exceptions.
5. The deadline to complete discovery is 30 calendar days prior to trial.
6. The parties shall exchange exhibits at least 14 calendar days prior to trial.
7. Each party shall deliver their exhibits to the court at least 7 calendar days prior to trial.
8. The parties may jointly request a pre-trial conference. If the parties' attorneys request a pre-trial conference, the attorneys attending the conference shall be familiar with the case and have authority to discuss the possibilities of settlement and stipulations.
9. Mediation is scheduled for _____
10. Trial is scheduled for _____
11. If the court grants a continuance of the trial, the parties shall apply the above deadlines to the new trial date unless a party objects within 7 calendar days; the court shall set any such objection for a contradictory hearing.

The following attorneys agree to waive the requirements of receiving all future Orders and Notices of Trial or Hearings by certified mail and have agreed to accept such notices by first class mail, email or facsimile transmission.

SO ORDERED IN _____, LOUISIANA, THIS ____ DAY OF _____, 20 ____.

HONORABLE _____
Workers' Compensation Judge
District _____

AUTHORITY NOTE: Promulgated in accordance with R.S.
23:1310.1

HISTORICAL NOTE: Promulgated by the Louisiana
Workforce Commission, Office of Workers' Compensation
Administration, LR 51:
§6741. Choice of Physician; Form LWC-WC-1121

**NOTICE
TO INJURED WORKERS**

YOU HAVE THE RIGHT TO CHOOSE YOUR OWN DOCTOR!

WHEN YOU ARE INJURED AT WORK OR BECOME SICK BECAUSE OF SOMETHING THAT HAPPENED AT WORK, THE LAW GIVES YOU THE RIGHT TO CHOOSE YOUR OWN DOCTOR IN ANY FIELD OR SPECIALTY OF MEDICINE FOR MEDICAL TREATMENT.

THE LAW ALSO ALLOWS YOUR EMPLOYER TO HAVE YOU SEE HIS/HER DOCTOR, BUT YOU DO NOT HAVE TO AGREE TO CONTINUE TREATMENT WITH YOUR EMPLOYER'S DOCTOR UNLESS THAT IS WHAT YOU WANT.

IF YOU WANT YOUR EMPLOYER'S DOCTOR TO CONTINUE TREATING YOU AFTER YOUR FIRST VISIT WITH HIM/HER, AND AFTER RECEIVING THIS FORM, YOU MAY CHOOSE YOUR EMPLOYER'S DOCTOR AS YOUR TREATING DOCTOR.

ONCE YOU CHOOSE EITHER YOUR EMPLOYER'S DOCTOR OR YOUR OWN DOCTOR AS YOUR TREATING DOCTOR, YOU MAY NOT BE PERMITTED TO CHOOSE ANOTHER DOCTOR IN THAT SAME FIELD OR SPECIALTY OF MEDICINE TO TREAT YOU FOR YOUR INJURY OR ILLNESS LATER ON. HOWEVER, YOU ARE NOT REQUIRED TO GET YOUR EMPLOYER'S APPROVAL TO CHANGE TO A DOCTOR IN ANOTHER FIELD OR SPECIALTY OF MEDICINE (La. R.S. 23:1121(B)(1)).

IF YOUR EMPLOYER DENIES YOUR RIGHT TO CHOOSE YOUR DOCTOR, YOU HAVE A RIGHT TO A SPEEDY HEARING BEFORE A WORKERS' COMPENSATION JUDGE TO RESOLVE THE DENIAL OF YOUR RIGHT (La. R.S. 23:1121 (B)(1) and 1124 (B)).

I HEREBY CHOOSE MY OWN DOCTOR TO TREAT ME FOR MY INJURY OR ILLNESS:
DR. _____.

OR

BY SIGNING THIS FORM, I STATE THAT I KNOW ABOUT MY RIGHT TO CHOOSE MY OWN TREATING DOCTOR, AND BEING SO ADVISED, I HEREBY ACCEPT AND CHOOSE TO CONTINUE TREATING WITH MY EMPLOYER'S DOCTOR:
DR. _____.

DATE

SIGNATURE OF EMPLOYEE

DATE

SIGNATURE OF EMPLOYER REPRESENTATIVE

(Note: If the employee is illiterate or has a language barrier, an authorized representative of the employer/insurer shall attest by their signature that this form and right of physician choice has been reasonably explained to that employee prior to his/her signature on this form. Failure to do so can jeopardize the employer's/insurer's right to subsequently refuse consent to the employee's request for treatment by a different physician within the same field or specialty.)

(Form LWC – WC 1121)

**§6743. Workers' Compensation Records Request Form;
LWC-WC-1150**

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1121(2)(b)

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

WORKERS' COMPENSATION RECORDS REQUEST FORM

Mail completed form to:

Louisiana Workforce Commission
OWCA Records Management Section
1001 N. 23rd Street
P.O. Box 94040
Baton Rouge, LA 70804-9040
Telephone No.: 225-342-7565

Status of your records request: (Office use only.)

- ☐ Will be processed.
☐ Is being returned. *See Section III, Page 2.*
☐ Has been processed. You owe a copying fee, *See Section III, Page 2.*
☐ Is complete. *See Section III, Page 2.*

Note: Copies of documents provided through this request shall adhere to the provisions of La. R.S. 23:1020.1, *et seq.* and La. R.S. 44:1, *et seq.*, which limits the inspection and copying of workers' compensation records. ***A \$25.00 fee is required per employee search. (Exception: Requests for LWC-WC-1002 will NOT be assessed a \$25.00 search fee.)** Copying fees are \$0.25 per page. Make all checks payable to the **OWCA Administrative Fund**.

SECTION I: TO BE COMPLETED BY REQUESTOR

1. Select all that apply:

- ☐ I am the Employee **OR** Legal Representative of the Employee. (*Attach letter of representation.*)
☐ I am the Employer/Insurer **OR** Legal Representative of the Employer/Insurer. (*Attach letter of representation.*)
☐ I am **NOT** a party to a workers' compensation claim. (*Attach employee authorization, LWC-WC- 1151.*) **(Must be notarized)**
☐ I am a Prospective Employer. (*Attach employee authorization, LWC-WC- 1151.*) **(Must be notarized)**

2. Name of Requestor (Please Print)

3. Phone Number

4. Company Name (If Applicable)

5. Fax Number

6. Address, City, State ZIP

7. Email

SECTION II: RECORDS REQUESTED

1. Employee's Name (*Please use a separate form for each employee.*)

2. Employee's Social Security Number

3. Identify the workers' compensation claim you are requesting :

Additional Comments:

- ☐ Workers' Compensation Claim Docket # _____ Date of Injury _____
☐ **ALL** cases for this injured worker.
- If known, list the Docket # and Date of Injury for each claim in the Additional Comments Section, see right. *You will be assessed a \$25.00 search fee for each workers' compensation docket number.*

4. Additional records I am requesting:

- ☐ Notice Of Payment, Modification, Suspension, Termination or Controversion of Compensation or Medical Benefits (LWC-WC-1002).
*Only available to Employee or Employee Representative per La. R.S. 23:1201.1. *You will **NOT** be assessed a \$25.00 search fee for this records request.*
☐ Other documents requested. *Please specify in the Additional Comments section.*

5. Need records certified? (If certified, you will be assessed \$25.00.)

- ☐ Yes ☐ No

LWC-WC-1150

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Revised
12/05/2023

I have read and understand this form and the accompanying instructions. I certify that all information provided by me to the Office of Workers' Compensation Administration is accurate and correct to the best of my knowledge. I understand that providing false or misleading information may subject me to prosecution.

Signature of Requestor _____

Date _____

SECTION III: TO BE COMPLETED BY OWCA RECORDS MANAGEMENT SECTION

☐ **1. This records request will NOT be processed due to the following:**

- ☐ \$25.00 Search fee not received.
- ☐ No Social Security Number/incomplete number.
- ☐ Employee Authorization form required.
- ☐ Incomplete information. Please provide: _____
*Your request will NOT be processed until the information is provided.

☐ **2. Your request has been processed.**

_____ Pages of responsive records have been found. Please submit a check in the amount of \$_____ to the OWCA Administrative Fund. *No records will be sent until the check is received by the OWCA.

Your request has produced more than one employee claim. _____ claims have been found. Please submit a check in the amount of \$_____ to the OWCA Administrative Fund. *No records will be sent until the check is received by the OWCA.

☐ **3. Your request is complete. The records search has:** ☐ No Records Found ☐ See Attached records.

Records request completed by _____

Date: _____

LWC-WC-1150

Page 2 of 2
Revised
12/05/2023

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1 & R.S. 23:1293

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6745. Employee Authorization for OWCA to Release Confidential Workers' Compensation Records; LWC-WC-1151

**EMPLOYEE AUTHORIZATION FOR OWCA TO RELEASE
CONFIDENTIAL WORKERS' COMPENSATION RECORDS**

EMPLOYEE: Please be aware that you **DO NOT** have to release all of your confidential information and you have a right to refuse to sign this document. You can choose to release only your public records, which includes: any final decision, award, or order of a workers' compensation judge. However, if you choose to release all of your confidential workers' compensation information, you **MUST** authorize the Office of Workers' Compensation Administration to release your confidential records information to anyone not a party to your workers' compensation claim. ***This release must be attached to the Employee Workers' Compensation Records Request Form.**

SECTION I: TO BE COMPLETED BY EMPLOYEE	
1. Employee's Full Name (Please Print)	2. Social Security Number
3. Street Address	4. Date of Birth
5. City, State, Zip	6. Phone Number
7. What records do you want to release?	
<input type="checkbox"/> Only my workers' compensation claim(s) information that is considered <u>public record</u> under La. R.S. 23:1293(B)(1) which only includes: final decision(s), award(s), or order(s) of a workers' compensation judge.	
OR	
<input type="checkbox"/> Any and all of my workers' compensation claim(s) information, including confidential information, medical records, wage information, etc. in the possession of the Office of Workers' Compensation Administration, Records Management.	

I understand that the Louisiana Workers' Compensation Act, La. R.S. 23:1020.1, *et seq.*, provides that certain information regarding prior work related injuries may be released to a requesting party. By signing this authorization, I hereby voluntarily authorize the State of Louisiana, Office of Workers' Compensation Administration, Records Management Section to release only the information selected above in Section I and contained in my workers' compensation records, if any, to the Recipient named in Section II. This release may contain public and non-public records in my workers' compensation file(s) depending on my selection in Section I. This release is only for the recipient named in Section II and shall not be released to any third parties or any party not specifically named on this authorization.

This authorization will expire thirty (30) days from the date of signature.

Employee's Signature _____ Date _____

SECTION II: RECORDS TO BE DISCLOSED TO	
1. Name of Recipient (Please Print)	2. Company Name (if applicable)
3. Street Address	4. Phone Number
5. City, State, Zip	6. Please state Recipient's relationship to the employee: *See Section III, Page 2.

LWC-WC-1151

Page 1 of 2
Revised
12/05/2023

SECTION III: IF THE RECIPIENT IS A PROSPECTIVE EMPLOYER

You must certify and sign the following:

I hereby certify the information sought by this authorization is made on an applicant for employment only after a conditional job offer has been made and accepted, or on a current employee for a purpose which is job related and consistent with business necessity. I further certify the information obtained in the authorization will **NOT** be used to discriminate in any manner against the individual who is the subject of this authorization on any basis, in violation of the Americans with Disabilities Act of 1990, 42 U.S.C. §12101, *et seq.*, or any other state or federal law, as applicable.

I am aware of the confidential and privileged nature of an employee's Workers' Compensation records, pursuant to La. R.S. 23: 1293.

Employer's Signature _____ Date _____

Sworn and subscribed before me this _____ day of _____, 20__ at _____, Louisiana.

Notary Public's Signature
Print Name: _____
Notary ID: _____
My commission expires: _____

SECTION IV: IF THE REQUESTOR IS NOT A PARTY TO THE CASE

You must certify and sign the following:

I hereby certify the information sought by this authorization is made on a claimant who is aware I have requested their records.

I am aware of the confidential and privileged nature of an employee's Workers' Compensation records, pursuant to La. R.S.23: 1293.

Requestor's Signature _____ Date _____

Sworn and subscribed before me this _____ day of _____, 20__ at _____, Louisiana.

Notary Public's Signature
Print Name: _____
Notary ID: _____
My commission expires: _____

LWC-WC-1151

Page 2 of 2
Revised
12/05/2023

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1 & R.S. 23:1293

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 51:

§6747. Request for Waiver of Payment of Advance Costs Form; LWC-WC-1160

_____ * **DOCKET:** _____ **DISTRICT:** _____
VERSUS * **OFFICE OF WORKERS' COMPENSATION**
_____ * **STATE OF LOUISIANA**

Request for Waiver of Payment of Advance Costs Form

All questions must be answered in full.

Note: Questions 2 and 3 should not be filled in if you are seeking protection from abuse.

1. **Your Full Name:** _____

Social Security Number: _____ Date of Birth: _____

2. **Address:** (SEE NOTE ABOVE) _____
(Box Number or Street Address)

(City and State) (Zip Code)

3. **Telephone Number(s):** (HOME) _____ (WORK) _____
(See Note above)

4. **Are you a Student?** ☐ YES ☐ NO If yes, please indicate the name of the school you are attending: _____ Enrollment Status: _____

5. **Current Household:** (check one)
Single: ☐ Married: ☐ Separated: ☐ Divorced: ☐ Widowed: ☐ Intimate partner: ☐
How many children do you support who are under 18? _____
How many children live with you? _____ Do you have any other dependents? _____

State the Name, Age, and Relationship to you of the children and dependents:

NAME	AGE	RELATIONSHIP

6. **What is your current Occupation?** _____ **Are you employed?** ☐ YES ☐ NO
(If yes, please complete the following **Employer Information**)

Name of Employer: _____

Address: _____
(Street Address) (City and State) (Zip Code)

Telephone Number: _____ How long have you been employed? _____

(If you are not employed, please provide information of your **last employer**)

Name of last employer: _____

Address: _____
(Street Address) (City and State) (Zip Code)

How long have you been unemployed? _____

What were your monthly wages? _____

7. **Gross Income:** (a) State your gross earned income from wages and check how you are paid:

Weekly? ☐ Bi-Weekly? ☐ Monthly? ☐ Amount/month \$ _____

(b) Apart from income or support listed in response to question 8(b) below,
how much other income do you receive on a monthly basis? \$ _____

(c) Monthly Deductions: Federal Income Tax: \$ _____ FICA: \$ _____ (TOTAL) \$ _____

(d) Other deductions: (explain) _____

TOTAL NET MONTHLY INCOME: (Add question 7 (a) + (b) less (c)) \$ _____

Is your spouse employed? _____ What is the occupation of your spouse? _____
Is your spouse paid Weekly? ☐ Bi-Weekly? ☐ Monthly? ☐ Amount/month \$ _____
Name of spouse's employer: _____
Address: _____

8(b). Do you or your spouse receive any of the following income or support? ☐ YES ☐ NO

If yes, state the monthly amount. SSI: \$ _____ Disability: \$ _____
 Workers' Comp.: \$ _____ Unemployment Benefits: \$ _____
 Food Stamps: \$ _____ TANF: \$ _____ Child Support: \$ _____
 Spousal Support: \$ _____ Kinship Care Subsidy Grant: \$ _____ Other: \$ _____

If you are a client of a legal services program funded by the Legal Service Corporation or a Pro Bono Project that receives referrals from a legal services program and have a combined income from questions 7 and 8 that is less than or equal to 125% of the federal poverty level, skip all parts of question 9, and continue with question 10 on the next page.

A.	VALUE OF INTEREST	BALANCE OWED
HOUSE	\$	\$
AUTOMOBILE	\$	\$
TRUCK	\$	\$
WATERCRAFT	\$	\$
LIVESTOCK	\$	\$
MACHINERY	\$	\$
STOCK	\$	
BONDS	\$	
CERTIFICATES OF DEPOSIT	\$	
OTHER IMMOVABLE PROPERTY	Equity \$	Debt \$

TOTAL VALUE OF ASSETS: \$_____

Rent: \$	Cable: \$	Car Note: \$
Lot Rent: \$	Garbage: \$	Car Insurance: \$
House Note: \$	Medical Insurance: \$	Transportation: \$
House Insurance: \$	Medical Expenses: \$	Food: \$
Gas: \$	Dental Expenses: \$	Barber/ Beauty: \$
Electricity: \$	Prescriptions: \$	Entertainment: \$
Water: \$	Life Insurance: \$	Grooming Supplies: \$
Telephone: \$	Daycare: \$	Garnishment: \$
Property Taxes: \$	Child Support: \$	Other: \$

Total Amount of section i: \$

Card Name	Monthly Payment
	\$
	\$
	\$
	\$

Total Amount of section ii:	\$
------------------------------------	-----------

Financial Name	Monthly Payment

Total Amount of section iii:	\$
-------------------------------------	-----------

TOTAL MONTHLY EXPENSES: (Add 9B (i+ii+iii) =Total Monthly Expenses) \$

10. Does anyone regularly help you pay your expenses? ☐ YES ☐ NO
(a) If yes, state that person's name and relationship to you.
Name: _____ Relationship: _____
(b). Do you have any additional income or assets that are not shown above? ☐ YES ☐ NO
If you answered yes to either (a) or (b), please explain:

11. If you have an attorney, what arrangements have you made to pay your attorney's fee? What amount, if any, have you paid? (You are required to answer fully.)

12. Has your attorney or the Notary Public told you that you may go to jail if you intentionally give a false answer to any of the above questions? ☐ YES ☐ NO

MOVER'S AFFIDAVIT

STATE OF LOUISIANA
PARISH OF _____

BEFORE ME the undersigned authority personally came and appeared:

who, after being duly sworn, deposed and said:

1. He/She provided the information above; that the information is furnished to the court for the purpose of requesting permission to litigate the above captioned lawsuit without paying the costs in advance or as they accrue or furnishing security therefor.
2. That the above information is a true and correct statement of his/her financial condition.
3. That the pleading and all allegations of fact therein are true and correct; and that because of his/her poverty and want of means, he/she is unable to pay the costs of court in advance or as they accrue, nor is he/she able to provide security therefor.
4. He/She has read and understands the privilege contained in the notice below.

NOTICE

Although you may be granted the privilege of proceeding without prepayment of costs, **SHOULD JUDGMENT BE RENDERED AGAINST YOU, YOUR STATUS AS A PAUPER DOES NOT RELIEVE YOU OF THE OBLIGATION TO PAY THESE COSTS.**

The privilege to proceed *IN FORMA PAUPERIS* is restricted to litigants who are clearly entitled to do so, with due regard to the nature of the proceeding, the court costs which otherwise would have to be paid, and the ability of the litigant to pay them or to furnish security therefor, so that the indiscriminate filing of lawsuits may be discouraged, without depriving a litigant of the benefit of proceeding *in forma pauperis* if he/she is entitled to do so.

Mover's Signature

SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public in _____,
Louisiana, this ____ day of _____, 20__.

NOTARY PUBLIC

THIRD PARTY AFFIDAVIT

STATE OF LOUISIANA
PARISH OF _____

BEFORE ME, personally came and appeared: _____,
who, after being sworn, deposed and said that he/she knows _____,
well and that he/she knows that because of his/her poverty and want of means, he/she is unable
to pay the costs of court in advance or as they accrue, nor is he/she able to provide bond therefor.

Signature of Witness

SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public in _____,
Louisiana, this ____ day of _____, 20 ____.

NOTARY PUBLIC

LEGAL SERVICE PROGRAMS' DECLARATION

I ATTEST that I am a duly authorized representative of a Legal Services Program funded
by the Legal Service Corporation or a Pro Bono Project that receives referrals from one of these
Legal Service Programs, and that _____ has produced evidence
that he/she receives public assistance benefits, or that he/she has qualified to receive free legal
services based on his/her income being less than or equal to 125% of the federal poverty level
and therefore is entitled to a rebuttable presumption that he/she is entitled to the privilege of
litigating without prior payment of costs.

Legal Services Program or Pro Bono Project Representative

ORDER

Considering the foregoing Pleading and Affidavits:

let _____ prosecute or defend this litigation in accordance
with La. R.S. 23:1310.11 and Louisiana Code of Civil Procedure, Article 5181, et. seq., without
paying the costs in advance or as they accrue or furnishing security therefor.

THUS, READ AND SIGNED, this ____ day of _____, 20____, in
_____, Louisiana.

DISTRICT JUDGE

Page 4 of 4

LWC-WC-1160

AUTHORITY NOTE: Promulgated in accordance with R.S.
23:1310.1 & R.S. 23:1310.11

HISTORICAL NOTE: Promulgated by the Louisiana
Workforce Commission, Office of Workers' Compensation
Administration, 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 update the

hearing rules 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 Brian Blackwood, OWCA Assistant Secretary, 1001 North 23rd Street, 4th Floor-Annex, Baton Rouge, LA 70802 by August 11, 2025, at 5 p.m.

Public Hearing

A public hearing on the proposed Rule will be held on August 26, 2025, at the Louisiana Workforce Commission, A/O Building, 1001 North 23rd Street, 4th Floor- Training Room, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the LWC Office of Workers' Compensation at least seven working days in advance of the hearing. For assistance, call (225) 342-7561.

Susana Schowen
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Hearing Rules

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to result in any implementation costs or savings to state or local governmental units.

The purpose of the proposed rule change is to recodify existing legal practices in Workers' Compensation District Courts, repeal outdated rules repetitive of the provisions set forth in the Louisiana Revised Statutes, and formally promulgate updated forms to reflect current practices to streamline processing of disputed claims.

The proposed rule change clarifies that the \$10 facsimile transmission fee of workers' compensation disputes includes a \$5 transaction fee and the previously established \$5 charge for

the first five pages, with an additional \$2.50 charged per page thereafter. The existing filing fee structure remains unchanged.

The proposed rule change further clarifies that parties are responsible for postage costs at the current United States Postal Service (USPS) rate to accurately reflect postage costs in accordance with any future changes made by the federal government. Additionally, the proposed rule change ensures that when parties request service by commercial courier (e.g., FedEx), they are responsible for paying the rates as set by the selected carrier.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated effects on state or local revenues as a result of the proposed rule change. The Office of Workers' Compensation (OWC) currently charges the fees addressed in the rule, and external entities are responsible for their own mailing and transmission costs.

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 result in any costs or economic benefits to persons, small businesses, or non-governmental groups.

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.

Brian Blackwood
Assistant Secretary
2507#047

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Workforce Commission Office of Workers' Compensation Administration

Hearing Rules—Authority (LAC 40:I.6601)

The Workforce Commission does hereby give notice of its intent to amend certain portions of the *Louisiana Administrative Code*, Title 40, Labor and Employment, Part I, Workers' Compensation Administration, Subpart 3, Hearing Rules. Updating the hearing rules is necessary to ensure alignment with current law and administrative practice, reflecting any legislative changes and judicial interpretations that impact the adjudication process. This Rule is promulgated by the authority vested in the Assistant Secretary of the Office of Workers' Compensation found in R.S. 23:1291 and R.S. 23:1310.1(C).

Title 40

LABOR AND EMPLOYMENT

Part I. Workers' Compensation Administration Subpart 3. Hearing Rules

Chapter 66. Fees and Costs

Subchapter A. General

§6601. Other Applicable Rules

A. These rules are intended to supplement the existing codes. In the absence of a hearing rule or a provision of the Workers' Compensation Act, the procedures established in the Louisiana Code of Civil Procedure, the Louisiana Revised Statutes, or other applicable Louisiana legislation shall govern workers' compensation proceedings. A conflict between a Rule and Workers' Compensation legislation should be resolved by following the legislation. No

provisions restating existing law have been included in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:281 (February 1999), amended LR 25:1871 (October 1999), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, 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 update the hearing rules 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 Brian Blackwood, OWCA Assistant Secretary, 1001 North 23rd Street, 4th Floor-Annex, Baton Rouge, LA 70802 by August 11, 2025, at 5 p.m.

Public Hearing

A public hearing on the proposed Rule will be held on August 26, 2025, at the Louisiana Workforce Commission, A/O Building, 1001 North 23rd Street, 4th Floor- Training Room, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the LWC Office of Workers' Compensation at least seven working days in advance of the hearing. For assistance, call (225) 342-7561.

Susana Schowen
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Hearing Rules—Authority

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to result in any implementation costs or savings to state or local governmental units.

The proposed rule change updates the Office of Workers' Compensation Administration (OWCA) hearing rules to align current law and administrative practice. The updates reflect recent legislative changes and judicial interpretations that affect the adjudication process.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated direct material effect on revenues of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is not anticipated to result in any costs or economic benefits to persons, small businesses, or non-governmental groups.

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.

Brian Blackwood
Assistant Secretary
2507#046

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

Administrative Code Update

CUMULATIVE: JAN-JUNE 2025

LAC Title	Part #.Section #	Action	Location: Month	Page #	LAC Title	Part #.Section #	Action	Location: Month	Page #
4	III.101,103,106,112,114,122,137	Amended	Feb.	295		CXXXIX.2713	Amended	Feb.	262
	III.119	Repealed	Feb.	295		CXXXIX.101,311,503,515,1101,1103,1105	Amended	Jan.	37
7	I.105	Amended	June	782		CXXXIX.1301,1303,1501,1505,1507,1509	Amended	Jan.	37
	I.111	Adopted	June	783		CXXXIX.1701,2107,2501,2705,2707,2709	Amended	Jan.	37
	I.301,303,305,307	Adopted	June	781		CXXXIX.2105,2907	Adopted	Jan.	37
	XV.126	Amended	Jan.	26		CXXXIX.2713,2905,3903,4003,4005,4301	Amended	Jan.	37
	XVII.127	Repromulgated	June	769		CXXXIX.2903,4307	Repealed	Jan.	37
	XXIII.103,701,709,711,2101,2103	Amended	June	771		CXXXIX.4303,4305,4313,4315,4321	Amended	Jan.	37
	XXV.101,113,117	Amended	June	776		CXLVI.101,301,303,305,307,309,311,313	Adopted	Feb.	271
	XXIX.102,107,109,113,115,117,119	Amended	Jan.	26		CXLVI.315,317,319,321,323,325,327,329	Adopted	Feb.	271
	XXXIII.301,303,305,307,309,311,313,315	Adopted	June	777		CXLVI.331,333,335,337,339,501,503,505	Adopted	Feb.	271
	XXXIII.317,319,321,323,325,327,329,331,333	Adopted	June	777		CXLVI.507,509,511,513	Adopted	Feb.	271
	XXXV.513,515,517,519,521,523	Adopted	Jan.	29		CXLVII.313	Amended	Jan.	44
	XXXVII.101,103,105,107,109,111,115,117	Repealed	June	783		CXLVII.331	Adopted	Jan.	44
	XXXVII.119	Repealed	June	783		CLI.101	Repealed	Feb.	265
	XXXIX.505,509,523,527,531,533,535,539	Amended	Jan.	30		CLI.103,105,303,501,503,505,507,701,703	Amended	Feb.	265
	XXXIX.545	Amended	Jan.	30		CLI.901,1101,1301	Amended	Feb.	265
	XXXIX.1500,1507,1509	Adopted	Jan.	32		CLIII.1506	Amended	Feb.	268
	XLV.107	Adopted	Jan.	30		CLVII.303,305,309,313,503	Amended	Jan.	45
13	I.529,537,539,541,543,545,547,549,551	Amended	Mar.	366		CLVII.303	Amended	May	650
	I.553,555,557,559,561,563,565,567,569	Amended	Mar.	366		CLVII.701,703,705	Adopted	Jan.	45
	VII.101,103,105,107	Adopted	Jan.	33		CLXI.1515,1721,1725,1805,1806,1907	Amended	Apr.	523
22	I.405	Amended	Feb.	301		CLXI.1909,1917,2105	Amended	Apr.	523
	V.201,203,204,205,209,211	Amended	Feb.	292		CLXV.103,305,309,311,313,319,509,512	Amended	Apr.	523
25	IX.101,303,305,307,308,309,313,321,331	Amended	Mar.	360		CLXV.323,325	Adopted	Apr.	523
	IX.500,501,502,503,504,505,506,507	Amended	Mar.	360		CLXV.515	Amended	Apr.	523
28	I.501	Amended	Feb.	292		CLXVII.1101	Amended	Jan.	34
	I.503,505	Amended	Jan.	34	31	III.301,303	Amended	Mar.	405
	I.507	Adopted	Jan.	34	33	III.501,502,507,535	Amended	Jan.	69
	I.801,802,803,804,805,806,807,808	Adopted	June	819		III.919	Amended	Jan.	68
	IV.301,704,804,1203	Amended	Jan.	63		V.10111	Amended	May	686
	IV.1301,1303,1305,1307	Repealed	Jan.	63		IX.4901,4903	Amended	Mar.	379
	IV.1801,1809	Amended	June	784		XI.301,403,509,1121	Amended	June	785
	IV.2103	Amended	Apr.	530	34	XV.101,103,105,301,303,305,307,501,503	Adopted	Feb.	252
	IV.2103	Amended	Apr.	531		XV.505,507,509,511,701,901,903,905,1101	Adopted	Feb.	252
	IV.2203,2205,2209,2213	Amended	Jan.	66		XV.1103	Adopted	Feb.	252
	IV.2215	Adopted	Jan.	66	37	III.2301,2303,2305,2307,2309,2311,2313	Repealed	Apr.	538
	VI.315	Amended	Jan.	67		XI.1901,1903,1905,1907,1909,1911,1913	Repealed	Apr.	538
	XI.103	Amended	Jan.	34		XI.1915,1917,1919	Repealed	Apr.	538
	XI.705	Amended	Feb.	264		XIII.6901	Repealed	May	679
	XI.907,909	Amended	Jan.	54		XIII.16101	Amended	Jan.	73
	XXXV.110	Amended	Feb.	269		XIII.20101,20103,20105,20107,20109	Adopted	Jan.	74
	XXXIX.700,701,705	Amended	Jan.	52		XIII.20201,20203,20205,20207,20209,20211	Adopted	June	803
	XLI.1503	Adopted	Jan.	54		XIII.20213,20215,20217	Adopted	June	803
	XLIII.151,322,504,507,511,520,1507,1511	Amended	Jan.	59	40	I.2328	Amended	Jan.	85
	XLV.103,105	Adopted	Feb.	271	42	III.2905	Amended	Feb.	303
	XLV.303,741,743,745,749	Amended	Feb.	271		XV.1301,1303,1305,1307	Adopted	Mar.	404
	XLV.1301	Repealed	Feb.	271	43	XVII.3601,3603,3605,3607,3609,3611	Amended	Mar.	375
	LIX.309	Amended	Jan.	54		XVII.3615,3617,3621,3623,3625,3629	Amended	Mar.	375
	LXI.305	Amended	Jan.	59		XVII.3801,3803,3805,3807,3811	Amended	Mar.	374
	LXV.109	Amended	Jan.	34	46	XXXIII.128,1611,1613,1709,1711	Amended	June	787
	LXXV.101,103,105,107,109,111,113,115	Repealed	Feb.	259		XXXVIII.101,103,301,303,306,308,501,505	Amended	May	673
	LXXV.117,119,121,123,125	Repealed	Feb.	259		XXXVIII.511,519	Amended	May	673
	LXXIX.119,121,903,1101,1303,1309,1311	Amended	Jan.	50		XLI.725	Amended	May	651
	LXXIX.1101	Amended	May	650		XLV.171,173,175,177,1901,1903,1905,1907	Amended	May	652
	LXXIX.1501	Amended	Jan.	50		XLV.303	Amended	June	797
	XCI.101,103,107,109,111,309,315	Amended	Jan.	59		XLV.305,416	Adopted	June	788
	CIV.101,103,301,303,501,503,701,703,705	Adopted	Feb.	259		XLV.433,441,449,4005	Amended	June	788
	CIV.707,709,901,903,905,907,1101,1103	Adopted	Feb.	259		XLV.1909,1911,1913,1921,1937,1939,1940	Amended	May	652
	CIV.1105	Adopted	Feb.	259		XLV.1943,1945,1947,1949,1951,1957,1959	Amended	May	652
	CXV.303,331,332	Amended	Jan.	59		XLV.1961,1963,1965,1967,1969,1973,1975	Amended	May	652
	CXV.303	Amended	Feb.	270		XLV.1977,1979,4905,4907,4909,4911,4913	Amended	May	652
	CXV.333,337,1107,1135,1143	Amended	Jan.	48		XLV.3303,3339,3343,6305,6311	Amended	Mar.	398
	CXV.353	Adopted	Jan.	54		XLV.4917,4925,4926,4927,4928,4929,4930	Amended	May	652
	CXV.339,519,1117,1127,1141,1301,1302	Amended	Jan.	54		XLV.4931,4932,4933	Amended	May	652
	CXV.1129,1304	Repealed	Jan.	54		XLV.7301,7303,7305,7307,7308,7309,7311	Amended	June	792
	CXV.1155	Adopted	Jan.	48		XLV.7310	Adopted	June	792
	CXV.1303,1307,1309,2303,2305	Amended	Jan.	54		XLV.7313,7314,7315	Amended	June	792
	CXV.1315,2302,2318,2319,2324	Amended	Jan.	48		XLV.7701,7703,7705,7707,7709,7711,7713	Repealed	June	791
	CXV.1319	Amended	Jan.	34		XLV.7715,7717,7719,7721,7723,7727,7725	Repealed	June	791
	CXXXI.101,301,303,507,531,537,543,1315	Amended	Feb.	271		LIII.1711,1105	Amended	June	798
	CXXXI.305,307,309,311,313,315,317,319	Repealed	Feb.	271		LIII.2441,2443,2445,2447,2451,2455,2457	Repealed	May	665
	CXXXI.321,323,325,327,329,331,333,335	Repealed	Feb.	271		LV.101,301,1001	Repromulgated	Mar.	407
	CXXXI.337,339,341,343,345,347	Repealed	Feb.	271		LX.611,707,3315,3503	Repromulgated	Mar.	403
	CXXXI.1373,1375	Adopted	Feb.	271		LXI.705,903,905,907,909,911,1101,1703	Amended	Apr.	550
	CXXXVII.101,301,303,305,307,309,311	Repealed	Feb.	271		LXI.903,909	Repromulgated	May	686
	CXXXVII.313,501	Repealed	Feb.	270		LXI.2503,2701,2907,2911,3119	Amended	Apr.	550
	CXXXIX.2103	Amended	Feb.	270		LXIII.3100,3300	Adopted	Apr.	531

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			Month	Page #				Month	Page #
48	LXIII.3101,3301	Repealed	Apr.	531	51	I.127	Adopted	Feb.	301
	LXIII.3202	Amended	Apr.	531		IX.135	Amended	Feb.	301
	LXVI.901,1201,1205	Amended	June	799	52	XXVIII.107	Amended	Jan.	73
	LXVI.1131	Adopted	June	799		I.709	Amended	Apr.	522
	LXVI.1217	Amended	June	802		I.1603	Amended	Feb.	252
	LXXXV.301,801,1201	Amended	June	769	55	I.1615,1617,1619	Adopted	Feb.	251
	LXXXV.700,701,702,704,705,707,712	Amended	Feb.	249		I.501,901	Amended	May	680
	I.1901,1905,1909,1915	Amended	Apr.	537		I.503,516	Amended	May	683
	I.1903,1925	Repealed	Apr.	537		I.507	Amended	May	685
	I.4531,6713,6717,6719,6737,6761	Amended	Jan.	71		I.509	Amended	May	684
	I.4603	Amended	Jan.	72		I.555,581	Amended	May	681
	I.5603,5617,5637,5670,5725,5727,5729	Amended	Apr.	534		I.1505	Amended	May	682
	I.5612	Adopted	Apr.	534		III.159	Amended	June	805
	I.5731,5735	Amended	Apr.	534		III.401,403,405,411,413,415,451	Amended	June	806
	I.6003,6015,6017,6021,6031,6033,6035,6043	Amended	May	676		III.403,411,451	Amended	Apr.	547
	I.6037	Repealed	May	676		III.419	Adopted	Apr.	547
	I.6045,6047,6053,6061,6063,6065,6071	Amended	May	676		III.1643	Adopted	Apr.	548
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	I.9768	Adopted	Mar.	402		I.4701	Adopted	June	820
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	I.13613,13615,13617,13619,13621	Adopted	May	668	67	V.703,705,901,903,907,1007,1103,1301	Amended	Mar.	380
50	I.					V.1303,1307,1503,2501,2503,3103	Amended	Mar.	380
	III.2309	Amended	May	668		V.7503,7505,7507,7508,7509,7511,7515	Amended	Apr.	539
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	V.7901,7903	Adopted	Feb.	300		V.701	Amended	June	822
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	VII.32904	Amended	May	668		VII.391	Adopted	June	865
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	XI.10703	Amended	May	666		XIX.101,103,111,115,117	Amended	June	824
	XXI.707,711	Amended	Mar.	399		XIX.109	Amended	June	822
	XXI.8105,8501,8601,9301,9501,9503	Amended	Feb.	297					

Potpourri

POTPOURRI

Department of Energy and Natural Resources Office of Conservation

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
CPI 5, L.L.C	Caddo Pine Island	S	Pala	001	49813
CPI 5, L.L.C	Caddo Pine Island	S	Pala	002	50348
CPI 5, L.L.C	Caddo Pine Island	S	Pala	003	51524
CPI 5, L.L.C	Caddo Pine Island	S	Pala	009	58538
CPI 5, L.L.C	Caddo Pine Island	S	Pala	010	58539
CPI 5, L.L.C	Caddo Pine Island	S	Pala	006	59372
CPI 5, L.L.C	Caddo Pine Island	S	Pala	008	59373
CPI 5, L.L.C	Caddo Pine Island	S	Pala	013	59713
CPI 5, L.L.C	Caddo Pine Island	S	Pala	005	59722
CPI 5, L.L.C	Caddo Pine Island	S	Pala	012	60395
CPI 5, L.L.C	Caddo Pine Island	S	Pala	007	60396
CPI 5, L.L.C	Caddo Pine Island	S	Pala	014	60574
CPI 5, L.L.C	Caddo Pine Island	S	Pala	004	61134
CPI 5, L.L.C	Caddo Pine Island	S	Pala	015	61135
CPI 5, L.L.C	Caddo Pine Island	S	Pala	017	61301
CPI 5, L.L.C	Caddo Pine Island	S	Pala	016	62334
CPI 5, L.L.C	Caddo Pine Island	S	Pala	020	65093

Operator	Field	District	Well Name	Well Number	Serial Number
CPI 5, L.L.C	Caddo Pine Island	S	Pala	023	65571
CPI 5, L.L.C	Caddo Pine Island	S	Pala	018	66821
CPI 5, L.L.C	Caddo Pine Island	S	Bussa	001	164646
CPI 5, L.L.C	Caddo Pine Island	S	Bussa	002	164728
CPI 5, L.L.C	Caddo Pine Island	S	Bussa	003	164729
CPI 5, L.L.C	Caddo Pine Island	S	Bussa	004	165535
CPI 5, L.L.C	Caddo Pine Island	S	Dempsey SWD	005	165874
CPI 5, L.L.C	Caddo Pine Island	S	Parker A	040	174586
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	001	179852
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	002	179853
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	003	179854
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	004	180684
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	005	180685
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	006	181152
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	007	181153
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	008	181154
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	009	181155
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	010	181156
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	011	181157
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	012	181158
CPI 5, L.L.C	Caddo Pine Island	S	Parker B SWD	002	182217
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	014	182218

Operator	Field	District	Well Name	Well Number	Serial Number
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	015	182624
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	016	182765
CPI 5, L.L.C	Caddo Pine Island	S	Parker A SWD	041	184659
CPI 5, L.L.C	Caddo Pine Island	S	Herold et al	001	186646
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	017	186707
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	018	187077
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	019	187078
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	020	187079
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	021	187080
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	022	187081
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	023	188947
CPI 5, L.L.C	Caddo Pine Island	S	Herold et al	002	190723
CPI 5, L.L.C	Caddo Pine Island	S	Herold et al	003	192823
CPI 5, L.L.C	Caddo Pine Island	S	Dempsey A	001	195252
CPI 5, L.L.C	Caddo Pine Island	S	Dempsey A	002	195253
CPI 5, L.L.C	Caddo Pine Island	S	Dempsey A	003	195650
CPI 5, L.L.C	Caddo Pine Island	S	Dempsey A	004	195651
CPI 5, L.L.C	Caddo Pine Island	S	Dempsey A	005	195652
CPI 5, L.L.C	Caddo Pine Island	S	Dempsey A	006	195653
CPI 5, L.L.C	Caddo Pine Island	S	Dempsey SWD	001	195659
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	025	195737
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	026	195738
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	027	195739
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	028	195740

Operator	Field	District	Well Name	Well Number	Serial Number
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	029	195741
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	030	195742
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	031	195743
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	032	199946
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	033	199947
CPI 5, L.L.C	Caddo Pine Island	S	Parker B	034	199948
CPI 5, L.L.C	Caddo Pine Island	S	Dempsey A	014	203565
CPI 5, L.L.C	Caddo Pine Island	S	Dempsey A	015	203566
CPI 5, L.L.C	Caddo Pine Island	S	Dempsey A	016	203567
CPI 5, L.L.C	Caddo Pine Island	S	Dempsey A	017	203568
CPI 5, L.L.C	Caddo Pine Island	S	Parker CPI C	001	245129
CPI 5, L.L.C	Caddo Pine Island	S	Parker CPI C	003	245253
CPI 5, L.L.C	Caddo Pine Island	S	Parker CPI C	002	245377
CPI 5, L.L.C	Caddo Pine Island	S	Parker CPI C	004	245790
CPI 5, L.L.C	Caddo Pine Island	S	Parker CPI C	005	245791
CPI 5, L.L.C	Caddo Pine Island	S	Parker CPI C	006	245792
CPI 5, L.L.C	Caddo Pine Island	S	Parker CPI C	007	245793
CPI 5, L.L.C	Caddo Pine Island	S	Parker A SWD	002	971027
CPI 5, L.L.C	Caddo Pine Island	S	Parker B SWD	001	971129
CPI 5, L.L.C	Caddo Pine Island	S	Dawes SWD	001	971275
Julil Energy, LLC	Bayou Mallet, South	L	Winston Atteberry SWD	001	81888
Julil Energy, LLC	Basile, East	L	S-1 RA SUB;Joseph P Fontenot	003-ALT	88720

Operator	Field	District	Well Name	Well Number	Serial Number
Julil Energy, LLC	Bayou Mallet, South	L	U W RB SUA;Atteberry	003	127384
Julil Energy, LLC	Bayou Mallet, South	L	Atteberry	005	167441
Julil Energy, LLC	Bayou Mallet, South	L	Frank J Bollich Jr et al	004	173399
Julil Energy, LLC	Richie, East	L	Frank Zaunbrecher	001	179485
Julil Energy, LLC	Bayou Mallet, South	L	Frank J Bollich Jr et al	003	186487
Julil Energy, LLC	Bayou Mallet, South	L	Frank J Bollich Jr et al SWD	001	188147
Julil Energy, LLC	Richie, East	L	VUA;Lawrence Dischler	001	196693
Julil Energy, LLC	Bayou Mallet, South	L	Frank J Bollich Jr et al	002	201704
Julil Energy, LLC	Basile, East	L	S-1 RA SUB;Joseph P Fontenot	001	202368
Julil Energy, LLC	Bayou Mallet, South	L	Frank J Bollich Jr et al	007	212219
Julil Energy, LLC	Bayou Mallet, South	L	Frank J Bollich Jr et al	001	218970
Julil Energy, LLC	Castor Creek	L	Robert Spears	001	224839
Julil Energy, LLC	Castor Creek	L	J Thomas	001	227229
Julil Energy, LLC	Castor Creek	L	VUC;Clairelynn D Smith	001	227583
Julil Energy, LLC	Castor Creek	L	VUD;JD Fontenot et ux	001	227646
Julil Energy, LLC	Castor Creek	L	VUE;SG Fontenot	001	228194
Julil Energy, LLC	Castor Creek	L	Martin A	001	228737
Julil Energy, LLC	Castor Creek	L	OBERLIN RB SUA;MTR	001	228856
Julil Energy, LLC	Castor Creek	L	Smith E	001	230644

Operator	Field	District	Well Name	Well Number	Serial Number
Julil Energy, LLC	Castor Creek	L	VUM;Adams B	001	230645

Steven M. Giambrone
Interim Commissioner

2507#013

POTPOURRI

Office of the Governor Division of Administration Racing Commission

Notice of Public Hearing Request for Comments on Rulemaking

In compliance with 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 Racing Commission will hold a hearing to receive public comment from any interested person regarding the Rules of Racing, LAC Title 35 "Horse Racing" and LAC Title 46, Part XLI "Horseracing Occupations", on Friday, August 29, 2025 at 10 a.m. in the Event Center of Delta Downs Racetrack, Casino & Hotel, 2717 Delta Downs Drive, Vinton, LA 70668.

At the public hearing, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing, regarding these rules only. The Racing Commission will consider fully all written and oral comments. Comments must be received in writing in order to be submitted to the legislative oversight committees.

If reasonable accommodations are required in order to participate in the hearings, please contact Mike Dildy, Director of Administration, at (504) 483-4000 at least five business days prior to the scheduled hearing.

Public Comments

Written comments may be submitted in advance of the hearing to Brett Bonin, Assistant Attorney General, 320 North Carrollton Avenue, Suite 2-B, New Orleans, Louisiana 70119-5100. Comments must be postmarked no later than Friday, August 22, 2025.

Stephen Landry
Executive Director

2507#051

POTPOURRI

Workforce Commission Office of Workers' Compensation Administration

Weekly Compensation Benefits Limits

Pursuant to R.S. 23:1202, and based on the statewide average weekly wage as determined by the Louisiana Workforce Commission, the following limits shall apply to weekly compensation benefits for claimants injured during the period September 1, 2025 through August 31, 2026.

Average Weekly Wage	Maximum Compensation	Minimum Compensation	Mileage Reimbursement
\$1169.61	\$877.00	\$234.00	* .70 cents per mile
*Effective January 1, 2025 the mileage reimbursement is \$0.70 per mile pursuant to R.S. 23:1203(D).			

This information updates R.S. 23:1202 of the Louisiana Workers Compensation Act.

	Average Weekly Wage	Maximum Comp	Minimum Comp
Sept 1, 2002-Aug 31, 2003	554.31	416.00	111.00
Sept 1, 2003-Aug 31, 2004	572.53	429.00	114.00
Sept 1, 2004-Aug 31, 2005	584.40	438.00	117.00
Sept 1, 2005-Aug 31, 2006	605.46	454.00	121.00
Sept 1, 2006-Aug 31, 2007	637.19	478.00	127.00
Sept.1, 2007-Aug 31, 2008	696.00	522.00	139.00
Sept. 1, 2008-Aug. 31, 2009	728.10	546.00	146.00
Sept. 1, 2009-Aug. 31, 2010	768.83	577.00	154.00
Sept. 1, 2010-Aug. 31, 2011	772.18	579.00	154.00
Sept. 1, 2011-Aug. 31, 2012	789.00	592.00	158.00
Sept. 1, 2012-Aug. 31, 2013	807.07	605.00	161.00
Sept. 1, 2013-Aug. 31, 2014	825.54	619.00	165.00

Sept. 1, 2014-Aug. 31, 2015	839.76	630.00	168.00
Sept. 1, 2015-Aug. 31, 2016	865.31	649.00	173.00
Sept. 1, 2016-Aug. 31, 2017	876.00	657.00	175.00
Sept. 1, 2017-Aug. 31, 2018	870.00	653.00	174.00
Sept. 1, 2018-Aug. 31, 2019	886.38	665.00	177.00
Sept. 1, 2019-Aug. 31, 2020	916.85	688.00	183.00
Sept. 1, 2020-Aug. 31, 2021	940.00	705.00	188.00
Sept. 1, 2021-Aug. 31, 2022	990.85	743.00	198.00
Sept. 1, 2022-Aug. 31, 2023	1027.69	771.00	206.00
Sept. 1, 2023-Aug. 31, 2024	1088.07	816.00	218.00
Sept. 1, 2024-Aug. 31, 2025	1127.21	845.00	225.00
Sept. 1, 2025-Aug. 31, 2026	1169.61	877.00	234.00

Actual wages are to be paid if the wages are less than the minimum.

Brian Blackwood
Assistant Secretary

2507#045

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