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# Executive Orders

## EXECUTIVE ORDER BJ 15-26

### Flags at Half-Staff

WHEREAS, on Friday night, November 13, 2015, more than 120 people were killed in a series of terrorist attacks around Paris;

WHEREAS, over 350 others were wounded in these tragic incidents, many of them critically;

WHEREAS, countless law enforcement officers, first responders, volunteers and citizens risked their lives to provide immediate aid to the numerous victims;

WHEREAS, the thoughts and prayers of all Louisianians are with Paris, the victims of this horrific attack, and their families.

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

SECTION 1: As an expression of respect for victims of the Paris attacks, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all public building and institutions of the State of Louisiana until sunset on Friday, November 20, 2015.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset, Friday, November 20, 2015, unless amended, modified, terminated, or rescinded prior to that date.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 15th day of November, 2015.

Bobby Jindal  
Governor

ATTEST BY  
THE GOVERNOR  
Tom Schedler  
Secretary of State  
1512#010

## EXECUTIVE ORDER BJ 15-27

### Protecting Louisiana amid Obama Administration Plans for Resettlement of Syrian Refugees

WHEREAS, Article I, Section 1 of the Louisiana Constitution is titled "Origin and Purpose of Government", and provides

"All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace,

protect the rights, and promote the happiness and general welfare of the people. The rights enumerated in this Article are inalienable by the state and shall be preserved inviolate by the state."

WHEREAS, Article IV, Section 5 the Louisiana Constitution establishes the governor as the chief executive officer of the State and during times of emergency or the threat of emergency, the governor has emergency powers to protect the citizens and property of the State of Louisiana;

WHEREAS, when the threat of an emergency is foreseeable, it is prudent to implement common sense, precautionary measures to prevent the occurrence of the emergency and eliminate the need to trigger emergency legal authorities;

WHEREAS, on Friday night, November 13, 2015, more than 120 people were killed and over 350 others wounded in a series of terrorist attacks in Paris, France;

WHEREAS, these attacks were conducted by Islamic extremists, at least one of them a recent Syrian refugee, and the radical terrorist Islamic State (ISIS) soon claimed responsibility;

WHEREAS, the State of Louisiana has been denied critical information by the federal government regarding Syrian refugees already relocated into this state, creating an untenable situation;

WHEREAS, it is foreseeable that the introduction of Syrian refugees into the United States without proper prior screening and follow-up monitoring could result in a threat to the citizens and property of this State.

NOW THEREFORE, I, BOBBY JINDAL, 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: All departments, budget units, agencies, offices, entities, and officers of the executive branch of the State of Louisiana are authorized and directed to utilize all lawful means to prevent the resettlement of Syrian refugees in the State of Louisiana while this Order is in effect.

SECTION 2: The Louisiana State Police, upon receiving information of a Syrian refugee already relocated within the State of Louisiana, are authorized and directed to utilize all lawful means to monitor and avert threats within the State of Louisiana.

SECTION 3: All departments, budget units, agencies, offices, entities, and officers of the executive branch of the State of Louisiana are authorized and directed to cooperate in the implementation of the provisions of this Order.

SECTION 4: The Order is effective November 16, 2015 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, at the Capitol, in the City of Baton Rouge, on this 16th day of November, 2015.

Bobby Jindal  
Governor

ATTEST BY  
THE GOVERNOR  
Tom Schedler  
Secretary of State  
1512#010

**EXECUTIVE ORDER BJ 15-28**

Executive Branch—Expenditure Reduction

WHEREAS, pursuant to R.S. 39:75(A)(1), the Division of Administration is directed to submit a monthly budget status report to the Joint Legislative Committee on the Budget (hereafter "the Committee") indicating the balance of the budget for the State General Fund and dedicated funds by comparing the official forecast for these funds to the total authorized appropriations from each fund; once approved by the Committee, the most recent budget status report becomes the official budget status of the State;

WHEREAS, if the most recently approved budget status report indicates that the total appropriation from any fund will exceed the official forecast for that fund, R.S. 39:75(B) requires the Committee to immediately notify the Governor that a projected deficit exists for that fund;

WHEREAS, on November 20, 2015, the Committee notified the Governor that it approved a budget status report at its November 20, 2015, meeting, indicating that a projected deficit of Four Hundred Eighty-Seven Million Two Hundred Seventy-Seven Thousand Five Hundred Eighteen Dollars (\$487,277,518) exists in the State General Fund for Fiscal Year 2015-2016, based mainly on the revised official forecast of revenue available for appropriation adopted by the Revenue Estimating Conference on November 16, 2015, compared to total appropriations, and from a prior year shortfall in estimated actual revenue collections compared to estimated actual expenditures for the Fiscal Year 2014-2015;

WHEREAS, once notified that a projected deficit exists, pursuant to Article VII, Section 10, of the Constitution of Louisiana and R.S. 39:75(C)(1)(a), the Governor has interim budget balancing powers to adjust the budget, including the authority to reduce appropriations for the executive branch of government for any program that is appropriated from a fund that is in a deficit posture, not exceeding three percent (3%) in the aggregate of the total appropriations for each budget unit for the fiscal year, and if the Governor does not make necessary adjustments in the appropriations to eliminate the projected deficit within thirty (30) days of the determination of the projected deficit in a fund, R.S. 39:75(D) mandates that the Governor call a special session of the Louisiana Legislature for that purpose;

WHEREAS, as authorized by R.S. 39:75(C)(1)(a), I am exercising my unilateral interim budget balancing powers to reduce the projected deficit by \$263,964,722, which reductions exceed in the aggregate seven-tenths of

one percent of the total of State General Fund allocations or appropriations of \$62,389,707;

WHEREAS, as authorized by R.S. 39:94(C)(2) and R.S. 39:87(1), I am requesting the clerk of the House of Representatives and the secretary of the Senate to prepare and transmit a ballot to each member of the legislature to approve the use of the Budget Stabilization Fund in the amount of \$28,164,341 which is less than the one-third balance of the fund at the beginning of the current fiscal year in accordance with R.S. 39:95;

WHEREAS, after utilizing those authorities, \$195,148,455 remains of the projected deficit which must be eliminated, therefore I direct the Commissioner of Administration to present to the Committee for its approval a plan to eliminate the remaining amount of the projected deficit pursuant to R. S. 39:75(C);

WHEREAS, this Executive Order and the plan to be submitted to the Committee may utilize all or a portion of the General Fund dollar savings objective specified in Executive Order BJ 2015-11.

NOW THEREFORE, I, Bobby Jindal, 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 following departments, agencies, and/or budget units (hereafter "Unit" and/or "Units") of the executive branch of the State of Louisiana, as described in and/or funded by appropriations through Acts 16, 26, and 46 of the 2015 Regular Session of the Louisiana Legislature (hereafter "the Acts"), shall reduce expenditure of funds appropriated to the Unit from the State General Fund by the Acts, and associated positions, in the amounts shown below:

Schedule 01-Executive Department	State General Fund
01-100 Executive Office	\$ 0
01-103 Mental Health Advocacy Service	\$ 37,836
01-107 Division of Administration	\$ 1,000,000
01-112 Military Affairs	\$ 572,000
01-129 Louisiana Commission on Law Enforcement	\$ 25,000
<b>Schedule 03-Veterans Affairs</b>	
03-130 Veteran's Affairs	\$ 248,896
<b>Schedule 04-Elected Officials</b>	
04-141 Attorney General	\$ 2,416,606
<b>Schedule 09-Health and Hospitals</b>	
09-300 Jefferson Parish Human Services Authority	\$ 472,289
09-301 Florida Parishes Human Services Authority	\$ 222,668
09-302 Capital Area Human Services District	\$ 204,725
09-303 Developmental Disabilities Council	\$ 27,072
09-304 Metropolitan Human Services District	\$ 189,800
09-305 Medical Vendor Administration	\$ 353,850
09-306 Medical Vendor Payments	\$ 251,422,176
09-307 Office of the Secretary	\$ 839,000
09-309 South Central Louisiana Human Services Authority	\$ 150,000
09-310 Northeast Delta Human Services Authority	\$ 191,182
09-324 Louisiana Emergency Response Network	\$ 13,499
09-330 Office of Behavioral Health	\$ 600,000
09-340 Office of Citizens with Developmental Disabilities	\$ 496,293
09-375 Imperial Calcasieu Human Services Authority	\$ 100,000
09-376 Central Louisiana Human Services District	\$ 163,756
09-377 Northwest Louisiana Human Services District	\$ 160,000

<b>Schedule 10-Department of Children and Family Services</b>	
10-360 Office of Children and Family Services	\$ 384,674
<b>Schedule 11-Natural Resources</b>	
11-431 Office of the Secretary	\$ 14,095
11-432 Office of Conservation	\$ 115,994
11-434 Office of Mineral Resources	\$ 117,444
<b>Schedule 13-Environmental Quality</b>	
13-850 Office of the Secretary	\$ 23,035
<b>Schedule 19-Education</b>	
19D-678 State Activities	\$ 500,000
<b>Schedule 20-Other Requirements</b>	
20-931 LED Debt Service/State Commitments	\$ 2,902,832

**SECTION 2:**

A. No later than November 23, 2015, the head of each Unit listed in Section 1 of this Order shall submit to the Commissioner of Administration (hereafter "Commissioner") a mid-year budget reduction plan, on the BA-7 form and questionnaire, which reflects the Unit's proposed allocation of the expenditure reduction ordered in Section 1 of this Order (hereafter "mid-year budget reduction plan"), and a description of the methodology used to formulate the mid-year budget reduction plan.

B. In the event that positions of employment will be affected by the mid-year budget reduction, these positions should be included in your mid-year budget reduction plan.

C. No Unit shall implement the expenditure reduction mandated by Section 1 of this Order without the Commissioner's prior written approval of the Unit's mid-year budget reduction plan.

D. After the Commissioner has given approval of a Unit's mid-year budget reduction plan, any change to the mid-year budget reduction plan requires prior written approval from the commissioner.

**SECTION 3:** The Commissioner is authorized to develop additional guidelines as necessary to facilitate the administration of this Order.

**SECTION 4:** 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 in the implementation of the provisions of this Order.

**SECTION 5:** This Order is effective upon signature and shall remain in effect through June 30, 2016, unless amended, modified, terminated, or rescinded prior to that date.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 20th day of November, 2015.

Bobby Jindal  
Governor

ATTEST BY  
THE GOVERNOR  
Tom Schedler  
Secretary of State  
1512#006

**EXECUTIVE ORDER BJ 15-29**

Flags at Half Staff

WHEREAS, Former Northwestern State University President, Dr. Randall J. Webb, died on Wednesday, November 18, 2015, at the age of 72;

WHEREAS, Dr. Webb served as president from July 1, 1996 to December 31, 2014, the longest tenure for a president in the history of Northwestern State;

WHEREAS, upon retirement, he was honored by the University of Louisiana system with the prestigious designation of President Emeritus of Northwestern;

WHEREAS, under Dr. Webb's leadership, Northwestern experienced unprecedented growth in enrollment, major improvements to facilities, enhanced academic and athletic programs, and the most successful fund-raising campaigns in the history of the university

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

**SECTION 1:** As an expression of respect Dr. Randall J. Webb, the flags of the United States and the State of Louisiana shall be flown at half staff over the State Capitol and all public buildings and institutions of the State of Louisiana until sunset on Monday, November 23, 2015.

**SECTION 2:** This Order is effective upon signature and shall remain in effect until sunset, Monday, November 23, 2015, unless amended, modified, terminated, or rescinded prior to that date.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 23rd day of November, 2015.

Bobby Jindal  
Governor

ATTEST BY  
THE GOVERNOR  
Tom Schedler  
Secretary of State  
1512#007

**EXECUTIVE ORDER BJ 15-30**

Qualified Energy Conservation Bond Allocation  
Louisiana Stadium and Exposition District

WHEREAS, Federal law established volume cap authorization for Qualified Energy Conservation Bonds ("QECB") that may be issued by each state, of which the State of Louisiana (the "State") was granted a maximum allocation in the amount of \$45,759,000; and

WHEREAS, the State was granted a direct QECB allocation of \$17,282,462, and an indirect QECB allocation of \$28,476,538 to sub-allocate to qualified large local governmental entities; the State allocated \$28,476,538 to

qualified large local governmental entities, of which \$20,986,830 was returned to the State for allocation, resulting in a total State QECB allocation of \$38,269,292; and

WHEREAS, \$30,318,244 of the QECB volume cap allocation granted to the State has been previously utilized by any political subdivision or governmental agency within the State, resulting in a total remaining State QECB allocation of \$15,440,756; and

WHEREAS, the Louisiana Stadium and Exposition District ("LSED") has requested and applied for an allocation of the available QECB authority granted to the State, in the amount not to exceed Seven Million Five Hundred Thousand Dollars (\$7,500,000), to undertake a QECB qualifying project to install capital improvements and upgrades at various facilities throughout the LSED.

NOW THEREFORE, I, BOBBY JINDAL, 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: The LSED shall be and is hereby granted an allocation of the available Qualified Energy Conservation Bond volume cap authorization issued to the State of Louisiana in the amount of \$7,500,000, to be utilized by for the benefit of the LSED pursuant to a Master Lease Agreement.

SECTION 2: The allocation granted herein shall be used only by the LSED, and the proceeds of the Master Lease Agreement shall be used for the general purpose of constructing, acquiring and improving energy facilities throughout the LSED as submitted by the LSED in connection with the request for the allocation granted herein.

SECTION 3: The allocation granted herein shall be valid in full force and effect through December 31, 2015, provided that said bonds are delivered to the initial purchasers thereof on or before December 31, 2015.

SECTION 4: This Order is effective upon signature and shall remain in effect as set forth in Section 3 hereof 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, at the Capitol, in the City of Baton Rouge, on this 23rd day of November, 2015.

Bobby Jindal  
Governor

ATTEST BY  
THE GOVERNOR  
Tom Schedler  
Secretary of State  
1512#030

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Children and Family Services Division of Programs Licensing Section

Reasonable and Prudent Parent Standards  
(LAC 67:V.6703, 6708, 7105, 7111, 7305, 7311, and 7313)

The Department of Children and Family Services (DCFS) has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) to amend LAC 67:V, Subpart 8, Chapter 67 Maternity Home, Sections 6703 and 6708; Chapter 71, Child Residential Care Class A, Sections 7105 and 7111; and Chapter 73, Child Placing Agencies, Sections 7305, 7311, and 7313. This Emergency Rule is effective on December 29, 2015 and will remain in effect until the final Rule becomes effective.

In accordance with Public Law 113-183 and Act 124 of the 2015 Regular Legislative Session, the use of the “reasonable and prudent parent standard” is permitted, under certain circumstances, by a foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed. Reasonable and prudent parent standard is the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural, and social activities. Standards mandated in this Rule shall be met at all times. Any violation of the provisions of this Rule may result in sanctions against the facility, including but not limited to, removal of any and all children placed in or by the facility; ineligibility to receive state or federal funding for the care and/or supervision of such children or for services related thereto, whether directly or indirectly; revocation of the facility’s license; and legal action to immediately remove any child in the facility’s care or under the facility’s supervision.

The department considers emergency action necessary to comply with Public Law 113-183 and Act 124 of the 2015 Regular Legislative Session.

#### Title 67

#### SOCIAL SERVICES

#### Part V. Child Welfare

#### Subpart 8. Residential Licensing

#### Chapter 67. Maternity Home

#### §6703. Definition

A. ...

B. Additional Definitions

1. Definitions, as used in this Chapter:

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*Age or Developmentally Appropriate Activities or Items*—activities or items that are generally accepted as

suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

\*\*\*

*Reasonable and Prudent Parent Standard*—standard that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities. The standard is characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child.

*Reasonable and Prudent Parent Training*—training that includes knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally appropriate activities. This includes knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child and knowledge and skills relating to applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural, and social activities. Activities include sports, field trips, and overnight activities lasting one or more days. Also included is knowledge and skills in decisions involving the signing of permission slips and arranging of transportation for the child to and from extracurricular, enrichment, and social activities.

\*\*\*

2. - 2.d. ...

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

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), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2694 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1570 (August 2009), amended LR 36:799, 835 (April 2010), repromulgated LR 36:1275 (June 2010), amended by the Department of Children and Family Services, Child Welfare Section, LR 36:2521 (November 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:968 (April 2012), LR 42:

#### §6708. General Provisions

A. - B.4. ...

C. Reasonable and Prudent Parent Standard

1. The provider shall designate in writing at least one on-site staff person as the authorized representative to apply the reasonable and prudent parent standard to decisions involving the participation of a child who is in foster care and placed in the facility in age or developmentally

appropriate activities. The staff person(s) designated as the authorized representative shall be at the licensed location at all times during the facility's hours of operation. Licensing shall be notified in writing within five calendar days if there is a change to one of the designated representatives.

2. The authorized representative shall utilize the reasonable and prudent parent standard when making any decision involving the participation of a child who is in foster care and placed in the facility in age or developmentally appropriate activities.

3. The authorized representative shall receive training or training materials shall be provided on the use of the reasonable and prudent parent standard. Documentation of the reasonable and prudent parenting-training shall be maintained. The reasonable and prudent parent training or training materials, as developed or approved by DCFS, shall include, but is not limited to the following topic areas:

- a. age or developmentally appropriate activities or items;
- b. reasonable and prudent parent standard;
- c. role of the provider and of DCFS; and
- d. allowing for normalcy for the child while respecting the parent's residual rights.

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:969 (April 2012), amended LR 42:

## **Chapter 71. Child Residential Care, Class A**

### **§7105. Definitions**

A. As used in this Chapter:

\* \* \*

*Age or Developmentally Appropriate Activities or Items*—activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

\* \* \*

*Reasonable and Prudent Parent Standard*—standard that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities. The standard is characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child.

*Reasonable and Prudent Parent Training*—training that includes knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally appropriate activities. This includes knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child and knowledge and skills relating to applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural, and

social activities. Activities include sports, field trips, and overnight activities lasting one or more days. Also included is knowledge and skills in decisions involving the signing of permission slips and arranging of transportation for the child to and from extracurricular, enrichment, and social activities.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Service, LR 36:805 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:976 (April 2012), LR 42:

### **§7111. Provider Responsibilities**

A. - A.9.a.v. ...

#### 10. Reasonable and Prudent Parent Standard

a. The provider shall designate in writing at least one on-site staff person as the authorized representative to apply the reasonable and prudent parent standard to decisions involving the participation of a child who is in foster care and placed in the facility in age or developmentally appropriate activities. The staff person(s) designated as the authorized representative shall be at the licensed location at all times during the facility's hours of operation. Licensing shall be notified in writing within five calendar days if there is a change to one of the designated representatives.

b. The authorized representative shall utilize the reasonable and prudent parent standard when making any decision involving the participation of a child who is in foster care and placed in the facility in age or developmentally appropriate activities.

c. The authorized representative shall receive training or training materials shall be provided on the use of the reasonable and prudent parent standard. Documentation of the reasonable and prudent parent training shall be maintained. The reasonable and prudent parent training or training materials, as developed or approved by DCFS, shall include, but is not limited to the following topic areas:

- i. age or developmentally appropriate activities or items;
- ii. reasonable and prudent parent standard;
- iii. role of the provider and of DCFS; and
- iv. allowing for normalcy for the child while respecting the parent's residual rights.

B. - H.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Service, LR 36:811 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:979, 984 (April 2012), LR 42:

## **Chapter 73. Child Placing Agencies**

### **§7305. Definitions**

\* \* \*

*Age or Developmentally Appropriate Activities or Items*—activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and in the case of a

specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

\*\*\*

*Reasonable and Prudent Parent Standard*—standard that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural, and social activities. The standard is characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child.

*Reasonable and Prudent Parent Training*—training that includes knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally appropriate activities. This includes knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child and knowledge and skills relating to applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural, and social activities. Activities include sports, field trips, and overnight activities lasting one or more days. Also included is knowledge and skills in decisions involving the signing of permission slips and arranging of transportation for the child to and from extracurricular, enrichment, and social activities.

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and ACT 64 of the 2010 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:821 (March 2011), amended LR 42:

**§7311. Provider Responsibilities**

A. - A.7.a.iii. ...

8. Reasonable and Prudent Parent Standard

a. The provider shall designate in writing at least one on-site staff person as the authorized representative to apply the reasonable and prudent parent standard to decisions involving the participation of a child who is in foster care and placed in the facility in age or developmentally appropriate activities. The staff person(s) designated as the authorized representative shall be at the licensed location at all times during the facility's hours of operation. Licensing shall be notified in writing within five calendar days if there is a change to one of the designated representatives.

b. The authorized representative shall utilize the reasonable and prudent parent standard when making any decision involving the participation of a child who is in foster care and placed in the facility in age or developmentally appropriate activities.

c. The authorized representative shall receive training or training materials shall be provided on the use of the reasonable and prudent parent standard. Documentation of the reasonable and prudent parent training shall be maintained. The reasonable and prudent parent training or training materials, as developed or approved by the DCFS, shall include, but is not limited to the following topic areas:

i. age or developmentally appropriate activities or items;

- ii. reasonable and prudent parent standard;
- iii. role of the provider and of DCFS;
- iv. allowing for normalcy for the child while respecting the parent's residual rights.

B. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and ACT 64 of the 2010 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:828 (March 2011), amended LR 42:

**§7313. Foster Care Services**

A. - B.3.c. ...

d. Documentation of reasonable and prudent parent training for all foster parents shall be maintained. This training shall be completed or training materials provided prior to certification for all foster parents certified after August 31, 2015. All foster parents certified on or prior to September 1, 2015 shall receive training or be provided training materials prior to September 29, 2015. Reasonable and prudent parent training or training materials, as developed or approved by DCFS, shall include, but is not limited to the following topic areas:

- i. age or developmentally appropriate activities or items;
- ii. reasonable and prudent parent standard;
- iii. role of the foster parents and of DCFS;
- iv. allowing for normalcy for the child while respecting the parent's residual rights.

B.4. - C.5.b.vii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and ACT 64 of the 2010 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:833 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:985 (April 2012), LR 42

Suzy Sonnier  
Secretary

1512#020

**DECLARATION OF EMERGENCY**

**Board of Elementary and Secondary Education**

Bulletin 111—The Louisiana School, District, and State Accountability System (LAC 28:LXXXIII.405 and 1107)

The Board of Elementary and Secondary Education (BESE) has exercised the emergency provision in accordance with R.S. 49:953(B), the Administrative Procedure Act, and R.S. 17.6 to amend LAC 28:LXXXIII, *Bulletin 111—The Louisiana School, District, and State Accountability System*: §405, Calculating a K-8 Assessment Index; and §1107, Unknown School and District Performance Due to Nonparticipation in State Assessments (2014-2015 Only). This Declaration of Emergency, effective December 2, 2015, will remain in effect for a period of 120 days, or until finally adopted as Rule.

The proposed policy revisions ensure that, for the 2015-2016 school year only, a steady school and district accountability system exists for elementary and middle

schools while the state conducts a statewide field test in social studies for grades three through eight. Additionally, the proposed policy revisions address accountability aspects of non-participation for grades three through eight English language arts and mathematics exams for spring 2015 testing. BESE has exercised the emergency provision in the adoption of these policy revisions in order to apply the policies to the release of the 2014-2015 school performance scores.

**Title 28  
EDUCATION**

**Part LXXXIII. Bulletin 111—The Louisiana School,  
District, and State Accountability System  
Chapter 4. Assessment and Dropout/Credit  
Accumulation Index Calculations**

**§405. Calculating a K-8 Assessment Index**

A. - E. ...

F. When middle schools students participate only in an EOC exam and not also the grade-level assessment in a given subject, EOC test results shall be used in the middle school's assessment index (100 for "good" and 150 for "excellent") and will be weighted by content as noted in the table above. Middle schools will also earn incentive points for all EOC scores of "good" or "excellent" earned during the same year in which the test was administered.

- a. Incentive points will be awarded as follows:
  - i. excellent = 50;
  - ii. good = 25.

G. The policy, as outlined in Subsection 405.F, shall also apply to combination schools. The EOC score will be used in middle school results for the year in which the EOC is taken, incentive points may be awarded, and the score will be banked for use in the high school score once the student arrives in 9th grade, as outlined in §409.A.3.

H. In the 2015-2016 school year, the social studies test will be administered as a field test only. When calculating the K-8 assessment index for the 2015-2016 school year, either the 2013-2014 or 2014-2015 social studies assessment index, whichever yields the higher school performance score, shall be used as the social studies component of the overall assessment index.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 36:1989 (September 2010), LR 38:3106 (December 2012), LR 42:

**Chapter 11. School Performance Categories**

**§1107. Unknown School and District Performance Due to Nonparticipation in State Assessments (2014-2015 Only)**

A. For the 2014-2015 school year only, if the number of nonparticipants (see §4101.B of this bulletin) in grades 3 to 8 English language arts and mathematics is greater than 10 percent of all testers for that school, then the LDE shall carry forward the 2013-2014 school performance score and letter grade of said school as the 2014-2015 annual school performance score and letter grade, and shall clearly note the use of the 2013-2014 result, due to nonparticipation, on the annual public report card.

1. If a school meets the criteria outlined in (A) but did not have a letter grade or SPS from the year prior, then a letter grade of "U" (unknown) shall be awarded for the 2014-2015 school year.

B. For the 2014-2015 school year only, if the number of nonparticipants (see §4101.B of this bulletin) in grades 3 to 8 English language arts and mathematics is less than or equal to 10 percent of all testers for that school, then the LDE shall include in the calculation of the school or district performance score results from the 2013-2014 Louisiana state assessments in English language arts or mathematics for such students, where available. Where no such 2013-2014 English language arts and/or mathematics results are available for nonparticipants, nonparticipation shall be addressed by using the average assessment index points earned for the specific school, grade level and subject. For students with partial scores in 2014-2015, the LDE shall use the higher of the student's two results: 2013-2014 or 2014-2015; if students with partial scores do not have a score from 2013-2014, then the LDE shall use either the 2014-2015 partial score or the average 2014-2015 assessment index points earned for the specific school, grade level and subject, whichever is higher.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

Charles E. "Chas" Roemer, IV  
President

1512#014

**DECLARATION OF EMERGENCY**

**Board of Elementary and Secondary Education**

Bulletin 129—The Recovery School District  
(LAC 28:CXLV.505, 1103, and 1105)

The Board of Elementary and Secondary Education (BESE) has exercised the emergency provision in accordance with R.S. 49:953(B), the Administrative Procedure Act, and R.S. 17.6 to amend LAC 28:CXLV, *Bulletin 129—The Recovery School District*: §505, Return of Schools to Local School Board; §1103, Annual Budget; and §1105, Budget Planning, Preparation, and Schedules. This Declaration of Emergency, effective December 2, 2015, will remain in effect for a period of 120 days, or until finally adopted as Rule.

Current policy currently details a process for the Recovery School District (RSD) to return an RSD charter school to the former local school board when the charter school has earned a school performance score of 54.0 or above for two consecutive school years. The revisions to this policy simplify the process of returning schools to the RSD by clarifying terms and existing processes, deleting unnecessary language, and aligning the policy with yearly accountability timelines for letter grade release and charter renewals. Additional revisions ensure that the policy aligns to the appropriate BESE meetings and budgetary timelines each year. BESE has exercised the emergency provision in the

adoption of these policy revisions to ensure the return-of-school timeline will be in effect for eligible RSD schools considering return for the 2016-2017 school year and to ensure that the budget timeline aligns with the BESE meeting schedule.

**Title 28**  
**EDUCATION**

**Part CXLV. Bulletin 129—The Recovery School District**  
**Chapter 5. Failed Schools**

**§505. Return of Schools to Local School Board**

A. Schools transferred to the jurisdiction of RSD shall remain with the RSD for a period of not less than five years.

1. A school that has been under the jurisdiction of the RSD for a minimum of five years as either a direct-run RSD school or a type 5 charter school may be returned to the jurisdiction of its former local school board based upon the RSD's report and recommendation to BESE. The RSD's report shall include the following:

a. the status of the school, the nature of its faculty and administration, the demographics and size of the student body, its organizational and management structure, whether student academic performance has improved, the amount of any improvement, an explanation of why student academic performance has or has not improved, and to what extent performance targets were achieved;

b. the RSD report shall also include a recommendation as to whether the school should:

- i. remain within the RSD in the same operational status;
- ii. remain within the RSD in a new operational status;
- iii. close, with the reasons why it should close; or
- iv. return to the jurisdiction of its former local school board, with proposed stipulations and conditions for the return.

B. Eligible Type 5 Charter Schools

1. An eligible Type 5 charter school board may elect to transfer from the RSD and return to the jurisdiction of its former local school board as a type 3b charter school. If the charter school board chooses not to transfer to its former local school board, it will automatically remain within the RSD for an additional school year. The charter school board shall have the opportunity to choose to return to its former local school board every year the charter school continues to meet eligibility criteria, in accordance with the procedures outlined below.

2. A non-failing charter school is eligible for transfer from the jurisdiction of the recovery school district provided it meets all of the following.

a. The charter school will have been under the jurisdiction of the recovery school district for a minimum of five year. A charter school shall be considered to have been under the jurisdiction of the RSD for five years when five complete school years have passed since the approval of the transfer to the RSD by BESE under La. R.S. 17:10.5 or 17:10.7, regardless of changing operators or site codes for the charter school since that time. The decision to transfer will be considered at the earliest during the charter school's fifth year under the jurisdiction of the RSD, with the proposed transfer occurring at the conclusion of that same school year.

b. The charter school has earned for the past two consecutive years a school performance score (SPS) of 54.0 or above. If the academically unacceptable school (AUS) bar is raised above 50.0, then the charter school must have earned for the past two consecutive years a school performance score that is at least 4.0 points above the AUS bar as established by BESE pursuant to the statewide school and district accountability system. Should the charter school change operators, an SPS of 54.0 or above under the final year of the former operator and an SPS of 54.0 or above under the new operator the next consecutive year shall still meet this requirement.

i. In order to be eligible to choose to transfer from the jurisdiction of the RSD, charter schools comprised entirely of grades below ninth grade shall have two consecutive school performance scores of 54.0 or above based on test data from students actually attending that charter school, rather than test data from a paired school. For charter schools comprised entirely of grades above eighth grade, both consecutive school performance scores of 54.0 or above shall include ACT data for students actually attending the charter school, and at least one of the school performance scores shall include graduation index and graduation rate data for students actually attending the charter school.

c. In order for a charter school in the final year of its current charter contract term to be eligible to choose to transfer from the jurisdiction of the RSD, the charter school must be renewed for the upcoming school year by BESE pursuant to the charter renewal process in Bulletin 126. The charter school board may still take official board action to seek to return to the local school board prior to being renewed by BESE, but final eligibility to return shall be contingent upon BESE approving a renewal for the charter school.

d. The charter school board elects to seek transfer from the RSD and has notified BESE in writing, no later than the deadline set by the RSD each year preceding the effective date of the proposed transfer.

e. The charter school board shall take official board action based on a vote of its membership, at a charter school board meeting in accordance with its by-laws and state open meetings law to provide BESE with written notification of desire to transfer the charter school from the jurisdiction of the RSD to the jurisdiction of its former local school board as a type 3B charter school. Such notice shall state whether the charter school desires to remain an independent local education agency (LEA) or have the former local school board serve as the charter school's LEA.

3. The transfer of a type 5 charter school from the RSD shall become effective on July 1 of the year following BESE's approval of such transfer.

4. Upon receiving notice from an eligible Type 5 charter school board of its desire to seek to transfer the charter school to its former local school board by a deadline set each year by the RSD, BESE shall consider the transfer request for approval. BESE may require additional transfer conditions to be completed by the charter school prior to approval of the transfer at a later BESE meeting preceding the proposed transfer.

5. BESE shall only approve a charter school board request to transfer to the charter school to the jurisdiction to the local school board if the following requirements are met:

a. The local school board provides BESE with written notice, in accordance with the deadlines established by the RSD, that official board action has been taken to accept jurisdiction of the charter school as a type 3B charter school, pending approval of the transfer by BESE; and

b. The charter school board submits a copy of the type 3B charter contract signed by the local school board and the charter operator to BESE prior to approval of the transfer. In order for BESE to grant approval of the transfer, new charter contract, to be effective on the date of transfer (July 1), and any subsequent renewal charter contracts must:

i. be consistent with all state and federal laws governing charter school authorization;

ii. contain academic performance standards for the initial and first renewal term lengths that are equal to or greater than type 5 charter school performance standards as enumerated in BESE Bulletin 126, §519;

iii. comply with any transfer conditions previously specified by BESE;

iv. permit the charter school to remain in its facility or designate an alternative facility for use by the charter school;

v. prohibit the charter school from establishing admissions requirements; and

vi. require any charter school that participated as a type 5 charter school in unified processes common to other public schools located in the same parish or school district boundaries that are critical to providing equity and access to students and families to continue to participate in such processes. At a minimum, the contract shall require the charter school to:

(a). continue to participate in any unified enrollment system and expulsion process established by the RSD for the parish or region where the charter school is located. The charter school shall follow all policies and procedures applicable to type 5 charter schools participating in the enrollment system and expulsion process; and

(b). continue to provide transportation services for students who reside more than one mile from the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:10.5(A)(1), R.S. 17:10.7(A)(1), R.S. 17:1990(A)(2), R.S. 17:10.5(C), and R.S. 17:10.7(C).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:878 (March 2011), amended LR 38:354 (February 2012), LR 38:1396 (June 2012), LR 39:82 (January 2013), LR 39:1022 (April 2013), LR 39:3255 (December 2013), LR 42:

## **Chapter 11. Fiscal Management**

### **§1103. Annual Budget**

A. ....

B. The RSD's budget must be approved by BESE. The RSD shall present a proposed operational budget to BESE for review in June and for approval in August of each year. The RSD direct-operated and charter-operated schools shall budget on a fiscal year basis, July 1 through June 30.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:10.5(A)(1), R.S. 17:10.7(A)(1), and R.S. 17:1990(A)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:310 (January 2011), amended LR 42:

### **§1105. Budget Planning, Preparation, and Schedules**

A. The RSD shall present a proposed operational budget to BESE for review in June and for approval in August of each year.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:10.5(A)(1), R.S. 17:10.7(A)(1), and R.S. 17:1990(A)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:311 (January 2011), amended LR 42:

Charles E. "Chas" Roemer, IV  
President

1512#015

## **DECLARATION OF EMERGENCY**

### **Board of Elementary and Secondary Education**

Bulletin 133—Scholarship Programs  
(LAC 28:CLIII.1305)

The Board of Elementary and Secondary Education (BESE) has exercised the emergency provision in accordance with R.S. 49:953(B), the Administrative Procedure Act, and R.S. 17:6 to amend LAC 28:CLIII, *Bulletin 133—Scholarship Programs*: §1305, Accountability System for Participating Nonpublic Schools. This Declaration of Emergency, effective December 2, 2015, will remain in effect for a period of 120 days, or until finally adopted as Rule.

At the December 2013 BESE meeting, the board approved policies related to the school and district letter grade methodology for the 2014-15 school year to ensure fairness and consistency for schools during the transition to new assessments. This policy revision allows the State superintendent of education to align future Scholarship school participation and enrollment decisions to the transition policies for new assessments. BESE has exercised the emergency provision in the adoption of this policy revision in order to expedite the alignment of scholarship school participation and enrollment decisions to the assessment transition policy.

### **Title 28**

### **EDUCATION**

### **Part CLIII. Bulletin 133—Scholarship Programs** **Chapter 13. Criteria for School Participation in the Student Scholarships for Educational Excellence Program**

### **§1305. Accountability System for Participating Nonpublic Schools**

A. - E.2.b. ...

c. The state superintendent may waive either or both of the above provisions for a given school if the school received a score higher than an equivalent school performance score correlating to a letter grade of an "F" according to the school performance score formula outlined in *Bulletin 111—The Louisiana School, District, and State Accountability System*.

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S. 17:4025.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:83 (January 2013), amended LR 42:

Charles E. "Chas" Roemer, IV  
President

1512#016

**DECLARATION OF EMERGENCY**

**Office of the Governor  
Division of Administration  
Tax Commission**

Ad Valorem Taxation  
(LAC 61:V.101, 303, 304, 703, 907, 1103, 1307,  
1503, 2501, 2503, 2713, 2717, 3101 and 3103)

The Louisiana Tax Commission exercised the provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to its authority under R.S. 47:1837, adopted the following additions, deletions and amendments to the Real/Personal Property Rules and Regulations. The adoption date for this Emergency Rule is December 9, 2015.

This Emergency Rule is necessary in order for ad valorem tax assessment tables to be disseminated to property owners and local tax assessors no later than the statutory valuation date of record of January 1, 2016. Cost indexes required to finalize these assessment tables are not available to this office until late October 2015. The effective date of this Emergency Rule is January 1, 2016.

Pursuant to the Administrative Procedure Act, this Emergency Rule shall be in effect for a maximum of 120 days or until adoption of the Final Rule or another Emergency Rule, whichever occurs first.

**Title 61**

**REVENUE AND TAXATION**

**Part V. Ad Valorem Taxation**

**Chapter 1. Constitutional and Statutory Guides to Property Taxation**

**§101. Constitutional Principles for Property Taxation**

Editor's Note: Section 3503 has been moved to this Section, specifically Subsection F-F.3.h

A. - F.3.h. ...

G. Special Assessment Level

1. - 1.d....

2. Any person or persons shall be prohibited from receiving the special assessment as provided in this Section if such person's or persons' adjusted gross income, for the year prior to the application for the special assessment, exceeds \$71,491 for tax year 2016 (2017 Orleans Parish). For persons applying for the special assessment whose filing status is married filing separately, the adjusted gross income for purposes of this Section shall be determined by combining the adjusted gross income on both federal tax returns.

3. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, §18.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 15:1097 (December 1989), amended by the Department of Revenue, Tax Commission, LR 24:477 (March 1998), LR 26:506 (March 2000), LR 31:700 (March 2005), LR 32:425 (March 2006), LR 33:489 (March 2007), LR 34:673 (April 2008), LR 35:492 (March 2009), LR 36:765 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1394 (May 2011), LR 38:799 (March 2012), LR 39:487 (March 2013), LR 40:528 (March 2014), LR 41:671 (April 2015), LR 41:

**Chapter 3. Real and Personal Property**

**§303. Real Property**

A. - C.1. ...

2. The capitalization rate shall be set by the Louisiana Tax Commission in conjunction with its Rulemaking Session.

a. It is recommended that the capitalization rate for affordable rental housing properties categorized as Tier 1 shall be within a range of 5.5 percent - 6.5 percent, increased by the effective tax rate; for affordable rental housing properties categorized as Tier 2 shall be within a range of 6.5 percent - 7.5 percent, increased by the effective tax rate; and for affordable rental housing properties categorized as Tier 3 shall be within a range of 7.5 percent - 8.5 percent, increased by the effective tax rate. The Tiers are as established and defined by the Real Estate Research Corporation for Apartment Investment Properties. These capitalization rates shall remain in effect until modified by the Louisiana Tax Commission in accordance with its rulemaking authority.

D. The Louisiana Tax Commission has ordered all property to be reappraised for the 2016 tax year in all parishes. All property is to be valued as of January 1, 2015.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 7:44 (February 1981), amended by the Department of Revenue and Taxation, Tax Commission, LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:764 (December 1987), LR 16:1063 (December 1990), LR 17:611 (June 1991), LR 21:186 (February 1995), amended by the Department of Revenue, Tax Commission, LR 25:312 (February 1999), LR 26:506 (March 2000), LR 29:367 (March 2003), LR 30:487 (March 2004), LR 34:678 (April 2008), LR 35:492 (March 2009), LR 36:765 (April 2010), amended by the Division of Administration, Tax Commission, LR 38:799 (March 2012), LR 39:487 (March 2013), LR 41:

**§304. Electronic Change Order Specifications, Property Classifications Standards and Electronic Tax Roll Export Specifications**

A. Electronic Change Order Specifications

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B. Property Classifications Standards

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1. ...

C. Electronic Tax Roll Export Specifications

Parish Information (Parish.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

Assessment Information (Assmt.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (ex. 1999, 2000)
***	***	***	***	***
homestead_exempt	Numeric	1	Yes	0 = None (default), 1 = homestead exemption and 2 = 100% Disabled Vet Homestead
***	***	***	***	***
taxpayer_addr3	Character	40	No	Tax payer's address line 3.
freeze	Numeric	1	Yes	0 = None (default), 1 = Over 65 Freeze, 2 = Disabled, 3 = Disabled Vet Freeze and 4 = Widow of POW/MIA
usufruct	Character	1	Yes	"N" = No (default) and "Y" = Yes

Assessment Value Information (Avalue.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

Assessment Millage Information (Amillage.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

Millage Group Information (Tgroup.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

Parcel Information (Parcel.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (ex. 1999, 2000)
***	***	***	***	***
par_address	Character	50	Yes	Parcel address. (911 address)
***	***	***	***	***

Legal Description Information (Legal.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

Additional Owner Information (Owner.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

Improvement Information (Improve.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

Place FIPS Information (FIPS.txt)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, §18 and R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:703 (March 2005), amended LR 32:427 (March 2006), LR 36:765 (April 2010), amended by the Division of Administration, Tax Commission, LR 38:799 (March 2012), LR 39:487 (March 2013), LR 40:529 (March 2014), LR 41:672 (April 2015), LR 41:

**Chapter 7. Watercraft**

**§703. Tables—Watercraft**

**A. Floating Equipment—Motor Vessels**

Table 703.A Floating Equipment—Motor Vessels				
Cost Index (Average)		Average Economic Life 12 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2015	1.003	1	94	.94
2014	1.012	2	87	.88
2013	1.025	3	80	.82
2012	1.034	4	73	.75
2011	1.063	5	66	.70
2010	1.097	6	58	.64
2009	1.088	7	50	.54
2008	1.120	8	43	.48
2007	1.164	9	36	.42
2006	1.227	10	29	.36
2005	1.284	11	24	.31
2004	1.381	12	22	.30
2003	1.429	13	20	.29

**B. Floating Equipment—Barges (Non-Motorized)**

Table 703.B Floating Equipment—Barges (Non-Motorized)				
Cost Index Average		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2015	1.003	1	97	.97
2014	1.012	2	93	.94
2013	1.025	3	90	.92
2012	1.034	4	86	.89
2011	1.063	5	82	.87
2010	1.097	6	78	.86
2009	1.088	7	74	.81
2008	1.120	8	70	.78
2007	1.164	9	65	.76
2006	1.227	10	60	.74
2005	1.284	11	55	.71
2004	1.381	12	50	.69
2003	1.429	13	45	.64
2002	1.453	14	40	.58
2001	1.462	15	35	.51
2000	1.474	16	31	.46
1999	1.501	17	27	.41
1998	1.505	18	24	.36
1997	1.518	19	22	.33
1996	1.543	20	21	.32
1995	1.566	21	20	.31

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:924 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR

19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:204 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:479 (March 1998), LR 25:312 (February 1999), LR 26:506 (March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29:368 (March 2003), LR 30:487 (March 2004), LR 31:715 (March 2005), LR 32:430 (March 2006), LR 33:490 (March 2007), LR 34:678 (April 2008), LR 35:492 (March 2009), LR 36:772 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1394 (May 2011), LR 38:802 (March 2012), LR 39:490 (March 2013), LR 40:530 (March 2014), LR 41:673 (April 2015), LR 41:

**Chapter 9. Oil and Gas Properties**

**§907. Valuation of Oil, Gas, and Other Wells**

A ...

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ii. For wells producing 2 mcf or less of gas per day an additional reduction of 35 percent shall be applied.

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1. Oil, Gas and Associated Wells; Region 1—North Louisiana

Table 907.A.1 Oil, Gas and Associated Wells; Region 1—North Louisiana				
Producing Depths	Cost—New By Depth, Per Foot		15% of Cost—New By Depth, Per Foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0-1,249 ft.	37.53	131.37	5.63	19.71
1,250-2,499 ft.	33.89	96.60	5.08	14.49
2,500-3,749 ft.	26.64	63.97	4.00	9.60
3,750-4,999 ft.	36.84	63.74	5.53	9.56
5,000-7,499 ft.	43.32	62.22	6.50	9.33
7,500-9,999 ft.	94.97	83.87	14.25	12.58
10,000-12,499 ft.	276.94	101.73	41.54	15.26
12,500-14,999 ft.	450.38	153.62	67.56	23.04
15,000-17,499 ft.	576.45	175.17	86.47	26.28
17,500-Deeper ft.	N/A	490.00	N/A	73.50

2. Oil, Gas and Associated Wells; Region 2—South Louisiana

Table 907.A.2 Oil, Gas and Associated Wells; Region 2—South Louisiana				
Producing Depths	Cost—New By Depth, Per Foot		15% of Cost—New By Depth, Per Foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0-1,249 ft.	288.60	130.51	43.29	19.58
1,250-2,499 ft.	99.66	216.92	14.95	32.54
2,500-3,749 ft.	97.32	172.95	14.60	25.94
3,750-4,999 ft.	85.78	138.35	12.87	20.75
5,000-7,499 ft.	117.19	157.16	17.58	23.57
7,500-9,999 ft.	159.87	164.54	23.98	24.68
10,000-12,499 ft.	218.00	215.08	32.70	32.26
12,500-14,999 ft.	285.98	278.26	42.90	41.74
15,000-17,499 ft.	463.22	372.55	69.48	55.88
17,500-19,999 ft.	565.59	527.70	84.84	79.16
20,000-Deeper ft.	302.00	792.24	45.30	118.84

3. Oil, Gas and Associated Wells; Region 3—Offshore State Waters

Table 907.A.3 Oil, Gas and Associated Wells; Region 3—Offshore State Waters*				
Producing Depths	Cost—New By Depth, Per Foot		15% Of Cost—New By Depth, Per Foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0 -1,249 ft.	N/A	N/A	N/A	N/A
1,250 -2,499 ft.	1,446.66	1,057.06	217.00	158.56

Table 907.A.3 Oil, Gas and Associated Wells; Region 3—Offshore State Waters*				
Producing Depths	Cost—New By Depth, Per Foot		15% Of Cost—New By Depth, Per Foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
2,500 -3,749 ft.	743.89	812.39	111.58	121.86
3,750 -4,999 ft.	1,061.83	744.93	159.27	111.74
5,000 -7,499 ft.	528.41	689.97	79.26	103.50
7,500 -9,999 ft.	669.93	652.91	100.49	97.94
10,000 -12,499 ft.	758.42	661.82	113.76	99.27
12,500 -14,999 ft.	659.61	644.07	98.94	96.61
15,000 -17,499 ft.	454.63	668.29	68.19	100.24
17,500 - 19,999 ft.	226.46	638.90	33.97	95.84
20,000 - Deeper ft.	N/A	1,004.29	N/A	150.64

B. The determination of whether a well is a Region 2 or Region 3 well is ascertained from its onshore/offshore status as designated on the Permit to Drill or Amended Permit to Drill form (Location of Wells Section), located at the Department of Natural Resources as of January 1 of each tax year. Each assessor is required to confirm the onshore/offshore status of wells located within their parish by referring to the Permit to Drill or Amended Permit to Drill form on file at the Department of Natural Resources.

1. Parishes Considered to be Located in Region 1

Table 907.B.1 Parishes Considered to be Located in Region 1			
Bienville	DeSoto	Madison	Tensas
Bossier	East Carroll	Morehouse	Union
Caddo	Franklin	Natchitoches	Webster
Caldwell	Grant	Ouachita	West Carroll
Catahoula	Jackson	Red River	Winn
Claiborne	LaSalle	Richland	
Concordia	Lincoln	Sabine	

NOTE: All wells in parishes not listed above are located in Region 2 or Region 3.

2. Serial Number to Percent Good Conversion Chart

Table 907.B.2 Serial Number to Percent Good Conversion Chart			
Year	Beginning Serial Number	Ending Serial Number	20 Year Life Percent Good
2015	248832	Higher	97
2014	247423	248831	93
2013	245849	247422	90
2012	244268	245848	86
2011	242592	244267	82
2010	240636	242591	78
2009	239277	240635	74
2008	236927	239276	70
2007	234780	236926	65
2006	232639	234779	60
2005	230643	232638	55
2004	229010	230642	50
2003	227742	229009	45
2002	226717	227741	40
2001	225352	226716	35
2000	223899	225351	31
1999	222882	223898	27
1998	221596	222881	24
1997	220034	221595	22
1996	218653	220033	21
1995	Lower	218652	20 *
VAR.	900000	Higher	50

\*Reflects residual or floor rate.

NOTE: For any serial number categories not listed above, use year well completed to determine appropriate percent good. If spud date is later than year indicated by serial number; or, if serial number is unknown, use spud date to determine appropriate percent good.

C. - C.6. ...

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AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:480 (March 1998), LR 25:313 (February 1999), LR 26:507 (March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29:368 (March 2003), LR 30:488 (March 2004), LR 31:717 (March 2005), LR 32:431 (March 2006), LR 33:492 (March 2007), LR 34:679 (April 2008), LR 35:495 (March 2009), LR 36:773 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1395 (May 2011), LR 38:803 (March 2012), LR 39:490 (March 2013), LR 40:531 (March 2014), LR 41:673 (April 2015), LR 41:

Chapter 11. Drilling Rigs and Related Equipment  
§1103. Drilling Rigs and Related Equipment Tables

A. Land Rigs

Table 1103.A Land Rigs		
Depth "0" to 7,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
3,000	625,100	93,800
4,000	707,600	106,100
5,000	883,600	132,500
6,000	1,190,800	178,600
7,000	1,594,800	239,200
Depth 8,000 to 10,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
8,000	2,060,900	309,100
9,000	2,555,000	383,300
10,000	3,045,300	456,800
Depth 11,000 to 15,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
11,000	4,004,400	600,700
12,000	4,466,000	669,900
13,000	4,846,300	726,900
14,000	5,135,800	770,400
15,000	5,335,600	800,300
Depth 16,000 to 20,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
16,000	5,459,100	818,900
17,000	5,533,800	830,100
18,000	5,602,900	840,400
19,000	5,726,600	859,000
20,000	5,983,800	897,600
Depth 21,000 + Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
21,000	6,474,600	971,200
25,000 +	7,320,400	1,098,100

Table 1103.D Well Service Rigs Land Only				
Class	Mast	Engine	Fair Market Value (RCNLD)	Assessment
I	71' X 125M# 71' X 150M# 72' X 125M# 72' X 150M# 75' X 150M#	C-7 50 SERIES 6V71	170,000	25,500
II	96' X 150M# 96' X 180M# 96' X 185M# 96' X 200M# 96' X 205M# 96' X 210M# 96' X 212M# 96' X 215M#	C-11 50 SERIES 8V71	215,000	32,300
III	96' X 240M# 96' X 250M# 96' X 260M# 102' X 215M#	C-11 50 SERIES 8V92	265,000	39,800
IV	102' X 224M# 102' X 250M# 103' X 225M# 103' X 250M# 104' X 250M# 105' X 225M# 105' X 250M#	C-15 60 SERIES 12V71	305,000	45,800
V	105' X 280M# 106' X 250M# 108' X 250M# 108' X 260M# 108' X 268M# 108' X 270M# 108' X 300M#	C-15 60 SERIES 12V71 12V92	345,000	51,800
VI	110' X 250M# 110' X 275M# 112' X 300M# 112' X 350M#	C-15 60 SERIES 12V71 (2) 8V92	385,000	57,800
VII	117' X 215M#	C-15 60 SERIES (2) 8V92 (2) 12V71	470,000	70,500

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:939 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:487 (March 1998), LR 25:315 (February 1999), LR 26:508 (March 2000), LR 27:426 (March 2001), LR 28:519 (March 2002), LR 30:488 (March 2004), LR 31:718 (March 2005), LR 32:431 (March 2006), LR 33:493 (March 2007), LR 34:683 (April 2008), LR 35:497 (March 2009), LR 36:778 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1399 (May 2011), LR 38:808 (March 2012), LR 39:495 (March 2013), LR 40:536 (March 2014), LR 41:678 (April 2015), LR 41:

**Chapter 13. Pipelines**

**§1307. Pipeline Transportation Tables**

A. ...

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B. Current Costs for Other Pipelines (Offshore)

Table 1307.B Current Costs for Other Pipelines (Offshore)		
Diameter (inches)	Cost per Mile	15% of Cost per Mile
2	\$ 1,014,580	\$ 152,190
4	1,017,520	152,630
6	1,021,320	153,200
8	1,037,910	155,690
10	1,062,240	159,340
12	1,094,340	164,150
14	1,134,190	170,130
16	1,181,800	177,270
18	1,237,170	185,580
20	1,300,300	195,050
22	1,371,180	205,680
24	1,449,820	217,470
26	1,536,220	230,430
28	1,630,370	244,560
30	1,732,280	259,840
32	1,841,950	276,290
34	1,959,380	293,910
36	2,084,560	312,680
38	2,217,500	332,630
40	2,358,200	353,730
42	2,506,650	376,000
44	2,662,860	399,430
46	2,826,830	424,020
48	2,998,560	449,780

C. ...

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AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:941 (November 1984), LR 12:36 (January 1986), LR 16:1063 (December 1990), amended by the Department of Revenue, Tax Commission, LR 24:489 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000), LR 27:426 (March 2001), LR 31:719 (March 2005), LR 32:432 (March 2006), LR 33:494 (March 2007), LR 34:684 (April 2008), LR 35:499 (March 2009), LR 36:778 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1401 (May 2011), LR 38:809 (March 2012), LR 39:496 (March 2013), LR 40:537 (March 2014), LR 41:680 (April 2015), LR 41:

**Chapter 15. Aircraft**

**§1503. Aircraft (Including Helicopters) Table**

A. Aircraft (Including Helicopters)

Table 1503 Aircraft (Including Helicopters)				
Cost Index (Average)		Average Economic Life (20 Years)		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2015	1.003	1	97	.97
2014	1.012	2	93	.94

Table 1503 Aircraft (Including Helicopters)				
Cost Index (Average)		Average Economic Life (20 Years)		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2013	1.025	3	90	.92
2012	1.034	4	86	.89
2011	1.063	5	82	.87
2010	1.097	6	78	.86
2009	1.088	7	74	.81
2008	1.120	8	70	.78
2007	1.164	9	65	.76
2006	1.227	10	60	.74
2005	1.284	11	55	.71
2004	1.381	12	50	.69
2003	1.429	13	45	.64
2002	1.453	14	40	.58
2001	1.462	15	35	.51
2000	1.474	16	31	.46
1999	1.501	17	27	.41
1998	1.505	18	24	.36
1997	1.518	19	22	.33
1996	1.543	20	21	.32
1995	1.566	21	20	.31

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:206 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:719 (March 2005), LR 32:433 (March 2006), LR 33:495 (March 2007), LR 34:685 (April 2008), LR 35:499 (March 2009), LR 36:779 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1401 (May 2011), LR 38:809 (March 2012), LR 39:497 (March 2013), LR 40:538 (March 2014), LR 41:680 (April 2015), LR 41:

**Chapter 25. General Business Assets**

**§2501. Guidelines for Ascertaining the Fair Market Value of Office Furniture and Equipment, Machinery and Equipment and Other Assets Used in General Business Activity**

A. - G.2. ...

H. Alternative Procedure 3

1. This procedure should be used only if external (economic) and/or functional obsolescence has affected the fair market value of the business and industrial personal property. External (economic) and/or functional obsolescence are defined in §301 of these rules and regulations. This procedure is to be used for Salt Dome Storage Wells and Caverns permitted as Class II Type 10, 11-L or 11-N. Negative economic obsolescence may occur resulting in a positive adjustment known as munificence.

2. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), LR 12:36 (January 1986), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 31:719 (March 2005), LR 33:495 (March 2007), LR 34:685 (April 2008), LR 35:500 (March 2009), LR 41:

**§2503. Tables Ascertain Economic Lives, Percent Good and Composite Multipliers of Business and Industrial Personal Property**

A. - A.1. ...

Table 2503.A Business Activity/Type of Equipment	Average Economic Life in Years
Agricultural Machinery & Equipment	10
Feed Mill Equipment (Production Line)	20
***	***
Rock Crushers (See: Construction)	
Salt Dome Storage Wells & Caverns (LDNR Class II Type 10, 11-L or 11-N)	30
Sawmills (See: Lumber)	
***	***
*If acquisition cost and age of service station equipment are not available, see Chapter 9, Table 907.B-2 for alternative assessment procedure.	

B. Cost Indices

Table 2503.B Cost Indices			
Year	Age	National Average 1926 = 100	January 1, 2015 = 100*
2015	1	1593.7	1.003
2014	2	1578.8	1.012
2013	3	1558.7	1.025
2012	4	1545.9	1.034
2011	5	1503.2	1.063
2010	6	1457.4	1.097
2009	7	1468.6	1.088
2008	8	1427.3	1.120
2007	9	1373.3	1.164
2006	10	1302.3	1.227
2005	11	1244.5	1.284
2004	12	1157.3	1.381
2003	13	1118.6	1.429
2002	14	1100.0	1.453
2001	15	1093.4	1.462
2000	16	1084.3	1.474
1999	17	1065.0	1.501
1998	18	1061.8	1.505
1997	19	1052.7	1.518
1996	20	1036.0	1.543
1995	21	1020.4	1.566
1994	22	985.0	1.622
1993	23	958.0	1.668
1992	24	939.8	1.700
1991	25	928.5	1.721
1990	26	910.2	1.756
1989	27	886.5	1.803
1988	28	841.4	1.899
1987	29	806.9	1.981
1986	30	795.4	2.009
1985	31	787.9	2.028

\*Reappraisal Date: January 1, 2015-1598.1 (Base Year)

C. Percent Good

Table 2503.C Percent Good										
Age	3 Yr	5 Yr	6 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr	30 Yr
1	.70	.85	.87	.90	.92	.94	.95	.97	.98	.98
2	.49	.69	.73	.79	.84	.87	.90	.93	.95	.97
3	.34	.52	.57	.67	.76	.80	.85	.90	.93	.95
4	.16	.34	.41	.54	.67	.73	.79	.86	.90	.93
5		.23	.30	.43	.58	.66	.73	.82	.87	.91
6		.18	.19	.33	.49	.58	.68	.78	.84	.89
7			.18	.26	.39	.50	.62	.74	.81	.86
8				.22	.30	.43	.55	.70	.78	.84
9				.20	.24	.36	.49	.65	.75	.82
10					.21	.29	.43	.60	.71	.79
11					.20	.24	.37	.55	.68	.76
12						.22	.31	.50	.64	.74
13						.20	.26	.45	.60	.71
14							.23	.40	.56	.68
15							.21	.35	.52	.65
16							.20	.31	.48	.61
17								.27	.44	.58
18								.24	.39	.54
19								.22	.34	.51
20								.21	.30	.47
21								.20	.28	.44
22									.26	.40
23									.24	.37
24									.20	.34
25									.20	.31
26									.20	.28
27										.26
28										.23
29										.21
30										.20
31										.20

D. Composite Multipliers 2016 (2017 Orleans Parish)

Table 2503.D Composite Multipliers 2016 (2017 Orleans Parish)										
Age	3 Yr	5 Yr	6 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr	30 Yr
1	.70	.85	.87	.90	.92	.94	.95	.97	.98	.98
2	.50	.70	.74	.80	.85	.88	.91	.94	.96	.98
3	.35	.53	.58	.69	.78	.82	.87	.92	.95	.97
4	.17	.35	.42	.56	.69	.75	.82	.89	.93	.96
5		.24	.32	.46	.62	.70	.78	.87	.92	.95
6		.20	.21	.36	.54	.64	.75	.86	.92	.94
7			.20	.28	.42	.54	.67	.81	.88	.94
8				.25	.34	.48	.62	.78	.87	.94
9				.23	.28	.42	.57	.76	.87	.93
10					.26	.36	.53	.74	.87	.92
11					.26	.31	.48	.71	.87	.91
12						.30	.43	.69	.86	.90
13						.29	.37	.64	.86	.90
14							.33	.58	.81	.90
15							.31	.51	.76	.90
16							.29	.46	.71	.90
17								.41	.66	.87
18								.36	.59	.81
19								.33	.52	.77
20								.32	.46	.73
21								.31	.44	.69
22									.42	.65
23									.40	.62
24									.34	.58
25									.34	.53
26									.33	.49

Table 2503.D Composite Multipliers 2016 (2017 Orleans Parish)										
27										.47
28										.44
29										.42
30										.40
31										.39

1. Data sources for tables are:
  - a. Cost Index—Marshall and Swift Publication Co.;
  - b. Percent Good—Marshall and Swift Publication Co.;
  - c. Average Economic Life—various.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 10:944 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:207 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:317 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:719 (March 2005), LR 32:433 (March 2006), LR 33:496 (March 2007), LR 34:686 (April 2008), LR 35:500 (March 2009), LR 36:780 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1402 (May 2011), LR 38:810 (March 2012), LR 39:497 (March 2013), LR 40:538 (March 2014), LR 41:681 (April 2015), LR 41:

**Chapter 27 Guidelines for Application, Classification and Assessment of Land Eligible To Be Assessed At Use Value**

**§2713. Assessment of Timberland**

A. - B.4. ...

C. Range of Productivity of Timberland. The timberland productivity of each of the four classifications of timberland is hereby established to be as follows:

1. Class 1 = 86.6 cu. ft. of growth/acre/year;
2. Class 2 = 66.8 cu. ft. of growth/acre/year;
3. Class 3 = 39.4 cu. ft. of growth/acre/year;
4. Class 4 = 38.8 cu. ft. of growth/acre/year.

D. Production Costs of Timberland. The average timberland production costs are hereby established to be \$10.46/acre/year.

E. Gross Returns of Timberland. The gross value per cubic foot of timber production is hereby established to be \$0.58 per cubic foot.

F. ...

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 through R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:248 (April 1987), LR 14:872 (December 1988), LR 17:1213 (December 1991), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 26:511 (March 2000), LR 30:492 (March 2004), amended by the Division of Administration, Tax Commission, LR 38:811 (March 2012). LR 41:

**§2717. Tables—Use Value**

**A. Average Assessed Value per Acre of Agricultural and Horticultural Land, by Class**

Table 2717.A Average Assessed Value per Acre of Agricultural and Horticultural Land, by Class		
Class	Assessed Value Per Acre	
	Upper	Lower
Class I	\$40.01	\$33.81
Class II	\$33.57	\$25.23
Class III	\$24.75	\$21.90
Class IV	\$21.41	\$14.26

**B. Average Assessed Value per Acre of Timberland, by Class**

Table 2717.B Average Assessed Value per Acre of Timberland, by Class	
Class	Assessed Value Per Acre
Class 1	\$39.77
Class 2	\$28.28
Class 3	\$12.39
Class 4	\$7.53

**C. Average Assessed Value per Acre of Marsh Land, by Class**

\* \* \*

NOTE: Only the parishes listed above should have lands classified as marshland. All other parishes should classify such land as all other acreage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 through R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:248 (April 1987), LR 13:764 (December 1987), LR 14:110 (February 1988), LR 17:1213 (December 1991), LR 22:117 (February 1996), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:491 (March 1998), LR 26:511 (March 2000), LR 30:492 (March 2004), amended by the Division of Administration, Tax Commission, LR 38:811 (March 2012), LR 41:

**Chapter 31. Public Exposure of Assessments; Appeals**  
**§3101. Public Exposure of Assessments, Appeals to the Board of Review and Board of Review Hearings**

A. - I. ...

J. The Board of Review shall provide each appellant taxpayer with a written notice of their particular appeal determination with a copy submitted to the assessor and the Tax Commission on or before the certification of the assessment list to the Tax Commission. The notice of determination shall be sent to the assessor and the taxpayer at the address shown on the appeal form by certified mail.

K. The determination of the Board of Review shall be final unless appealed, in writing, to the Tax Commission within 10 business days after certified mail delivery to the appealing taxpayer or assessor of the Board of Review notice of determination. Either or both parties may appeal the Board of Review determination to the Tax Commission.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1992, R.S. 47:2301 and R.S. 47:2321.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 13:188 (March 1987), LR 13:764 (December 1987), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:492 (March 1998), LR 25:319 (February 1999), LR 26:512 (March 2000), LR 32:435 (March 2006), LR 33:498 (March 2007), LR 34:688 (April 2008), LR 35:501 (March 2009), LR 36:781 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1403 (May 2011), LR 38:811 (March 2012), LR 40:539 (March 2014), LR 41:682 (April 2015), LR 41:

**§3103. Appeals to the Louisiana Tax Commission**

A. ...

B. An appeal to the Louisiana Tax Commission shall be filed with the commission within 10 business days after the Board of Review's written decision is delivered to the appealing taxpayer or assessor via certified mail. In order to institute a proceeding before the commission, the taxpayer or assessor shall file Form 3103.A and, if applicable, Form 3103.B. The assessor shall confirm, in writing, to the Tax Commission that the Board of Review has issued a written determination to each taxpayer and to the assessor's office in the format required by §3101(J).

C. All filings to the Louisiana Tax Commission shall be filed in proper form, consisting of an original and seven copies on letter size paper, with the Office of the Administrator. All exhibits, where it is helpful, to the consideration of such exhibits, shall be indexed, numbered, color coded, tabbed or otherwise so identified as to provide ready accessibility. All appeals and filings shall be deemed filed when deposited with the United States Postal Service and can be evidenced by proof of mailing by registered or certified mail.

C.1. - T. ...

U. The parties to an appeal shall be notified in writing, by certified mail, of the final decision by the commission. The taxpayer or assessor shall have 30 days from receipt of the Order to appeal to a court of competent jurisdiction.

V. - X. ...

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1989 and R.S. 47:1992.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:947 (November 1984), LR 15:1097 (December 1989), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 24:492 (March 1998), LR 25:319 (February 1999), LR 26:512 (March 2000), LR 28:521 (March 2002), LR 31:721 (March 2005), LR 32:436 (March 2006), LR 33:498 (March 2007), LR 34:688 (April 2008), LR 36:782 (April 2010), amended by the Division of Administration, Tax Commission, LR 38:811 (March 2012), LR 41:682 (April 2015), LR 41:

James D. "Pete" Peters  
Chairman

1512#044

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Board of Pharmacy

#### Accreditation of Pharmacy Technician Training Programs (LAC 46:LIII.905)

The Louisiana Board of Pharmacy is exercising the emergency provisions of the Administrative Procedure Act, specifically at R.S. 49:953(B), to amend its rules governing the process of obtaining a pharmacy technician certificate by delaying the implementation of the requirement to complete a nationally-accredited pharmacy technician training program as one of the qualifications to obtain the credential.

Prior to June 2013, the Rule required the pharmacy technician candidate to complete a training program that was approved by the board. In response to stakeholder input requesting flexibility in how those programs were to be established, the board permitted programs to be established at individual pharmacies in addition to universities, community and technical colleges, as well as proprietary schools. Over the course of approximately 10 years, the board tracked the state's pass rate on the national certification program and observed a steady decrease. The board determined that workplace training alone was not sufficient and, in June 2013 instituted a change, to begin in January 2016 that would require the training program to be nationally accredited. The three-year delay was intended to increase the number of such nationally accredited programs in the state.

During their meeting in November 2015, the board entertained a request from some chain pharmacies to further delay the implementation of the accreditation requirement until 2020, citing their concerns with some of the accreditation standards. The board took note of the increased number of accredited programs in the state, from one in 2013 to over a dozen in 2015. The board also took note of the continuing decrease in the state pass rate on the national certification examination, with a 45 percent pass rate in 2015. The board also received input the requirement should be transferred from those persons submitting applications for the technician certificate to those persons submitting applications for the technician candidate registration, to eliminate the difficulty for persons who start under the previous Rule and attempt to finish under the new Rule. The board agreed to a one-year delay in the accreditation requirement, and since there is not sufficient time to promulgate a change in the Rule before the current January 1, 2016 implementation date, the board has determined that an Emergency Rule is necessary. During the one-year delay, the board plans to promulgate the additional change to transfer the requirement for completion of an accredited program as a qualification for the pharmacy technician certificate to require enrollment in an accredited program as a qualification for the pharmacy technician candidate registration.

The board has determined that failure to implement the Emergency Rule will cause interruptions in the licensure process for pharmacy technicians, potentially causing a decrease in the number of pharmacy technicians in the available workforce. The board has determined this Emergency Rule is necessary to prevent imminent peril to

the public health, safety, and welfare. The Declaration of Emergency is effective November 30, 2015 and shall remain in effect for the maximum time period allowed under the Administrative Procedure Act or until adoption of the final Rule, whichever shall first occur.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LIII. Pharmacists

#### Chapter 9. Pharmacy Technicians

#### §905. Pharmacy Technician Certificate

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

b. For those applicants submitting applications on or after January 1, 2017, the applicant shall demonstrate successful completion of a nationally-accredited and board-approved pharmacy technician training program, as evidenced by a valid and legible copy of the appropriate credential from that program.

A.4. - B.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, repromulgated LR 19:1025 (August 1993), amended LR 30:2486 (November 2004), effective January 1, 2005, amended LR 38:1235 (May 2012), LR 39:1777 (July 2013), LR 42:

Malcolm J. Broussard  
Executive Director

1512#023

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

#### Disproportionate Share Hospital Payments Louisiana Low-Income Academic Hospitals (LAC 50:V.Chapter 31)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:V.Chapter 31 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing promulgated Emergency Rules which amended the provisions governing disproportionate share hospital (DSH) payments to hospitals participating in public-private partnerships in the south and north Louisiana areas (*Louisiana Register*, Volume 39, Numbers 7 and 10). As a result of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services' disapproval of the corresponding state plan amendments, the department determined that it was necessary to repeal the provisions of the July 6, 2013 and October 1, 2013 Emergency Rules governing DSH payments to the hospitals participating in the south and north Louisiana area public-private partnerships.

The department promulgated an Emergency Rule which amended the provisions governing DSH payments in order to establish payments to Louisiana low-income academic hospitals (*Louisiana Register*, Volume 40, Number 6). The department subsequently promulgated an Emergency Rule which amended the provisions of the May 24, 2014 Emergency Rule to clarify the provisions governing the payment methodology to Louisiana low-income academic hospitals (*Louisiana Register*, Volume 40, Number 9). This Emergency Rule is being promulgated to continue the provisions of the September 20, 2014 Emergency Rule. This action is being taken to promote the health and welfare of Medicaid recipients by maintaining recipient access to much needed hospital services.

Effective January 17, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing DSH payments to low-income academic hospitals.

#### **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part V. Hospital Services**

#### **Subpart 3. Disproportionate Share Hospital Payments**

#### **Chapter 31. Louisiana Low-Income Academic Hospitals**

#### **§3101. Qualifying Criteria**

A. Hospitals Located Outside of the Lake Charles Metropolitan Statistical Area

1. Effective for dates of service on or after May 24, 2014, a hospital may qualify for this category by:

a. being a private acute care general hospital that is located outside of the Lake Charles metropolitan statistical area (MSA);

b. having uninsured patient utilization, as measured by allowable uninsured inpatient and outpatient charges, greater than 20 percent. Qualification shall be based on uninsured utilization data per the prior state fiscal year date of service time period; and

c. maintaining at least 15 unweighted intern and resident full-time equivalent positions, as reported on the Medicare Cost Report Worksheet E-4, line 6.

B. Hospitals Located In the Lake Charles Metropolitan Statistical Area

1. Effective for dates of service on or after May 24, 2014, a hospital may qualify for this category by:

a. being a private acute care general hospital that is located in the Lake Charles MSA;

b. having uninsured patient utilization, as measured by allowable uninsured inpatient and outpatient charges, greater than 10 percent. To determine qualification in state fiscal year 2014, the first six month dates of service time period (July 1, 2013 through December 31, 2013) shall be used. In subsequent state fiscal years, qualification shall be based on uninsured utilization data per the prior state fiscal year date of service time period; and

c. maintaining at least 20 unweighted intern and resident full-time equivalent positions, as reported on the Medicare Cost Report Worksheet E-4, line 6.

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:

#### **§3103. Payment Methodology**

A. Each qualifying hospital shall be paid DSH adjustment payments equal to 100 percent of allowable hospital specific uncompensated care costs subject to the Appropriations Act. DSH payments to qualifying hospitals shall not exceed the disproportionate share limits as defined in section 1923(g)(1)(A) of the Social Security Act for the state fiscal year to which the payment is applicable.

B. Payment Calculation

1. For the initial year's payment calculation, each qualifying hospital shall submit interim actual cost data calculated utilizing Medicaid allowable cost report principles, along with actual Medicaid and uninsured patient charge data. Annual Medicaid costs shortfalls and unreimbursed uninsured patient costs are determined based on review and analysis of these submissions.

2. For subsequent year's payment calculations, the most recent Medicaid filed cost report along with actual Medicaid and uninsured patient charge data annualized from the most recent calendar year completed quarter is utilized to calculate hospital specific uncompensated care costs.

C. The department shall review cost data, charge data, lengths of stay and Medicaid claims data per the Medicaid management and information systems (MMIS) for reasonableness before payments are made.

D. The first payment of each fiscal year will be made by October 15 and will be 80 percent of the annual calculated uncompensated care costs. The remainder of the payment will be made by June 30 of each year.

1. Reconciliation of these payments to actual hospital specific uncompensated care costs will be made when the cost report(s) covering the actual dates of service from the state fiscal year are filed and reviewed.

2. Additional payments or recoupments, as needed, shall be made after the finalization of the Centers for Medicare and Medicaid Services (CMS) mandated DSH audit for the state fiscal year.

E. No payment under this Section is dependent on any agreement or arrangement for providers or related entities to donate money or services to a governmental entity.

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:

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

Kathy H. Kliebert  
Secretary

1512#065

**DECLARATION OF EMERGENCY**

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

Home and Community-Based Services Waivers  
Community Choices Waiver  
Electronic Visit Verification (LAC 50:XXI.9305)

Editor’s Note: This Emergency Rule was submitted to Office of the State Register on November 10, 2015 and was inadvertently misprinted as Home and Community-Based Services Waviers—Community Choice Waiver on pages 2293-2294 of the November 2015 edition of the *Louisiana Register*. The effective date of this Emergency Rule is November 29, 2015.

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services adopt LAC 50:XXI.9305 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, through collaborative efforts, provide enhanced long-term services and supports to individuals who are elderly or have a disability through the Community Choices Waiver program.

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services promulgated an Emergency Rule which amended the provisions governing the Community Choices Waiver in order to adopt requirements which mandate that providers of personal assistant services must utilize the electronic visit verification (EVV) system designated by the department for automated scheduling, time and attendance tracking, and billing for certain home and community-based services (*Louisiana Register, Volume 41, Number 3*). This Rule is being promulgated to continue the provisions of the April 1, 2015 Emergency Rule. This action is being taken to promote the health and welfare of Community Choices Waiver participants by assuring that they receive the services they need and to ensure that these services are rendered in an efficient and cost-effective manner.

Effective November 29, 2015, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services amend the provisions governing the Community Choices Waiver to establish requirements for the use of an EVV system.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE  
Part XXI. Home and Community  
Based Services Waivers**

**Subpart 7. Community Choices Waiver**

**Chapter 93. Provider Responsibilities**

**§9305. Electronic Visit Verification**

A. Effective for dates of service on or after April 1, 2015, Community Choices Waiver providers shall use the electronic visit verification (EVV) system designated by the department for automated scheduling, time and attendance tracking, and billing for certain home and community-based services.

B. Reimbursement shall only be made to providers with documented use of the EVV system. The services that require use of the EVV system will be published in the Community Choices Waiver provider manual.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 41:

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

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

Kathy H. Kliebert  
Secretary

1512#027

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Medicaid Eligibility  
Medically Needy Program  
Behavioral Health Services  
(LAC 50:III.2313)

The Department of Health and Hospitals, Bureau of Health Services Financing hereby repeals and replaces all of the rules governing the Medically Needy Program, and adopts LAC 50:III.2313 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the

Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgated a Rule in order to reinstate the Title XIX Medically Needy Program (MNP) and to establish coverage restrictions (*Louisiana Register*, Volume 24, Number 5). All behavioral health services are restricted from coverage under the Medically Needy Program.

In February 2012, the department adopted provisions in the Medicaid Program to restructure the existing behavioral health services delivery system into a comprehensive service delivery model called the Louisiana behavioral health partnership (LBHP). Certain recipients enrolled in the Medically Needy Program, whose Medicaid eligibility is based solely on the provisions of §1915(i) of title XIX of the Social Security Act, are eligible to only receive behavioral health services. These recipients have difficulties accessing behavioral health services through the LBHP due to the service restrictions currently in place in the Medically Needy Program.

Therefore, the department promulgated an Emergency Rule which revised the provisions governing the Medically Needy Program in order to include behavioral health coverage for MNP recipients that qualify for the program under the provisions of §1915(i) of title XIX of the Social Security Act. This Emergency Rule also repealed and replaced all of the rules governing the Medically Needy Program in order to repromulgate these provisions in a clear and concise manner for inclusion in the *Louisiana Administrative Code* in a codified format (*Louisiana Register*, Volume 38, Number 12).

The department promulgated an Emergency Rule which amended the provisions governing the Medically Needy Program to further clarify the provisions governing covered services (*Louisiana Register*, Volume 39, Number 4). The department promulgated an Emergency Rule which amended the provisions of the April 20, 2013 Emergency Rule in order to further clarify these provisions (*Louisiana Register*, Volume 40, Number 1). The department subsequently promulgated an Emergency Rule which amended the provisions of the January 20, 2014 Emergency Rule in order to further clarify these provisions (*Louisiana Register*, Volume 41, Number 8). The department promulgated an Emergency Rule to amend the provisions of the August 20, 2015 Emergency Rule in order to further clarify the provisions governing allowable medical expenses for spend-down MNP coverage (*Louisiana Register*, Volume 41, Number 9). This Emergency Rule is being promulgated to continue the provisions of the September 20, 2015 Emergency Rule.

This action is being taken to promote the health and welfare of MNP recipients who are in need of behavioral health services, and to assure their continued access to these services.

Effective January 19, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the Medically Needy Program.

**Title 50  
PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part III. Eligibility**

**Subpart 3. Eligibility Groups and Factors**

**Chapter 23. Eligibility Groups and Medicaid Programs**

**§2313. Medically Needy Program**

A. The Medically Needy Program (MNP) provides Medicaid coverage when an individual's or family's income and/or resources are sufficient to meet basic needs in a categorical assistance program, but not sufficient to meet medical needs according to the MNP standards.

1. The income standard used in the MNP is the federal medically needy income eligibility standard (MNIES).

2. Resources are not applicable to modified adjusted gross income (MAGI) related MNP cases.

3. MNP eligibility cannot be considered prior to establishing income ineligibility in a categorically related assistance group.

B. MNP Eligibility Groups

1. Regular Medically Needy

a. Prior to the implementation of the MAGI income standards, parents who met all of the parent and caretaker relative (PCR) group categorical requirements and whose income was at or below the MNIES were eligible to receive regular MNP benefits. With the implementation of the MAGI-based methodology for determining income and household composition and the conversion of net income standards to MAGI equivalent income standards, individuals who would have been eligible for the regular Medically Needy Program are now eligible to receive Medicaid benefits under the parent and caretaker relative eligibility group. Regular medically needy coverage is only applicable to individuals included in the MAGI-related category of assistance.

b. Individuals in the non-MAGI [formerly aged (A-), blind (B-), or disability (D-)] related assistance groups cannot receive Regular MNP.

c. The certification period for Regular MNP cannot exceed six months.

2. Spend-Down Medically Needy

a. Spend-down MNP is considered after establishing financial ineligibility in categorically related Medicaid programs and excess income remains. Allowable medical bills/expenses incurred by the income unit, including skilled nursing facility coinsurance expenses, are used to reduce (spend-down) the income to the allowable MNP limits.

b. The following individuals may be considered for spend-down MNP:

i. individuals who meet all of the parent and caretaker relative group requirements;

ii. non-institutionalized individuals (non-MAGI related); and

iii. institutionalized individuals or couples (non-MAGI related) with Medicare co-insurance whose income has been spent down.

c. The certification period for spend-down MNP begins no earlier than the spend-down date and shall not exceed three months.

3. Long Term Care (LTC) Spend-Down MNP  
a. Individuals residing in Medicaid LTC facilities, not on Medicare-coinsurance with resources within the limits, but whose income exceeds the special income limits (three times the current Federal Benefit Rate), are eligible for LTC Spend-Down MNP.

4. Louisiana Behavioral Health Partnership (LBHP) 1915(i) MNP

a. The LBHP Medically Needy Program is considered only for the individuals who meet the level of need requirements of §1915 of title XIX of the Social Security Act, and who have been determined to be ineligible for other full Medicaid programs, including the regular MNP and spend-down MNP.

b. LBHP 1915(i) MNP recipients are only eligible to receive behavioral health services through the LBHP. They do not qualify for other Medicaid covered services.

c. The certification period for LBHP 1915(i) regular MNP recipients cannot exceed six months. For the LBHP 1915(i) spend-down MNP, the certification period begins no earlier than the spend-down date and shall not exceed three months.

C. The following services are covered in the Medically Needy Program for non-1915(i) recipients:

1. inpatient and outpatient hospital services;
2. intermediate care facilities for persons with intellectual disabilities (ICF/ID) services;
3. intermediate care and skilled nursing facility (ICF and SNF) services;
4. physician services, including medical/surgical services by a dentist;
5. nurse midwife services;
6. certified registered nurse anesthetist (CRNA) and anesthesiologist services;
7. laboratory and x-ray services;
8. prescription drugs;
9. Early and Periodic Screening, Diagnosis and Treatment (EPSDT) services;
10. rural health clinic services;
11. hemodialysis clinic services;
12. ambulatory surgical center services;
13. prenatal clinic services;
14. federally qualified health center services;
15. family planning services;
16. durable medical equipment;
17. rehabilitation services (physical therapy, occupational therapy, speech therapy);
18. nurse practitioner services;
19. medical transportation services (emergency and non-emergency);
20. home health services for individuals needing skilled nursing services;
21. chiropractic services;
22. optometry services;
23. podiatry services;
24. radiation therapy; and
25. behavioral health services.

D. The following behavioral health services are covered for LBHP 1915(i) MNP recipients:

1. inpatient and outpatient hospital services;
2. emergency medical services;
3. physician/psychiatrist services;

4. treatment by a licensed mental health professional;
5. community psychiatric support and treatment;
6. psychosocial rehabilitation;
7. crisis intervention;
8. case conference [1915(b) services]; and
9. treatment planning [1915(b) services].

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:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy 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.

Kathy H. Kliebert  
Secretary

1512#066

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

Medical Transportation Program  
Emergency Aircraft Transportation  
Rotor Winged Ambulance Services Rate Increase  
(LAC 50:XXVII.353)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XXVII.353 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

In anticipation of a budgetary shortfall in state fiscal year 2013 as a result of the reduction in the state's disaster recovery federal medical assistance percentage (FMAP) rate, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing emergency medical transportation services to reduce the reimbursement rates (*Louisiana Register*, Volume 40, Number 7). The department promulgated an Emergency Rule which amended the provisions governing reimbursement for emergency medical aircraft transportation in order to increase the rates for services originating in rural areas (*Louisiana Register*, Volume 40, Number 9). This Emergency Rule is being promulgated to continue the provisions of the September 1, 2014 Emergency Rule. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring continued access to emergency medical aircraft transportation services.

Effective December 29, 2015, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for emergency medical aircraft transportation services to increase the reimbursement rates for rural areas.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XXVII. Medical Transportation Program**

**Chapter 3. Emergency Medical Transportation**

**Subchapter C. Aircraft Transportation**

**§353. Reimbursement**

A. - H. ...

I. Effective for dates of service on or after September 1, 2014, the reimbursement rates for rotor winged emergency air ambulance services, which originate in areas designated as rural and/or super rural by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, shall be increased to the following rates:

1. base rate, \$4,862.72 per unit; and
2. mileage rate, \$33.65 per unit.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:70 (January 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2594 (November 2010), LR 37:3029 (October 2011), LR 39:1285 (May 2013), LR 40:1379 (July 2014), LR 42:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy 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.

Kathy H. Kliebert  
Secretary

1512#067

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Medical Transportation Program  
Non-Emergency Medical Transportation  
(LAC 50:XXVII:Chapter 5)

The Department of Health and Hospitals, Bureau of Health Services Financing repeals and replaces the provisions of the October 20, 1994 Rule governing non-emergency medical transportation, and amends LAC 50:XXVII.Chapter 5 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted provisions governing non-emergency medical transportation (NEMT) (*Louisiana Register*, Volume 20, Number 10). The department promulgated an Emergency Rule which repealed the October 20, 1994 Rule in order to revise the provisions governing NEMT services, and to ensure that these provisions are appropriately promulgated in a codified format for inclusion in the *Louisiana Administrative Code*.

This Emergency Rule also amended the provisions governing the reimbursement methodology for NEMT services to replace the monthly payment of capitated rates with a monthly per trip payment methodology (*Louisiana Register*, Volume 40, Number 10). The department promulgated an Emergency Rule which amended the October 1, 2014 Emergency Rule in order to further clarify these provisions to bring the language of this Rule into compliance with the approved Medicaid State Plan, and to incorporate provisions governing appeals rights for denials and partial denials of NEMT services (*Louisiana Register*, Volume 41, Number 5). This Emergency Rule is being promulgated to continue the provisions of the May 20, 2015 Emergency Rule. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring continued access to non-emergency medical transportation services, and to avoid federal sanctions from CMS for noncompliance with federal regulations and the approved Medicaid State Plan.

Effective January 17, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for non-emergency medical transportation.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XXVII. Medical Transportation Program**

**Chapter 5. Non-Emergency Medical Transportation**

**Subchapter A. General Provisions**

**§501. Introduction**

A. Non-emergency medical transportation (NEMT) is non-emergency transportation to and from the providers of routine Medicaid covered services for Medicaid recipients. NEMT is intended to provide transportation only after all reasonable means of free transportation have been explored and found to be unavailable.

B. Medicaid covered transportation is available to Medicaid recipients when:

1. the individual is enrolled in either a full-coverage Medicaid benefit program or a limited-coverage Medicaid benefit program that explicitly includes transportation services; and
2. the recipient or their representative has stated that they have no other means of transportation.

C. The requested destination must be to a medical service provider currently enrolled in the Medicaid Program.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:

**§503. Prior Authorization**

A. NEMT services require prior authorization. The department or its designee will authorize transportation after verifying the recipient's Medicaid eligibility and validity of medical appointment(s).

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:

**§505. Requirements for Coverage**

A. When transportation is not available through family and friends, payment shall be authorized for the least costly means of transportation available. The least costly means of

transportation shall be determined by the department and shall be determined according to the following hierarchy:

1. city or parish public transportation;
2. family and friends who meet the state license and insurance requirements and who are willing to:
  - a. enroll in the Medicaid Program; and
  - b. be paid a published rate for providing non-emergency transportation;
3. intrastate public conveyance (such as bus, train or plane);
4. nonprofit agencies and organizations that provide a transportation service and who are enrolled in the Medicaid Program; and
5. for profit providers enrolled in the Medicaid Program.

B. Recipients shall be allowed a choice of providers when the costs of two or more providers are equal.

C. Recipients are encouraged to utilize medical providers of their choice in the community in which they reside when the recipient is also in need of Medicaid reimbursed transportation services. The fact that the department will still pay for the actual medical service received outside the community in which the recipient resides does not obligate the department to reimburse for transportation to accommodate such a choice.

D. When the recipient chooses to utilize a medical provider outside of the community due to preference and/or history, payment may be authorized only for the cost of transportation to the nearest available provider.

E. The recipient may be responsible for securing any agreements with family and friends, nonprofit or profit providers to make the longer trip for the payment authorized. If the recipient needs help with making such arrangements, the department will help but the help given will imply no obligation to provide a greater reimbursement.

F. When specialty treatment required by the recipient necessitates travel over extended distances, authorization for payment for intrastate transportation shall be determined according to the following criteria.

1. Intrastate transportation reimbursement shall be authorized when medical services are not available to the recipient in his/her community.
2. Payment shall be authorized when free transportation is not available.
3. The department shall still authorize payment only for the most economical means of transportation. This may be through negotiating payment for transportation with family and or friends or through accessing the public conveyance systems such as bus, train or plane.
4. The determination as to use of public conveyance shall be based on least cost, medical condition of the recipient to be transported, and availability of public conveyance.

G. When it has been verified that public conveyance is unavailable or inappropriate for intrastate transportation the recipient shall solicit transportation from family and friends. The department will authorize payment to assist the family in accessing the needed medical services.

1. Payment will be based on distance to be traveled to the nearest available similar or appropriate medical services, parking and tolls. In determining the amount of payment the cost of the least costly public conveyance shall be used as

the base cost to be paid to the family. Payment shall not be available for room and board or meals.

H. When no other means of transportation is available through family and friends or public conveyance, the department will solicit intrastate transportation through a nonprofit provider.

1. The nonprofit provider will be paid a fee based on the current fee schedule.

2. If the nonprofit provider cannot accept the trip then the department will reimburse for-profit providers based on the current fee schedule.

I. The department will not authorize "same day" trips except in the instance of need for immediate medical care due to injury or illness. Same day trips will not be authorized for scheduled appointments for predictable or routine medical care. Recipients will be asked to reschedule the appointment and make the subsequent request for transportation timely.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:

## **Subchapter B. Recipient Participation**

### **§521. General Provisions**

A. Recipients shall participate in securing transportation at a low cost and shall agree to use public transportation or solicit transportation from family and friends as an alternative to more costly means of transport.

B. When the recipient alleges that public conveyance cannot be used due to medical reasons, then verification shall be provided by giving the department a written statement from a doctor that includes the specific reason(s) that the use of public conveyance is contraindicated by the medical condition of the recipient. In no case can preference of the recipient be the sole determining factor in excluding use of public conveyance.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:

### **§523. Recipient Appeals**

A. Recipients shall have a right to request a fair hearing for the denial of NEMT services in full or in part. This includes requests for a fair hearing for denial of meals and lodging expenses associated with authorized trips.

B. Recipients shall be provided written notice of the service denial (including denials for meals and/or lodging expenses) and given the opportunity to request a fair hearing to appeal the department's decision.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:

## **Subchapter C. Provider Responsibilities**

### **§541. Provider Enrollment**

A. All transportation providers must comply with the published rules and regulations governing the Medicaid Transportation Program, all state laws, and the regulations of any other governing state agency or commission or local entity to which they are subject as a condition of enrollment and continued participation in the Medicaid Program.

B. Non-emergency medical transportation profit providers shall have a minimum liability insurance coverage

of \$100,000 per person and \$300,000 per accident or a \$300,000 combined service limits policy.

1. The liability policy shall cover any and all:
  - a. autos;
  - b. hired autos; and
  - c. non-owned autos.

2. Premiums shall be prepaid for a period of six months. Proof of prepaid insurance must be a true and correct copy of the policy issued by the home office of the insurance company. Statements from the agent writing the policy will not be acceptable. Proof must include the dates of coverage and a 30-day cancellation notification clause. Proof of renewal must be received by the department no later than 48 hours prior to the end date of coverage. The policy must provide that the 30-day cancellation notification be issued to the Bureau of Health Services Financing.

3. Upon notice of cancellation or expiration of the coverage, the department will immediately cancel the provider agreement for participation. The ending date of participation shall be the ending date of insurance coverage. Retroactive coverage statements will not be accepted. Providers who lose the right to participate due to lack of prepaid insurance may re-enroll in the transportation program and will be subject to all applicable enrollment procedures, policies, and fees for new providers.

C. As a condition of reimbursement for transporting Medicaid recipients to medical services, family and friends must maintain the state minimum automobile liability insurance coverage, a current state inspection sticker, and a current valid driver's license. No special inspection by the department will be conducted. Proof of compliance with the three listed requirements for this class of provider must be submitted when enrollment in the department is sought. Proof shall be the sworn and notarized statement of the individual enrolling for payment, certifying that all three requirements are met. Family and friends shall be enrolled and shall be allowed to transport up to three specific Medicaid recipients or all members of one Medicaid assistance unit. The recipients to be transported by each such provider will be noted in the computer files of the department. Individuals transporting more than three Medicaid recipients shall be considered profit providers and shall be enrolled as such.

D. As a condition of participation for out-of-state transport, providers of transportation to out-of-state medical services must be in compliance with all applicable federal intrastate commerce laws regarding such transportation, including but not limited to, the \$1,000,000 insurance requirement. Proof of compliance with all interstate commerce laws must be submitted when enrollment in the Medicaid Program is sought or prior to providing any out-of-state Medicaid transportation.

E. A provider must agree to cover the entire parish or parishes for which he provides non-emergency medical transportation services.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:

#### **§543. Trip Coordination**

A. Dispatch personnel will coordinate to the extent possible, trips for family members so that all recipients in a family are transported as a unit at one time to the same or close proximity providers.

B. Providers must submit a signed affidavit with claims certifying that a true and correct bill is being submitted.

C. If the provider has declined to accept a trip on a particular day the dispatch personnel will not assign additional trips to that provider for that same 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, Bureau of Health Services Financing, LR 41:

#### **§545. Provider Suspension and Termination**

A. Providers are subject to suspension from the NEMT Program upon department documentation of inappropriate billing practices or other practices that egregiously violate Medicaid Program policy.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:

#### **§547. Audits**

A. The department shall conduct regular audits of service authorization, reimbursement, service delivery and documentation in order to ensure compliance with published rules and regulations.

B. Lack of compliance on the part of transportation providers shall be addressed as described in the provider policy manual.

C. Lack of compliance on the part of department contractors shall be met with corrective action as described in contract documents.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:

#### **Subchapter D. Reimbursement**

##### **§565. General Provisions**

A. Reimbursement for NEMT services shall be based upon the current fee schedule. An additional per-mile rate may be included when the department determines that a provider requires compensation for travelling far outside of their service areas. This additional payment shall be made when there are no providers in the recipient's service area

B. Reimbursement for NEMT to regular, predictable and continuing medical services, such as hemodialysis, chemotherapy or rehabilitation therapy, as determined by the department, shall be based on a capitated rate paid by individual trip.

C. Reimbursement will not be made for any additional person(s) who must accompany the recipient to the medical provider.

D. An individual provider will be reimbursed for a trip to the nearest facility that will meet the recipient's medical needs. However, the individual provider may transport the recipient to a more distant facility if the individual provider will accept reimbursement from the department to the nearest facility and assumes responsibility for additional expenses incurred.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:

**§573. Non-Emergency, Non-Ambulance Transportation**

A. - F.5. ...

G. Effective for dates of service on or after October 1, 2014, the monthly payment of capitated rates shall be replaced with a per trip payment methodology.

1. Payments previously made using the monthly capitated rate shall be made by dividing the monthly rate by the number of authorized trips within a given month. Each trip will then be reimbursed separately.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:462 (March 2007), LR 34:878 (May 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2564 (November 2010), LR 37:3030 (October 2011), amended LR 38:3214 (December 2012), LR 41:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy 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.

Kathy H. Kliebert  
Secretary

1512#068

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Nursing Facilities—Licensing Standards  
(LAC 48:I.9704, 9707, and Chapter 99)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 48:I.9704, §9707 and Chapter 99 in the Medical Assistance Program as authorized by R.S. 36:254. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, 49:953(B)(1)et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the licensing standards governing nursing facilities in order to clarify the provisions for Alzheimer's special care disclosure, and to revise the provisions governing approval of plans and physical environment (*Louisiana Register*, Volume 40, Number 5). This Emergency Rule is being promulgated to continue the provisions of the May 20, 2014 Emergency Rule. This action is being taken to promote the health and well-being of Louisiana residents in nursing facilities.

Effective January 15, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the licensing standards for nursing facilities.

**Title 48**

**PUBLIC HEALTH - GENERAL**

**Part I. General Administration**

**Subpart 3. Licensing and Certification**

**Chapter 97. Nursing Facilities**

**Subchapter A. General Provisions**

**§9704. Alzheimer's Special Care Disclosure**

A. - D.5. ...

E. The provider's Alzheimer's special care disclosure documentation shall contain the following information:

1. - 8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1300.121-1300.125.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 27:312 (March 2001), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:

**§9707. Approval of Plans**

A. Plans and specifications for new construction of, or to, a nursing facility, and for any major alterations or renovations to a nursing facility, shall be submitted for approval to the Department of Public Safety, Office of the State Fire Marshal for review in accordance with R.S. 40:1563(L), R.S.40:1574 and LAC 55:V:Chapter 3.

1. Plans and specifications for new construction, major alterations, and major renovations shall be prepared by or under the direction of a licensed architect and/or a qualified licensed engineer where required by the Louisiana architecture and engineering licensing laws of R.S. 37:141, et seq., R.S. 37:681 et seq. and respective implementing regulations.

2. No residential conversions shall be considered for a nursing facility license.

B. The plans and specifications shall comply with all of the following:

1. DHH nursing facility licensing requirements and the Office of Public Health's (OPH) nursing home regulations (see LAC 51:XX); and

2. the Office of the State Fire Marshal's requirements for plan submittals and compliance with all codes required by that office.

2.a - 3. Repealed.

C. Notice of satisfactory review from the department and the Office of the State Fire Marshal constitutes compliance with this requirement, if construction begins within 180 days of the date of such notice. This approval shall in no way permit and/or authorize any omission or deviation from the requirements of any restrictions, laws, regulations, ordinances, codes, or rules of any responsible agency.

C.1 - E. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:46 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2630 (September 2011), LR 41:

**Chapter 99. Nursing Facilities**  
**Subchapter A. Physical Environment**

**§9901. General Provisions**

A. The nursing facility shall be designed, constructed, equipped, and maintained to protect the health and safety of residents, personnel, and the public.

B. The nursing facility shall provide a safe, clean, orderly, homelike environment.

C. If the nursing facility determines that a licensing provision of this Subchapter A prohibits the provision of a culture change environment, the nursing facility may submit a written waiver request to the Health Standards Section (HSS) of the Department of Health and Hospitals, asking that the provision be waived and providing an alternative to the licensing provision of this Subchapter. The department shall consider such written waiver request, shall consider the health and safety concerns of such request and the proposed alternative, and shall submit a written response to the nursing facility within 60 days of receipt of such waiver request.

D. Any construction-related waiver or variance request of any provision of the LAC Title 51, *Public Health—Sanitary Code* shall be submitted in writing to the State Health Officer for his/her consideration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:62 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:

**§9903. Nurse/Care Team Work Areas**

A. Each floor and/or household of a nursing facility shall have a nurse/care team work area in locations that are suitable to perform necessary functions. These nurse/care team work areas may be in centralized or decentralized locations, as long as the locations are suitable to perform necessary functions.

1. Each centralized nurse/care team area shall be equipped with working space and accommodations for recording and charting purposes by nursing facility staff with secured storage space for in-house resident records.

a. Exception. Accommodations for recording and charting are not required at the central work area where decentralized work areas are provided.

2. Each decentralized work area, where provided, shall contain working space and accommodations for recording and charting purposes with secured storage space for administrative activities and in-house resident records.

3. The nurse/care team work areas shall be equipped to receive resident calls through a communication system from resident rooms, toileting and bathing facilities.

a. In the case of an existing centralized nurse/care team work area, this communication may be through audible or visible signals and may include wireless systems.

b. In those facilities that have moved to decentralized nurse/care team work areas, the facility may utilize other electronic systems that provide direct communication from the resident to the staff.

B. There shall be a medicine preparation room or area. Such room or area shall contain a work counter, preparation sink, refrigerator, task lighting and lockable storage for controlled drugs.

C. There shall be a clean utility room on each floor designed for proper storage of nursing equipment and supplies. Such room shall contain task lighting and storage for clean and sterile supplies.

D. There shall be a separate soiled utility room designed for proper cleansing, disinfecting and sterilizing of equipment and supplies. At a minimum, it shall contain a clinical sink or equivalent flushing-rim sink with a rinsing hose or bed pan sanitizer, hand washing facilities, soiled linen receptacles and waste receptacle. Each floor of a nursing facility shall have a soiled utility room.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:62 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:

**§9905. Resident Rooms**

A. ...

B. Each resident's bedroom shall have a floor at or above grade level, shall accommodate a maximum of two residents, and be so situated that passage through another resident's bedroom is unnecessary.

1. Exception. Resident bedrooms in existing nursing facilities shall be permitted to accommodate no more than four residents unless the cost of renovations to the existing nursing facility exceeds the values stipulated by R.S. 40:1574.

C. Private resident bedrooms shall measure at least 121 square feet of bedroom area, exclusive of wardrobes, closet space, vestibules or toilet rooms, and shall have a clear width of not less than 11 feet.

D. Double occupancy resident bedrooms containing two beds shall measure at least 198 square feet of bedroom area, exclusive of wardrobes, closet space, vestibules or toilet rooms, and shall have a clear width of not less than 11 feet.

E. In existing nursing facilities, or portions thereof, where plans were approved by the department and the Office of State Fire Marshal prior to January 20, 1998, there shall be at least three feet between the sides and foot of the bed and any wall, other fixed obstruction, or other bed, unless the furniture arrangement is the resident's preference and does not interfere with service delivery.

F. Each resident's bedroom shall have at least one window to the outside atmosphere with a maximum sill height of 36 inches. Windows with sills less than 30 inches from the floor shall be provided with guard rails.

1. Each resident's bedroom window shall be provided with shades, curtains, drapes, or blinds.

2. Operable windows shall be provided with screens.

G - H. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:62 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:

**§9907. Resident Room Furnishings**

A. ...

1. a clean supportive frame in good repair;

2. - 5. ...

B. Screens or noncombustible ceiling-suspended privacy curtains which extend around the bed shall be provided for each bed in multi-resident bedrooms to assure resident privacy. Total visual privacy without obstructing the passage of other residents either to the corridor, closet, lavatory, or adjacent toilet room nor fully encapsulating the bedroom window shall be provided.

C. Each resident shall be provided with a call device located within reach of the resident.

D. Each resident shall be provided a bedside table with at least two drawers. As appropriate to resident needs, each resident shall have a comfortable chair with armrests, waste receptacle, and access to mirror unless medically contraindicated.

1. Each resident who has tray service to his/her room shall be provided with an adjustable overbed table positioned so that the resident can eat comfortably.

E. Each resident shall be provided an individual closet that has minimum dimensions of 1 foot 10 inches in depth by 2 feet 6 inches in width. A clothes rod and shelf shall be provided that is either adjustable or installed at heights accessible to the resident. Accommodations shall be made for storage of full-length garments. The shelf may be omitted if the closet provides at least two drawers. The following exceptions may apply.

1. Individual wardrobe units having nominal dimensions of 1 foot 10 inches in depth by 2 feet 6 inches in width are permitted. A clothes rod and shelf shall be provided that is either adjustable or installed at heights accessible to the resident. Accommodations shall be made for storage of full-length garments. The shelf may be omitted if the unit provides at least two drawers.

2. In existing nursing facilities, or portions thereof, where plans were approved by the department and the State Fire Marshal prior to January 20, 1998, each resident shall be provided an individual wardrobe or closet that has nominal dimensions of 1 foot 10 inches in depth by 2 feet in width.

F. Each resident shall be provided with a bedside light or over-the-bed light capable of being operated from the bed.

1. Nursing facilities, or portions thereof, where plans were approved by the department and the State Fire Marshal prior to May 1, 1997 shall be exempt from this provision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:63 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:

### **§9909. Locked Units, Restraints and Seclusion**

#### **A. Locked Units**

1. Nursing facilities may have specific locked units for housing residents suffering from severe dementia or Alzheimer's disease. The locked units may only house, limit and restrict free access of those residents suffering from severe dementia or Alzheimer's who may be a danger to themselves or others.

2. Nursing facilities providing locked units shall develop admission criteria. There shall be documentation in the resident's record to indicate the unit is the least restrictive environment possible, and placement in the unit is needed to facilitate meeting the resident's needs.

3. Guidelines for admission shall be provided to the resident, his/her family and his/her authorized representative.

4. Locked units are designed and staffed to provide the care and services necessary for the resident's needs to be met.

a. The locked unit shall have designated space for dining and/or group and individual activities that is separate and apart from the resident bedrooms and bathrooms;

b. The dining space shall contain tables for eating within the locked unit.

c. The activities area(s) shall contain seating, and be accessible to the residents within the locked unit.

5. There shall be sufficient staff to respond to emergency situations in the locked unit at all times.

6. The resident on the locked unit has the right to exercise those rights which have not been limited as a result of admission to the unit.

7. Care plans shall address the reasons for the resident being in the unit and how the nursing facility is meeting the resident's needs.

8. All staff designated to provide care and services on locked units shall have training regarding unit policies and procedures, admission and discharge criteria, emergency situations and the special needs of the residents on the unit.

9. Admission to a locked unit shall be in compliance with R.S. 40:1299.53 and 40:2010.8.

B. Restraints. The resident has the right to be free from any physical or chemical restraints imposed for purposes of discipline or convenience and not required to treat the resident's medical symptoms.

C. Seclusion. The resident has the right to be free from verbal, sexual, physical and mental abuse, corporal punishment, and involuntary seclusion.

D. - G. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:63 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:

### **§9911. Hand-Washing Stations, Toilet Rooms and Bathing Facilities**

A. A hand-washing station shall be provided in each resident room.

1. Omission of this station shall be permitted in a single-bed or two-bed room when a hand-washing station is located in an adjoining toilet room that serves that room only.

B. Each resident shall have access to a toilet room without having to enter the corridor area. In nursing facilities built prior to August 26, 1958, each floor occupied by residents shall be provided with a toilet room and hand-washing station.

1. One toilet room shall serve no more than two residents in new construction or no more than two resident rooms in renovation projects. In nursing facilities built prior to August 26, 1958, toilets and hand-washing stations shall each be provided at a rate of 1 per 10 beds or fraction thereof.

2. Toilet rooms shall be easily accessible, conveniently located, well lighted and ventilated to the

outside atmosphere. Fixtures shall be of substantial construction, in good repair and of such design to enable satisfactory cleaning.

3. Separate male and female toilet rooms for use by staff and guests shall be provided.

4. Each toilet room shall contain a toilet, hand-washing station and mirror.

5. Doors to single-use resident toilet rooms shall swing out of the room.

6. Doors to single-use resident toilet rooms shall be permitted to utilize privacy locks that include provisions for emergency access.

7. In multi-use toilet rooms provisions shall be made for resident privacy.

C. Each floor occupied by residents shall be provided with a bathing facility equipped with a toilet, hand-washing station, and bathing unit consisting of a bathtub, shower, or whirlpool unit.

Table. Repealed.

1. A minimum of one bathtub, shower, or whirlpool unit shall be provided for every 10 residents, or fraction thereof, not otherwise served by bathing facilities in resident rooms. In nursing facilities built prior to August 26, 1958, showers or tubs shall each be provided at a rate of 1 per 15 beds or fraction thereof.

2. Bathing facilities shall be easily accessible, conveniently located, well lighted and ventilated to the outside atmosphere. Fixtures shall be of substantial construction, in good repair, and of such design to enable satisfactory cleaning.

3. Tub and shower bottoms shall be of nonslip material. Grab bars shall be provided to prevent falling and to assist in maneuvering in and out of the tub or shower.

4. Separate bathing facilities shall be provided for employees who live on the premises.

5. In multi-use bathing facilities provisions shall be made for resident privacy.

6. Wall switches for controlling lighting, ventilation, heating or any other electrical device shall be so located that they cannot be reached from a bathtub, shower, or whirlpool.

D. - H. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:63 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:

### **§9913. Dining and Resident Activities**

A. The nursing facility shall provide one or more areas designated for resident dining and activities.

B. Smoking is not permitted in the dining room and other public areas as specified by R.S. 40:1300.256(B)(11).

C. Dining room(s) or dining area(s) shall be sufficient in space and function to accommodate the needs of the residents without restriction. Dining areas shall be adequately furnished, well lighted, and well ventilated. Dining areas shall be sufficient in space to comfortably accommodate the persons who usually occupy that space, including persons who utilize walkers, wheelchairs and other ambulating aids or devices.

D. There shall be at least one well lighted and ventilated living/community room with sufficient furniture.

E. There shall be sufficient space and equipment to comfortably accommodate the residents who participate in group and individual activities. These areas shall be well lighted and ventilated and be adequately furnished to accommodate all activities.

F. Areas used for corridor traffic or for storage of equipment shall not be considered as areas for dining or activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:64 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:

### **§9915. Linen and Laundry**

A. The nursing facility shall have available, at all times, a quantity of bed and bath linen essential for proper care and comfort of residents.

B. - G. ...

H. Clean linen shall be transported and stored in a manner to prevent its contamination.

I. Nursing facilities providing in-house laundry services shall have a laundry system designed to eliminate crossing of soiled and clean linen.

J. Nursing facilities that provide in house laundry services and/or household washers and dryers shall have policies and procedures to ensure safety standards, infection control standards and manufacturer's guidelines are met.

K. There shall be hand washing facilities available for use in any designated laundry area.

L. Provisions shall be made for laundering personal clothing of residents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:64 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:

### **§9917. Equipment and Supplies**

A. The nursing facility shall maintain all essential mechanical, electrical, and resident care equipment in safe operating condition.

B. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:64 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:

### **§9919. Other Environmental Conditions**

A. A hard surfaced off-the-road parking area to provide parking for one car per five licensed beds shall be provided. This is a minimum requirement and may be exceeded by local ordinances. Where this requirement would impose an unreasonable hardship, a written request for a lesser amount may be submitted to the department for waiver consideration.

B. The nursing facility shall make arrangements for an adequate supply of safe potable water even when there is a loss of normal water supply. Service from a public water supply must be used, if available. Private water supplies, if

used, shall meet the requirements of the LAC Title 51, *Public Health-Sanitary Code*.

C. An adequate supply of hot water shall be provided which shall be adequate for general cleaning, washing and sanitization of cooking and food service dishes and other utensils and for bathing and laundry use. Hot water supply to the hand washing and bathing faucets in the resident areas shall have automatic control to assure a temperature of not less than 100°F, nor more than 120°F, at the faucet outlet. Supply system design shall comply with the Louisiana State Plumbing Code and shall be based on accepted engineering procedures using actual number and types of fixtures to be installed.

D. The nursing facility shall be connected to the public sewerage system, if such a system is available. Where a public sewerage is not available, the sewerage disposal system shall conform to the requirements of the LAC Title 51, *Public Health-Sanitary Code*.

E. The nursing facility shall maintain a comfortable sound level conducive to meeting the need of the residents.

F. All plumbing shall be properly maintained and conform to the requirements of the LAC Title 51, *Public Health-Sanitary Code*.

G. All openings to the outside atmosphere shall be effectively screened. Exterior doors equipped with closers in air conditioned buildings need not have screens.

H. Each room used by residents shall be capable of being heated to a minimum of 71°F in the coldest weather and capable of being cooled to a maximum of 81°F in the warmest weather.

I. Lighting levels in all areas shall be adequate to support task performance by staff personnel and independent functioning of residents. A minimum of 6' to 10' candelas over the entire stairway, corridors, and resident rooms measured at an elevation of 30 inches above the floor and a minimum of 20' to 30' candelas over areas used for reading or close work shall be available.

J. Corridors used by residents shall be equipped on each side with firmly secured handrails, affixed to the wall. Handrails shall comply with the requirements of the state adopted accessibility guidelines.

K. There shall be an effective pest control program so that the nursing facility is free of pest and rodent infestation.

L. - R. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:64 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:

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

Kathy H. Kliebert  
Secretary

1512#069

## DECLARATION OF EMERGENCY

### Department of Public Safety and Corrections Uniform Construction Code Council

Uniform Construction Code (LAC 17:I.Chapter 1)

The Department of Public Safety and Corrections, Office of the State Fire Marshal, Louisiana State Uniform Construction Code Council (LSUCCC) has exercised the emergency provision in accordance with R.S. 49:953(B), of the Administrative Procedure Act, to amend, supplement and expand portions of and readopt LAC 17:I.Chapter 1 in the state Uniform Construction Code as authorized by R.S. 40:1730.26 and R.S. 40:1730.28. Furthermore, the LSUCCC has found an immediate need to adopt amendments of the current plumbing provisions in the *International Building Code*, *International Residential Code*, and the *International Plumbing Code* regarding health safety for the public. This Emergency Rule will become effective January 1, 2016 and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The LSUCCC is promulgating this Rule adoption and amendments to provide greater health and safety for the public and those providing installation and maintenance on plumbing systems. Act 836 of the 2014 Regular Session of the Louisiana Legislature mandates the adoption of the plumbing provisions in the *International Plumbing Code*, *International Building Code* and the *International Residential Code*. This Emergency Rule addresses this mandate by providing for necessary amendments to the codes. These amendments address the newly mandated provisions which the Department of Health and Hospitals (DHH) deemed inadequate. These amendments will also allow new technology and methods to be used that were not previously allowed in the current Louisiana state *Plumbing Code*. There are additional changes to the current rules to reformat the codification of LAC 55:XVII. The formatting changes allow for Title XVII, entitled "Construction" to consist of Part I, the Uniform Construction Code, as well as Part III, which will be designated for the Code Council's administrative enforcement laws.

The public welfare dictates that these changes be implemented immediately through the adoption of the Emergency Rule to promote greater safety to existing plumbing systems and those providing maintenance and installation on plumbing systems thus allowing new and existing facilities to incorporate designs which provided for greater public safety while providing more cost-effective new methods and technology.

The public welfare further dictates that these changes are implemented immediately through the adoption of the Emergency Rule because of the health risks these amendments address. Adoption of this emergency rule will allow owners and developers to immediately use these new standards in expanding existing facilities or constructing new facilities.

Adoption of this Emergency Rule will also provide proven methods for plumbing systems and new technology in the

plumbing codes which will ensure the health, safety and welfare of not only plumbers, installers and maintenance workers, but for the public as well.

**Title 17**

**CONSTRUCTION**

**Part I. Uniform Construction Code**

**Chapter 1. Uniform Construction Code**

**§101. Louisiana State Uniform Construction Code (Formerly LAC 55:VI.301.A)**

A. In accordance with the requirements set forth in R.S. 40:1730.28, effective January 1, 2016 the following is hereby adopted as an amendment to the Louisiana State Uniform Construction Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2380 (November 2015), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 42:

**§103 International Building Code (Formerly LAC 55:VI.301.A.1)**

A. *International Building Code* (IBC), 2012 Edition, not including Chapter 1, Administration, Chapter 11, Accessibility and Chapter 27, Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. Furthermore, IBC shall be amended as follows and shall only apply to the *International Building Code*.

1. Amend Chapter 2 Definitions and add the following.

*Adult Day Care Center*—any place or facility, operated by any person for the primary purpose of providing care, supervision and guidance of 10 or more people 18 years and older, not related to the caregiver and unaccompanied by parent or guardian, on a regular basis, for a total of at least 20 hours in a continuous seven day week in a place other than the person's home.

*Child Day Care Center*—any place or facility, operated by any person for the primary purpose of providing care, supervision and guidance of seven or more children under the age of 18, not related to the care giver and unaccompanied by parent or guardian, on a regular basis, for a total of at least 20 hours in a continuous seven day week in a place other than the children's home. A day care center that remains open for more than 20 hours in a continuous seven day week, and in which no individual child remains for more than 24 hours in one continuous stay shall be known as a full-time day care center.

*Day Care Centers*—includes adult and child day care centers.

*Infant*—any child under the age of 12 months.

*Preschool*—any child less than five years of age.

*Residential Facility*—any place, facility, or home operated by any person who receives therein four or more people who are not related to such person for supervision, care, lodging and maintenance with or without transfer of custody. This shall include, but not be limited to group homes, community homes, maternity homes, juvenile detention centers, emergency shelters, halfway homes and schools for the mentally retarded.

2. Delete Chapter 4, Section 403.5.5, Luminous Egress Path Markings.

3. Amend Chapter 9 to adopt and amend 2012 *International Building Code*, Section 903.2.1.2, Group A-2 (2.). The fire area has an occupant load of 300 or more.

4. Amend chapter 10, Section 1018.5, Air Movement in corridors. Corridors that require protection under Table 1018.1—Corridor Fire-Resistance Rating, shall not serve as supply, return, exhaust, relief or ventilation air ducts.

5. Amend Chapter 10, Section 1026.5.

a. Exception: exterior stairs or ramps which serve no more than one story above the level of exit discharge and constructed with non-combustible materials or constructed with fire retardant treated lumber, shall be allowed when the fire separation distance is between 5 and 10 feet measured from the exterior edge of the stairway or ramp.

6. Amend Section 1505.1, General. Roof assemblies shall be divided into the classes defined below. Class A, B and C roof assemblies and roof coverings required to be listed by this section shall be tested in accordance with ASTM E 108 or UL 790. In addition, fire-retardant-treated wood roof coverings shall be tested in accordance with ASTM D 2898. The minimum roof coverings installed on buildings shall comply with Table 1505.1 based on the type of construction of the building.

a. Exception: skylights and sloped glazing that comply with Chapter 24 or Section 2610.

7. Table 1505.1a, b

Minimum Roof Covering Classification for Types of Construction								
IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
B	B	B	C <sup>c</sup>	B	C <sup>c</sup>	B	B	C <sup>c</sup>

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m<sup>2</sup>

a. Unless otherwise required in accordance with the *International Wildland—Urban Interface Code* or due to the location of the building within a fire district in accordance with Appendix D.

b. Nonclassified roof coverings shall be permitted on buildings of Group R-3 and Group U occupancies, where there is a minimum fire-separation distance of 6 feet measured from the leading edge of the roof.

c. Buildings that are not more than two stories above grade plane and having not more than 6,000 square feet of projected roof area and where there is a minimum 10-foot fire-separation distance from the leading edge of the roof to a lot line on all sides of the building, except for street fronts or public ways, shall be permitted to have roofs of No. 1 cedar or redwood shakes and No. 1 shingles constructed in accordance with Section 1505.7.

8. Amend Section 1509.7, Photovoltaic panels and modules. Rooftop mounted photovoltaic panels and modules shall be designed in accordance with this section.

9. Amend Section 1509.7.1, Wind resistance. Rooftop-mounted photovoltaic panels and modules shall be designed for component and cladding wind loads in accordance with Chapter 16 using an effective wind area based on the dimensions of a single unit frame.

a. Amend Section 1509.7.2, Fire classification. Rooftop-mounted photovoltaic panels and modules shall have the fire classification in accordance with Section 1505.9.

10. Amend Section 1509.7.3, Installation. Rooftop-mounted photovoltaic panels and modules shall be installed in accordance with the manufacturer's instructions.

11. Amend Section 1509.7.4, Photovoltaic panels and modules. Rooftop-mounted photovoltaic panels and modules shall be listed and labeled in accordance with UL 1703 and shall be installed in accordance with the manufacturer's instructions.

12. Add 1509.7.4.1, Building-integrated photovoltaic products. Building-integrated photovoltaic products installed as the roof covering shall be tested, listed and labeled for fire classification in accordance with Section 1505.1.

13. Add Section 1505.9.7.4.2, Photovoltaic panels and modules. Rooftop mounted photovoltaic panel systems shall be tested, listed and identified with a fire classification in accordance with UL 1703. The fire classification shall comply with Table 1505.1 based on the type of construction of the building.

14. Amend Section 1511.1, Photovoltaic panels and modules. Photovoltaic panels and modules installed upon a roof or as an integral part of a roof assembly shall comply with the requirements of this code and the *International Fire Code*.

15. Add Section 1511.2, Solar photovoltaic power systems. Solar photovoltaic power systems shall be installed in accordance with Sections 1511.2 through 1511.1.1., the *International Building Code* or *International Residential Code*, and NFPA 70.

16. Add Section 1511.2.1, Access and pathways. Roof access, pathways, and spacing requirements shall be provided in accordance with Sections 1511.2.1 through 1511.2.1.1.

a.. Exceptions:

i. detached, nonhabitable Group U structures including, but not limited to, parking shade structures, carports, solar trellises and similar structures;

ii. roof access, pathways and spacing requirements need not be provided where the fire chief has determined that rooftop operations will not be employed.

17. Add Section 1511.2.1.1, Roof access points. Roof access points shall be located in areas that do not require the placement of ground ladders over openings such as windows or doors, and located at strong points of building construction in locations where the access point does not conflict with overhead obstructions such as tree limbs, wires or signs.

18. Add Section 1511.3, Solar photovoltaic systems for Group R-3 buildings. Solar photovoltaic systems for Group R-3 buildings shall comply with Sections 1511.3 through 1511.3.5.

a. Exception

i. These requirements shall not apply to structures designed and constructed in accordance with the *International Residential Code*.

19. Add Section 1511.3.1, Size of solar photovoltaic array. Each photovoltaic array shall be limited to 150 feet (45 720 mm) by 150 feet (45 720 mm). Multiple arrays shall be separated by a 3-foot-wide (914 mm) clear access pathway.

20. Add Section 1511.3.2, Hip roof layouts. Panels and modules installed on Group R-3 buildings with hip roof layouts shall be located in a manner that provides a 3-foot-wide (914 mm) clear access pathway from the eave to the ridge on each roof slope where panels and modules are located. The access pathway shall be at a location on the building capable of supporting the fire fighters accessing the roof.

a. Exception

i. These requirements shall not apply to roofs with slopes of two units vertical in 12 units horizontal (2:12) or less.

21. Add Section 1511.3.3, Single-ridge roofs. Panels and modules installed on Group R-3 buildings with a single ridge shall be located in a manner that provides two, 3-foot-wide (914 mm) access pathways from the eave to the ridge on each roof slope where panels and modules are located.

a. Exception

i. This requirement shall not apply to roofs with slopes of two units vertical in 12 units horizontal (2:12) or less.

22. Add Section 1511.3.4, Roofs with hips and valleys. Panels and modules installed on Group R-3 buildings with roof hips and valleys shall not be located closer than 18 inches (457 mm) to a hip or a valley where panels/ modules are to be placed on both sides of a hip or valley. Where panels are to be located on only one side of a hip or valley that is of equal length, the panels shall be permitted to be placed directly adjacent to the hip or valley.

a. Exception

i. These requirements shall not apply to roofs with slopes of two units vertical in 12 units horizontal (2:12) or less.

23. Add Section 1511.3.5, Allowance for smoke ventilation operations. Panels and modules installed on Group R-3 buildings shall be located not less than 3 feet (914 mm) from the ridge in order to allow for fire department smoke ventilation operations.

a. Exception

i. Panels and modules shall be permitted to be located up to the roof ridge where an alternative ventilation method approved by the fire chief has been provided or where the fire chief has determined vertical ventilation techniques will not be employed.

24. Add Section 1511.4, Other than Group R-3 buildings. Access to systems for buildings, other than those containing Group R-3 occupancies, shall be provided in accordance with Sections 1511.4.1 through 1511.4.2.1.

a. Exception

i. Where it is determined by the fire code official that the roof configuration is similar to that of a Group R-3 occupancy, the residential access and ventilation

requirements in Sections 1511.3.1 through 1511.3.5 shall be permitted to be used.

25. Add Section 1511.4.1, Access. There shall be a minimum 6-foot-wide (1829 mm) clear perimeter around the edges of the roof.

a. Exception

i. Where either axis of the building is 250 feet (76 200 mm) or less, the clear perimeter around the edges of the roof shall be permitted to be reduced to a minimum 4 foot wide (1290 mm).

26. Add Section 1511.4.2, Pathways. The solar installation shall be designed to provide designated pathways. The pathways shall meet the following requirements.

a. The pathway shall be over areas capable of supporting fire fighters accessing the roof.

b. The centerline axis pathways shall be provided in both axes of the roof. Centerline axis pathways shall run where the roof structure is capable of supporting fire fighters accessing the roof.

c. Pathways shall be a straight line not less than 4 feet (1290 mm) clear to roof standpipes or ventilation hatches.

d. Pathways shall provide not less than 4 feet (1290 mm) clear around roof access hatch with not less than one singular pathway not less than 4 feet (1290 mm) clear to a parapet or roof edge.

27. Add Section 1511.4.2.1, Smoke ventilation. The solar installation shall be designed to meet the following requirements.

a. Arrays shall be not greater than 150 feet (45 720 mm) by 150 feet (45 720 mm) in distance in either axis in order to create opportunities for fire department smoke ventilation operations.

b. Smoke ventilation options between array sections shall be one of the following:

i. a pathway 8 feet (2438 mm) or greater in width;

ii. a 4-foot (1290 mm) or greater in width pathway and bordering roof skylights or gravity-operated dropout smoke and heat vents on not less than one side;

iii. a 4-foot (1290 mm) or greater in width pathway and bordering all sides of nongravity-operated dropout smoke and heat vents;

iv. a 4-foot (1290 mm) or greater in width pathway and bordering 4-foot by 8-foot (1290 mm by 2438 mm) "venting cutouts" every 20 feet (6096 mm) on alternating sides of the pathway.

28. Amend Chapter 16 Section 1603.1, General. Construction documents shall show the size, section and relative locations of structural members with floor levels, column centers and offsets dimensioned. The design loads and other information pertinent to the structural design required by Sections 1603.1.1 through 1603.1.9 shall be indicated on the construction documents.

a. Exception. Construction documents for buildings constructed in accordance with the conventional light-frame construction provisions of Section 2308 shall indicate the following structural design information:

i. floor and roof live loads;

ii. ground snow load,  $P_g$ ;

iii. basic wind speed (3-second gust), miles per hour (mph) (km/hr) and wind exposure;

iv. seismic design category and site class., unless excepted by Sections 1603.1.5 or 1613.1;

v. flood design data, if located in flood hazard areas established in Section 1612.3;

vi. design load-bearing values of soils.

29. Amend Chapter 16 Section 1603.1.5, Earthquake design data. The following information related to seismic loads shall be shown, regardless of whether seismic loads govern the design of the lateral-force-resisting system of the building:

a. seismic importance factor,  $I$ , and occupancy category;

b. mapped spectral response accelerations,  $SS$  and  $S1$ ;

c. site class;

d. spectral response coefficients,  $SDS$  and  $SD1$ ;

e. seismic design category;

f. basic seismic-force-resisting system(s);

g. design base shear;

h. seismic response coefficient(s),  $CS$ ;

i. response modification factor(s),  $R$ ;

j. analysis procedure used;

k. exceptions:

i. construction documents that are not required to be prepared by a registered design professional;

ii. construction documents for structures that are assigned to Seismic Design Category A.

30. Amend Chapter, 16 Section 1609.1.2, Protection of Openings. In wind-borne debris regions, glazing in buildings shall be impact resistant or protected with an impact-resistant covering meeting the requirements of an approved impact-resistant standard or ASTM E 1996 and ASTM E 1886 referenced herein as follows.

a. Glazed openings located within 30 feet (9144 mm) of grade shall meet the requirements of the large missile test of ASTM E 1996.

b. Glazed openings located more than 30 feet (9144 mm) above grade shall meet the provisions of the small missile test of ASTM E 1996.

c. Exceptions

i. Wood structural panels with a minimum thickness of 7/16 inch (11.1 mm) and maximum panel span of 8 feet (2438 mm) shall be permitted for opening protection in one- and two-story buildings classified as Risk Category 2. Panels shall be precut so that they shall be attached to the framing surrounding the opening containing the product with the glazed opening. Panels shall be predrilled as required for the anchorage method and shall be secured with the attachment hardware provided. Attachments shall be designed to resist the components and cladding loads determined in accordance with the provisions of ASCE 7, with corrosion-resistant attachment hardware provided and anchors permanently installed on the building. Attachment in accordance with Table 1609.1.2 with corrosion-resistant attachment hardware provided and anchors permanently installed on the building is permitted for buildings with a mean roof height of 45 feet (13 716 mm) or less where  $V_{asd}$  determined in accordance with Section 1609.3.1 does not exceed 140 mph (63 m/s).

ii. Glazing in Risk Category I buildings as defined in Section 1604.5, including greenhouses that are occupied for growing plants on a production or research basis, without public access shall be permitted to be unprotected;

iii. Glazing in Risk Category II, III or IV buildings located over 60 feet (18 288 mm) above the ground and over 30 feet (9144 mm) above aggregate surface roofs located within 1,500 feet (458 m) of the building shall be permitted to be unprotected.

31. Chapter 16, Section 1613.1, Scope. Every structure, and portion thereof, including nonstructural components that are permanently attached to structures and their supports and attachments, shall be designed and constructed to resist the effects of earthquake motions in accordance with ASCE 7, excluding Chapter 14 and Appendix 11A. The seismic design category for a structure is permitted to be determined in accordance with Section 1613 or ASCE 7.

a. Exceptions:

i. detached one- and two-family dwellings, assigned to Seismic Design Category A, B or C, or located where the mapped short-period spectral response acceleration,  $S_S$ , is less than 0.4 g;

ii. the seismic-force-resisting system of wood-frame buildings that conform to the provisions of Section 2308 are not required to be analyzed as specified in this Section;

iii. agricultural storage structures intended only for incidental human occupancy;

iv. structures that require special consideration of their response characteristics and environment that are not addressed by this code or ASCE 7 and for which other regulations provide seismic criteria, such as vehicular bridges, electrical transmission towers, hydraulic structures, buried utility lines and their appurtenances and nuclear reactors;

v. structures that are not required to have a registered design professional in responsible charge;

vi. structures that are assigned to Seismic Design Category A.

b. Amend Chapter 16, Section 1613.1, Scope. Every structure, and portion thereof, including nonstructural components that are permanently attached to structures and their supports and attachments, shall be designed and constructed to resist the effects of earthquake motions in accordance with ASCE 7, excluding Chapter 14 and Appendix 11A. The seismic design category for a structure is permitted to be determined in accordance with Section 1613 or ASCE 7-10. Figure 1613.5(1) shall be replaced with ASCE 7-10 Figure 22-1. Figure 1613.5(2) shall be replaced with ASCE 7-10 Figure 22-2.

32. Amend Chapter 23 Section 2308.2, Exceptions 4. Wind speeds shall not exceed 110 miles per hour (mph)(48.4m/s)(3 second gust) for buildings in exposure category B.

33. Amend Section [P]2901.1, Scope.

a. The provisions of this chapter and the *International Plumbing Code* shall govern the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing equipment and systems. Toilet and bathing rooms shall be constructed in accordance with Section 1210. Plumbing systems and

equipment shall be constructed, installed and maintained in accordance with the *International Plumbing Code*. Commercial treatment facilities and individual sewerage systems shall conform to the applicable requirements of LAC 51:XIII (Sewage Disposal).

34. Amend Section [P]2902.3.2, Location of toilet facilities in occupancies other than malls and educational buildings.

a. In occupancies other than covered and open mall buildings, and educational buildings, the required public and employee toilet facilities shall be located not more than one story above or below the space required to be provided with toilet facilities, and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m).

35. Add Section [P] 2902.3.6, Toilet Room Location.

a. Toilet rooms shall not open directly into a room used for the preparation of food for service to the public.

36. Add Section [P] 2902.3.7, Location of toilet facilities in educational buildings.

a. For primary schools, and other special types of institutions with classrooms, for children through 12 years of age, separate boys' and girls' toilet room doors shall not be further than 200 feet from any classroom doors. For secondary schools, and other special types of institutions with classrooms, for persons of secondary school age, separate boys' and girls' toilet room doors shall not be further than 400 feet from any classroom door. In multi-storied buildings, there shall be boys' and girls' toilet rooms on each floor, having the number of plumbing fixtures as specified in Table 2902.1 of this Code for the classroom population of that floor. When new educational buildings are added to an existing campus, the restroom facilities and drinking fountains located in the existing building(s) may be used to serve the occupants of the new educational building(s) only when all of the following provisions are met:

i. covered walkways consisting of a roof designed to protect the students and faculty from precipitation having a minimum width of 6 feet and located above a slip-resistant concrete or other acceptable hard surfaces leading to and from the restrooms shall be provided whenever children or faculty have to walk outside to access the toilet room;

ii. the path of travel from the classroom door to the toilet room doors (boys' or girls') does not exceed the applicable distance specified in this section; and

iii. the number of occupants of the new building does not cause an increase in the school population that would trigger the need for more fixtures per Table 2902.1 (Minimum Number of Required Plumbing Fixtures).

37. Add Section [P]2902.6, Other fixture requirements for licensed pre-schools, day care centers, and residential facilities.

a. Additional plumbing fixtures shall be provided in day care centers and residential facilities as required by this Section.

38. Add Section [P]2902.6.1, Food preparation.

a. The food preparation area in pre-schools, day cares, and residential facilities shall meet the following requirements. The food preparation, storage and handling where six or less individuals are cared for shall provide a two-compartment sink and an approved domestic type dishwasher. Where the number of individuals cared for is

between 7 and 15, either a three-compartment sink, or an approved domestic or commercial type dishwashing machine and a two-compartment sink with hot and cold running water shall be provided. Where 16 or more individuals are cared for, a three-compartment sink must be provided. If a dishwasher is also utilized in these instances (16 or more individuals), it must be a commercial type and it shall be in addition to the required three-compartment sink. One laundry tray, service sink, or curbed cleaning facility with floor drain shall also be provided on the premises for cleaning of mops and mop water disposal (for facilities caring for 16 or more individuals).

39. Add Section [P]2902.6.2, Caring for children between 0 and 4 years of age.

a. In child day care facilities, a hand washing sink shall be in or adjacent to each diaper changing area. In addition, one extra laundry tray, service sink, or similar fixture is required to clean and sanitize toilet training potties immediately after each use. Such fixture shall be dedicated solely for this purpose and shall not be in the food preparation/storage, utensil washing, or dining areas. Training potties shall not be counted as toilets in determining the minimum fixture requirements of Table 2902.1. Fixtures shall be size appropriate for the age of the children being cared for (toilets 11 inches maximum height and lavatories 22 inches maximum height), or if standard size fixtures are used, safe, cleanable step aids shall be provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2380 (November 2015), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 42:

**§107. International Residential Code  
(Formerly LAC 55:VI.301.A.3.a)**

A.1. *International Residential Code*, 2012 Edition, not including Parts I-Administrative and VIII-Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. The enforcement of such standards shall be mandatory only with respect to new construction, reconstruction, additions to homes previously built to the *International Residential Code*, and extensive alterations. Appendix G, Swimming Pools, Spas and Hot Tubs is adopted and at the option of a parish, municipality, or regional planning commission, Section AG105 Barrier Requirements may be altered. Appendix J, Existing Buildings and Structures, may be adopted and enforced only at the option of a parish, municipality, or regional planning commission.

a. Add the following Chapter 2 definitions and amend as follows.

*Barometric Loop*—a fabricated piping arrangement rising at least 35 feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against backsiphonage backflow.

*Building Sewer*—that part of the drainage system that extends from the end of the building drain and conveys the discharge to community sewerage system, commercial treatment facility, or individual sewerage system or other point of disposal.

*By-Pass*—any system of piping or other arrangement whereby the water may be diverted around any part or portion of the water supply system including, but not limited to, around an installed backflow preventer.

*Containment*—a method of backflow prevention which requires a backflow prevention device or method on the water service pipe to isolate the customer from the water main.

*Continuous Water Pressure*—a condition when a backflow preventer is continuously subjected to the upstream water supply pressure for a period of 12 hours or more.

*Degree of Hazard*—an evaluation of the potential risk to public health if the public were to be exposed to contaminated water caused by an unprotected or inadequately protected cross connection.

*Domestic Well*—a water well used exclusively to supply the household needs of the owner/lessee and his family. Uses may include human consumption, sanitary purposes, lawn and garden watering and caring for pets.

*Dual Check Valve*—a device having two spring loaded, independently operated check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter. Not an approved backflow prevention device.

*Fixture Isolation*—a method of backflow prevention in which a backflow preventer is located to protect the potable water of a water supply system against a cross connection at a fixture located within the structure or premises itself.

*Human Consumption*—the use of water by humans for drinking, cooking, bathing, showering, hand washing, dishwashing, or maintaining oral hygiene.

*Indirect Waste Pipe*—a waste pipe that does not connect directly with the drainage system, but that discharges into the drainage system through an *air break* or *air gap* into a trap, fixture, or waste receptor.

*Lead Free*—

(a). in general:

(i). not containing more than 0.2 percent lead when used with respect to solder and flux; and

(ii). not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures.

(b). calculation:

(i). the weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula:

[a]. for each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the

weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with Division (a).(ii) above. For lead content of materials that are provided as a range, the maximum content of the range shall be used.

*Master Meter*—a water meter serving multiple residential dwelling units or multiple commercial units. Individual units may or may not be sub-metered.

*Multipurpose Piping Fire Sprinkler System*—a piping system intended to serve both domestic needs in excess of a single fixture and fire protection needs from one common piping system throughout the dwelling unit(s).

*Potable Water*—water free from impurities present in amount sufficient to cause disease or harmful physiological effects and conforming to the bacteriological, physical, radiological, and chemical quality requirements of the federal Safe Drinking Water Act or the regulations of the Department of Health and Hospitals, Office of Public Health.

*Potable Water Supply*—a publicly owned or privately owned water supply system which purveys potable water.

*Private Water Supply*—a potable water supply that does not meet the criteria for a public water supply including, but not limited to, a domestic well.

*Public Water Supply*—public water system.

*Public Water System*—a particular type of *water supply system* intended to provide *potable water* to the public having at least fifteen service connections or regularly serving an average of at least twenty-five individuals daily at least sixty days out of the year.

*Sanitary Sewage*—see “sewage.”

*Septic Tank*—A water-tight receptor that receives the discharge of a building sanitary drainage system and is constructed so as to separate solids from the liquid, digest organic matter through a period of detention, and allow the liquids effluent to discharge into the soil outside of the tank through a system of open joint or perforated piping or is otherwise treated and disposed of utilizing other methods approved by the state health officer.

*Sewerage System*—any system of piping (excluding the building drain and building sewer) and/or collection and/or transport system and/or pumping facility and/or treatment facility, all for the purpose of collecting, transporting, pumping, treating and/or disposing of sanitary sewage.

*Stand-Alone Fire Sprinkler System*—a sprinkler system where the aboveground piping serves only fire sprinklers.

*Waste Receptor*—a plumbing fixture designed specifically to collect and dispose of liquid waste received from an indirect waste pipe which is connected to other plumbing fixtures, plumbing equipment or appliances which are required to discharge to the drainage system through either an air gap (drainage system) or air break (drainage system). The following type fixtures fall within the classification of indirect waste receptors: floor sinks, curbed cleaning facilities with floor drain, and standpipe drains with

integral air gaps (drainage system) or air breaks (drainage system), and may include others when approved as such by the code official.

*Water Supplier*—a person who owns or operates a water supply system including, but not limited to, a person who owns or operates a public water system.

*Water Supply System*—the water service pipe, water distribution pipes, and the necessary connecting pipes, fittings, control valves and all appurtenances in or adjacent to the structure or premise. This term shall also mean the system of pipes or other constructed conveyances, structures and facilities through which water is obtained, treated to make it potable (if necessary) and then distributed (with or without charge) for human consumption or other use.

b. Adopt and amend 2012 IRC Section R301.2.1., Part IV-Energy Conservation of the latest edition of the *International Residential Code* is hereby amended to require that supply and return ducts be insulated to a minimum of R-6. Furthermore, 2012 IRC R301.2.1.1 (Design Criteria) shall be amended as follows and shall only apply to the *International Residential Code*:

i. Delete Figure R301.2(4)B and replace all references to this figure with Figure R301.2(4)A.

c. Amend 2012 IRC Section R301.2.1.1 (Design Criteria); R301.2.1.1, Wind limitations and wind design required. The wind provisions of this code shall not apply to the design of buildings where the basic wind speed from Figure R301.2(4)A equals or exceeds 110 miles per hour (49 m/s).

i. Exceptions

(a). For concrete construction, the wind provisions of this Code shall apply in accordance with the limitations of Sections R404 and R611;

(b). For structural insulated panels, the wind provisions of this code shall apply in accordance with the limitations of Section R613.

ii. In regions where the basic wind speed shown on Figure R301.2(4)A equals or exceeds 110 miles per hour (49 m/s), the design of buildings for wind loads shall be in accordance with one or more of the following methods:

(a). AF and PA Wood Frame Construction Manual (WFCM);

(b). ICC Standard for Residential Construction in High-Wind Regions (ICC 600);

(c). ASCE Minimum Design Loads for Buildings and Other Structures (ASCE 7);

(d). AISI Standard for Cold-Formed Steel Framing—Prescriptive Method for One- and Two-Family Dwellings (AISI S230);

(e). International Building Code; or

(f). SSTD 10-99 Hurricane Resistant Construction Standard.

iii. The elements of design not addressed by the methods in Clauses (i) through (vi) shall be in accordance with the provisions of this Code. When ASCE 7 or the *International Building Code* is used for the design of the building, the wind speed map and exposure category requirements as specified in ASCE 7 and the *International Building Code* shall be used.

d. Adopt and amend 2012 IRC Section R301.2.1.2, Protection of Openings. Exterior glazing in buildings located in windborne debris regions shall be protected from

windborne debris. Glazed opening protection for windborne debris shall meet the requirements of the Large Missile Test of ASTM E 1996 and ASTM E 1886 referenced therein. The applicable wind zones for establishing missile types in ASTM E 1996 are shown on Figure R301.2(4)F. Garage door glazed opening protection for windborne debris shall meet the requirements of an approved impact-resisting standard or ANSI/DASMA115.

i. Exceptions

(a). Wood structural panels with a minimum thickness of 7/16 inch (11 mm) and a maximum span of 8 feet (2438 mm) shall be permitted for opening protection in one- and two-story buildings.

(b). Panels shall be precut and attached to the framing surrounding the opening containing the product with the glazed opening.

(c). Panels shall be predrilled as required for the anchorage method and shall be secured with the attachment hardware provided.

(d). Attachments shall be designed to resist the component and cladding loads determined in accordance with either Table R301.2(2) or ASCE 7, with the permanent corrosion-resistant attachment hardware provided and anchors permanently installed on the building.

(e). Attachment in accordance with Table R301.2.1.2 is permitted for buildings with a mean roof height of 33 feet (10 058 mm) or less where wind speeds do not exceed 130 miles per hour (58 m/s).

e. Adopt 2012 IRC Figure R301.2(4)A and delete Figure R301.2(4)B and Figure R301.2(4)C.

f. Adopt 2012 IRC Section R301.2.1.4, Exposure Category.

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7. Amend Chapter 26, General Plumbing Requirements.

a. Amend Section P 2602.1, General.

i. The water-distribution and drainage system of any building or premises where plumbing fixtures are installed shall be connected to a public water supply or community sewerage system, respectively, if available. When either a public water-supply or community sewerage system, or both, are not available, or connection to them is not feasible private water supply complying with the applicable requirements of LAC 51:XII (Water Supplies) and LAC 56:I (Water Wells) or individual (private) sewage-disposal system complying with the applicable requirements of LAC 51:XIII (Sewage Disposal), or both, shall be provided.

b. Amend Section P2609.5, Water supply systems.

i. Water service pipes, water distribution pipes and the necessary connecting pipes, fittings, control valves, faucets and appurtenances used to dispense water intended for human consumption shall be evaluated and listed as conforming to the requirements of NSF 61. All potable water pipes, fittings, valves, and fixtures shall be lead free and shall be evaluated and listed as conforming with NSF/ANSI 372. Any solder or flux which is used in the installation or repair of any public water system or any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free.

(a). Exception. The lead free requirement above shall not apply to:

(i). leaded joints necessary for the repair of existing cast iron pipes;

(ii). fire hydrants, pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or

(iii). toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.

8. Amend Chapter 29, Water Supply and Distribution.

a. Amend Section P2902.3.2, Atmospheric-type vacuum breakers.

i. Pipe-applied atmospheric-type vacuum breakers shall conform to ASSE 1001 or CSA B64.1.1. Pipe-applied atmospheric type vacuum breakers shall be installed not less than 6 inches (152 mm) above all downstream piping and not less than 6 inches (152 mm) above the flood-level rim of the fixture receptor or device served. Hose-connection vacuum breakers shall conform to ASSE 1011, ASSE 1019, ASSE 1035, ASSE 1052, CSA B64.2, CSA B64.2.1, CSA B64.2.1.1, CSA B64.2.2 or CSA B64.7. These devices shall operate under normal atmospheric pressure when the critical level is installed at the required height. Atmospheric vacuum breakers including, but not limited to, hose bibb vacuum breakers shall not be subjected to continuous water pressure and shutoff or control valves shall not be installed downstream of these devices.

b. Amend Section P2902.3.4, Pressure vacuum breaker assemblies.

i. Pressure vacuum breaker assemblies shall conform to ASSE 1020 or CSA B64.1.2. Spill-resistant vacuum breaker assemblies shall comply with ASSE 1056. These assemblies shall be installed not less than 12 inches (305 mm) above all downstream piping and not less than 12 inches (305 mm) above the flood-level rim of the fixture receptor or device served. Pressure vacuum breaker assemblies shall not be installed in locations where spillage could cause damage to the structure.

c. Amend Section P2902.4.3, Hose connection.

i. Sillcocks, hose bibbs, wall hydrants and other openings with a hose connection shall be protected against backflow by an atmospheric-type or pressure-type vacuum breaker installed in accordance with Section 608.15.4, or by a permanently attached hose connection vacuum breaker in which the highest point of usage is less than 10 feet above the hose connection vacuum breaker. Hose bib vacuum breakers shall not be subjected to continuous water pressure.

d. Amend Section P2902.5.3, Lawn Irrigation Systems.

i. The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric vacuum breaker, a pressure vacuum breaker assembly or a reduced pressure principle backflow prevention assembly. Shutoff or control valves shall not be installed downstream from an atmospheric vacuum breaker. When an irrigation/lawn sprinkler system is provided with separate zones, the potable water supply shall be protected by a pressure vacuum breaker or reduced pressure principal backflow prevention assembly. Atmospheric vacuum

breakers shall be installed at least 6 inches (152 mm) above the highest point of usage (i.e., 6 inches (152 mm) above all downstream piping or highest sprinkler head). Pressure type vacuum breakers shall be installed at least 12 inches (305 mm) above the highest point of usage (i.e., 12 inches (305 mm) above all downstream piping and the highest sprinkler head). Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow prevention assembly.

e. Add Section P2902.5.6, Connections to swimming pools.

i. The potable water supply to swimming pools shall be protected against backflow by an air gap or reduced pressure principle backflow prevention assembly.

f. Add Section P2902.5.7, Connections to animal watering troughs, ornamental fountains, or other similar equipment.

i. The potable water supply to animal watering troughs, ornamental fountains, or other similar fixtures shall be protected against backflow by an air gap.

g. Amend Section P2902.6, Location of backflow preventers.

i. Access shall be provided to backflow preventers as specified by the manufacturer's installation instructions for the required testing, maintenance and repair. A minimum of 1-foot of clearance shall be provided between the lowest portion of the assembly and grade or platform. Elevated installations exceeding 5-feet above grade(g) shall be provided with a suitably located permanent platform capable of supporting the installer, tester, or repairer. Reduced pressure zone (RPZ) type backflow preventers, and other types of backflow preventers with atmospheric ports and/or test cocks (e.g., atmospheric type vacuum breakers, double check valve assemblies, pressure type vacuum breaker assemblies, etc.), shall not be installed below grade (in vaults or pits) where the potential for a relief valve, an atmospheric port, or a test cock being submerged exists.

h. Amend Section P2902.6.2, Protection of backflow preventers.

i. Backflow preventers subjected to freezing temperatures shall be protected by heat, insulation or both; or as otherwise recommended by the manufacturer.

i. Add Section P2902.8, Inspection and testing of backflow prevention assemblies, barometric loops and air gaps.

i. Inspection and testing shall comply with Sections P2902.8.1 through P2902.8.3.

j. Add Section P2902.8.1, Inspections.

i. Annual inspections shall be made of all backflow prevention assemblies and air gaps to determine whether they are operable, properly installed and maintained, and meet testing/code requirements. Inspections of backflow prevention devices including air gaps used to protect high degree of hazard cross connections shall be documented in writing and the report provided to the owner of the backflow prevention device.

k. Add Section P2902.8.2, Testing.

i. Reduced pressure principle, double check, pressure vacuum breaker, reduced pressure detector fire protection, double check detector fire protection, and spill-resistant vacuum breaker backflow preventer assemblies shall be tested at the time of installation, immediately after

repairs or relocation and at least annually. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056, CSA B64.10.1, USC's FCCC & HR's "Manual of Cross-Connection Control", or UFL's TREEO's "Backflow Prevention—Theory and Practice". Any backflow preventer which is found to be defective shall be repaired.

l. Add Section P2902.8.3, Owner Responsibilities.

i. The owner of the backflow prevention assemblies shall comply with the following.

(a). It shall be the duty of the owner of the backflow prevention assembly to see that these tests are made in a timely manner in accord with the frequency of field testing specified in 312.10.2 of this code.

(b). The owner shall notify the building official, and/or water supplier (for those devices associated with containment) in advance when the tests are to be undertaken so that the building official and/or water supplier may witness the tests if so desired.

(c). Upon completion, the owner shall provide records of such tests, repairs, overhauls, or replacements to the building official or water supplier (for those devices associated with containment). In addition, all records shall be kept by the owner of the backflow prevention device or method for at least 5 years and, upon specific request, shall be made available to the building official or water supplier.

(d). All tests, repairs, overhauls or replacements shall be at the expense of the owner of the backflow preventer.

m. Amend Section P2903.4.2, Backflow prevention device or check valve.

i. Where a backflow prevention device, check valve or other device is installed on a water supply system utilizing storage water heating equipment, a device for controlling pressure shall be installed at an accessible location between the checking device and the water heating equipment to limit thermal expansion of the water being heated to not more than 80 psi (552 kPa) static pressure at any fixture on the system. A potable water expansion tank or auxiliary relief valve set at 80 psi (552 kPa) shall be acceptable. The auxiliary relief valve shall be in addition to the water heater safety relief valve. This thermal expansion control device shall be designed and trimmed for repeated operation. The valve shall be a minimum 1/2-inch pipe size, shall be adjustable and calibrated, and shall include a tag describing its function.

n. Amend Section P2905.2, Lead content.

i. Water Piping Quality. All potable water pipes, fittings, valves, and fixtures shall be lead free and shall be evaluated and listed as conforming with NSF/ANSI 372. Any solder or flux which is used in the installation or repair of any public water system or any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free.

(a). Exception. The lead free requirement above shall not apply to:

(i). leaded joints necessary for the repair of existing cast iron pipes;

(ii). fire hydrants, pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as

manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or

(iii.) toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.

o. Amend Table P2905.4, Water Service Pipe.

i. Table P2905.4—Water Service Pipe

Material	Standard
Acrylonitrile butadiene styrene (ABS) plastic pipe	ASTM D 1527; ASTM D 2282
Brass pipe	ASTM B 43
Chlorinated polyvinyl chloride (CPVC) plastic pipe	ASTM D 2846; ASTM F 441; ASTM F 442; CSA B137.6
Copper or copper-alloy pipe	ASTM B 42; ASTM B 302
Copper or copper-alloy tubing (Type K, WK, L, or WL, only. <i>i.e.</i> , Type M copper is prohibited, M or WM)	ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 447
Cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) pipe	ASTM F 1281; ASTM F 2262; CSA B137.10M
Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE)	ASTM F 1986
Cross-linked polyethylene (PEX) plastic tubing	ASTM F 876; ASTM F 877; CSA B137.5
Ductile iron water pipe	AWWA C151; AWWA C115
Galvanized steel pipe (above ground use only)	ASTM A 53
Polyethylene/aluminum/polyethylene (PE-AL-PE) pipe	ASTM F 1282; CSA B137.9
Polyethylene (PE) plastic pipe	ASTM D 2104; ASTM D 2239; AWWA C901; CSA B137.1
Polyethylene (PE) plastic tubing	ASTM D 2737; AWWA C901; CSA B137.1
Polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 2769
Polyvinyl chloride (PVC) plastic pipe	ASTM D 1785; ASTM D 2241; ASTM D 2672; CSA B137.3
Stainless steel (Type 304/304L) pipe	ASTM A 312; ASTM A 778
Stainless steel (Type 316/316L) pipe	ASTM A 312; ASTM A 778

p. Amend Table P2905.5, Water Distribution Pipe.

i. Table P2905.5—Water Distribution Pipe

Material	Standard
Brass pipe	ASTM B 43
Chlorinated polyvinyl chloride (CPVC) plastic pipe and tubing	ASTM D 2846; ASTM F 441; ASTM F 442; CSA B137.6
Copper or copper-alloy pipe	ASTM B 42; ASTM B 302
Copper or copper-alloy tubing (Type K, WK, L, or WL, only. <i>i.e.</i> , Type M copper is prohibited, M or WM)	ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 447
Cross-linked polyethylene (PEX) plastic tubing	ASTM F 876; ASTM F 877; CSA B137.5
Cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) pipe	ASTM F 1281; ASTM F 2262; CSA B137.10M
Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE)	ASTM F 1986
Galvanized steel pipe	ASTM A 53
Polyethylene/aluminum/polyethylene (PE-AL-PE) composite pipe	ASTM F 1282

Material	Standard
Polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 2769
Polypropylene (PP) plastic pipe or tubing	ASTM F 2389; CSA B137.11
Stainless steel (Type 304/304L) pipe	ASTM A 312; ASTM A 778

q. Amend Section P2905.6, Fittings.

i. Pipe fittings shall be approved for installation with the piping material installed and shall comply with the applicable standards listed in Table P2905.6. All pipe fittings used in water supply systems shall also comply with NSF 61. For repairs all copper, brass and stainless steel joints below a building slab shall be brazed and/or welded in accordance with the requirements of this code, as appropriate. With the exception of heat fused polypropylene, all other joints and fittings for plastic pipe below a building slab are prohibited.

r. Amend Table P2905.6, Pipe Fittings.

i. Table P2905.6—Pipe Fittings

Material	Standard
Acrylonitrile butadiene styrene (ABS) plastic	ASTM D 2468
Brass	ASTM F1974
Cast-iron	ASME B16.4; ASME B16.12
Chlorinated polyvinyl chloride (CPVC) plastic	ASSE 1061; ASTM D 2846; ASTM F 437; ASTM F 438; ASTM F 439; CSA B137.6
Copper or copper alloy	ASSE 1061; ASME B16.15; ASME B16.18; ASME B16.22; ASME B16.26
Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE)	ASTM F 1986
Fittings for cross-linked polyethylene (PEX) plastic tubing	ASSE 1061; ASTM F 877; ASTM F 1807; ASTM F 1960; ASTM F 2080; ASTM F 2098; ASTM F 2159; ASTM F 2434; ASTM F 2735; CSA B137.5
Gray iron and ductile iron	AWWA C110; AWWA C153
Malleable iron	ASME B16.3
Insert fittings for Polyethylene/aluminum/polyethylene (PE-AL-PE) and cross-linked polyethylene/aluminum/polyethylene (PEX-AL-PEX)	ASTM F 1974; ASTM F 1281; ASTM F 1282; CSA B137.9; CSA B137.10
Polyethylene (PE) plastic	CSA B137.1
Fittings for polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 1807; ASTM F2098; ASTM F 2159; ASTM F 2735
Polypropylene (PP) plastic pipe or tubing	ASTM F 2389; CSA B137.11
Polyvinyl chloride (PVC) plastic	ASTM D 2464; ASTM D 2466; ASTM D 2467; CSA B137.2; CSA B137.3
Stainless steel (Type 304/304L) pipe	ASTM A 312; ASTM A 778
Stainless steel (Type 316/316L) pipe	ASTM A 312; ASTM A 778
Steel	ASME B16.9; ASME B16.11; ASME B16.28

s. Add Section P2910, Separation of Water Service from Contamination.

i. Add Section P2910.1, Separation of water service and sewer lines.

(a). Underground water service pipe and the building drain or building sewer shall be horizontally separated by not less than 5 feet (1524 mm) of undisturbed or compacted earth.

(i). Exceptions

[a]. The required separation distance shall not apply where the bottom of the water service pipe within 5 feet (1524 mm) of the sewer is not less than 12 inches (305 mm) above the top of the highest point of the sewer and the sewer pipe materials conformed to Table P3002.2.

[b]. Water service pipe is permitted to be located in the same trench with a building drain or building sewer, provided such sewer is constructed of materials listed in Table P3002.1(2) and the water service pipe is placed on a solid shelf excavated at one side of the common trench. The bottom of the water service pipe, at all points, shall be at least 12 inches (305mm) above the top of the sewer line at its highest point.

[c]. Any underground water service pipe which must cross a pipe that conveys sewage (e.g. building drains, building sewers, and other piping conveying sewage) shall have a minimum separation of 12 inches (305 mm) above the top of the sewer. The water service pipe is shall be sleeved to a point not less than 5 feet (1524 mm) horizontally from the sewer pipe centerline on both sides of such crossing with pipe materials listed in Table P2905.4, P3002.1(2), or P3002.2.

t. Add Section P2910.2, Potable Water (Pressure) Lines Near Soil Absorption Trenches, Sand Filter Beds, Oxidation Ponds, and any Effluent Reduction Option (Effluent Reduction Fields, Rock Plant Filters, Spray Irrigation Systems, Overland Flow Systems, Mound Systems, or Subsurface Drip Disposal Systems)

i. Underground potable water (pressure) lines shall not be located within 25 feet (7.6 m) of any soil absorption trenches, sand filter beds, oxidation ponds, or any effluent reduction option including, but not limited to effluent reduction fields, rock plant filters, spray irrigation systems (from the edge of the spray and its drainage), overland flow systems (from the discharge point and field of flow), mound systems, or subsurface drip disposal systems which have been installed for either the disposal of septic tank effluent or mechanical treatment plant effluent.

u. Add Section P2910.3, Potable Water (Pressure) Lines Near Septic Tanks, Mechanical Sewage Treatment Plants, and Pump Stations.

i. Underground potable water (pressure) lines shall not be located within 10 feet (3.0 m) of any septic tank, mechanical sewage treatment plant, or sewage pump station.

v. Add Section P2910.4, Potable Water (Pressure) Lines Near Seepage Pit, Cesspool, or Sanitary Pit Privy.

i. Underground potable water (pressure) lines shall not be located within 50 feet (15.2m) of any seepage pit, cesspool, or sanitary pit privy.

w. Add Section P2910.5, Reclaimed Water Lines.

i. Reclaimed water lines shall be considered and treated as though they are sewerage lines and shall be installed in accord with the spacing requirements of this Section for the protection of potable water lines.

x. Add Section P2910.6, Stop and Waste Valves and Devices.

i. Combination stop and waste valves and cocks shall not be installed underground in a water service pipe, water supply system, or a water distribution system. Any fixture or device which incorporates a stop and waste feature is prohibited if the waste opening is underground or in any location that waste water or water-borne contaminants may enter the device or water supply from the ground or other source by reversal of flow.

9. Amend Chapter 30 Sanitary Drainage.

a. Amend Section P3005.2.2, Horizontal Drains within buildings.

i. Horizontal drains within buildings shall be provided with cleanouts as follows.

(a). All horizontal drains 3-inch nominal diameter or less, cleanouts shall be located at not more than 50 feet (15 200mm) intervals.

(b). For horizontal drains 4-inch nominal diameter through 6-inch nominal diameter, cleanouts shall be located at not more than 80 feet (24 400mm) intervals.

(c). Horizontal drains larger than 6-inch nominal diameter shall be provided with cleanouts located at not more than 100 feet (30 480 mm) intervals.

b. Amend Section P3005.2.4, Change of direction.

i. Each horizontal drainage pipe shall be provided with a cleanout at the upstream end of the pipe and in changes of direction over 45° (0.785 rad).

(a). Exceptions. The following plumbing arrangements are acceptable in lieu of the upstream cleanout:

(i). "P" traps connected to the drainage piping with slip joints or ground joint connections;

(ii). "P" traps into which floor drains, shower drains or tub drains with removable strainers discharge;

(iii). "P" traps into which the straight through type waste and overflow discharge with the overflow connecting to the branch of the tee;

(iv). "P" traps into which residential washing machines discharge;

(v). test tees or cleanouts in a vertical pipe above the flood-level rim of the fixtures that the horizontal pipe serves and not more than 4-feet (1219 mm) above the finish floor.

c. Amend Section P3005.2.7, Building drain and building sewer junction.

i. There shall be a cleanout within 6 feet (1829 mm) of the junction of the building drain and building sewer. This cleanout shall be either inside or outside the building wall, provided that it is brought up to finish grade or to the lowest floor level. An approved two-way cleanout shall be permitted to serve as the required cleanout for both the building drain and the building sewer.

d. Amend Section P3005.4.1, Branch and stack sizing.

i. Branches and stacks shall be sized in accordance with Table P3005.4.1. Below grade drain pipes shall be not less than 1 1/2 inches (38 mm) in diameter. Drain stacks shall be not smaller than the largest horizontal branch connected.

(a). Exceptions:

(i). a 4-inch by 3-inch (102 mm by 76 mm) closet bend or flange;

(ii). a 4-inch (102 mm) closet bend connected to a 3-inch (76 mm) stack tee shall not be prohibited.

e. Amend Table P3005.4.1, Maximum fixture units allowed to be connected to branches and stacks.

i. Table P3005.4.1—Maximum Fixture Units Allowed to be Connected to Branches and Stacks

Nominal Pipe Size (inches)	Any Horizontal Fixture Branch	Any One Vertical Stack or Drain
1 1/4 <sup>a</sup>	—	—
1 1/2 <sup>b</sup>	3	4
2b	6	10
2 1/2 <sup>b</sup>	12	20
3	20 (not over two water closets)	30 (not over six water closets)
4	160	240

For SI: 1 inch = 25.4 mm.

<sup>a</sup> 1 1/4-inch pipe size limited to a single-fixture drain or trap arm. See Table P3201.7.

<sup>b</sup> No water closets.

f. Amend Section P3005.4.22, Building drain and sewer size and slope.

i. Pipe sizes and slope shall be determined from Table P3005.4.2 on the basis of drainage load in fixture units (d.f.u.) computed from Table P3004.1.

g. Amend Table P3005.4.2, Maximum number of fixture units allowed to be connected to the building drain, building drain branches or the building sewer.

i. Table P3005.4.2—Maximum Number of Fixture Units Allowed to be connected to the Building Drain, Building Drain Branches or The Building Sewer

Diameter of Pipe (inches)	Slope Per Foot		
	1/8 inch	1/4 inch	1/2 inch
1 1/2a, b	—	Note a	Note a
2b	—	21	27
2 1/2b	—	24	31
3	20 (not over two water closets)	27 (not over two water closets)	36 (not over two water closets)
4	180	216	250

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

<sup>a</sup> 1 1/2-inch pipe size limited to a building drain branch serving not more than two waste fixtures, or not more than one waste fixture if serving a pumped discharge fixture or garbage grinder discharge.

<sup>b</sup> No water closets.

h. Add Section P3005.6, Minimum size of soil and waste stacks.

i. No soil or waste stack shall be smaller than the largest horizontal branch connected thereto except that a 4x3 water closet connection shall not be considered as a reduction in pipe size. The soil or waste stack shall run undiminished in size from its connection to the building drain to its connection to the stack vent.

i. Add Section P3005.7, Minimum size of drain serving a water closet.

i. The minimum size of any building drain serving a water closet shall be 3 inches. Not more than two water closets shall discharge into a horizontal 3-inch building drain.

j. Add Section P3005.8, Minimum size of building sewer.

i. In accordance with P3001.4, no building sewer shall be less than 4 inches in size with the exception of force lines.

k. Add Section P3005.9, Underground drainage piping.

i. Any portion of the drainage system installed underground or below a basement or cellar shall not be less than 2-inch diameter.

l. Amend Section P3009.1, Scope.

i. Gray water recycling systems shall only be considered on an individual basis and plans and specifications for any proposed gray water recycling system shall be submitted to the code official or local jurisdiction for review and approval prior to construction. Such plans and specifications shall be appropriately sealed and signed by a Louisiana Registered Professional Engineer. Potable makeup water supply lines shall be protected against backflow by an air gap or reduced pressure principal backflow prevention assembly. The provisions of Section P3009 shall govern the materials, design, construction and installation of gray water systems for flushing of water closets and urinals and for subsurface landscape irrigation. See Figures P3009.1(1) and P3009.1(2).

m. Amend Section P3009.14, Landscape irrigation systems.

i. In accordance with provisions of the *Louisiana State Sanitary Code* [LAC 51:XIII (Sewage Disposal)], a permit shall be obtained from the state health officer prior to the construction of any subsurface landscape irrigation system which utilizes gray water. Subsurface landscape irrigation systems shall comply with Sections P3009.14.1 through P3009.14.11; however, the regulations of the *Louisiana State Sanitary Code* shall supersede any provisions of P3009.14.1 through P3009.14.11 when a conflict exists or a provision is less stringent than those contained in the *Louisiana State Sanitary Code*.

n. Amend Section P3010.1, Air break.

i. An air break shall be provided between the indirect waste pipe and the trap seal of the waste receptor or standpipe. The air break (drainage system) between the indirect waste and the building drainage system shall be installed such that the level of the lowest outlet located on the fixture, device, appliance or apparatus (to which the indirect waste pipe connects) is above the flood-level rim of the receiving sink or other receptor by a vertical distance of at least twice the diameter of the effective opening of the indirect waste pipe, but in no case less than 2 inches (51 mm). In addition, the indirect waste pipe shall terminate below the flood-level rim of the receiving sink or other receptor a distance equal to not more than one-half (1/2) the diameter of the effective opening of the indirect waste pipe.

o. Amend Section P3104.1, Connection.

i. All individual branch and circuit vents shall connect to a vent stack, stack vent or extend to the open air.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D), 40:1730.26(1) and Act 836 of the 2014 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 42:

- p. Amend Section P3201.5, Prohibited trap designs.
  - i. The following types of traps are prohibited:
    - (a). bell traps;
    - (b). separate fixture traps that depend on interior partitions for the water seal, except those lavatory traps made of plastic, stainless steel or other corrosion-resistant material;
    - (c). "S" traps;
    - (d). drum traps;
    - (e). trap designs with moving parts;
    - (f). crown-vented traps;
    - (g). running traps;
    - (i). exceptions:

[a]. a running trap with cleanout may be allowed on condensate waste lines and for certain floor level fixtures installed on a combination waste and vent system.

- q. Delete Section P3114, Air Admittance Valves in its entirety and all referencing sections.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2383 (November 2015), amended LR 42:

**§111. The International Plumbing Code (Formerly LAC 55:VI.301.A.5)**

A. The *International Plumbing Code*, 2012 Edition. The appendices of that code may be adopted as needed, but the specific appendix or appendices shall be referenced by name or letter designation at the time of adoption. (per R.S. 40:1730.28 eff. 1/1/16)

- 1. Amend Chapter One.

- a. Amend Section [A] 101.2, Scope.

i. Section [A] 101.2 Scope. The provisions of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. This code shall also regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems and sanitary and condensate vacuum collection systems. The installation of fuel gas distribution piping and equipment, fuel-gas-fired water heaters and water heater venting systems shall be regulated by the *International Fuel Gas Code*. Provisions in the appendices shall not apply unless specifically adopted.

(a). Nothing in this Part or any provision adopted pursuant to this Part shall prohibit the Department of Health and Hospitals from the following:

- (i). Regulating stored water temperatures through enforcement of the *Sanitary Code*.
- (ii). Regulating medical gas and medical vacuum systems.

- [a]. Exception:

[i]. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.

- B. Amend Chapter Two Definitions.

*Adult Day Care Center*—any place or facility, operated by any person for the primary purpose of providing care, supervision and guidance of 10 or more people 18 years and older, not related to the caregiver and unaccompanied by parent or guardian, on a regular basis, for a total of at least 20 hours in a continuous seven day week in a place other than the person's home.

*Air Break (Drainage System)*—a piping arrangement in which a drain from a fixture, appliance or device discharges indirectly into another fixture, or receptacle at a point below the flood level rim and above the trap seal. An unobstructed horizontal distance of free atmosphere between the outside of the indirect waste pipe and the inside of the waster receptor must exist so as to allow a back-flow of sewage to spill over the flood level rim of the receiving sink or other receptor to prevent such back-flow from reaching the fixture, device, appliance or apparatus served by the indirect waste pipe.

*Barometric Loop*—a fabricated piping arrangement rising at least 35 feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against backsiphonage backflow.

*Building Drain*—that part of the lowest piping of a drainage system that receives the discharge from soil, waste and other drainage pipes in side and that extends 30 inches (762 mm) in developed length of pipe beyond the exterior walls of the building and conveys the drainage to the building sewer.

a. *Sanitary*—a *building drain* that conveys sewage only.

b. *Storm*—a *building drain* that conveys storm water or other drainage, but not sewage.

*Building Sewer*—That part of the drainage system that extends from the end of the building drain and conveys the discharge to a community sewerage system, commercial treatment facility, or individual sewerage system or other point of disposal.

a. *Sanitary*—a *building drain* that conveys sewage only.

b. *Storm*—a *building drain* that conveys storm water or other drainage, but not sewage.

*By-Pass*—Any system of piping or other arrangement whereby the water may be diverted around any part or portion of the water supply system including, but not limited to, around an installed backflow preventer.

*Child Day Care Center*—any place or facility, operated by any person for the primary purpose of providing care, supervision and guidance of seven or more children under the age of 18, not related to the care giver and unaccompanied by parent or guardian, on a regular basis, for a total of at least 20 hours in a continuous seven day week in a place other than the children's home. A day care center that remains open for more than 20 hours in a continuous seven day week, and in which no individual child remains for more

than 24 hours in one continuous stay shall be known as a full-time day care center.

*Commercial Treatment Facility*—any treatment facility which is required by the state health officer whenever the use of an individual sewerage system is unfeasible or not authorized.

*Community Sewerage System*—any sewerage system which serves multiple connections and consists of a collection and/or pumping system/transport system and treatment facility.

*Containment*—a method of backflow prevention which requires a backflow prevention device or method on the water service pipe to isolate the customer from the water main.

*Continuous Water Pressure* —a condition when a backflow preventer is continuously subjected to the upstream water supply pressure for a period of 12 hours or more.

*Day Care Centers*—includes adult and child day care centers.

*Degree of Hazard*—an evaluation of the potential risk to public health if the public were to be exposed to contaminated water caused by an unprotected or inadequately protected cross connection.

*Domestic Well*—a water well used exclusively to supply the household needs of the owner/lessee and his family. Uses may include human consumption, sanitary purposes, lawn and garden watering and caring for pets.

*Dual Check Valve*—a device having two spring loaded, independently operated check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter. Not an approved backflow prevention device.

*Fixture Isolation*—a method of backflow prevention in which a backflow preventer is located to protect the potable water of a water supply system against a cross connection at a fixture located within the structure or premises itself.

*Human Consumption*—the use of water by humans for drinking, cooking, bathing, showering, hand washing, dishwashing, or maintaining oral hygiene.

*Indirect Waste Pipe*—a waste pipe that does not connect directly with the drainage system, but that discharges into the drainage system through an *air break* or *air gap* into a trap, fixture, or *waste receptor*.

*Individual Sewerage System*—any system of piping (excluding the building drain and building sewer), and/or collection and/or transport system which serves one or more connections, and/or pumping facility, and treatment facility, all located on the property where the sewage originates; and which utilizes the individual sewerage system technology which is set forth in LAC 51:XIII.Chapter 7, Subchapter B, or a commercial treatment facility which is specifically authorized for use by the state health officer.

*Infant*—any child under the age of 12 months.

*Lead Free*—

a. in general:

i. not containing more than 0.2 percent lead when used with respect to solder and flux; and

ii. not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures;

b. calculation:

i. the weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula:

(a). for each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with Clause a.ii above. For lead content of materials that are provided as a range, the maximum content of the range shall be used.

*Master Meter*—a water meter serving multiple residential dwelling units or multiple commercial units. Individual units may or may not be sub-metered.

*Plumbing*—the practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, plumbing appliances and plumbing appurtenances, within or adjacent to any structure, in connection with sanitary drainage or storm drainage facilities; venting systems; and public or private water supply systems. Plumbing includes yard piping connecting sanitary or storm drainage with any point of disposal or other acceptable terminal as well as the water service piping connecting to a water main or other source of water supply. Plumbing does not include the installation, alteration, repair or maintenance of automatic fire sprinklers and including the underground or overhead water supply beginning at the outlet of an approved backflow prevention device installed under the plumbing provisions of this code where water is to be used or is intended to be used exclusively for fire protection purposes.

*Potable Water*—water free from impurities present in amount sufficient to cause disease or harmful physiological effects and conforming to the bacteriological, physical, radiological, and chemical quality requirements of the federal Safe Drinking Water Act or the regulations of the Department of Health and Hospitals, Office of Public Health.

*Potable Water Supply*—a publicly owned or privately owned water supply system which purveys potable water.

*Preschool*—any child less than five years of age.

*Private Water Supply*—a potable water supply that does not meet the criteria for a public water supply including, but not limited to a domestic well.

*Public Or Public Utilization*—in the classification of plumbing fixtures, "public" applies to fixtures in general toilet rooms of schools, gymnasiums, hotels, hotel/motel rooms, airports, bus and railroad stations, public buildings, bars, public comfort stations, office buildings, stadiums, stores, restaurants, patient rooms and other installations where a number of fixtures are installed so that their utilization is similarly unrestricted.

*Public Water Supply*—public water system.

*Public Water System*—a particular type of water supply system intended to provide potable water to the public having at least 15 service connections or regularly serving an

average of at least 25 individuals daily at least 60 days out of the year.

*Putrescible Waste*—waste which is subject to spoilage, rot, or decomposition and may give rise to foul smelling, offensive odors and/or is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies. It includes wastes from the preparation and consumption of food, vegetable matter, and animal offal and carcasses.

*Residential Facility*—any place, facility, or home operated by any person who receives therein four or more people who are not related to such person for supervision, care, lodging and maintenance with or without transfer of custody. This shall include, but not be limited to group homes, community homes, maternity homes, juvenile detention centers, emergency shelters, halfway homes and schools for the mentally retarded.

*Sanitary Sewage*—see “sewage.”

*Sewer*—a pipe or other constructed conveyance which conveys sewage, rainwater, surface water, subsurface water, or similar liquid wastes.

a. *Building Sewer*—see “building sewer.”

b. *Public Sewer*—a common sewer directly controlled by a public authority or utilized by the public

c. *Sanitary Sewer*—a sewer that carries sewage and excludes storm, surface and ground water.

d. *Storm Sewer*—a sewer that conveys rainwater, surface water, subsurface water and similar liquid wastes.

*Sewerage System*—any system of piping (excluding the building drain and building sewer) and/or collection and/or transport system and/or pumping facility and/or treatment facility, all for the purpose of collecting, transporting, pumping, treating and/or disposing of sanitary sewage.

*Waste Receptor*—a *plumbing fixture* designed specifically to collect and dispose of liquid waste received from an indirect waste pipe which is connected to other *plumbing fixtures*, plumbing equipment or appliances which are required to discharge to the drainage system through either an air gap (drainage system) or air break (drainage system). The following type fixtures fall within the classification of indirect waste receptors: floor sinks, curbed cleaning facilities with floor drain, and standpipe drains with integral air gaps (drainage system) or air breaks (drainage system), and may include others when approved as such by the code official.

*Water Main*—a water supply pipe or system of pipes installed and maintained by a city, township, county, Public Utility Company or other public entity, on public property, in the street or in an approved dedicated easement of public or community use. This term shall also mean the principal artery (or arteries) used for the distribution of potable water to consumers by any water supplier including, but not limited to, those public water systems which are not owned by the public and which may not be on public property.

*Water Supplier*—a person who owns or operates a water supply system including, but not limited to, a person who owns or operates a public water system.

*Water Supply System*—the water service pipe, water distribution pipes, and the necessary connecting pipes, fittings, control valves and all appurtenances in or adjacent to the structure or premise. This term shall also mean the system of pipes or other constructed conveyances, structures

and facilities through which water is obtained, treated to make it potable (if necessary) and then distributed (with or without charge) for human consumption or other use.

C. Amend Chapter 3, General Regulations.

1. Add Section 303.5, Water Piping Quality.

a. All potable water pipes, fittings, valves, and fixtures shall be lead free and shall be evaluated and listed as conforming with NSF/ANSI 372. Any solder or flux which is used in the installation or repair of any public water system or any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free.

i. Exception. The lead free requirement above shall not apply to:

(a). leaded joints necessary for the repair of existing cast iron pipes;

(b). fire hydrants, pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or

(c). toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.

2. Amend Section [B] 309.2, Flood hazard.

a. For structures located in flood hazard areas, the following systems and equipment shall be located and installed as required by Section 1612 of the *International Building Code*.

NOTE: Where a private water supply is used it must meet the applicable requirements of LAC 51:XII (Water Supplies) and LAC 56:I (Water Wells) shall be utilized.

i. Exception

(a). The following systems are permitted to be located below the elevation required by Section 1612 of the *International Building Code* for utilities and attendant equipment provided that the systems are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to up to such elevation;

(i). all water service pipes;

(ii). all sanitary drainage piping;

(iii). storm drainage piping;

(iv). manhole covers shall be sealed, except where elevated to or above the design flood elevation;

(v). all other plumbing fixtures, faucets, fixture fittings, piping systems and equipment;

(vi). water heaters;

(vii). vents and vent systems.

3. Amend Section 312.1, Required Tests.

a. The permit holder shall make the applicable tests prescribed in Sections 312.2 through 312.10 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the code official when the plumbing work is ready for tests. The code official shall verify the test results. The equipment, material, power and labor necessary for the inspection and test shall be furnished by the permit holder and the permit holder shall be responsible for determining that the work will withstand

the test pressure prescribed in the following tests. All plumbing system piping shall be tested with either water or by air. After the plumbing fixtures have been set and their traps filled with water, the entire drainage system shall be submitted to final tests. The code official shall require the removal of any cleanouts if necessary to ascertain whether the pressure has reached all parts of the system.

4. Amend Section 312.3, Drainage and vent test.

a. An air test shall be made by forcing air into the system until there is a uniform gauge pressure of 5 psi (34.5 kPa) or sufficient to balance a 10-inch (254 mm) column of mercury. This pressure shall be held for a test period of not less than 15 minutes. Any adjustments to the test pressure required because of changes in ambient temperatures or the seating of gaskets shall be made prior to the beginning of the test period.

5. Amend Section 312.5, Water supply system test.

a. Upon completion of a section of or the entire water supply system, the system, or portion completed, shall be tested and proved tight under a water pressure not less than 1.5 times the working pressure of the system, but not less than 140 psi; or, for piping systems other than plastic, by an air test of not less than 50 psi (344 kPa). This pressure shall be held for not less than 15 minutes. The water utilized for tests shall be obtained from a potable source of supply. The required tests shall be performed in accordance with this section and Section 107.

6. Amend Section 312.10, Installation, inspection and testing of backflow prevention assemblies, barometric loops and air gaps.

a. Installation, inspection and testing shall comply with Sections 312.10.1 through 312.10.3.

7. Amend Section 312.10.1, Inspections.

a. Annual inspections shall be made of all backflow prevention assemblies, barometric loops and air gaps to determine whether they are operable, properly installed and maintained, and meet testing/code requirements. Inspections of backflow prevention devices including barometric loops and air gaps used to protect high degree of hazard cross connections shall be documented in writing and the report provided to the owner of the backflow prevention device.

8. Amend Section 312.10.2, Testing.

a. Reduced pressure principle, double check, pressure vacuum breaker, reduced pressure detector fire protection, double check detector fire protection, and spill-resistant vacuum breaker backflow preventer assemblies shall be tested at the time of installation, immediately after repairs or relocation and at least annually. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056, CSA B64.10.1, USC's FCCC & HR's "Manual of Cross-Connection Control", or UFL's TREEO's "Backflow Prevention – Theory and Practice". Any backflow preventer which is found to be defective shall be repaired.

9. Add Section 312.10.3, Owner Responsibilities.

a. The owner of the backflow prevention assemblies shall comply with the following.

i. It shall be the duty of the owner of the backflow prevention assembly to see that these tests are made in a timely manner in accord with the frequency of field testing specified in 312.10.2 of this code.

ii. The owner shall notify the building official, and/or water supplier (for those devices associated with containment) in advance when the tests are to be undertaken so that the building official and/or water supplier may witness the tests if so desired.

iii. Upon completion, the owner shall provide records of such tests, repairs, overhauls, or replacements to the building official or water supplier (for those devices associated with containment). In addition, all records shall be kept by the owner of the backflow prevention device or method for at least 5 years and, upon specific request, shall be made available to the building official or water supplier.

iv. All tests, repairs, overhauls or replacements shall be at the expense of the owner of the backflow preventer.

10. Add Section 314.3, Plenum.

a. No floor drain or other plumbing fixture except electric water heaters shall be installed in a room containing air handling machinery when such room is used as a plenum. When rooms are used as a plenum, equipment drains shall be conveyed through an indirect waste receptor located outside such rooms or other approved point of disposal.

11. Amend Section 316.1.2, Submittal.

a. The registered design professional engineer shall indicate on the permit application that the plumbing system is an alternative engineered design. The permit and permanent permit records shall indicate that an alternative engineered design was part of the approved installation.

D. Amend Chapter 4.

1. Amend Section 403.3.3, Location of toilet facilities in occupancies other than malls and educational buildings.

a. In occupancies other than covered and open mall buildings, and educational buildings, the required public and employee toilet facilities shall be located not more than one story above or below the space required to be provided with toilet facilities, and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m).

2. Add Section 403.3.7, Location of toilet facilities in educational buildings.

a. For primary schools, and other special types of institutions with classrooms, for children through 12 years of age, separate boys' and girls' toilet room doors shall not be further than 200 feet from any classroom doors. For secondary schools, and other special types of institutions with classrooms, for persons of secondary school age, separate boys' and girls' toilet room doors shall not be further than 400 feet from any classroom door. In multi-storied buildings, there shall be boys' and girls' toilet rooms on each floor, having the number of plumbing fixtures as specified in Table 403.1 of this Code for the classroom population of that floor. When new educational buildings are added to an existing campus, the restroom facilities and drinking fountains located in the existing building(s) may be used to serve the occupants of the new educational building(s) only when all of the following provisions are met:

i. covered walkways consisting of a roof designed to protect the students and faculty from precipitation having a minimum width of 6 feet and located above a slip-resistant concrete or other acceptable hard surfaces leading to and from the restrooms shall be provided whenever children or faculty have to walk outside to access the toilet room;

ii. the path of travel from the classroom door to the toilet room doors (boys' or girls') does not exceed the applicable distance specified in this Section; and

iii. the number of occupants of the new building does not cause an increase in the school population that would trigger the need for more fixtures per Table 403.1 (Minimum Number of Required Plumbing Fixtures).

3. Add Section 403.6, Other fixture requirements for licensed pre-schools, day care centers, and residential facilities.

a. Additional plumbing fixtures shall be provided in day care centers and residential facilities as required by this Section.

4. Add Section 403.6.1, Food preparation.

a. The food preparation area in pre-schools, day cares, and residential facilities shall meet the following requirements. The food preparation, storage and handling where six or less individuals are cared for shall provide a two-compartment sink and an approved domestic type dishwasher. Where the number of individuals cared for is between 7 and 15, either a three-compartment sink, or an approved domestic or commercial type dishwashing machine and a two-compartment sink with hot and cold running water shall be provided. Where 16 or more individuals are cared for, a three-compartment sink must be provided. If a dishwasher is also utilized in these instances (16 or more individuals), it must be a commercial type and it shall be in addition to the required three-compartment sink. One laundry tray, service sink, or curbed cleaning facility with floor drain shall also be provided on the premises for cleaning of mops and mop water disposal (for facilities caring for 16 or more individuals).

5. Add Section 403.6.2, Caring for children between 0 and 4 years of age.

a. In child day care facilities, a hand washing sink shall be in or adjacent to each diaper changing area. In addition, one extra laundry tray, service sink, or similar fixture is required to clean and sanitize toilet training potties immediately after each use. Such fixture shall be dedicated solely for this purpose and shall not be in the food preparation/storage, utensil washing, or dining areas. Training potties shall not be counted as toilets in determining the minimum fixture requirements of Table 403.1. Fixtures shall be size appropriate for the age of the children being cared for (toilets 11 inches maximum height and lavatories 22 inches maximum height), or if standard size fixtures are used, safe, cleanable step aids shall be provided.

6. Add Section 410.5, Minimum Required Separation from Contamination.

a. Drinking fountain fixtures shall provide a minimum requirement of 18 inches of separation from its water outlet (spigot) to any source of contamination. Combination sink/drinking fountain units shall provide a minimum of 18 inches between the drinking fountain water outlet (spigot) and the nearest outside rim of the sink bowl [or other source(s) of contamination].

i. Exception

(a). This 18 inch minimum separation may only be reduced by the use of a vertical shield made of a smooth, easily cleaned surface that is attached flush with the top surface of the unit and extends to a distance at least 18

inches in height above the drinking fountain water outlet (spigot) level.

(b). Prohibited Fixture. Combination sink/drinking fountain units which share the same sink bowl are prohibited except in individual prison cells."

7. Amend Section 412, Floor and Trench Drains.

a. Add Section 412.5, Miscellaneous areas.

i. A floor drain shall be required in public toilet rooms as specified under LSPC XIV.415E.2a, Excluding hotel/motel guest rooms or patient rooms of a hospital or nursing home.

ii. A floor drain shall be required in the recess room for sterilizers in a medical facility as specified under LSPC XIV.415.E.2.c and LSPC XIV.1305.C.2.a.

iii. Floor drains are not permitted in general food storage areas, for example, a food storage closet or room as specified under LSPC XIV.415.E.3.c.

8. Amend Section 417.3, Shower water outlet.

a. Waste outlets serving showers shall be not less than 2 inches (50.8 mm) in diameter and, for other than waster outlets in bathtubs, shall have removable strainers not less than 3 inches (76 mm) in diameter with strainer openings not less than 1/4 inch (6.4 mm) in least dimension. Where each shower space is not provided with an individual waste outlet, the waste outlet shall be located and the floor pitched so that waste from one shower does not flow over the floor area serving another shower. Waste outlets shall be fastened to the waste pipe in an approved manner.

9. Add Section 418.4, Handwash Sinks.

a. Dedicated handwash sinks shall be located to permit convenient use by all employees in food processing, food preparation, and other food handling areas.

b. Each commercial body art (tattoo) facility shall provide a hand washing sink to be used solely for hand washing in body art procedure area for the exclusive use of the operator. A separate instrument sink shall also be provided for the sole purpose of cleaning instruments and equipment prior to sterilization.

c. A hand washing sink may not be used for purposes other than hand washing.

d. Sinks used for food preparation or for washing and sanitizing of equipment and utensils shall not be used for hand washing.

10. Add Section 418.5, Manual Warewashing, Sink Requirements.

a. A sink with at least three compartments constructed of smooth, impervious non-corrosive material such as stainless steel or high density food grade polymer plastic shall be provided in slaughter rooms, packing rooms, retail food establishments, and other food handling areas for manual washing, rinsing and sanitizing equipment and utensils except where there are no utensils or equipment to wash, rinse and sanitize; i.e., such as in a facility with only prepackaged foods.

11. Add Section 422.11, Handwashing Facilities.

a. Medical facilities, including doctor's office and clinics, shall be provided with hand washing facilities within each patient examination and treatment room. The hand wash facility shall be provided with hot and cold water delivered via a mixing faucet.

12. Amend Section 425.2, Flushometer valves and tanks.

a. Flushometer valves and tanks shall comply with ASSE 1037 or CSA B125.3. Vacuum breakers on flushometer valves shall conform to the performance requirements of ASSE 1001 or CSA B64. 1.1. Flushometer valves shall be equipped with an approved vacuum breaker. The vacuum breaker shall be installed on the discharge side of the flushing valve with the critical level at least 4 inches (102 mm) above the overflow rim of the bowl. Access shall be provided to vacuum breakers. Flushometer valves shall be of the water conservation type and shall not be used where the water pressure is lower than the minimum required for normal operation. When operated, the valve shall automatically complete the cycle of operation, opening fully and closing positively under the water supply pressure. Each flushometer valve shall be provided with a means for regulating the flow through the valve. The trap seal to the fixture shall be automatically refilled after each flushing cycle.

E. Amend Chapter 5, Water Heaters.

1. Amend Section 503.1, Cold water line valve.

a. The cold water branch line from the main water supply line to each hot water storage tank or water heater shall be provided with a full port ball valve, located near the equipment and serving only the hot water storage tank or water heater. The valve shall not interfere or cause a disruption of the cold water supply to the remainder of the cold water system. The valve shall be provided with access on the same floor level as the water heater served.

2. Amend Section 504.7, Required pan.

a. Where a storage tank-type water heater or a hot water storage tank is installed in a location where water leakage from the tank will cause damage, the tank shall be installed in a galvanized steel pan having a material thickness of not less than 0.0276-inch (0.7 mm), or other pans approved for such use.

i. Exception

(a). Electric water heaters may rest in a high impact plastic pan of at least 1/16-inch (1.6 mm) thickness.

3. Amend Section 504.7.1, Pan size and drain.

a. The drain pan shall be a minimum of 2-inches (2") (50.8 mm) in depth and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a diameter of not less than 1-inch (25.4 mm). Piping for safety pan drains shall be of those materials listed in Table 605.4.

F. Amend Chapter 6, Water Supply and Distribution.

1. Amend Section 602.3, Individual water supply.

a. Where a potable public water supply is not available, a private water supply meeting the applicable requirements of LAC 51:XII (Water Supplies) and LAC 56:I (Water Wells) shall be utilized.

i. Delete and remove Sections 602.3.1, 602.3.2, 602.3.3, 602.3.4, 602.3.5 and 602.3.5.1, Pump Enclosure.

2. Amend Section 603.2, Separation of water service and sewer lines.

a. Underground water service pipe and the building drain or building sewer shall be horizontally separated by not less than 5-feet (1524 mm) of undisturbed or compacted earth.

i. Exceptions

(a). The required separation distance shall not apply where the bottom of the water service pipe within 5 feet (1524 mm) of the sewer is not less than 12 inches (305 mm) above the top of the highest point of the sewer and the sewer pipe materials conform to Table 702.3.

(b). Water service pipe is permitted to be located in the same trench with a building drain or building sewer, provided such sewer is constructed of materials listed in Table 702.2 and the water service pipe is placed on a solid shelf excavated at one side of the common trench. The bottom of the water service pipe, at all points, shall be at least 12 inches (305 mm) above the top of the sewer line at its highest point.

(c). Any underground water service pipe which must cross a pipe that conveys sewage (e.g., building drains, building sewers, and other piping conveying sewage) shall have a minimum vertical separation of 12 inches (305 mm) above the top of the sewer. The water service pipe shall be sleeved to a point not less than 5 feet (1524 mm) horizontally from the sewer pipe centerline on both sides of such crossing with pipe materials listed in Table 605.3, 702.2 or 702.3.

3. Add Section 603.3, Potable Water (Pressure) Lines Near Soil Absorption Trenches, Sand Filter Beds, Oxidation Ponds, and any Effluent Reduction Option (Effluent Reduction Fields, Rock Plant Filters, Spray Irrigation Systems, Overland Flow Systems, Mound Systems, or Subsurface Drip Disposal Systems).

a. Underground potable water (pressure) lines shall not be located within 25 feet (7.6 m) of any soil absorption trenches, sand filter beds, oxidation ponds, or any effluent reduction option including, but not limited to effluent reduction fields, rock plant filters, spray irrigation systems (from the edge of the spray and its drainage), overland flow systems (from the discharge point and field of flow), mound systems, or subsurface drip disposal systems which have been installed for either the disposal of septic tank effluent or mechanical treatment plant effluent.

4. Add Section 603.4, Potable Water (Pressure) Lines Near Septic Tanks, Mechanical Sewage Treatment Plants, and Pump Stations.

a. Underground potable water (pressure) lines shall not be located within 10 feet (3.0 m) of any septic tank, mechanical sewage treatment plant, or sewage pump station.

5. Add Section 603.5, Potable Water (Pressure) Lines Near Seepage Pit, Cesspool, or Sanitary Pit Privy.

a. Underground potable water (pressure) lines shall not be located within 50 feet (15.2m) of any seepage pit, cesspool, or sanitary pit privy.

6. Add 603.6, Reclaimed Water Lines.

a. Reclaimed water lines shall be considered and treated as though they are sewerage lines and shall be installed in accord with the spacing requirements of this Section for the protection of potable water lines.

7. Add Section 603.7, Stop and Waste Valves and Devices.

a. Combination stop and waste valves and cocks shall not be installed underground in a water service pipe, water supply system, or a water distribution system. Any fixture or device which incorporates a stop and waste feature is prohibited if the waste opening is underground or in any

location that waste water or water-borne contaminants may enter the device or water supply from the ground or other source by reversal of flow.

8. Amend Table 604.5, Minimum Sizes of Fixture Water Supply Lines.

a. Table 604.5—Minimum Sizes of Fixture Water Supply Pipes

Fixture	Minimum Pipe Size (inch)
Bathtubs <sup>a</sup> (60x 32 and smaller)	1/2
Bathtubs <sup>a</sup> (larger than 60x 32 )	1/2
Bidet	3/8
Combination sink and tray	1/2
Dishwasher, domestic <sup>a</sup>	1/2
Drinking fountain	1/2
Hose bibbs	1/2
Kitchen sink <sup>a</sup>	1/2
Kitchen sink , Commercial	3/4
Lavatory	1/2
Shower, single head <sup>a</sup>	1/2
Sinks, flushing rim	3/4
Sinks, service	1/2
Urinal, flush tank	1/2
Urinal, flushometer valve	3/4
Wall hydrant	1/2
Water closet, flush tank	3/8
Water closet, flushometer valve	1
Water closet, flushometer tank	1/2
Water closet, one piece <sup>a</sup>	1/2

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm,

1 pound per square inch = 6.895 kPa.

<sup>a</sup> Where the developed length of the distribution line is 60 feet or less, and the available pressure at the meter is 35 psi or greater, the minimum size of an individual distribution line supplied from a manifold and installed as part of a parallel water distribution system shall be one nominal tube size smaller than the sizes indicated.

9. Amend Section 605.2, Lead content of water supply pipe and fittings.

a. Water Piping Quality. All potable water pipes, fittings, valves, and fixtures shall be lead free and shall be evaluated and listed as conforming with NSF/ANSI 372. Any solder or flux which is used in the installation or repair of any public water system or any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free.

i. Exception. The lead free requirement above shall not apply to:

(a). leaded joints necessary for the repair of existing cast iron pipes;

(b). fire hydrants, pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or

(c). toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.604.

10. Amend Section 605.3, Water service pipe with corresponding Table 605.3.

a. Water service pipe shall conform to NSF 61 and shall conform to one of the standards listed in Table 605.3.

Water service pipe or tubing, installed underground and outside of the structure, shall have a working pressure rating of not less than 160 psi (1100 kPa) at 73.4°F (23°C). Where the water pressure exceeds 160 psi (1100 kPa) piping material shall have a working pressure rating not less than the highest available pressure. Water service piping materials not third-party certified for water distribution shall terminate at or before the full open valve located at the entrance to the structure. All ductile iron water service piping shall be cement mortar lined in accordance with AWWA C104.

i. Table 605.3—Water Service Pipe

Material	Standard
Acrylonitrile butadiene styrene (ABS) plastic pipe	ASTM D 1527; ASTM D 2282
Brass pipe	ASTM B 43
Chlorinated polyvinyl chloride (CPVC) plastic pipe	ASTM D 2846; ASTM F 441; ASTM F 442; CSA B137.6
Copper or copper-alloy pipe	ASTM B 42; ASTM B 302
Copper or copper-alloy tubing (Type K, WK, L, or WL only. i.e., Type M copper is prohibited, M or WM)	ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 447
Cross-linked polyethylene (PEX) plastic pipe and tubing	ASTM F 876; ASTM F 877; AWWA C904; CSA B137.5
Cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) pipe	ASTM F 1281; ASTM F 2262; CSA B137.10M
Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE)	ASTM F 1986
Ductile iron water pipe	AWWA C151/A21.51; AWWA C115/A21.15
Galvanized steel pipe	ASTM A 53
Polyethylene (PE) plastic pipe	ASTM D 2239; ASTM D 3035; AWWA C901; CSA B137.1
Polyethylene (PE) plastic tubing	ASTM D 2737; AWWA C901; CSA B137.1
Polyethylene/aluminum/polyethylene (PE-AL-PE) pipe	ASTM F 1282; CSA B137.9
Polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 2769
Polypropylene (PP) plastic pipe or tubing	ASTM F 2389; CSA B137.11
Polyvinyl chloride (PVC) plastic pipe	ASTM D 1785; ASTM D 2241; ASTM D 2672; CSA B137.3
Stainless steel pipe (Type 304/304L)	ASTM A 312; ASTM A 778
Stainless steel pipe (Type 316/316L)	ASTM A 312; ASTM A 778

11. Amend Section 605.3.1, Dual check-valve-type backflow preventer.

a. Dual check-valve backflow preventers installed on the water supply system shall comply with ASSE 1024 or CSA B64.6. These devices, which are commonly installed immediately downstream of water meters by water suppliers, are not approved backflow prevention devices and are only allowed to be installed when no cross connections exist downstream of the device or when all downstream cross

connections are properly protected by approved backflow prevention devices, assemblies, or methods in accordance with Section 608 of this code.

12. Amend Table 605.4, Water Distribution Pipe.

a. Table 605.4—Water Distribution Pipe

Material	Standard
Brass pipe	ASTM B 43
Chlorinated polyvinyl chloride (CPVC) plastic pipe and tubing	ASTM D 2846; ASTM F 441; ASTM F 442; CSA B137.6
Copper or copper-alloy pipe	ASTM B 42; ASTM B 302
Copper or copper-alloy tubing (Type K, WK, L, or WL only. <i>i.e.</i> , Type M copper is prohibited, M or WM)	ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 447
Cross-linked polyethylene (PEX) plastic tubing	ASTM F 876; ASTM F 877; CSA B137.5
Cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) pipe	ASTM F 1281; ASTM F 2262; CSA B137.10M
Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE)	ASTM F 1986
Ductile iron pipe	AWWA C151/A21.51; AWWA C115/A21.15
Galvanized steel pipe	ASTM A 53
Polyethylene/aluminum/polyethylene (PE-AL-PE) composite pipe	ASTM F 1282
Polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 2769
Polypropylene (PP) plastic pipe or tubing	ASTM F 2389; CSA B137.11
Stainless steel pipe (Type 304/304L)	ASTM A 312; ASTM A 778
Stainless steel pipe (Type 316/316L)	ASTM A 312; ASTM A 778

13. Amend Section 605.5, Fittings.

a. Pipe fittings shall be approved for installation with the piping material installed and shall comply with the applicable standards listed in Table 605.5. Pipe fittings utilized in water supply systems shall also comply with NSF 61. Ductile and gray iron pipe fittings shall be cement mortar lined in accordance with AWWA C104. For repairs all copper, brass and stainless steel joints below a building slab shall be brazed and/or welded in accordance with the requirements of this code, as appropriate. With the exception of heat fused polypropylene, all other joints and fittings for plastic pipe below a building slab are prohibited.

14. Amend Table 605.5, Pipe Fittings.

a. Table 605.5—Pipe Fittings

Material	Standard
Acrylonitrile butadiene styrene (ABS) plastic	ASTM D 2468
Cast-iron	ASME B16.4; ASME B16.12
Chlorinated polyvinyl chloride (CPVC) plastic	ASSE 1061; ASTM D 2846; ASTM F 437; ASTM F 438; ASTM F 439; CSA B137.6
Copper or copper alloy	ASSE 1061; ASME B16.15; ASME B16.18; ASME B16.22;

Material	Standard
Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE)	ASTM F 1986
Fittings for cross-linked polyethylene (PEX) plastic tubing	ASSE 1061, ASTM F 877; ASTM F 1807; ASTM F 1960; ASTM F 2080; ASTM F 2098, ASTM F 2159; ASTM F 2434; ASTM F 2735; CSA B137.5
Fittings for polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 1807; ASTM F 2098; ASTM F 2159; ASTM F 2735
Gray iron and ductile iron	AWWA C110/A21.10; AWWA C153/A21.53
Insert fittings for polyethylene/aluminum/polyethylene (PE-AL-PE) and cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX)	ASTM F 1974; ASTM F 1281; ASTM F 1282; CSA B137.9; CSA B137.10M
Malleable iron	ASME B16.3
Metal (brass) insert fittings for polyethylene/aluminum/polyethylene (PE-AL-PE) and cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX)	ASTM F 1974
Polyethylene (PE) plastic pipe	ASTM D 2683; ASTM D 3261; ASTM F 1055; CSA B137.1
Polypropylene (PP) plastic pipe or tubing	ASTM F 2389; CSA B137.11
Polyvinyl chloride (PVC) plastic	ASTM D 2464; ASTM D 2466; ASTM D 2467; CSA B137.2; CSA B137.3
Stainless steel (Type 304/304L)	ASTM A 312; ASTM A 778
Stainless steel (Type 316/316L)	ASTM A 312; ASTM A 778
Steel	ASME B16.9; ASME B16.11; ASME B16.28

15. Amend Section 606.1, Location of full-open valves.

a. Full-open valves shall be installed in the following locations:

- i. on the building water service pipe from the public water supply near the curb;
- ii. on the water distribution supply pipe at the entrance into the structure;
- iii. on the discharge side of every water meter;
- iv. on the base of every water riser pipe in occupancies other than multiple-family residential occupancies that are two stories or less in height and in one- and two-family residential occupancies;
- v. on the top of every water down-feed pipe in occupancies other than one- and two-family residential occupancies;
- vi. on the entrance to every water supply pipe to a dwelling unit, except where supplying a single fixture equipped with individual stops;
- vii. on the water supply pipe to a gravity or pressurized water tank;
- viii. on the water supply pipe to every water heater;

ix. on each water supply branch line 1 1/2 inches or larger so as to isolate all fixtures and all pieces of equipment supplied by the branch line. The shutoff valve shall be installed in a labeled and accessible location as close to the connection to the supply main and/or riser as practical.

b. When such shutoff valve is located in the service pipe outside the building, it shall be located and accessible in a manufactured, approved, valve box with a readily removable access cover which extends to grade (G) level. When drain valves are provided for the distribution piping or other portions of the water distribution system, such drains shall be above grade(G) or otherwise located to prevent the possibility of backflow into the piping system after the system has been drained.

16. Amend Section 606.2, Location of shutoff valves.

a. Shutoff valves shall be installed in the following locations:

i. on the fixture supply to each plumbing fixture other than bathtubs and showers in one- and two-family residential occupancies. Such valves shall permit each fixture to be shutoff without interfering with the water supply to any other fixtures. In all buildings other than one-and two-family residential occupancies, shutoff valves shall be installed which permit the water supply to all fixtures and equipment in each separate room to be shut off without interference with the water supply to any other room or portion of the building or each individual fixture and piece of equipment shall have a shutoff valve which will permit each fixture and piece of equipment to be shut off without interfering with the water supply to other fixtures or equipment;

ii. on the water supply pipe to each sillcock;

iii. on the water supply pipe to each appliance or mechanical equipment.

17. Amend Section 606.5.5, Low-pressure cutoff required on booster pumps.

a. A low-pressure cutoff shall be installed on all booster pumps in a water pressure booster system to prevent creation of a vacuum or negative pressure on the suction side of the pump when a positive pressure of 20 psi (137.9 kPa) or less occurs on the suction side of the pump.

18. Amend Section 607.3.2, Backflow prevention device or check valve.

a. Where a backflow prevention device, check valve or other device is installed on a water supply system utilizing storage water heating equipment, a device for controlling pressure shall be installed at an accessible location between the checking device and the water heating equipment to limit thermal expansion of the water being heated to not more than 80 psi (552 kPa) static pressure at any fixture on the system. A potable water expansion tank or auxiliary relief valve set at 80 psi (552 kPa) shall be acceptable. The auxiliary relief valve shall be in addition to the water heater safety relief valve. This thermal expansion control device shall be designed and trimmed for repeated operation. The valve shall be a minimum 1/2-inch pipe size, shall be adjustable and calibrated, and shall include a tag describing its function.

19. Amend Section 608.1, General.

a. A potable water supply system shall be designed, installed and maintained in such a manner so as to prevent contamination from non-potable liquids, solids or gases being introduced into the potable water supply through

cross-connections or any other piping connections to the system. Backflow preventers shall conform to the applicable Standard referenced in Table 608.1. Backflow preventer applications shall conform to Table 608.1, except as specifically stated in Sections 608.2 through 608.16.27 and Sections 608.18 through 608.18.2.

20. Amend Section 608.4, Water service piping/Containment to protect potable water supplies.

a. Water service piping shall be protected in accordance with Sections 603.2. Containment to protect potable water supplies shall be achieved in accordance with 608.18 through 608.18.2.

21. Amend Section 608.6, Cross-connection control.

a. Cross connections shall be prohibited, except where approved backflow prevention devices, assemblies, or methods are installed to protect the potable water supply. A dual check valve type backflow preventer (i.e., device meeting ASSE 1024 or CSA B64.6 with two spring loaded, independently operating check valves without tightly closing shut-off valves or test cocks which is commonly installed immediately downstream of water meters by water suppliers) is not an approved backflow prevention device when a known cross connection exists downstream of the device. These devices are only allowed to be installed when no cross connections exist downstream of the device or when all downstream cross connections are properly protected by approved backflow prevention devices, assemblies, or methods.

22. Amend Section 608.8, Identification of nonpotable water.

a. Where nonpotable water systems are installed, the piping conveying the nonpotable water shall be identified either by color marking or metal tags in accordance with Sections 608.8.1 through 608.8.3. All nonpotable water outlets such as hose connections, open ended pipes, and faucets shall be identified at the point of use for each outlet with the words, "Nonpotable—not safe for drinking." The words shall be indelibly printed on a tag or sign constructed of corrosion-resistant waterproof material or shall be indelibly printed on the fixture. The letters of the words shall be not less than 0.5 inches (12.7 mm) in height and in colors in contrast to the background on which they are applied.

i. Exception

(a). Overall Exception to this Section (§608.8 of this code). Pursuant to R.S. 40:4.12, industrial-type facilities listed therein shall not be required to comply with this section (§608.8 of this code) provided that such facilities have a potable water distribution identification plan in conformity with the requirements of R.S. 40:4.12. The required formal cross-connection control survey of the facility referenced in R.S. 40:4.12 shall be performed by an individual holding a valid cross-connection control surveyor certificate issued under the requirements of ASSE 5120, or other individuals holding a surveyor certificate from a nationally recognized backflow certification organization approved by the state health officer.

23. Amend Section 608.14, Location of backflow preventers.

a. Access shall be provided to backflow preventers as specified by the manufacturer's instructions for the required testing, maintenance and repair. A minimum of 1-

foot of clearance shall be provided between the lowest portion of the assembly and grade or platform. Elevated installations exceeding 5-feet above grade(g) shall be provided with a suitably located permanent platform capable of supporting the installer, tester, or repairer. Reduced pressure principal type backflow preventers, and other types of backflow preventers with atmospheric ports and/or test cocks (e.g., atmospheric type vacuum breakers, double check valve assemblies, pressure type vacuum breaker assemblies, etc.), shall not be installed below grade (in vaults or pits) where the potential for a relief valve, an atmospheric port, or a test cock being submerged exists.

24. Amend Section 608.14.2, Protection of backflow preventers.

a. Backflow preventers subjected to freezing temperatures shall protected from freezing by heat, insulation or both; or as otherwise recommended by the manufacturer.

25. Amend Section 608.15.4, Protection by a vacuum breaker.

a. Openings and outlets shall be protected by atmospheric-type or pressure-type vacuum breakers. The critical level of atmospheric type vacuum breakers shall be installed not less than 6 inches (152 mm) above all downstream piping and not less than 6 inches (152 mm) above the flood-level rim of the fixture receptor or device served- Shutoff or control valves shall not be installed downstream from an atmospheric vacuum breaker. Atmospheric vacuum breakers including, but not limited to, hose bibb vacuum breakers shall not be subjected to continuous water pressure. The critical level of pressure type vacuum breakers shall be installed not less than 12 inches (305 mm) above all downstream piping and not less than 12 inches (305 mm) above the flood-level rim of the fixture receptor or device served. Fill valves shall be set in accordance with Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors.

26. Amend Section 608.15.4.2, Hose connections.

a. Sillcocks, hose bibbs, wall hydrants and other openings with a hose connection shall be protected against backflow by an atmospheric-type or pressure-type vacuum breaker installed in accordance with Section 608.15.4, or by a permanently attached hose connection vacuum breaker in which the highest point of usage is less than 10 feet above the hose connection vacuum breaker. Hose bib vacuum breakers shall not be subjected to continuous water pressure.

27. Amend Section 608.16, Connections to the potable water system.

a. Connections to the potable water system shall conform to Sections 608.16.1 through 608.16.27. These Sections (608.16.1-608.16.27) are not inclusive of all potential contamination sources which may need fixture isolation protection. For potential contamination sources not listed in Sections 608.16.1 through 608.16.27, backflow prevention methods or devices shall be utilized in accordance with Table B1 of CAN/CSA B64.10-1994. When a potential contamination source and its associated backflow prevention method or device is not identified in this code or Table B1 of CAN/CSA B64.10-1994, backflow prevention methods or devices shall be utilized as directed by the building official.

28. Amend Section 608.16.5, Connections to lawn irrigation systems.

a. The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric vacuum breaker, a pressure vacuum breaker assembly or a reduced pressure principle backflow prevention assembly. Shutoff or control valves shall not be installed downstream from an atmospheric vacuum breaker. When an irrigation/lawn sprinkler system is provided with separate zones, the potable water supply shall be protected by a pressure vacuum breaker or reduced pressure principal backflow prevention assembly. Atmospheric vacuum breakers shall be installed at least 6 inches (152 mm) above the highest point of usage (i.e., 6 inches (152 mm) above all downstream piping or highest sprinkler head). Pressure type vacuum breakers shall be installed at least 12 inches (305 mm) above the highest point of usage (i.e., 12 inches (305 mm) above all downstream piping and the highest sprinkler head). Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow prevention assembly.

29. Amend Section 608.16.8, Portable Cleaning Equipment.

a. Where the portable cleaning equipment connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, 608.13.2, 608.13.3, 608.13.5, 608.13.6, or 608.13.8. The type of backflow preventer shall be selected based upon the application in accordance with Table 608.1.

30. Add Section 608.16.11, Cooling towers.

a. The potable water supply to cooling towers shall be protected against backflow by an air gap.

31. Add Section 608.16.12, Chemical tanks.

a. The potable water supply to chemical tanks shall be protected against backflow by an air gap.

32. Add Section 608.16.13, Commercial Dishwashers in commercial establishments.

a. The potable water supply to commercial dishwashers in commercial establishments shall be protected against backflow by an air gap, atmospheric vacuum breaker, or pressure vacuum breaker. Vacuum breakers shall meet the requirements of Section 608.15.4.

33. Add Section 608.16.14, Ornamental Fountains.

a. The potable water supply to ornamental fountains shall be protected against backflow by an air gap.

34. Add Section 608.16.15, Swimming pools, spas, hot tubs.

a. The potable water supply to swimming pools, spas, or hot tubs shall be protected against backflow by an air gap or reduced pressure principal backflow prevention assembly.

35. Add Section 608.16.16, Baptismal fonts.

a. The potable water supply to baptismal fonts shall be protected against backflow by an air gap.

36. Add Section 608.16.17, Animal watering troughs.

a. The potable water supply to animal watering troughs shall be protected against backflow by an air gap.

37. Add Section 608.16.18, Agricultural chemical mixing tanks.

a. The potable water supply to agricultural chemical mixing tanks shall be protected against backflow by an air gap.

38. Add Section 608.16.19, Water hauling trucks.

a. The potable water supply to water hauling trucks/tankers shall be protected against backflow by an air gap when filled from above. When allowed to be filled from below, they shall be protected by a reduced pressure principle backflow prevention assembly. When a tanker truck is designated for the hauling of food grade products (and has been cleaned utilizing food grade cleaning procedures) and is allowed to be filled from below, a double check valve assembly shall be acceptable.

39. Add Section 608.16.20, Air conditioning chilled water systems and/or condenser water systems.

a. The potable water supply to air conditioning chilled water systems and condenser water systems shall be protected against backflow by a reduced pressure principal backflow prevention assembly.

40. Add Section 608.16.21, Pot-type chemical feeders.

a. The potable water supply to pot-type chemical feeders shall be protected against backflow by a reduced pressure principal backflow prevention assembly.

41. Add Section 608.16.22, Food processing steam kettles.

a. The potable water supply to food processing steam kettles shall be protected against backflow by a double check valve backflow prevention assembly.

42. Add Section 608.16.23, Individual travel trailer pads.

a. The potable water supply to individual travel trailer pads shall be protected against backflow by a double check valve backflow prevention assembly.

43. Add Section 608.16.24, Laboratory and/or medical aspirators.

a. The potable water supply to laboratory and/or medical aspirators shall be protected against backflow by an atmospheric or pressure vacuum breaker installed in accordance with Sections 608.3.1 and 608.15.4.

44. Add Section 608.16.25, Laboratory or other sinks with threaded or serrated nozzles.

a. The potable water supply to laboratory sinks or other sinks with threaded or serrated nozzles shall be protected against backflow by an atmospheric or pressure vacuum breaker installed in accordance with Sections 608.3.1 and 608.15.4.

45. Add Section 608.16.26, Mortuary/embalming aspirators.

a. The potable water supply to mortuary/embalming aspirators shall be protected against backflow by a pressure vacuum breaker installed in the supply line serving the aspirator. The critical level of the vacuum breaker shall be installed a minimum of 12 inches higher than the aspirator. The aspirator shall be installed at least 6 inches above the highest level at which suction may be taken. An air gap shall be provided between the outlet of the discharge pipe and the overflow rim of the receiving fixture.

46. Add Section 608.16.27, Room(s) or other sub-unit(s) of a premise or facility receiving water where access is prohibited.

a. When access is prohibited to particular areas, rooms, or other sub-units of a premise or facility which is receiving water, the potable water supply serving those areas shall be protected against backflow by a reduced pressure principal backflow protection assembly.

47. Amend Section 608.17, Protection of individual water supplies.

a. An individual water supply shall be located and constructed so as to be safeguarded against contamination in accordance with the applicable requirements of LAC 51:XII (Water Supplies) and LAC 56:I (WaterWells).

48. Remove and delete Sections 608.17.1 thru 608.17.8 including Table 608.17.1.

49. Add Section 608.18.18, Containment practices.

a. Backflow prevention methods or devices shall be utilized as directed by the water supplier or code official to isolate specific water supply system customers from the water supply system's mains when such action is deemed necessary to protect the water supply system against potential contamination caused by backflow of water from that part of the water system owned and maintained by the customer (for example, the piping downstream of the water meter, if provided). Minimum requirements shall be in accordance with Section 608.18.1 through 608.18.2.

50. Add Section 608.18.1, Containment requirements.

a. As a minimum, the following types of backflow prevention assemblies or methods shall be installed and maintained by water supply system customers immediately downstream of the water meter (if provided) or on the water service pipe prior to any branch line or connections serving the listed customer types and categories.

51. Add Table 608.18.1, Containment Requirements.

a. Table 608.18.1—Containment Requirements

<b>Air Gap</b>
1. Fire Protection/Sprinkler System utilizing non-potable water as an alternative or primary source of water
<b>Reduced Pressure Principle Backflow Prevention Assembly</b>
1. Hospitals, Out-Patient Surgical Facilities, Renal Dialysis Facilities, Veterinary Clinics
2. Funeral Homes, Mortuaries
3. Car Wash Systems
4. Sewage Facilities
5. Chemical or Petroleum Processing Plants
6. Animal/Poultry Feedlots or Brooding Facilities
7. Meat Processing Plants
8. Metal Plating Plants
9. Food Processing Plants, Beverage Processing Plants
10. Fire Protection/Sprinkler Systems using antifreeze in such system (a detector type assembly is recommended on unmetereed fire lines)
11. Irrigation/Lawn Sprinkler Systems with Fertilizer Injection
12. Marinas/Docks
13. Radiator Shops
14. Commercial Pesticide/Herbicide Application
15. Photo/X-ray/Film Processing Laboratories
16. Multiple Commercial Units served by a master meter
17. Any type of occupancy type or any other facility having one or more Single-walled Heat Exchangers which uses any chemical, additive, or corrosion inhibitor, etc., in the heating or cooling medium
18. Any type of occupancy type or any other facility having one or more Double-walled Heat Exchangers which use any chemical, additive, or corrosion inhibitor, etc., in the heating or cooling medium and which does not have a path to atmosphere with a readily visible discharge
19. Premises where access/entry is prohibited
<b>Pressure Vacuum Breaker Assembly/ Spill Resistant Vacuum Breaker Assembly</b>
1. Irrigation/Lawn Sprinkler Systems
<b>Double Check Valve Assembly</b>
1. Fire Protection/Sprinkler Systems (a detector type double check valve assembly is recommended on unmetereed fire lines)
2. Two residential dwelling units served by a master meter, unless both units are located on a parcel or contiguous parcels of land having the same ownership and neither unit is used for commercial purposes. As

used herein, the term “commercial purposes” means any use other than residential.
3. Three or more residential dwelling units served by a master meter
4. Multistoried Office/Commercial Buildings (over 3 floors)
5. Jails, Prisons, and Other Places of Detention or Incarceration

52. Add Section 608.18.2, Other containment requirements.

a. Table 608.18.1 of this code above is not inclusive of all potential contamination sources which may need containment protection. For potential contamination sources not listed in this table, backflow prevention methods or devices shall be utilized in accordance with Table B1 of CAN/CSA B64.10-1994. When a potential contamination source and its associated backflow prevention method or device is not identified in Table 608.18.1 of this code above or Table B1 of CAN/CSA B64.10-1994, backflow prevention methods or devices shall be utilized:

- i. as directed by the building code official; or
- ii. as directed by the water supplier.
- iii. In cases of a discrepancy regarding the particular backflow prevention assembly or method required, the assembly or method providing the higher level of protection shall be required.

G. Amend Chapter 7, Sanitary Drainage.

1. Amend Section 701.2, Sewer required.

a. Buildings in which plumbing fixtures are installed and premises having sanitary drainage system piping shall be connected to a community sewerage system, where available, or an approved commercial treatment facility or individual sewerage meeting the requirements of LAC 51:XIII. (Sewage Disposal).

2. Amend Section 701.3, Separate Sewer Connection.

a. A building having plumbing fixtures installed and intended for human habitation, occupancy or use on premises abutting on a street, alley or easement in which there is community sewerage system shall have a separate connection with the sanitary sewer. Where located on the same lot, multiple buildings shall not be prohibited from connecting to a common sanitary building sewer that connects to the community sewerage system.

3. Amend Section 701.8, Engineered systems.

a. Engineered sanitary drainage systems shall conform to the provisions of Section 316 and 714. Single stack plumbing systems may be considered for approval by the code official for use on the upper floors of hotel and motel guest rooms but shall not be approved for condominium or apartment complexes.

4. Amend Section 701.9, Drainage piping in food service areas.

a. Exposed soil or waste piping, including vacuum drainage systems, shall not be installed above any food preparation areas, food or utensil storage areas or eating surfaces in food service establishments unless they are adequately shielded to intercept potential drips.

5. Add Section 701.10, Repairs to drainage system via re-route.

a. In the case where it is determined that there is a broken underground drain line including, but not limited to, broken drain lines under the slab of a building, and a drain line re-route is performed, the existing broken underground drain line shall be cut or otherwise disconnected from the entire drainage system. At the point of such cutting or

disconnection, the entire circumference of the existing pipe which remains connected to the drainage system shall have a wall thickness of not less than 1/8-inch. The existing pipe which remains connected to the drainage system shall be sealed watertight and gastight using approved plumbing materials and joining/jointing methods, e.g., properly install an approved cap, plug, or cleanout on the cut or disconnected pipe.

6. Amend Section 702.5, Chemical waste system.

a. A chemical waste system shall be completely separated from the sanitary drainage system. The chemical waste shall be treated in accordance with Section 803.2 before discharging to the sanitary drainage system. Separate drainage systems for chemical wastes and vent pipes shall be constructed of one of the materials listed in Table 702.5 or other materials approved by the plumbing official. The material selected shall be resistant to corrosion and degradation for the concentrations of chemicals involved. Joints shall be made in conformance with the manufacturer’s recommendations.

i. Table 702.5—Chemical Waste System

Material	Standard
High silicon cast iron	ASTM A 518/A 518M
Borosilicate glass	ASTM C 1053
Chlorinated poly [vinyl chloride] (CPVC)	ASTM F 2618
Polyolefin	ASTM F 1412
Polyvinylidene fluoride (PVDF)	ASTM F 1673

7. Add Section 703.6, Minimum Size Building Sewer.

a. No building sewer shall be less than 4 inches in size with the exception of force lines.

8. Delete Section 706.4, Heel- or side-inlet quarter bends.

9. Amend Section 708.3, Where Required.

a. Cleanouts shall be located in accordance with Sections 708.3.1 through 708.3.6.

10. Amend Section 708.3.1, Horizontal drains within buildings.

a. All horizontal drains shall be provided with cleanouts located not more than 100 feet (30 480 mm) apart. Horizontal drains within buildings shall be provided with cleanouts as follows:

i. All horizontal drains 3-inch nominal diameter or less, cleanouts shall be located at not more than 50 feet (15 200mm) intervals.

ii. For horizontal drains 4-inch nominal diameter through 6-inch nominal diameter, cleanouts shall be located at not more than 80 feet (24 400mm) intervals.

iii. Horizontal drains larger than 6-inch nominal diameter shall be provided with cleanouts located at not more than 100 feet (30 480 mm) intervals

11. Amend Section 708.3.2, Building sewers.

a. Building sewers 4-inch nominal diameter through 6-inch nominal diameter shall be provided with cleanouts located not more than 80 feet (24 400mm) apart measured from the upstream entrance of the cleanout. For building sewers 8 inches (203 mm) and larger, manholes shall be provided and located not more than 200 feet (60 960 mm) from the junction of the building drain and building sewer, at each change in direction and at intervals of not more than 400 feet (122 m) apart. Manholes and manhole covers shall be of an approved type.

12. Amend Section 708.3.3, Changes of direction.

a. Each horizontal drainage pipe shall be provided with a cleanout at the upstream end of the pipe and in changes of direction over 45° (0.785 rad).

i. Exceptions

(a). The following plumbing arrangements are acceptable in lieu of the upstream cleanout:

(i). "P" traps connected to the drainage piping with slip joints or ground joint connections;

(ii). "P" traps into which floor drains, shower drains or tub drains with removable strainers discharge;

(iii). "P" traps into which the straight through type waste and overflow discharge with the overflow connecting to the branch of the tee;

(iv). "P" traps into which residential washing machines discharge;

(v). test tees or cleanouts in a vertical pipe above the flood-level rim of the fixtures that the horizontal pipe serves and not more than 4-feet (1219 mm) above the finish floor.

13. Amend Section 708.3.5, Building drain and building sewer junction.

a. There shall be a cleanout within 6 feet (1829 mm) of the junction of the building drain and the building sewer. The cleanout shall be either inside or outside the building wall and shall be brought up to the finished ground level or to the basement floor level. An approved two-way cleanout is allowed to be used at this location to serve as a required cleanout for both the building drain and building sewer. The minimum size of the cleanout at the junction of the building drain and building sewer shall comply with Section 708.7.

14. Amend Section 710.1, Maximum fixture unit load.

a. The maximum number of drainage fixture units connected to a given size of building sewer, building drain or horizontal branch of the building drain shall be determined using Table 710.1(1). The maximum number of drainage fixture units connected to a given size vertical soil or waste stack, or horizontal branch connecting to a vertical soil or waste stack, shall be determined using Table 710.1(2).

15. Amend Table 710.1(1).

a. Table 710.1(1)—Building Drains And Sewers

Diameter Of Pipe (Inches)	Maximum Number Of Drainage Fixture Units Connected To Any Portion Of The Building Drain Or The Building Sewer, Including Branches Of The Building Drain <sup>a</sup>			
	Slope Per Foot			
	1/16 inch	1/8 inch	1/4 inch	1/2 inch
1 1/4			1	1
1 1/2			3	3
2			21	26
2 1/2			24	31
3		20 (not over two water closets)	27 (not over two water closets)	36 (not over two water closets)
4	—	180	216	250
5	—	390	480	575
6	—	700	840	1,000
8	1,400	1,600	1,920	2,300
10	2,500	2,900	3,500	4,200
12	3,900	4,600	5,600	6,700
15	7,000	8,300	10,000	12,000

For SI: 1 inch = 25.4 mm, 1 inch per foot = 83.3 mm/m.

<sup>a</sup> The minimum size of any building drain serving a water closet shall be 3 inches.

16. Amend Table 710.1(2).

a. Table 710.1(2)—Horizontal Fixture Branches and Stacks<sup>a</sup>

Diameter Of Pipe (inches) (The minimum size of any branch or stack serving a water closet shall be 3".)	Maximum Number of Drainage Fixture Units (dfu)			
	Total for horizontal branch (Does not include branches of the building drain. Use 50 percent less dfu's for any circuit or battery vented fixture branches, no size reduction permitted for circuit or battery vented branches throughout the entire branch length.)	Stacks <sup>b</sup>		
		Total discharge into one branch interval when greater than three branch intervals	Total for stack when three branch intervals or less	Total for stack when greater than three branch intervals
1 1/2	3	2	4	8
2	6	6	10	24
2 1/2	12	9	20	42
3	20 (not over two water closets)	16 (not over two water closets)	30 (not over six water closets)	60 (not over six water closets)
4	160	90	240	500
5	360	200	540	1,100
6	620	350	960	1,900
8	1,400	600	2,200	3,600
10	2,500	1,000	3,800	5,600
12	3,900	1,500	6,000	8,400
15	7,000	Note <sup>c</sup>	Note <sup>c</sup>	Note <sup>c</sup>

For SI: 1 inch = 25.4 mm.

<sup>a</sup> Does not include branches of the building drain. Refer to Table 710.1(1).

<sup>b</sup> Stacks shall be sized based on the total accumulated connected load at each story or branch interval. As the total accumulated connected load decreases, stacks are permitted to be reduced in size. Stack diameters shall not be reduced to less than one-half of the diameter of the largest stack size required.

<sup>c</sup> Sizing load based on design criteria.

17. Add Section 710.1.3, Minimum size of soil and waste stacks.

a. No soil or waste stack shall be smaller than the largest horizontal branch connected thereto except that a 4x3 water closet connection shall not be considered as a reduction in pipe size. The soil or waste stack shall run undiminished in size from its connection to the building drain to its connection to the stack vent.

18. Add Section 710.1.4, Minimum size of drain serving a water closet.

a. The minimum size of any building drain serving a water closet shall be 3 inches. Not more than two water closets shall discharge into a 3-inch horizontal building drain. Not more than six water closets shall discharge into a 3-inch vertical building drain.

19. Add Section 710.3, Underground Drainage Piping.

a. Any portion of the drainage system installed underground or below a basement or cellar shall not be less than 2-inch diameter. In addition, any portion of the drainage system installed underground which is located upstream from a grease trap or grease interceptor as well as the underground horizontal branch receiving the discharge there from shall not be less than 3-inch diameter.

20. Amend Section 713.9, Local vents and stacks for bedpan washers.

a. Bedpan washers shall be vented to open air above the roof by means of one or more local vents. The vent terminal and location of the local vent shall be the same as required for sanitary sewer vents. The local vent for a bedpan washer shall not be less than a 2-inch-diameter (51 mm) pipe. A local vent serving a single bedpan washer is permitted to drain to the fixture served.

H. Chapter 8 Indirect/Special Waste

1. Amend Section 802.1.1, Food handling.

a. Equipment and fixtures utilized for the storage, preparation and handling of food shall discharge through an indirect waste pipe by means of an air gap. Food handling equipment includes but is not limited to the following: any sink where food is cleaned, peeled, cut up, rinsed, battered, defrosted or otherwise prepared or handled; potato peelers; ice cream dipper wells; refrigerators; freezers; walk-in coolers or freezers; ice boxes; ice making machines; fountain type drink dispensers; rinse sinks; cooling or refrigerating coils; laundry washers; extractors; steam tables; steam kettles; egg boilers; coffee urns; steam jackets or other food handling or cooking equipment wherein the indirect waste pipe may come under a vacuum; or similar equipment.

2. Amend Section 802.2, Installation.

a. Indirect waste piping shall discharge through an air gap or air break into a waste receptor. Waste receptors and standpipes shall be trapped and vented and shall connect to the building drainage system. All indirect waste piping that exceeds 30 inches (762 mm) in developed length measured horizontally, or 54 inches (1372 mm) in total developed length, shall be trapped. The maximum length of indirect waste piping to the waste receptor shall not exceed 15 feet (4527 mm). Should an indirect waste pipe exceed 15 feet in length, a local vent shall be provided at a maximum of every 15 feet (4527 mm) in length. Indirect waste piping shall be installed as to permit ready access for flushing and cleaning.

3. Amend Section 802.2.2, Air break.

a. An air break shall be provided between the indirect waste pipe and the trap seal of the waste receptor or standpipe. The air break (drainage system) between the indirect waste and the building drainage system shall be installed such that the level of the lowest outlet located on the fixture, device, appliance or apparatus (to which the indirect waste pipe connects) is above the flood-level rim of the receiving sink or other receptor by a vertical distance of at least twice the diameter of the effective opening of the indirect waste pipe, but in no case less than 2 inches (51 mm). In addition, the indirect waste pipe shall terminate below the flood-level rim of the receiving sink or other receptor a distance equal to not more than one-half (1/2) the diameter of the effective opening of the indirect waste pipe.

I. Delete Section 918, Air Admittance Valves in its entirety and all referring sections of the 2012 IPC.

J. Amend Chapter 10: Traps, Interceptors and Separators.

1. Amend Section 1002.1, Fixture Traps.

a. Each plumbing fixture shall be separately trapped by a liquid-seal trap, except as otherwise permitted by this code. The vertical distance from the fixture outlet to the trap weir shall not exceed 24 inches (610 mm), and the horizontal distance shall not exceed 30 inches (610 mm) measured from the centerline of the fixture outlet to the centerline of the inlet of the trap. The height of a clothes washer standpipe above a trap shall conform to Section 802.4. A fixture shall not be double trapped.

i. Exceptions

(a). This section shall not apply to fixtures with integral traps.

(b). A combination plumbing fixture is permitted to be installed on one trap, provided that one compartment is not more than 6 inches (152 mm) deeper than the other compartment and the waste outlets are not more than 30 inches (762 mm) apart.

(c). A grease interceptor intended to serve as a fixture trap in accordance with the manufacturer's installation instructions shall be permitted to serve as the trap for a single fixture or a combination sink of not more than three compartments where the vertical distance from the fixture outlet to the inlet of the interceptor does not exceed 30 inches (762 mm) and the developed length of the waste pipe from the most upstream fixture outlet to the inlet of the interceptor does not exceed 60 inches (1524 mm).

(d). One trap may be installed for a set of not more than three single-compartment sinks or laundry trays or three lavatories immediately adjacent to each other in the same room, if the waste outlets are not more than 30 inches (762 mm) apart and the trap is centrally located when three compartments are installed.

2. Amend Section 1002, Prohibited traps.

a. The following types of traps are prohibited:

i. traps that depend on moving parts to maintain the seal;

ii. bell traps;

iii. crown-vented traps;

iv. traps not integral with a fixture and that depend on interior partitions for the seal, except those traps constructed of an approved material that is resistant to corrosion and degradation;

- v. "S" traps;
- vi. drum traps;
  - (a). exception:
    - (i). drum traps used as solids interceptors and drum traps serving chemical waste systems shall not be prohibited.

- vii. running traps;
  - (a). exceptions:
    - (i). a running trap with cleanout may be allowed on condensate waste lines and for certain floor level fixtures installed on a combination waste and vent system.

3. Amend Section 1003.2, Approval.

a. Interceptors and of each separators shall be designed and installed in accordance with the manufacturer's instructions and the requirements of this section based on the anticipated conditions of use. Wastes that do not require treatment or separation shall not be discharged into any interceptor or separator. No interceptor or separator shall be installed until its design, size, location and venting has been approved by the local jurisdictional code official. The local jurisdictional code official shall have the authority to require a grease interceptor to be serviced, repaired, or replaced with a larger unit when it is determined that a unit is not working or being maintained properly, the unit is damaged, or the mode of operation of the facility no longer meets the anticipated conditions of use (i.e., offensive odors, sewage backups or overflows, or when it is determined that grease is bypassing the grease interceptor and causing downstream blockages or interfering with sewage treatment.

4. Amend Section 1003.3, Grease interceptors.

a. Grease interceptors shall comply with the requirements of Sections 1003.3.1 through 1003.3.5.

5. Amend Section 1003.3.1, Grease interceptors and automatic grease removal devices required.

a. A grease interceptor or automatic grease removal device, sized in accordance with Section 1003.3.5 of this code, shall be required to receive the drainage from fixtures and equipment with grease-laden waste located in food preparation areas, such as in restaurants, hotel kitchens, hospitals, school kitchens, bars, factory cafeterias and clubs. Fixtures and equipment shall include pot sinks, pre-rinse sinks; soup kettles or similar devices; work stations; floor drains or sinks into which kettles are drained; automatic hood wash units and dishwashers. Grease interceptors and automatic grease removal devices shall receive waste only from fixtures and equipment that allow fats, oils or grease to be discharged. Other than standard detergents associated with dishwashing; emulsifiers, chemicals, enzymes or bacteria shall not discharge into a grease interceptor or automatic grease removal device. A grease interceptor or an automatic grease removal device shall not be required for individual detached one- and two-family dwelling units or any private living quarters.

6. Amend Section 1003.3.2, Hydromechanical grease interceptors.

a. Hydromechanical grease interceptors shall be evaluated, tested, and certified for conformance with ASME A 112.14.3, PDI-G101, or PDI-G102. Hydromechanical grease interceptors shall be equipped with devices to control the rate of water flow so that the water flow does not exceed the rated flow. The flow-control device shall be vented and terminate not less than 6 inches (152 mm) above the flood

rim level or be installed in accordance with the manufacturer's instructions. To prevent odors in the kitchen or occupied space, such vent shall be directly connected to the building vent system. Hydromechanical grease interceptors shall be sized in accordance with Section 1003.3.5 of this code.

7. Amend Section 1003.3.3, Automatic grease removal devices.

a. Automatic grease removal devices shall be evaluated, tested, and certified for conformance with ASME A112.14.4. Where automatic grease removal devices are installed, such devices shall be located downstream of each fixture or multiple fixtures in accordance with the manufacturer's instructions. Ready access shall be provided for inspection and maintenance. Automatic grease removal devices shall be sized in accordance with Section 1003.3.5 of this code.

8. Amend Section 1003.3.4, Gravity grease interceptors.

a. Gravity grease interceptors shall comply with the requirements of Sections 1003.3.4.1 through 1003.3.4.8 and shall be sized in accordance with Section 1003.3.5 of this code.

9. Amend 1003.3.4.1, Indoor installations.

a. If a gravity grease interceptor must be installed within an enclosed building, any access covers shall be gasketed to prevent the intrusion of odors into the building.

10. Amend Section 1003.3.4.2, Distance.

a. The grease interceptor shall be placed as close to the plumbing fixture(s) discharging greasy waste as possible, but preferably on the outside of the building when feasible.

11. Add Section 1003.3.4.3, Outlet pipe.

a. The minimum diameter of the outlet pipe shall not be less than 4 inches. The invert of the gravity grease interceptor outlet opening (i.e., lowest portion of the outlet pipe where it draws waste near the bottom of the grease interceptor), shall be located at a maximum of 6 inches and a minimum of 4 inches from the floor of the grease interceptor. This requirement also applies to any intermediate outlets in multi-compartment gravity grease interceptors.

12. Add Section 1003.3.4.4, Air space.

a. A minimum of one foot of air space shall be provided above the static water level.

13. Add Section 1003.3.4.5, Venting.

a. A gravity grease interceptor outlet shall be properly vented in accordance with this section to prevent it from siphoning itself out. Any internally vented outlet line shall have the vent terminal extended to within 2 inches of the bottom of the access cover to prevent grease from escaping the gravity grease interceptor through the open vent terminal. For those gravity grease interceptors having a gasketed cover, the gravity grease interceptor outlet line shall not be allowed to be internally vented. In this case, the outlet line itself shall be vented with a minimum 2-inch vent pipe installed in accordance with Chapter 9 of this code.

14. Add Section 1003.3.4.6, Water seal.

a. On un baffled single compartment gravity grease interceptors, a 90° ell shall be used on the inlet and shall terminate 6 inches below the static water level. On baffled single compartment gravity grease interceptors, a baffle wall shall be placed between the inlet and outlet. The inlet shall

discharge into the gravity grease interceptor at a level at least 6 inches below the top of the baffle wall.

15. Add Section 1003.3.4.7, Minimum horizontal distance.

a. The minimum horizontal distance between the inlet and outlet piping in the gravity grease interceptor shall be 24 inches.

16. Add Section 1003.3.4.8, Access/Covers.

a. Access from the top of the gravity grease interceptor shall be provided by an easily removable cover above an access opening for proper maintenance. Additional access opening/covers shall be provided as necessary to provide accessibility to each compartment in multi-compartment or multi-baffled arrangements as well as access to both the inlet and outlet. Access opening covers shall be above or at grade (G) to provide ready accessibility. Each access cover shall be designed so that it cannot slide, rotate, or flip when properly installed in order that the opening is not unintentionally exposed. Especially for lightweight covers, mechanical fasteners are recommended to augment the safety of and ensure positive closure of the cover.

17. Amend Section 1003.3.5, Minimum required liquid holding capacity.

a. In all instances of new construction, change of occupancy classification or use of the property, a gravity grease interceptor or hydro-mechanical grease interceptor meeting the minimum capacity as required by this Section of the Code shall be installed. The minimum required capacity (volume) of the grease interceptor shall be determined based upon the maximum number of persons served during the largest meal period in accordance Section 1003.3.5.1 or 1003.3.5.2 of this code.

18. Add Section 1003.3.5.1, Without garbage grinder.

a. The minimum capacity for applications without a garbage grinder shall not be less than 125 gallons below the static water level. This capacity is sufficient to hold the flow from one meal long enough to accomplish proper grease separation when serving up to 50 people during a single meal period. When over 50 people are served during a single meal period, the minimum capacity shall be increased beyond 125 gallons based upon at least an additional 2 1/2 gallons per person beginning with the 51st person served and greater.

19. Add Section 1003.3.5.2, With garbage grinder.

a. When a garbage grinder is connected, the minimum capacity shall not be less than 500 gallons below the static water level. This capacity is sufficient to hold the flow from one meal long enough to accomplish proper grease separation when serving up to 50 people during a single meal period. When a garbage grinder is connected and over 50 people are served during a single meal period, the minimum capacity shall be increased beyond 500 gallons based upon at least an additional 2 1/2 gallons per person beginning with the 51st person served and greater.

i. Exception

(a). At the discretion of the code official local jurisdictional code official, a smaller, point of use type hydro-mechanical grease interceptor or automatic grease removal device may be permissible when:

(i). a concrete slab would have to be broken at an existing building or facility for the proper installation of a grease interceptor; or

(ii). an outside, unpaved area surrounding an existing building where a grease interceptor could be installed is available; however, it is determined that the area is located further than 75 feet from the plumbing fixtures that the grease interceptor would be servicing; or

(iii). the code official local jurisdictional code official determines that the installation is unfeasible such as when servicing a kitchen located on the upper floors of a multistoried building; or

(iv). the code official local jurisdictional code official determines that minimal fat, oil and grease will be produced or introduced into the sanitary drainage system based on the menu and mode of operation of the facility (i.e., snowball stands, sandwich shops, or other similar facilities with low grease production and which utilize single-service tableware and hollowware including forks, knives, spoons, plates, bowls, cups, and other serving dishes).

(b). In these instances, listed under the exception, the minimum required size of the hydromechanical grease interceptor shall be determined based upon fixture discharge rate (gpm) and grease retention capacity (pounds) in accordance with PDI G101 or ASME A 112.14.3. Automatic grease removal devices shall be sized in accordance with ASME A112.14.4. In no case shall a grease interceptor or automatic grease removal device be installed which has an approved rate of flow of less than 20 gallons per minute.

20. Amend Section 1003.10, Access and maintenance of interceptors and separators.

a. Access shall be provided to each interceptor and separator for service and maintenance. A two-way cleanout shall be provided on the discharge waste line immediately downstream of all interceptors and separators. Interceptors and separators shall be maintained by periodic removal of accumulated grease, scum, oil, or other floating substances and solids deposited in the interceptor or separator.

K. Amend Chapter 11, Storm Drainage.

1. Amend Section 1101.2, Where required.

a. All roofs, paved areas, yards, courts and courtyards shall drain into a separate storm sewer system or to an approved place of disposal. For one- and two-family dwellings, and where approved, storm water is permitted to discharge onto flat areas, such as streets or lawns, provided that the storm water flows away from the building.

2. Amend Section 1101.3, Prohibited drainage.

a. Storm water shall not be drained into sewers intended for sewage only.

i. Exception

(a). Liquid waste from the cleaning operation and from the leakage of garbage containers and dumpsters holding putrescible wastes shall be disposed of as sewage. Methods used for this disposal shall prevent rainwater and runoff from adjacent areas from entering the sanitary sewerage system (i.e., dumpster pads may be elevated or curbed, enclosed or covered). When determined by the code official that liquid wastes or putrescible wastes contain fats, oils or grease (or, for new establishments, will likely contain

fats, oils, or grease in the future), an approved grease interceptor shall be installed in the waste line in accordance with Section 1003 of this code.

3. Amend Section 1102.2 1102.2, Inside storm drainage conductors.

a. Inside storm drainage conductors installed above ground shall conform to one of the standards listed in Table 702.1. Plastic piping shall be schedule 40.

4. Amend Section 1102.3, Underground building storm drain pipe.

a. Underground building storm drain pipe shall conform to one of the standards listed in Table 702.2. Plastic piping shall be schedule 40.

5. Delete Section 1103.1.

6. Delete Section 1103.2.

7. Delete Section 1103.3.

8. Delete Section 1103.4.

9. Amend Section 1104.2, Combining storm with sanitary drainage prohibited.

a. The sanitary and storm drainage systems of a structure shall be entirely separate.

10. Amend Section 1106.2, Vertical conductors and leaders.

a. Vertical conductors and leaders shall be sized for the maximum projected roof area, in accordance with Table 1106.2(1) and Table 1106.2(2). If a vertical offset is 45 degrees or less, the leader can be sized as a vertical pipe. If the offset is greater than 45 degrees, the pipe must be sized as a horizontal pipe.

11. Delete Section 1109.1.

12. Amend Section 1113.1, Building subdrains.

a. Building subdrains located below the public storm sewer level shall discharge into a sump or receiving tank, the contents of which shall be automatically lifted and discharged into the gravity storm drainage system as required for building sumps. The sump and pumping equipment shall comply with Section 1114.1.

L. Amend Chapter 13, Gray Water Recycling Systems.

1. Amend Section 1301.1, Scope.

a. Gray water recycling systems shall only be considered on an individual basis and plans and specifications for any proposed gray water recycling system shall be submitted to the local jurisdictional code official for review and approval prior to construction. Such plans and specifications shall be appropriately sealed and signed by a Louisiana Registered Professional Engineer. Potable makeup water supply lines shall be protected against backflow by an air gap or reduced pressure principal backflow prevention assembly. The provisions of Chapter 13 shall govern the materials, design, construction and installation of gray water systems for flushing of water closets and urinals and for subsurface landscape irrigation. See Figures 1301.1(1) and 1301.1(2).

M. Amend Chapter 14, Referenced Standards.

1. Amend CSA Referenced Standard.

a. B64.10.1-07 Maintenance and Field testing of Backflow Prevention devices Section 312.10.2

b. B64.10-94 Manual for the Selection, Installation, Maintenance and Field testing of Backflow Prevention Devices (not including Part 6 (Maintenance and Field Testing) Section 608.16 and Section 618.2

N. Add and reserve Chapter 15 for future use.

O. Add Chapter 16: Travel Trailer and Mobile/Manufactured Home Parks.

1. Add the following definitions:

*Dependent Travel Trailer*—a travel trailer not equipped with a water closet.

*Drain Hose*—the approved type hose, flexible and easily detachable, used for connecting the drain outlet on a travel trailer to a sewer inlet connection.

*Drain Outlet*—the lowest end of the main drain of a travel trailer itself to which a drain hose is connected.

*Independent Travel Trailer*—a travel trailer equipped with a water closet and a bath or shower.

*Inlet Coupling*—the terminal end of the branch water line to which the mobile/manufactured home or travel trailer's water service connection is made. It may be a swivel fitting or threaded pipe end.

*Intermediate Waste Holding Tank* (travel trailers only)—an enclosed tank for the temporary retention of water-borne waste.

*Mobile/Manufactured Home*—a prefabricated home built on a permanent chassis which can be transported in one or more sections and is typically used as a permanent dwelling. Manufactured homes built since 1976 are built to the Manufactured Home Construction and Safety Standards (HUD Code) and display a HUD certification label on the exterior of each transportable section.

*Park or Mobile/Manufactured Home Park or Travel Trailer Park*—any lot, tract, parcel or plot of land upon which more than one travel trailer and/or mobile/manufactured homes parked for the temporary or permanent use of a person or persons for living, working or congregating.

*Park Drainage System*—the entire system of drainage piping within the park which is used to convey sewage or other wastes from the mobile/manufactured home or travel trailer drain outlet connection, beginning at its sewer inlet connection at the mobile/manufactured home or travel trailer site, to a community sewerage system, a commercial treatment facility, or an individual sewerage system.

*Park Water Distribution System*—all of the water distribution piping within the park, extending from the water supply system or other source of supply to, but not including, the mobile/manufactured home or travel trailer's water service connection, and including branch service lines, fixture devices, service buildings and appurtenances thereto.

*Service Building*—a building housing toilet and bathing facilities for men and women, with laundry facilities.

*Sewer Inlet*—a sewer pipe connection permanently provided at the travel trailer or mobile/manufactured home site which is designed to receive sewage when a travel trailer or a mobile/manufactured home is parked on such site. It is considered the upstream terminus of the park drainage system.

*Travel Trailer*—a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use.

*Travel Trailer Sanitary Service Station*—a sewage inlet with cover, surrounded by a concrete apron sloped inward to the drain, and watering facilities to permit periodic washdown of the immediately adjacent area, to be used as a

disposal point for the contents of intermediate waste holding tanks of travel trailers.

*Water Service Connection*—as used in conjunction with mobile/manufactured homes and travel trailers, the water pipe connected between the inlet coupling of the park water distribution system and the water supply fitting provided on the mobile/manufactured home or travel trailer itself.

2. Add Section 1601, General.

a. Add Section 1601.1, Scope.

i. The requirements set forth in this Chapter shall apply specifically to all new travel trailer and mobile/manufactured home parks, and to additions to existing parks as herein defined, and are to provide minimum standards for sanitation and plumbing installation within these parks, for the accommodations, use and parking of travel trailers and/or mobile/manufactured homes.

b. Add Section 1601.2, Governing Provisions.

i. Other general provisions of this code shall govern the installation of plumbing systems in travel trailer and mobile/manufactured home parks, except where special conditions or construction are specifically defined in this Chapter.

c. Add Section 1601.3, Sewage collection, disposal, treatment.

i. Travel trailers or mobile/manufactured homes shall not hereafter be parked in any park unless there are provided plumbing and sanitation facilities installed and maintained in conformity with this code. Every travel trailer and mobile/manufactured home shall provide a gastight and watertight connection for sewage disposal which shall be connected to an underground sewage collection system discharging into a community sewerage system, a commercial treatment facility, or an individual sewerage system which has been approved by the state health officer.

d. Add Section 1601.4, Travel trailer sanitary service station.

i. At least one travel trailer sanitary service station shall be provided in all travel trailer parks that accept any travel trailers having an intermediate waste holding tank. The water supply serving the sanitary service station shall be protected against backflow by a reduced pressure principle backflow prevention assembly meeting the requirements of Section 608 of this code.

e. Add Section 1601.5, Materials.

i. Unless otherwise provided for in this Chapter, all piping fixtures or devices used in the installation of drainage and water distribution systems for travel trailer parks and mobile/manufactured home parks shall conform to the quality and weights of materials prescribed by this code.

f. Add Section 1601.6, Installation.

i. Unless otherwise provided for in this Chapter, all plumbing fixtures, piping drains, appurtenances and appliances designed and used in the park drainage, water distribution system, and service connections shall be installed in conformance with the requirements of this code.

g. Add Section 1601.7, Maintenance.

i. All devices or safeguards required by this Chapter shall be maintained in good working order by the owner, operator, or lessee of the travel trailer park or his designated agent.

3. Add Section 1602, Service Buildings.

a. Add Section 1602.1, Service buildings for independent travel trailers.

i. Each travel trailer park which serves only independent travel trailers shall have at least one service building to provide necessary sanitation and laundry facilities. Each mobile/manufactured home park which also serves one or more independent travel trailers (in addition to mobile/manufactured homes) shall have at least one service building to provide necessary sanitation and laundry facilities. When a service building is required under this Section, it shall have a minimum of one water closet, one lavatory, one shower or bathtub for females and one water closet, one lavatory, and one shower or bathtub for males. In addition, at least one laundry tray or clothes washing machine and one drinking fountain located in a common area shall be provided.

(a). Exception

(i). Temporary (6 months) travel trailers residing in mobile home parks and or where more than one travel trailer resides for the purpose of employment and or hardships, may be exempted by the local jurisdiction building official from 1302.1.

b. Add Section 1602.2, Service building for dependent travel trailers.

i. The service building(s) in travel trailer or mobile/manufactured home parks that also accommodate dependent travel trailers shall have a minimum of two water closets, one lavatory, one shower or bathtub for females, and one water closet, one lavatory, one urinal, and one shower or bathtub for males. In addition, at least one laundry tray or clothes washing machine and one drinking fountain located in a common area shall be provided. The above facilities are for a maximum of ten dependent travel trailers. For every ten additional dependent travel trailers (or any fraction thereof) the following additional fixtures shall be provided: One laundry tray or clothes washing machine, one shower or bathtub for each sex, and one water closet for females. Also, one additional water closet for males shall be provided for every 15 additional dependent travel trailers (or any fraction thereof).

c. Add Section 1602.3, Service building design requirements.

i. Each service building shall conform to Sections 1302.3.1 through 1302.3.3 of this code.

d. Add Section 1302.3.1, Construction.

i. Every service building shall be of permanent construction with an interior finish of moisture resistant material which will stand frequent washing and cleaning and the building shall be well-lighted and ventilated at all times.

e. Add Section 1602.3.2, Fixture separation.

i. The laundry tray(s) and/or clothes washing machine(s) and drinking fountain(s) shall be located in a common area. None of these fixtures shall be located within any toilet room. Each water closet, tub and/or shower shall be in separate compartments with self-closing doors on all water closet compartments. The shower stall shall be a minimum of 3 x 3 ft (914 x 914 mm) in area, with a dressing compartment.

f. Add Section 1602.3.3, Floor drains.

i. A minimum 2-inch floor drain protected by and approved trap primer shall be installed in each toilet room and laundry room.

4. Add Section 1603, Park Drainage System.
  - a. Add Section 1603.1, Separation of water and sewer lines.
    - i. The sewer main and sewer laterals shall be separated from the park water service and distribution system in accordance with Section 603.2 of this code.
  - b. Add Section 1603.2, Minimum size pipe.
    - i. The minimum size pipe in any mobile/manufactured home park or travel trailer park drainage system shall be 4 inches. This includes branch lines or sewer laterals to individual travel trailers and mobile/manufactured homes.
  - c. Add Section 1603.3, Fixture units.
    - i. Each mobile/manufactured home and travel trailer shall be considered as 6 fixture units in determining discharge requirements in the design of park drainage and sewage disposal systems.
  - d. Add Section 1603.4, Sewage disposal/treatment.
    - i. The discharge of a park drainage system shall be connected to a community sewerage system. Where a community sewerage system is not available, an approved commercial treatment facility or individual sewerage system shall be installed in accord with the requirements of LAC 51:XIII (Sewage Disposal).
  - e. Add Section 1603.5, Manholes and cleanouts.
 

Manholes and/or cleanouts shall be provided and constructed as required in Chapter 7 of this code. Manholes and/or cleanouts shall be accessible and brought to grade.
  - f. Add Section 1603.6, Sewer inlets.
    - i. Sewer inlets shall be 4-inch diameter and extend above grade (G) 3 to 6 inches (76 to 152 mm). Each inlet shall be provided with a gas-tight seal when connected to a travel trailer or mobile/manufactured home and have a gas-tight seal plug for use when not in service.
  - g. Add Section 1603.7, Drain connections.
    - i. Drain connections shall slope continuously downward and form no traps. All pipe joints and connections shall be installed and maintained gastight and watertight.
  - h. Add Section 1603.8, Waste.
    - i. No sewage, waste water, or any other effluent shall be allowed to be deposited on the surface of the ground.
  - i. Add Section 1603.9, Testing the park drainage system.
    - i. Upon completion and before covering, the park drainage system shall be subjected to a static water test performed in accordance with Section 312 of this code.
5. Add Section 1604, Water Supply and Distribution System.
  - a. Add Section 1604.1, General.
    - i. Every mobile/manufactured home and travel trailer site shall be provided with an individual branch water service line delivering potable water.
  - b. Add Section 1604.2, Water service lines.
    - i. Water service lines to each travel trailer site shall be sized to provide a minimum of 8 gpm (0.505 L/s) at the point of connection with the trailer's water distribution system. Water service lines to each mobile/manufactured home site shall be sized to provide a minimum of 17 gpm (1.1 L/s) at the point of connection with the mobile/manufactured home's water distribution system. All water service lines shall be a minimum of ¾ inch. A separate

service shutoff valve shall be installed on each water service line. In instances where a backflow prevention device or assembly is installed on the water service line (see Section 608.16.23), the shutoff valve shall be located on the supply side of the device or assembly.

c. Add Section 1604.3, Water Service Connections.

i. The water service connection from the water service line to the mobile/manufactured home or travel trailer site shall be not less than 1/2-inch diameter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1) and Act836 of the 2014 of the Regular Louisiana Legislative Session. .

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 42:

Jill P. Boudreaux  
Undersecretary

1512#082

## DECLARATION OF EMERGENCY

**Department of Revenue  
Office of the Secretary**

Louisiana Tax Delinquency Amnesty Act of 2015  
(LAC 61:I.4917)

The Department of Revenue, Office of the Secretary, is exercising the provisions of the Administrative Procedure Act, R.S. 49:953(B) to adopt this Emergency Rule pertaining to the Louisiana Tax Delinquency Amnesty Act of 2015 (Acts 2014, No. 822) in accordance with the provisions of R.S. 47:1511. The Rule is needed to provide guidelines for implementing and administering installment plans for the 2015 Louisiana Tax Delinquency Amnesty Program. The Emergency Rule shall be effective December 1, 2015, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

The Department of Revenue has established a tax amnesty program, hereinafter referred to as "amnesty program", beginning December 1, 2015 and ending December 31, 2015. The amnesty program shall apply to all taxes administered by the department except for motor fuel, prepaid wireless telecommunications 911 service charge, oil field restoration-oil, oil field restoration-gas, inspection and supervision fee and penalties for failure to submit information reports that are not based on an underpayment of tax. Amnesty will be granted only for eligible taxes to eligible Taxpayers who apply for amnesty during the amnesty period on forms prescribed by the secretary and who pay or enter into an installment agreement for all of the tax, half of the interest due, all fees and costs, if applicable, for periods designated on the amnesty application. The amnesty application may include issues or eligible periods that are not in dispute. The secretary reserves the right to require Taxpayers to file tax returns with the amnesty application. If the amnesty application is approved, the secretary shall waive the remaining half of the penalties and the remaining half of the interest associated with the tax periods for which amnesty is applied.

**Title 61  
REVENUE**

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

**Chapter 49. Tax Collection**

**§4917. Louisiana Tax Delinquency Amnesty Act of 2015**

A. A taxpayers' application to make installment payments of a delinquent tax and its interest, penalties, and fees shall, upon approval by the secretary, enter the taxpayer into an installment agreement. In order to continue in the amnesty program, the taxpayer must make complete and timely payments of all installment payments. For the payment to be considered timely, all installment payments must be received no later than May 1, 2016.

B. All installment agreements approved by the secretary shall require the taxpayer to provide a down payment of no less than 20 percent of the total amount of delinquent tax, penalty, interest, and fees owed to the department at the time the installment agreement is approved by the secretary. Field Audit and Litigation are not eligible to enter into an installment agreement.

C. Every installment agreement shall include fixed equal monthly payments that shall not extend for more than six months. Applicants seeking to enter into an installment agreement with the department shall provide the following information:

1. bank routing number;
2. bank account number; and
3. Social Security number or LDR account number.

D. An installment payment will only be drafted from an account from which the taxpayer is authorized to remit payment. All payments shall be drafted through electronic automated transactions initiated by the department. Taxpayers who cannot enter into an agreement to make payment by way of automated electronic transactions shall not be eligible for an installment agreement with the department.

E. If for any reason a taxpayer subject to an installment agreement fails to fulfill his obligation under the agreement by remitting the last installment by May 1, 2016, no amnesty shall be granted and the installment agreement shall be null and void. All payments remitted to the department during the duration of the voided installment agreement shall be allocated to the oldest outstanding tax period as a regular payment. The payment will be applied in the following order: tax, penalty and interest. The taxpayer shall be obligated to pay the entirety of the delinquent tax, along with all applicable interest, penalties, and fees.

F. A taxpayer who is approved to participate in the amnesty program who is also a party to an existing installment agreement with the department may be eligible to participate in an installment agreement under the amnesty program. Upon approval by the secretary of an installment agreement under the amnesty program, the original installment agreement with the department shall be cancelled in favor of the installment agreement under amnesty.

G. The secretary may procure tax amnesty program collection services for the administration and collection of installment agreements. The fee for such services shall be in accordance with the fees authorized in R.S. 47:1516.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and Acts 2014, No. 822.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of the Secretary, LR 42:

Tim Barfield  
Secretary

1512#012

**DECLARATION OF EMERGENCY**

**Department of State  
Elections Division**

Appeal of Merit Evaluation for the Registrars of Voters  
(LAC 31:II.108)

The Department of State, pursuant to the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)], and under the authority of R.S. 18:18, R.S. 18:55, and R.S. 36:742, has adopted a Declaration of Emergency to rescind the Declaration of Emergency adopted by the department on October 30, 2015 that amended LAC 31:II.Chapter 1, Section 108 to provide that appeals of merit evaluations of registrars of voters shall be determined by the state Board of Election Supervisors and repealed the Registrars of Voters Evaluation Appeals Committee.

The Declaration of Emergency shall become effective on November 30, 2015 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

Tom Schedler  
Secretary of State

1512#021

# Rules

## RULE

### Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

#### Horticulture and Quarantine Programs Emerald Ash Borer Quarantine (LAC 7:XV.167)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority set forth in R.S. 3:1652, the Department of Agriculture and Forestry ("department") has amended the Rule set forth below, establishing a quarantine for the following pest: emerald ash borer ("EAB"), *Agrilus planipennis* fairmaire. The state entomologist has determined that EAB has been found in this state and may be prevented, controlled, or eradicated by quarantine. This quarantine was first established by an Emergency Rule published at LR 41:885, Vol. 5.

#### Title 7

#### AGRICULTURE AND ANIMALS

#### Part XV. Plant Protection and Quarantine

#### Chapter 1. Crop Pests and Diseases

#### Subchapter F. Emerald Ash Borer Quarantine

#### §167. Emerald Ash Borer Quarantine

A. The department issues the following quarantine because the state entomologist has determined that the insect emerald ash borer ("EAB"), *Agrilus planipennis*, has been found in this state and may be prevented, controlled, or eradicated by quarantine.

B. Quarantined areas in this state include:

1. the entire parishes of Bossier, Claiborne and Webster;

2. a declaration of quarantine for EAB covering any other specific parishes or areas of this state shall be published in the official journal of the state and in the *Louisiana Register*.

C. No regulated articles as defined in this Section shall be moved out of any area of this state that is listed in this Section as a quarantined area for EAB, except as provided in this Section.

D. The following articles are hosts of EAB and are deemed to be regulated articles for purposes of this Subsection:

1. the emerald ash borer in all of its life stages; firewood of all hardwood (non-coniferous) species; nursery stock, green lumber, and other material living, dead, cut, or fallen, including logs, stumps, roots, branches, and composted and uncomposted chips of the genus *Fraxinus*;

2. any other article, product, or means of conveyance not listed in this Section may be designated as a regulated article if an inspector determines that it presents a risk of spreading emerald ash borer and notifies the person in possession of the article, product, or means of conveyance that it is subject to the restrictions of the regulations.

E. Regulated articles may be moved from quarantined areas to non-quarantined areas within or outside of Louisiana only if moved under the following conditions.

1. The regulated articles being moved are accompanied by a certificate or limited permit issued by LDAF and attached in accordance with the EAB federal requirements.

2. The regulated articles being moved are not accompanied by a certificate or limited permit but are being moved by the United States Department of Agriculture for experimental or scientific purposes.

3. The regulated articles being moved are not accompanied by a certificate or limited permit but originated outside of any EAB quarantined area and are moved interstate through the quarantined area under the following conditions:

a. the points of origin and destination are indicated on a waybill accompanying the regulated article; and

b. the regulated article, if moved through the quarantined area, is moved in an enclosed vehicle or is completely covered to prevent access by the EAB; and

c. the regulated article is moved directly through the quarantined area without stopping (except for refueling or for traffic conditions, such as traffic lights or stop signs), or has been stored, packed, or handled at locations approved by an inspector as not posing a risk of infestation by emerald ash borer; and

d. the article has not been combined or commingled with other articles so as to lose its individual identity.

F. Persons or businesses engaged in growing, handling, or moving regulated articles intrastate may enter into a compliance agreement with LDAF if such persons or businesses review with an LDAF inspector each provision of the compliance agreement. Any person or business who enters into a compliance agreement with LDAF must agree to comply with the provisions of this Part and any conditions imposed under this Part.

1. Any compliance agreement may be canceled orally or in writing by an inspector whenever the inspector determines that the person who has entered into the compliance agreement has not complied with this Part or any conditions imposed under this Part. If the cancellation is oral, the cancellation will become effective immediately, and the cancellation and the reasons for the cancellation will be confirmed in writing as soon as circumstances permit. Any person whose compliance agreement has been canceled may appeal the decision in writing to LDAF within 10 days after receiving the written cancellation notice. The appeal must state all of the facts and reasons that the person wants LDAF to consider in deciding the appeal. A hearing may be held to resolve a conflict as to any material fact. Rules of practice for the hearing will be adopted by LDAF. As soon as practicable, LDAF will grant or deny the appeal, in writing, stating the reasons for the decision.

G. Any person violating this quarantine shall be subject to imposition of the remedies and penalties set forth in R.S. 3:1653.

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 41:2577 (December 2015).

Mike Strain, DVM  
Commissioner

1512#048

## RULE

### Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Horticulture Commission

#### Licensure or Permitting Fees (LAC 7:XXIX.109)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry (“department”) has amended LAC 7:XXIX.109 regarding fees for licensure and permitting. Act 202 of the 2015 Regular Session amended R.S. 3:3806 and set forth ranges which the department may charge for the issuance or renewal of certain licenses and permits. The Rule sets the fee for applicable licenses and permits within the ranges set by Act 202. The Rule raises fees for the issuance or renewal of a license as an arborist, landscape horticulturist, landscape irrigation contractor, landscape architect, retail florist, utility arborist, or wholesale florist from \$75 to \$100, increases the fee for issuance or renewal of a nursery stock dealer permit from \$130 to \$150, and increases the fee for issuance or renewal of a cut flower dealer permit from \$70 to \$90. The Rule also provides for a \$25 late fee to be charged after the fifteenth working day after a license or permit has expired. The late fee is also authorized by R.S. 3:3806 and is not a change in the law.

#### Title 7

#### AGRICULTURE AND ANIMALS

#### Part XXIX. Horticulture Commission

#### Chapter 1. Horticulture

#### §109. Examination and Licensure or Permitting Fees

A. - A.2. ...

B. Arborist, Landscape Horticulturist, Landscape Irrigation Contractor, Retail Florist, Utility Arborist, Wholesale Florist

1. ...

2. The fee for issuance or renewal for licensure as an arborist, landscape horticulturist, landscape irrigation contractor, landscape architect, retail florist, utility arborist, or wholesale florist shall be \$100.

3. The fee for issuance or renewal of a nursery stock dealer permit shall be \$150.

4. The fee for issuance or renewal of a cut flower dealer permit shall be \$90.

C. A late fee of \$25 shall be charged after the fifteenth working day after a license or permit has expired for the renewal thereof

D. All fees required under this rule must be submitted at the same time as the application; failure to submit any required fees will bar the applicant from taking the examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3806, R.S. 3:3805, and R.S. 3:3801.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:184 (April 1982), amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 14:8 (January 1988), LR 18:249 (March 1992), LR 20:640 (June 1994), LR 29:2297 (November 2003), LR 31:1053 (May 2005), LR 35:1227 (July 2009), LR 37:3464 (December 2011), LR 40:758 (April 2014), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Horticulture Commission, LR 41:2578 (December 2015).

Mike Strain, DVM  
Commissioner

1512#049

## RULE

### Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School,  
District, and State Accountability System  
(LAC 28:LXXXIII.301, 405, 409, and 1101)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 111—The Louisiana School, District, and State Accountability System*: §301, School Performance Score Goal; §405, Calculating a K-8 Assessment Index; §409, Calculating a 9-12 Assessment Index; and §1101, Letter Grade. The revisions eliminate the requirement that middle school students taking high school courses must take the 8th grade Louisiana Educational Assessment Program (LEAP) exams as well as the end-of-course (EOC) exams for any high school course they may be taking. Federal regulations requiring that students take both exams have changed, thus reducing the number of mandatory tests.

#### Title 28

#### EDUCATION

#### Part LXXXIII. Bulletin 111—The Louisiana School, District, and State Accountability System

#### Chapter 3. School Performance Score Component §301. School Performance Score Goal

A. A school performance score (SPS) shall be calculated for each school. This score shall range from 0.0 to 150.0.

B. Each school shall receive its school performance scores under one site code regardless of its grade structure.

C. Final accountability results shall be issued by the fall semester of each year and all accountability reports will reflect the configuration of the school as it existed the prior spring semester.

1. For K-7 schools, the school performance score will consist entirely of one index based on assessments and progress points listed in the table below.

2. For K-8 schools, the school performance score will consist of an assessment index, dropout/credit accumulation index, and progress points.

K-8 School Performance Score Indices and Weights		
LEAP, iLEAP, EOC, and LAA 1	Grades K-7	100 percent
	Grades K-8	95 percent
Dropout/Credit Accumulation Index	Grade 8	5 percent
Progress Points	Grades 3-8	Up to 10 points

3. For schools with a grade 12, the school performance scores will include four indicators weighted equally and progress points as outlined in the table below.

High School Performance Score Indices and Weights		
End of Course Tests, LAA 1	Grades 9-12	25 percent
ACT* (Beginning in 2015-16, the ACT index shall also recognize WorkKeys. A concordance table comparing ACT to WorkKeys will be produced after the Spring 2015 administration.)	Grade 12	25 percent
Graduation Index	Grade 12	25 percent
Graduation Rate	Grade 12	25 percent
Progress points	Grades 10 and 12	Up to 10 points

\*When calculating a school's ACT index score, students participating in the LAA 1 assessment shall not be included in the denominator of such calculation.

C.4. - D.3.c.i. ...

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

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

#### Chapter 4. Assessment and Dropout/Credit Accumulation Index Calculations

##### §405. Calculating a K-8 Assessment Index

A. - E. ...

F. When middle schools students participate only in an EOC assessment and not the grade-level assessment in a given subject, EOC test results shall be used in the middle school's assessment index (100 for "good" and 150 for "excellent") and will be weighted by content as noted in the table above. Middle schools will also earn incentive points for all EOC scores of "good" or "excellent" earned during the same year in which the assessment was administered.

1. Incentive points will be awarded as follows:
  - a. excellent = 50;
  - b. good = 25.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 36:1989 (September 2010), LR 38:3106 (December 2012), LR 41:2579 (December 2015).

##### §409. Calculating a 9-12 Assessment Index

A. All operational end-of-course (EOC) tests will be used in the calculation of the EOC assessment index.

1. All subjects will be weighted equally.

2. The EOC performance level will be used in the calculation of the EOC assessment index as described in the chart below.

EOC Performance Level	Index Point
Excellent	150
Good	100
Fair	0
Needs Improvement	0

3. Proficient test scores of "good" or "excellent" earned by students at a middle school will be included in the SPS calculations of the high school to which the student transfers as well. The scores for the high school will be included in the accountability cycle that corresponds with the students' first year of high school. EOC test scores considered "not proficient" ("needs improvement", "fair") will not be transferred, or banked, to the high school. Students will retake the test at the high school, and the first administration of the test at the high school will be used in the calculation of the assessment index the same year in which it was earned.

4. Beginning with the 2012-13 school year, students who are completing their third year in high school must have taken the algebra I and English II tests, or LAA 1. If they do not, the students will be assigned a score of zero and be counted as non-participants in high school testing. All students must be included in the assessment cohort regardless of course enrollment, grade assignment or program assignment.

B.1. - B.2.b. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 33:252 (February 2007), LR 36:1989 (September 2010), LR 37:2118 (July 2011), repromulgated LR 37:2382 (August 2011), amended LR 37:3200 (November 2011), LR 38:1212 (May 2012), LR 38:2357 (September 2012), LR 38:3106 (December 2012), LR 39:305 (February 2013), LR 39:1421 (June 2013), LR 40:1314 (July 2014), LR 41:2579 (December 2015).

#### Chapter 11. School Performance Categories

##### §1101. Letter Grades

A. For the 2013-2014, 2014-2015 and 2015-2016 school years, letter grades shall be assigned pursuant to §303 of this bulletin. Thereafter schools will receive letter grades based on the school performance score (SPS).

B. - D. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:2120 (July 2011), amended LR 38:3110 (December 2012), LR 40:760 (April 2014), LR 41:2579 (December 2015).

Shan N. Davis  
Executive Director

1512#017

## RULE

### Board of Elementary and Secondary Education

Bulletin 140—Louisiana Early Childhood Care and Education Network (LAC 28:CLXVII.Chapters 1-7)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has adopted LAC 28:CLXVII, *Bulletin 140—Louisiana Early Childhood Care and Education Network*. Act 3 (Early Childhood Education Act) of the 2012 Regular Legislative Session required the creation of an early childhood care and education network; established the purposes of such network and the related duties and responsibilities of certain state agencies; provided for the development of early childhood education programs and standards; and provided for an accountability system for early childhood education programs. The purpose of Bulletin 140 is to establish the duties and responsibilities of the early childhood care and education network, local community networks and community network lead agencies, define kindergarten readiness, and create a uniform assessment and accountability system for publicly-funded early childhood care and education sites and community networks that includes a performance profile indicative of performance.

The unified quality and improvement system will launch with a learning year in 2015-2016 whereby every early childhood site and community network will receive a practice performance profile. All publicly-funded early childhood programs will be required to participate, but there will be no funding or licensing consequences attached to the practice performance rating.

#### Title 28

#### EDUCATION

#### Part CLXVII. Bulletin 140—Louisiana Early Childhood Care and Education Network

#### Chapter 1. General Provisions

#### §101. Purpose

A. The purpose of this bulletin is to establish the duties and responsibilities of the early childhood care and education network, local community networks and community network lead agencies, define kindergarten readiness, and create a uniform assessment and accountability system for publicly-funded early childhood care and education sites and community networks that includes a performance profile indicative of performance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2580 (December 2015).

#### §103. Definitions

8(g) *Program*—the Student Enhancement Block Grant Program administered by the Board of Elementary and Secondary Education that provides funding through the Louisiana education quality start fund that may be used to serve at-risk PreK children.

*Assessment*—see *early childhood care and education assessment*.

*At-Risk*—children are considered at-risk if their family income is at or below 185 percent of the federal poverty level according to the United States Department of Agriculture, or if they are in foster care, or they are English language learners, or they are experiencing homelessness, or they meet the definition of an “infant or toddler with a disability” found in 34 CFR §303.21 for children ages birth to three years or a “child with a disability” found in 34 CFR §300.8 for children ages 3 and older.

*BESE*—Board of Elementary and Secondary Education.

*Caregiver*—any person legally obligated to provide or secure care for a child, including a parent, legal custodian, foster home parent, or other person providing a residence for the child.

*CCAP*—Child Care Assistance Program.

*Child Care Assistance Program (CCAP)*—federal program administered by the Louisiana Department of Education that makes payments to child care providers for child care services provided to eligible families.

*CLASS*<sup>®</sup>—Classroom Assessment Scoring System.

*Classroom*—see *early childhood care and education classroom*.

*Classroom Assessment Scoring System (CLASS)*<sup>®</sup>—a classroom observation-based system used to assess and rate classroom quality across multiple areas using a scale of one to seven.

*Community Network Coverage Area*—the geographic area of a community network, which typically is the same geographical area as the local school district or school districts, but may be other coverage areas, as determined by the community network and approved by the department.

*Coverage Area*—see *community network coverage area*.

*Department*—Louisiana Department of Education.

*Early Childhood Care and Education Assessment (Assessment)*—observation-based process used to determine whether children ages birth to five years are growing and developing across all the areas of development and learning provided in *Bulletin 136—The Louisiana Standards for Early Childhood Care and Education Programs Serving Children Birth-Five Years*.

*Early Childhood Care and Education Classroom (Classroom)*—an infant, toddler or PreK classroom.

*Early Childhood Care and Education Performance Profile (Performance Profile)*—information regarding performance in preparing children for kindergarten that is reported each school year for each publicly-funded site and community network composed of the site or community network’s performance rating and informational metrics.

*Early Childhood Care and Education Performance Rating (Performance Rating)*—measure of performance in preparing children for kindergarten that is reported each school year for each publicly-funded site and community network.

*Early Childhood Care and Education Program (Program)*—an early learning center-based or school-based organization that is providing early childhood care and education to children ages birth to five years who have not yet entered kindergarten.

*Early Childhood Care and Education Site (Site)*—a distinct early learning center-based or school-based location

that is providing early childhood care and education to children ages birth to five years who have not yet entered kindergarten.

*Early Learning Center*—any child day care center, early Head Start, Head Start, or stand-alone prekindergarten program that is not attached to a school.

*EarlySteps Program*—program administered by the Louisiana Department of Health and Hospitals that provides early intervention services for infants and toddlers with disabilities ages birth to three years and their families according to the requirements of the Individuals with Disabilities Education Act (IDEA), part C.

*Equitable Access*—the point at which every family who wishes to enroll their at-risk child in a publicly-funded program is able to do so.

*Fall Observation Period*—observation period between August 1 and December 15 of each year.

*Fiscal Year*—July 1-June 30.

*Full Day*—at least 6 continuous hours per day or more than 20 hours per week of care and instruction aligned with a typical school day.

*Head Start and Early Head Start Programs*—federally-funded early childhood care and education programs that promote and teach school readiness to children ages birth to five from low-income families and provide services in the areas of education, social services for families, nutrition, family engagement, health and mental health, as well as providing the physical plant and instructional staff members for such purposes (42 USC 9801 et seq., 45 CFR part 1300).

*Individuals with Disabilities Education Act (IDEA), Part B*—federal program administered by the Louisiana Department of Education that provides education funding for children with disabilities, ages 3 through 21.

*Individuals with Disabilities Education Act (IDEA), Part C*—federal program administered by the Louisiana Department of Health and Hospitals that provides early intervention services for infants and toddlers with disabilities ages birth to three years and their families to meet the developmental needs as identified by the individualized family services plan. See *EarlySteps Program*.

*Infant*—a child who has not yet reached 15 months of age.

*Infant Classroom*—a classroom in which the majority of children are infants.

*Informational Metric*—measure of early childhood care and education best practices at the site or community network level.

*LA 4 Program*—the Cecil J. Picard LA 4 Early Childhood Program that provides funding for PreK classrooms for four-year-old children who are eligible to enter kindergarten the following school year.

*Lead Teacher*—the early childhood care and education classroom teacher that is primarily responsible for the classroom and is required to meet the certification requirements in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*.

*Learning Year*—the 2015-2016 school year shall be a learning year for the early childhood care and education network.

*Nonpublic School Early Childhood Development Program (NSECD)*—Louisiana program administered by the Department of Education that provides funding for four-year-old preschool in BESE-approved nonpublic schools and type III early learning centers.

*Notice*—written notice is considered given:

1. when it is sent by email or fax to the last email address or fax number furnished to the department;
2. when it is hand-delivered; or
3. on the fifth calendar day after it was mailed to the last mailing address furnished to the department.

*NSECD*—nonpublic school early childhood development program.

*Performance Profile*—see *early childhood care and education performance profile*.

*Performance Rating*—see *early childhood care and education performance rating*.

*PreK*—prekindergarten.

*PreK Child*—a child age 36 months to 5 years who has not yet entered kindergarten.

*PreK Classroom*—a classroom in which the majority of children are PreK children.

*Program*—see *early childhood care and education program*.

*Publicly-Funded Children*—children ages birth to five years who have not yet entered kindergarten that are being served full day with funds from either CCAP, Early Head Start, Head Start, LA 4 Program, NSECD, 8(g) block grant, title 1 of ESEA, or IDEA part B in a full day setting.

*Publicly-Funded Classroom*—see *publicly-funded early childhood care and education classroom*.

*Publicly-Funded Early Childhood Care and Education Classroom*—any infant, toddler or PreK classroom that includes a publicly-funded child or children.

*Publicly-Funded Early Childhood Care and Education Program*—an early learning center-based or school-based organization that is providing early childhood care and education to children ages birth to five years who have not yet entered kindergarten with funds from either CCAP, Early Head Start, Head Start, NSECD, LA 4 Program, 8(g) block grant, title 1 of ESEA or IDEA part B, or that is authorized to receive CCAP, or that participates in the quality start child care rating system.

*Publicly-Funded Early Childhood Care and Education Site*—a distinct early learning center-based or school-based location that is providing early childhood care and education to children ages birth to five years who have not yet entered kindergarten in a full-day setting with funds from either CCAP, Early Head Start, Head Start, NSECD, LA 4 Program, 8(g) block grant, title 1 of ESEA or IDEA part B, or that is authorized to receive CCAP, or that participates in the quality start child care rating system.

*Publicly-Funded Program*—see *publicly-funded early childhood care and education program*.

*Publicly-Funded Site*—see *publicly-funded early childhood care and education site*.

*Site*—see *early childhood care and education site*.

*Spring Observation Period*—observation period between January 1 and May 15 of each school year.

*State Superintendent*—state superintendent of education.

*Title I*—title I of the Elementary and Secondary Education Act (ESEA) that provides funding that may be used for preschool programs for disadvantaged children.

*Third-Party Independent Contractor (Third-Party Contractor)*—contractor that is separate from and independent of the lead agency and the community network with whom the department enters into a contract to perform CLASS® observations on behalf of the department.

*Toddler*—a child age 15 months to 36 months.

*Toddler Classroom*—a classroom in which the majority of children are toddlers.

*Type III Early Learning Center*—an early learning center that directly or indirectly receives state or federal funds from any source other than the federal food and nutrition programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.23 and R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2580 (December 2015).

### **Chapter 3. Early Childhood Care and Education Network**

#### **§301. Early Childhood Care and Education Network**

A. The early childhood care and education network is established as the comprehensive and integrated network through which the Board of Elementary and Secondary Education (BESE) manages and oversees publicly-funded early childhood care and education programs in Louisiana to promote and improve kindergarten readiness.

B. The early childhood care and education network is comprised of the local community networks throughout the state.

C. The Department of Education (department), pursuant to authority delegated by BESE, manages and oversees the administration of the early childhood care and education network.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2582 (December 2015).

#### **§303. BESE's Duties and Responsibilities**

A. To facilitate the creation of the early childhood care and education network, BESE shall:

1. establish a definition of kindergarten readiness aligned with Louisiana content standards for elementary and secondary schools (see §305 of this Chapter);

2. establish performance targets for children under the age of three and academic standards for kindergarten readiness for three- and four-year old children to be used in publicly-funded early childhood education programs (see *Bulletin 136—The Louisiana Standards for Early Childhood Care and Education Programs Serving Children Birth-Five Years*);

3. create a uniform assessment and accountability system for publicly-funded early childhood care and education programs that includes an early childhood care and education performance rating (performance rating) indicative of performance (see Chapter 5 of this bulletin);

4. align the standards for the licensing of child care facilities, including the requirements for participation in the Louisiana quality start child care rating system, with the standards established for early childhood education programs (see *Bulletin 137—The Louisiana Licensing Early Learning Center Licensing Regulations* and *Bulletin 139—The Louisiana Child Care and Development Fund Programs*).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2582 (December 2015).

#### **§305. Kindergarten Readiness Definition**

A. Children who are ready for kindergarten are expected to demonstrate:

1. cognitive abilities, which include knowledge and skills in:

a. early literacy, such as phonological awareness, print concepts, alphabetic understanding, vocabulary, listening comprehension, and emergent writing;

b. basic numeracy concepts, such as rote counting and number awareness, sorting, classifying, comparing, patterning, and spatial relationships;

2. basic science concepts, such as making observations, exploring the world using their senses, and using appropriate scientific vocabulary related to topics;

3. basic social studies concepts, such as self-awareness and their relationship to family and community, and an awareness of money and time;

4. response to and participation in music, movement, visual and dramatic arts experiences and activities;

5. abilities, either assisted or unassisted, that show an awareness of health, hygiene, and environmental hazards, in addition to gross and fine motor skills;

6. social and emotional competencies, including self-regulation, self-identity, self-reliance, respect for others, and interpersonal skills; and

7. approaches to learning, such as reasoning and problem-solving, engagement, persistence, and eagerness to learn.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2582 (December 2015).

#### **§307. Publicly-Funded Early Childhood Care and Education Programs and Community Networks**

A. Publicly-Funded Early Childhood Care and Education Program (Publicly-Funded Program)

1. Each publicly-funded program shall participate in the:

a. membership in the community network for its coverage area;

b. early childhood care and education accountability system (accountability system), as provided in Chapter 5; and

c. coordinated enrollment process, as provided in Chapter 7.

2. Any publicly-funded program that does not comply with Paragraph A.2 of this Section may be subject to the loss of its public funding.

## B. Community Network

1. Each community network shall:
  - a. participate in the early childhood care and education accountability system (accountability system);
  - b. develop and implement a coordinated observation plan for the community network;
  - c. develop and implement a coordinated enrollment process for the community network;
  - d. have a lead agency;
  - e. support the department in disseminating and collecting an annual survey from lead teachers and families of every publicly-funded child; and
  - f. address other needs as identified by the community network.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2582 (December 2015).

### §309. Community Network Lead Agency

A. A community network lead agency is either a state agency, a local public school system, a non-profit or for-profit corporation having an educational or social services mission, including but not limited to a nonprofit corporation of a philanthropic or policy nature, a Louisiana public postsecondary institution, or a nonprofit corporation established by the governing authority of a parish or municipality, that is approved by BESE and that:

1. serves as the fiscal agent of the community network;
2. coordinates the duties and responsibilities of the community network; and
3. acts as the liaison between the community network and the department.

#### B. Duties and Responsibilities

1. The lead agency shall be responsible for coordinating the duties and responsibilities of the community network pertaining to:

a. coordinated Classroom Assessment Scoring System (*CLASS*<sup>®</sup>) observations, as provided in §503, which includes but is not limited to:

i. submitting the community network's annual plan for coordinated *CLASS*<sup>®</sup> observations to the department;

ii. submitting all *CLASS*<sup>®</sup> observation results to the department; and

iii. sharing each publicly-funded program's *CLASS*<sup>®</sup> observation results with that publicly-funded program and sharing the aggregate *CLASS*<sup>®</sup> observation results for the community network with all publicly-funded programs in the community network, at least monthly;

b. coordinated enrollment, as provided in Chapter 7, which includes but is not limited to:

i. ensuring a coordinated enrollment process is operated by the community network each year as provided in §703;

ii. submitting to the department the community network's coordinated enrollment plan, which shall include signatures from each publicly-funded program in the community network indicating approval of the plan and shall

describe how the community network will ensure coordinated enrollment for families within the community network who want to enroll their infant, toddler, or PreK children in a publicly-funded program in the community network;

iii. submitting counts to the department twice a year reflecting the total enrollment of at-risk children in all programs in the community network as of October 1 and as of February 1, according to the age cohorts provided in §701;

iv. submitting an annual request for funding to the department for publicly-funded programs in the community network that is based on the results of the coordinated enrollment process used in the community network and is subject to the requirements provided in §709; and

v. working with all publicly-funded programs in the community network to maximize all available resources to increase the quality of and access to the publicly-funded programs for at-risk children;

c. accountability system reporting, as provided in §515;

d. data verification, as provided in §517;

e. requesting waivers, as provided in §519;

f. submitting appeals, as provided in §521; and

g. demonstrating progress toward implementation of coordinated enrollment as provided in §707.

2. The lead agency shall not charge any publicly-funded program for any part of the coordinated observation process and shall not require publicly-funded programs to provide staff to conduct *CLASS*<sup>®</sup> observations.

#### C. Selection and Approval

1. Lead agencies shall be approved by BESE.

2. The department shall identify potential lead agencies through a competitive process and submit them to BESE for approval.

2. Applicants for lead agency shall demonstrate support from all publicly-funded programs within the community network by obtaining signatures from each and submitting them to the department in the competitive process.

3. By June 30 of each year, the department shall recommend the identified lead agencies to BESE for approval.

4. If BESE has not approved a lead agency for a community network by July 1, the department shall serve as lead agency for the community network.

5. Lead agencies approved by BESE shall serve for the fiscal year beginning July 1 and ending June 30.

#### D. Contracts

1. Lead agencies approved by BESE shall enter into a lead agency agreement with the department.

2. The lead agency may enter into a contract or agreement with an individual or entity for performance of specific tasks within the duties and responsibilities of the lead agency, but the lead agency remains responsible for satisfactory completion of the tasks.

#### E. Funding

1. Subject to available funding, lead agencies shall be funded based on the number of early childhood care and education classrooms (classrooms) in the network.

a. Lead agencies shall be notified of their total funding for the following fiscal year by June 30.

b. Lead agencies shall use funding solely to fulfill the duties and responsibilities of the community network as provided in this bulletin.

c. If the department is required to serve as a lead agency, the department shall be funded in the same manner as any other lead agency.

F. Audit

1. BESE may request a financial audit of the lead agency's use of funds allocated to it.

2. Audits shall be at the department's expense.

3. If a lead agency improperly uses its allocated funds, the lead agency may be required to repay the improperly used amount.

G. Termination of Lead Agency Approval

1. If a lead agency fails to satisfactorily and timely comply with the duties and responsibilities contained in this Bulletin or with any additional duties and responsibilities established in writing during the competitive process, the department shall notify the lead agency, and all publicly-funded programs within the community network in writing and specify any corrective actions that may be required.

2. Within 30 calendar days of receiving such notice, the lead agency shall submit in writing to the department certification that the corrective actions have been taken or are in the process of being taken and submit a timely implementation schedule for department approval.

3. If the lead agency does not respond in writing in a timely or satisfactory manner or adhere to the implementation schedule approved by the department, either or both of the following actions may occur.

a. The department may withhold funds from the lead agency for any work not yet performed.

b. The department may make a recommendation to BESE that approval of the lead agency be terminated.

4. If BESE terminates a lead agency's approval and does not approve a new lead agency, the department shall serve as lead agency for a community network.

5. The department shall notify all publicly-funded programs in a community network of any change in that community network's lead agency.

6. If a lead agency's approval is terminated:

a. The entity shall be ineligible to serve as lead agency in the community network from which its approval was terminated for a minimum period of 24 months.

b. If the entity serves as lead agency for more than one community network, the entity may continue to serve as lead agency for any community network for which its approval has not been terminated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2583 (December 2015).

**§311. Complaints**

A. Any program or individual may submit a written complaint to the department regarding the action or inaction of the lead agency in its community network.

B. A complaint shall be submitted in writing within 30 calendar days of the action or inaction of the lead agency upon which the complaint is based.

C. All complaints shall clearly state the action or inaction upon which the complaint is based and provide specific facts and documentation supporting the complaint.

D. The department shall act upon and respond in writing to all signed complainants within 30 calendar days of receiving the complaint.

E. Anonymous complaints may be acted upon at the discretion of the department.

F. Lead agencies shall not retaliate in any manner against a program or individual that submits a complaint to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2584 (December 2015).

**§313. Academic Approval for Type III Early Learning Centers**

A. All type III early learning centers shall meet the performance and academic standards of the early childhood care and education network regarding kindergarten readiness as provided in R.S. 17:407.36(C).

B. Type III early learning centers meeting the performance and academic standards shall receive academic approval from the department. Academic approval is verification by the department that the center is meeting the required performance and academic standards.

C. Initial Academic Approval for 2015-2016 Fiscal Year

1. Existing Type III Early Learning Centers

a. Academic approval shall be granted for the 2015-2016 fiscal year to any existing type III early learning center that has submitted a signed copy of program partner profile and assurances (assurances) to the lead agency of the community network in its area, and is thereby agreeing to:

i. membership in the community network;

ii. participation in the early childhood care and education accountability system, as provided in Chapter 5; and

iii. participation in the coordinated enrollment process, as provided in Chapter 7.

b. The community network shall submit copies of Assurances signed by type III early learning centers to the department within seven calendar days of receiving them or prior to July 1, 2015, whichever is earlier.

c. The department shall send written notice of academic approval to each type III early learning center that has submitted signed assurances to its community network in compliance with Subparagraph C.1.a of this Subsection by July 1, 2015.

2. Applicants for New Type III Early Learning Center Licenses

a. In order to obtain the initial academic approval required to be licensed as a type III early learning center, an applicant for a type III early learning center license must become a member of the community network in its coverage area and submit a signed copy of the program partner profile and assurances (assurances) to the lead agency of the community network thereby agreeing to:

i. membership in the community network;

ii. participation in the early childhood care and education accountability system, as provided in Chapter 5; and

iii. participation in the coordinated enrollment process, as provided in Chapter 7.

b. The department shall send written notice of academic approval to each type III early learning center that has submitted signed assurances to its community network in compliance with Subparagraph C.2.a of this Section within 30 days of receipt of the signed assurances.

D. Academic approval shall be valid for the fiscal year, July 1-June 30, for which it is granted.

E. Academic approval is granted to a specific owner and a specific location and is not transferable. If a type III early learning center changes owners or location, it is considered a new operation, and academic approval for the new owner or location must be obtained prior to beginning operations under new ownership or at the new location.

F. Upon a change of ownership or change of location, the academic approval granted to the original owner or at the original location becomes null and void.

#### G. Renewal

1. Prior to July 1 of each year, the department shall send notice to each type III early learning center that has academic approval providing one of the following:

a. renewal of academic approval for the center;

b. notice of the center's failure to comply with specific requirements in Subsection A and specific corrective actions that must be taken by a specified date in order for academic approval to be renewed; or

c. if an early learning center has received the notice outlined in Subparagraph H.2.a of this Section within the academic year and the center has not provided the required certifications and completed the stated corrective actions, the department may terminate the center's academic approval as provided in Subparagraph H.2.c of this Section and send notice of termination of the center's academic approval.

#### H. Termination of Academic Approval

1. The department may terminate academic approval for:

a. violations of any provisions of this bulletin related to the performance and academic standards of the early childhood care and education network;

b. failure to timely comply with a corrective action plan provided by the department; or

c. any act of fraud, such as the submission of false or altered documents or information.

#### 2. Notice

a. If a type III early learning center is in violation of any provision in Subsection A of this Section, the department shall notify the center in writing and may specify any corrective actions that shall be required to retain academic approval.

b. Within 30 calendar days of receiving such notice, the center shall submit certification in writing to the department that the corrective actions have been taken or are in the process of being taken in compliance with the schedule provided and certification that the center will remain in compliance with all applicable regulations.

c. If the type III early learning center does not respond in a timely or satisfactory manner or adhere to the implementation schedule for required corrective actions, the department may terminate the center's academic approval by sending written notice of termination to the center.

d. Termination of the center's academic approval shall be effective when notice of termination is given.

#### I. Appeal Procedure

1. BESE shall have the authority to grant an appeal of the termination of a type III early learning center's academic approval.

2. The appeal procedure shall be used when needed to address unforeseen and aberrant factors impacting type III early learning centers or when needed to address issues that arise when the literal application of the academic approval regulations does not consider certain unforeseen and unusual circumstances.

3. A type III early learning center may request an appeal of the termination of its academic approval by submitting a written request for an appeal to the department within 15 calendar days of being given notice of termination of its academic approval.

4. All appeal requests shall clearly state the specific reasons for requesting the appeal and the reasons why the appeal should be granted and shall include any necessary supporting documentation.

5. The department shall review all timely submitted appeal requests and make recommendations to BESE during the first regularly scheduled BESE meeting following receipt of the appeal requests, or during the second regularly scheduled BESE meeting if an appeal request is received within 10 working days of the next regularly scheduled BESE meeting. Within this interval, the department shall notify the center of its recommendation and allow the center to respond in writing. The department's recommendation and the center's response shall be submitted to BESE for final disposition.

6. An early learning center that appeals the termination of its academic approval shall retain its academic approval during the appeal process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.36(C) and R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2584 (December 2015).

### **Chapter 5. Early Childhood Care and Education Accountability System**

#### **§501. Early Childhood Care and Education Accountability System (Accountability System)**

A. The early childhood care and education accountability system (accountability system) is the uniform accountability system created pursuant to R.S. 17:407.23(B)(3) and used to evaluate the performance of publicly-funded early childhood care and education sites and community networks in preparing children for kindergarten and to assign a performance profile to each site and community network.

#### B. Participants

1. Publicly-Funded Early Childhood Care and Education Sites (Publicly-Funded Sites)

a. All publicly-funded sites with at least one classroom on October 1 shall participate and shall be included in the accountability system.

b. All publicly-funded sites with at least one classroom on October 1 and one classroom on February 1 shall participate and shall receive a performance profile for the school year.

c. All classrooms in existence on either October 1 or February 1 in a publicly-funded site shall be included in the accountability system for that school year.

d. Publicly-funded sites that open after October 1 of a school year shall not participate in the accountability system, as provided in this Chapter, until the start of the following school year.

## 2. Community Networks

a. All community networks shall participate and shall be included in the accountability system and shall receive a performance profile for the school year.

b. If any publicly-funded site discontinues participation in a community network after October 1 by changing funding source, license type, or closing, its performance shall remain part of the community network performance profile for the school year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2585 (December 2015).

### **§503. Coordinated Observation Plan and Observation Requirements**

A. Coordinated observation is the local process by which each community network ensures that every classroom in a publicly-funded site in the community network receives two *CLASS*<sup>®</sup> observations each school year.

#### B. *CLASS*<sup>®</sup> Observation Requirements

1. A *CLASS*<sup>®</sup> observation is an observation of a classroom using the appropriate toddler or PreK *CLASS*<sup>®</sup> using all domains, typically occurring during the morning, in which a reliable observer conducts four 20-minute cycles of observation and note-taking followed by at least 10 minutes of scoring after each observation cycle.

#### 2. Domains and Dimensions

a. *CLASS*<sup>®</sup> observations for toddler classrooms shall include both toddler *CLASS*<sup>®</sup> domains, which are emotional and behavioral support and engaged support for learning, and all dimensions contained within.

b. *CLASS*<sup>®</sup> observations for PreK classrooms shall include all three PreK *CLASS*<sup>®</sup> domains, which are emotional support, classroom organization, and instructional support, and all dimensions contained within.

#### 3. Required Observations

a. All toddler and PreK classrooms in a publicly-funded site shall receive two *CLASS*<sup>®</sup> observations during the school year conducted by the community network.

b. One observation shall occur during the fall observation period, if the classroom is in existence on October 1, and the other shall occur during the spring observation period, if the classroom is in existence on February 1.

c. *CLASS*<sup>®</sup> observations conducted by third-party contractors hired by the department shall not count towards this requirement.

4. Use of Toddler or PreK *CLASS*<sup>®</sup>. Classrooms shall be observed with the same *CLASS*<sup>®</sup> throughout the school year based on the composition of the classroom when the

observation plan required in §503.C is submitted according to the following:

a. a classroom that only has infant children or a classroom that has a mix of infant and toddler children in which a majority are infant children shall not be observed;

b. a classroom that has all toddler children or a classroom that has a mix of infant and toddler children in which the majority are toddler children shall be observed with the toddler *CLASS*<sup>®</sup>;

c. a classroom that has all PreK children or a classroom that has a mix of toddler and PreK children in which the majority are PreK children shall be observed with the PreK *CLASS*<sup>®</sup>.

#### C. Coordinated Observation Plan

1. Each community network shall submit for department approval no later than September 30 a written annual plan for coordinated observation using *CLASS*<sup>®</sup> that at a minimum includes:

a. the number of *CLASS*<sup>®</sup> observers who will conduct observations;

b. the total number and the location of toddler and PreK classrooms that must be observed;

c. an observation schedule that includes two observations for each toddler and PreK classroom identified in Subparagraph B.3.b of this Section, with one observation scheduled during the fall observation period and one during the spring observation period; and

d. a plan to ensure reliable data that includes the following requirements:

i. all observers are reliable, which is defined as all observers having a certification achieved by completing and passing all trainings and assessments required by Teachstone to conduct a *CLASS*<sup>®</sup> observation with validity and fidelity;

ii. all observers maintain inter-rater reliability and fidelity. Inter-rater reliability occurs when two or more observers produce consistent observation results for the same classroom at the same time;

iii. the community network conducts inter-rater reliability observation checks for 10 percent of all classrooms observed; and

iv. no observer shall conduct an observation in which the observer is an immediate family member, as defined in R.S. 42:1101, of a teacher in the classroom being observed or an immediate family member of an individual who supervises or provides training or technical assistance to a teacher in the classroom being observed or has a direct financial interest in the site where the classroom is being observed.

#### D. Waiver

1. The state superintendent of education shall have the authority to grant waivers to lead agencies for specific requirements of the coordinated observation plan or observation requirements included in this Chapter, with the exception of Clause C.1.d.iv of this Section.

2. Lead agencies seeking a waiver shall submit a written request the department prior to or at the time of the submission of the coordinated enrollment plan. The request

shall cite the specific requirement for which a waiver is being requested and shall clearly state the reasons why the waiver is being requested and why it should be granted. Waiver requests shall include any supporting documentation that substantiates the need for the waiver.

3. The department shall respond in writing to waiver requests within 30 calendar days after receiving the request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2586 (December 2015).

#### **§505. Performance Profiles**

A. The performance profiles for publicly-funded sites and for community networks shall include:

1. a performance rating as provided in §509 for publicly-funded sites and as provided in §511 community networks; and

2. informational metrics as provided in §513.

B. Each publicly-funded site and each community network shall receive a performance profile based on performance each school year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2587 (December 2015).

#### **§507. Performance Profile Implementation Timeline**

A. The 2015-2016 school year shall be an learning year for publicly-funded sites and community networks.

1. A learning year is a year in which there are no consequences on publicly-funded sites or community networks as a result of their performance profile.

2. Performance profiles for the 2015-2016 learning year shall clearly indicate that the performance profile is practice and is from a learning year.

B. Every publicly-funded site, except those that begin operating after October 1, and every community network shall participate in the accountability system for the 2015-2016 learning year and shall receive a practice performance profile as provided in §501.

1. Type III early learning centers that do not participate in the accountability system may have their academic approval terminated.

2. All other publicly-funded sites that do not participate in the accountability system may be subject to the loss of public funding.

C. The 2016-2017 school year shall be the first school year in which publicly-funded sites and community networks are accountable for the performance rating earned.

D. Prior to the start of the 2016-2017 school year, BESE shall review this Chapter and revise as necessary based on learnings from the 2015-2016 learning year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2587 (December 2015).

#### **§509. Performance Rating Calculations for Publicly-Funded Sites**

A. The performance rating for each publicly-funded site shall be based on the average of the domain-level toddler

and PreK observation results from the fall and spring observation periods for all toddler and PreK classrooms within the site.

1. BESE may include a weight for improvement beginning with the 2016-2017 school year.

B. Any classroom in a publicly-funded site that does not have the observations required in §503 or does not have all results reported, shall have a score of one assigned to each missing *CLASS*<sup>®</sup> domain score. The score of one for missing or not-reported observation results shall be included in the performance rating calculation for that site and the number of missing or not-reported observation results shall be reported on the performance profile.

1. Lead agencies may have their approval terminated as provided in §309.G for incomplete observations or observation results not reported.

2. Any site or program that has diligently sought observations from the lead agency, including written evidence of such efforts, and that has not been provided such observations, may request of BESE an appeal of its performance rating as described in §521. BESE shall consider diligent efforts and evidence thereof in determining the appeal.

3. Prior to the issuance of the publicly-funded site or community network profiles, the department shall provide to the Advisory Council on Early Childhood Care and Education committee members and to BESE members a list of all publicly funded sites receiving a score of one due to a missing or not-reported *CLASS*<sup>®</sup> domain score and the number of such ones received by each site.

C. The department shall compare the domain-level results from observations of classrooms conducted by the department's third-party contractors to the domain-level results from observations conducted by the community network for each publicly-funded site.

1. In calculating the performance rating, the department shall replace domain-level results from classroom observations conducted by community networks with the domain-level results from observations conducted by the department's third-party contractors for any single domain in which the results differ by more than one point and shall calculate the performance rating using the replaced results.

2. The department shall monitor the domain-level observation results of classroom observations conducted by community networks for each publicly-funded site, including by observer, and domain-level observation results conducted by the department's third-party contractor for each publicly-funded site.

a. For the 2015-2016 learning year, if the observation results conducted by community networks are consistently different by more than one point from observation results conducted by the department's third-party contractors, the department may replace all of the community network's observation results for a publicly-funded site with the results from the department's third-party contractors, including those results that do not differ by at least one point.

b. The department shall review results from the 2015-2016 learning year and recommend policy to BESE for 2016-2017 and beyond.

D. The performance rating for each site shall be based on the following numerical scale:

1. 6.0-7.0—excellent;
2. 3.0-5.99—proficient;
3. 1.0-2.99—needs improvement.

E. The numerical scale and performance rating shall be used for each *CLASS*<sup>®</sup> domain and for the overall performance rating.

F. BESE may transition to a five-level rating scale beginning with the 2017-2018 school year.

G. BESE shall review the overall rating calculation, including but not limited to data collected on the informational metrics of best practices, prior to the 2016-2017 school year and determine whether additional factors should be added to the rating calculation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2587 (December 2015).

**§511. Performance Rating Calculations for Community Networks**

A. The performance rating for a community network shall be calculated as follows.

1. *CLASS*<sup>®</sup> observation results shall be 50 percent of a community network performance rating.
2. An equitable access score for four-year-olds shall be 50 percent of the community network performance rating.
3. BESE may include a weight for improvement on equitable access beginning with the 2016-2017 school year.

B. The *CLASS*<sup>®</sup> observation results shall be determined by averaging the results of all fall and spring domain-level toddler and PreK observation results for all toddler and PreK classrooms within the community network.

1. Any classroom in a site that does not have the observations required in §503, or has not had all observation results reported, shall have a score of one assigned to each missing *CLASS*<sup>®</sup> domain. The score of one for missing observation or not-reported results shall be included in the performance rating calculation for the community network and the number of missing or not-reported observation results shall be reported on the community network's performance profile.

a. Lead agencies may be subject to termination as provided in §309.G for incomplete observations or observation results not reported.

2. The department shall compare the domain-level results from observations of classrooms conducted by the department's third-party contractors to the domain-level results from observations conducted by community network for each publicly-funded site.

a. In calculating the performance rating, the department shall replace domain-level results from classroom observations conducted by community network with the domain-level results from observations conducted by the department's third-party contractor for any single domain in which the results differ by more than one point and shall calculate the performance rating using the replaced results.

b. The department shall monitor domain-level observation results of classroom observations conducted by

community network for each publicly-funded site, including by observer, and domain-level observation results conducted by the department's third-party contractors for each publicly-funded site.

i. For the 2015-2016 learning year, if the observation results conducted by a community network are consistently different by more than one point from observation results conducted by the department's third-party contractor, the department may replace all of the community network's observation results for a publicly-funded site with the results from the department's third-party contractor for that site, including those results that do not differ by at least one point.

ii. The department shall review results from the 2015-2016 school learning year and recommend policy to BESE for 2016-2017 and beyond.

C. The equitable access score shall be determined by calculating the access achieved by the community network for all at-risk four-year-old children in the community network coverage area. Points are earned on a seven-point scale according to:

Percentage of At-Risk Four-Year-Olds Served	Points
95-100 percent	7
90-94.9 percent	6
85-89.9 percent	5
80-84.9 percent	4
75-79.9 percent	3
70-74.9 percent	2
0-69.9 percent	1

D. The performance rating for each community network shall be based on the following numerical scale:

1. 6.0-7.0—excellent;
2. 3.0-5.99—proficient;
3. 1.0-2.99—needs improvement.

E. The numerical scale and performance rating shall be used for reporting each *CLASS*<sup>®</sup> domain and the overall performance rating.

F. BESE may transition to a five-level rating scale beginning with the 2017-2018 academic year.

G. BESE shall review the overall rating calculation, including but not limited to data collected on the informational metrics of best practices, prior to the 2016-2017 school year and determine whether additional factors should be added to the rating calculation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2588 (December 2015).

**§513. Informational Metrics of Best Practices**

A. Informational metrics are measures of a publicly-funded site and a community network's use of the following early childhood care and education best practices.

1. Child Assessment that Informs Instruction

a. Ready to Assess. Publicly-funded sites ensure all lead teachers have certification of reliability as provided by the assessment creator for each school year.

b. Ongoing Assessment. Publicly-funded sites ensure all publicly-funded children receive completed assessments in October, February, and May. Publicly-funded

sites shall obtain approval from the department prior to using child assessment tools different from the assessment tool provided by the department.

c. Assessing Accurately. Publicly-funded sites ensure there is an assessment portfolio for every publicly-funded child that provides evidence of the assessment rating for that school year.

2. Investment in Quality Measures

a. Teacher/Child Ratios. Publicly-funded sites maintain teacher/child ratios based on the age of children that are at or better than the minimum standards required in BESE *Bulletin 137—The Louisiana Licensing Early Learning Center Licensing Regulations*.

i. To achieve gold level ratios, publicly-funded sites use the following teacher/child ratios and group sizes.

Age	Teacher/Child Ratio	Maximum Group Size
Birth to 1 year	1:4	8
1 year to 2 years	1:4	8
2 years to 3 years	1:6	12
3 years to 4 years	1:8	16
4 years to 5 years	1:10	20

ii. To achieve silver level ratios, publicly-funded sites use the following teacher/child ratios and group sizes.

Age	Teacher/Child Ratio	Maximum Group Size
Birth to 1 year	1:4	8
1 year to 2 years	1:6	12
2 years to 3 years	1:8	16
3 years to 4 years	1:10	20
4 years to 5 years	1:12	24

iii. To achieve bronze level ratios, publicly-funded sites use the minimum ratio standards required in BESE *Bulletin 137—The Louisiana Licensing Early Learning Center Licensing Regulations*.

a. Teacher Preparation. Publicly-funded sites ensure lead teachers meet or exceed credential requirements for publicly-funded classrooms provided in BESE *Bulletin 746—Louisiana Standards for State Certification of School Personnel*.

b. Standards-Based Curriculum. Publicly-funded sites use a curriculum that is aligned to BESE *Bulletin 136—The Louisiana Standards for Early Childhood Care and Education Programs Serving Children Birth-Five Years*.

3. Family Engagement and Supports

a. Publicly-funded sites and community networks engage families and ensure families are satisfied with their children’s care and education experience, as measured through a family survey that will be produced and managed by the department.

4. Community Network Supports (Reported at the Community Network Level Only)

a. Community networks ensure teachers have access to supports to address their professional development needs and aid them in supporting children’s learning and development.

b. Community networks and publicly-funded sites ensure children are prepared for kindergarten.

B. The performance profile shall report the publicly-funded site and community network’s use of the best

practices identified in Subsection A of this Section by reporting the following informational metrics:

1. child assessment that informs instruction:

a. ready to assess—the percent of reliable lead teachers in each site and community network;

b. ongoing assessment—the percent of publicly-funded children who receive at least three assessments per school year in each program and community network; and

c. assessing accurately—the level to which assessment portfolios substantiate the assessment ratings for publicly-funded children in each site and community network;

2. investment in quality measures:

a. teacher/child ratios—the level of ratios used: gold, silver, or bronze;

b. prepared teachers—the percent of lead teachers holding varying levels of academic credentials and teacher certification for each site and community network; and

c. standards-based curriculum—the extent to which the curriculum in use by a site is aligned to the early learning and development standards contained in BESE *Bulletin 136—The Louisiana Standards for Early Childhood Care and Education Programs Serving Children Birth-Five Years*;

3. family engagement and supports:

a. for each site, the level of satisfaction community network families have reported with the site; and

b. for each community network, the level of satisfaction community network families have reported with the coordinated enrollment process;

4. community network supports (reported at the community network level only):

a. the level of satisfaction lead teachers have reported with the supports received from the community network; and

b. the percent of publicly-funded four-year-old children that are kindergarten-ready at the beginning and end of the school year based on results from the child assessment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2588 (December 2015).

**§515. Reporting for the Accountability System**

A. Lead agencies shall report to the department, in the manner specified by the department, the following:

1. classroom counts:

a. by October 31, the number of classrooms serving infant, toddler and PreK children in each publicly-funded site on October 1;

b. by February 28, the number of classrooms serving infant, toddler, and PreK children in each publicly-funded site on February 1; and

c. by February 28, the number of classrooms in the February 1 count that have been added or removed since the October 1 count;

2. child counts:

a. by October 31, the number of publicly-funded children in each publicly-funded site on October 1;

b. by February 28, the number of publicly-funded children in each publicly-funded site on February 1; and

c. by February 28, the number of publicly-funded children by site in the February 1 count that have been added or removed since the October 1 count;

3. **CLASS**<sup>®</sup> observation results:

a. within 10 business days after the observation, unless upon written request from the lead agency, the department grants a written extension of time for a specific observation based on the extenuating circumstances provided in the written request;

b. all fall observation period data by December 15; and

c. all spring observation period data by May 15;

4. child assessment results for publicly-funded infants, toddlers and PreK children by October 31, February 28, and May 31.

B. Publicly-funded sites shall report to the department by October 31, in the manner specified by the department, the following:

1. number of lead teachers with certification of reliability on the ongoing assessment used in the community network;

2. teacher/child ratios used in the site;

3. credential and certification status of each lead teacher; and

4. curriculum used in each classroom.

C. The department shall report to lead agencies on a monthly basis the number of **CLASS**<sup>®</sup> observations that have been submitted for publicly-funded programs in that community network.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2589 (December 2015).

### **§517. Data Verification**

A. The department shall provide all non-survey data contributing to the performance profile for publicly-funded sites and community networks to each lead agency prior to publishing the performance rating.

B. The department shall provide lead agencies 30 calendar days for final review, correction, and verification of data for the performance profiles.

1. The lead agency shall create and implement a community network data certification procedure that requires review of all performance profile data for each site during the data certification period.

2. The department may request the certification procedure from each lead agency.

3. All data correction must take place during the 30 calendar day period.

4. Data corrections may be submitted for the following reasons:

a. **CLASS**<sup>®</sup> observations results have been reported incorrectly; or

b. **CLASS**<sup>®</sup> observation results were not reported.

5. The department shall review all data corrections and grant approval of those corrections that are proven valid.

6. The department may request additional documentation to support the validity of the changes.

C. The department shall act upon and respond in writing within 30 calendar days of receiving a signed report from the general public regarding potential irregularities in data reporting.

D. Anonymous complaints may be acted upon at the discretion of the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2590 (December 2015).

### **§519. Waivers of Accountability System Requirements**

A. The state superintendent of education (state superintendent) shall have the authority to grant waivers to publicly-funded sites and community networks for specific requirements of the accountability system included in this Chapter.

#### 1. Community Networks

a. Prior to October 1, any lead agency requesting a waiver on behalf of the community network from a requirement of the accountability system shall submit a request in writing to the department.

b. After October 1 and prior to the start of the data verification period established in §517, any lead agency with extenuating circumstances arising after October 1 may request a waiver by submitting a written request to the department that shall clearly state the extenuating circumstances on which the request is based.

#### 2. Publicly-Funded Sites

a. Prior to October 1, any publicly-funded site requesting a waiver from a requirement of the accountability system shall submit a request in writing to the department and shall include a written statement of support for the waiver from the community network lead agency.

b. After October 1 and prior to the start of the data verification period established in §517, any publicly-funded site with extenuating circumstances arising after October 1 may request a waiver by submitting a written request to the department that shall clearly state the extenuating circumstances on which the request is based. The request shall include a written statement of support for the waiver from the community network lead agency.

B. All waiver requests shall cite the requirement(s) from which a waiver is being requested and shall clearly state the reasons why it being requested and why it should be granted. Waiver request shall include any supporting documentation that substantiates the need for the waiver.

C. The department shall respond in writing to waiver requests within 30 calendar days after receiving the request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2590 (December 2015).

### **§521. Performance Profile Appeals Procedure**

A. BESE shall have the authority to grant an appeal of a publicly-funded site or community network's performance profile.

B. The appeal procedure shall be used when needed to address unforeseen and aberrant factors impacting publicly-funded sites and community networks or when needed to address issues that arise when the literal application of the accountability system regulations does not consider certain unforeseen and unusual circumstances.

C. A publicly-funded site or community network may request an appeal of its performance profile by submitting a written request for an appeal to the department within 15

calendar days of the department's release of the publicly-funded site or community network's performance profile.

D. All appeal requests shall clearly state the specific reasons for requesting the appeal and the reasons why the appeal should be granted and shall include any necessary supporting documentation.

E. The lead agency shall submit a written request for appeal on behalf of a community network that wishes to appeal its performance profile.

F. The department shall review all timely submitted appeal requests and make a recommendation to BESE during the first regularly scheduled BESE meeting following receipt of the appeal request, or during the second regularly scheduled BESE meeting if the appeal request is received within 10 working days of the first regularly scheduled BESE meeting. Within this interval, the department shall notify the publicly-funded site or community network of its recommendation and allow the site or community network to respond in writing. The department's recommendation and the site or community network's response shall be submitted to BESE for final disposition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2590 (December 2015).

### **§523. Disaster Consideration for Programs and Community Networks**

A. A severe impact site meets either of the following conditions associated with disasters:

1. the site was closed, due to the disaster, for 18 or more consecutive school days during a given school year; or
2. the site gained or lost 25 percent or more of its population due to the disaster.

B. A severe impact community network is a community network that consists of 25 percent or more severe impact sites.

C. Severe impact sites and severe impact community networks qualify for a waiver for up to one school year from participation in the accountability system.

1. BESE shall not issue a performance profile for any severe impact site or severe impact community network for the school year in which the disaster occurred unless the site or community network requests that the performance profile be issued.

2. BESE shall not include severe impact site accountability system results in the performance profile for a community network that does not meet the severe impact criteria but has severe impact sites.

D. Community network lead agencies and sites may address situations not part of the severe impact disaster process through the waiver process for accountability system requirements set forth in §519.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2591 (December 2015).

## **Chapter 7. Coordinated Enrollment**

### **§701. Age Cohorts**

A. Children shall be placed in a single age cohort for counting purposes in a school year. Each child shall be placed in the appropriate age cohort at the beginning of the

school year and shall remain in that age cohort for the entire school year.

B. A child's age cohort shall be determined by the child's age on September 30 of the school year.

C. Children shall be placed in age cohorts for a school year as follows:

1. four-year-olds are children who have reached or will reach their fourth birthday on or before September 30;
2. three-year-olds are children who have reached or will reach their third birthday on or before September 30;
3. two-year-olds are children who have reached or will reach their second birthday on or before September 30;
4. one-year-olds are children who have reached or will reach their first birthday on or before September 30; and
5. children ages birth to one year are children who have not reached and will not reach their first birthday by or before September 30.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq., and R.S. 17:407.91 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2591 (December 2015).

### **§703. Coordinated Enrollment Process**

A. Coordinated enrollment is the process developed and implemented by a community network to coordinate enrollment for infant, toddler, and PreK children in the community network whose families want to enroll them in a publicly-funded program in the community network.

B. The coordinated enrollment process consists of:

1. a coordinated information campaign through which the community network informs families about the availability of publicly-funded programs serving children ages birth to five years;
2. a coordinated eligibility determination through which the community network coordinates enrollment, eligibility criteria, and waiting lists to ensure that families are referred to other available publicly-funded early childhood programs should they be ineligible for or unable to access their primary choice;
3. a coordinated application process through which the community network conducts a unified application process so families can easily indicate their enrollment choices for publicly-funded programs; and
4. a matching based on family preference through which the community network enrolls at-risk children, using available public funds and based upon stated family preferences.

C. In collaboration with representatives of providers of child care, Head Start, and prekindergarten services, the lead agency shall develop policies and procedures for how the requirements of §703.B will be implemented. These policies and procedures shall be submitted to the department prior to initiation of the enrollment process.

D. Each community network shall operate a coordinated enrollment process for each school year, subject to the implementation timeline provided in §705.

E. The lead agency shall ensure the community network develops and implements a process to enroll publicly-funded children on an ongoing basis outside of the community network's established application period each year.

F. Any publicly-funded program that seeks to enroll children outside of their community network's coordinated

enrollment process shall obtain prior written approval from the department.

#### G. Request for Departmental Review

1. Any parent or caregiver may request that the department review the placement of his or her child resulting from the coordinated enrollment process.

2. A request for departmental review shall be submitted in writing to the department within 15 calendar days of placement of the child or of the event upon which the request for review is based.

3. All requests for departmental review shall clearly state the specific reasons for requesting the review and the action being sought, and shall include all necessary supporting documentation.

4. The department shall respond to the request for departmental review within 30 calendar days after receiving it.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq., and R.S. 17:407.91 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2591 (December 2015).

#### §705. Implementation Timeline

A. Community networks that began receiving funding prior to January 2015 shall develop and implement all four components of the coordinated enrollment process as defined in §703 during the 2015-2016 school year for use in enrollment that begins with the 2016-2017 school year.

B. Community networks that began receiving funding on or after January 2015 shall develop and implement all four components of the coordinated enrollment process as defined in §703 during the 2015-2016 and 2016-2017 school years for use in enrollment that begins with the 2017-2018 school year.

1. Community networks shall establish the coordinated information campaign, coordinated eligibility determination and coordinated application process as defined in §703.B.1-B.3 during the 2015-2016 school year for enrollment that begins with the 2016-2017 school year.

C. The state superintendent, pursuant to authority delegated by BESE, may grant a community network a one year extension of time to develop and implement the enrollment process.

1. Any community network that began receiving funding prior to January 2015 requesting an extension of time shall submit a written request to the department no later than December 1, 2015.

2. Any community network that began receiving funding on or after January 2015 requesting an extension of time shall submit a written request to the department no later than February 1, 2016.

3. The request shall include written justification of the need for the extension and an assurance that families will be informed of the enrollment process for all publicly-funded programs in the community network.

4. The state superintendent, or designee, shall respond in writing to a request within 30 calendar days of receipt of the request.

D. Community networks shall determine preliminary eligibility for families interested in CCAP during the coordinated eligibility determination as provided in

§703.B.2 and the department shall determine final eligibility for CCAP.

E. Prior to the start of the 2016-2017 school year, BESE shall review this Chapter and revise as necessary based on learnings from the 2015-2016 learning year. A work group of the Early Childhood Care and Education Advisory Council shall be formed to study the effectiveness of the coordinated enrollment process conducted in the learning year and make recommendations to the council and BESE for changes for implementation in 2016-2017. This research should include, but not be limited to, conducting focus groups of all provider types, reviewing data on the placement of new early childhood seats opened statewide, and reviewing other available information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq., and R.S. 17:407.91 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2592 (December 2015).

#### §707. Demonstrated Progress Toward Implementation

A. No later than August 31, 2015, each community network shall submit a self-assessment of its progress toward full implementation of each component of the coordinated enrollment process as defined in §703.B.

B. The department may require community networks to complete an enrollment self-assessment each year.

C. The lead agency of any community network not making progress on coordinated enrollment, or not achieving the full coordinated enrollment process according to the timeline in §705, may be subject to BESE intervention, as specified in §711.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2592 (December 2015).

#### §709. Community Network Request for Funding for Publicly-Funded Programs

A. By March 31 of each fiscal year, the lead agency shall develop, in collaboration with representatives of providers of child care, Head Start, and prekindergarten services, and submit a funding request for the following fiscal year to the department on behalf of the community network that is based on the coordinated enrollment results, which shall include the following:

1. the number of applications received for each age of at-risk children;

2. the number of seats requested at each publicly-funded site;

3. the number of seats recommended by the lead agency to receive funding with a prioritization by site and age of children served by funding source;

4. the recommended plan to maximize all funding sources to increase service to at-risk children; and

5. the number of seats being requested in a mixed delivery setting.

B. The lead agency shall provide an opportunity for each publicly-funded program in the community network and the general public in the coverage area of the community network to comment on the proposed funding request prior to submission to the department and shall include documentation of this process in the funding request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq., and R.S. 17:407.91 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2592 (December 2015).

### **§711. Local Enrollment Coordinator**

A. If the lead agency is not satisfactorily coordinating the duties and responsibilities of the community network pertaining to the community network's coordinated enrollment process, the department shall send written notification to the lead agency and all programs within the community network. The written notification shall identify the unsatisfactory performance issues and specify any corrective actions that may be required of the lead agency.

B. Within 30 calendar days of receiving such notice, the lead agency shall submit written certification to the department that corrective actions have been taken or are in the process of being taken and submit a timely implementation schedule for the department's approval.

C. If the lead agency does not respond in a timely or satisfactory manner or adhere to the implementation schedule approved by the department, the department may recommend that BESE terminate the lead agency's duties and responsibilities pertaining to coordinated enrollment and authorize a local enrollment coordinator for the community network.

D. A local enrollment coordinator is an entity authorized by BESE to assume responsibility for the services a lead agency is required to provide in coordinating the community network's coordinated enrollment process, as set forth in §309.B.1.b and §§703-709.

1. A local enrollment coordinator may be a state agency, including the department, a public school system, a nonprofit or for-profit corporation having an educational or social services mission, including but not limited to a nonprofit corporation of a philanthropic or policy nature, a Louisiana postsecondary education institution, or a nonprofit corporation established by the governing authority of a parish or municipality.

2. A local enrollment coordinator shall be authorized for a term no greater than five years.

3. A local enrollment coordinator authorized by BESE shall enter into a local enrollment coordinator agreement with the department.

4. If a local enrollment coordinator is authorized, the lead agency's allocation shall be reduced by, or the lead agency shall repay, an amount equal to that portion of the coordinated enrollment duties and responsibilities that remain outstanding.

E. If BESE terminates a lead agency's responsibilities pertaining to coordinated enrollment, but does not terminate the lead agency's approval to serve as the lead agency for the community network, the lead agency shall continue to serve as lead agency and coordinate all other duties and responsibilities of the community network.

#### **F. Funding**

1. For each local enrollment coordinator authorized by BESE, the department shall allocate not more than one percent of the public funds appropriated for each publicly-funded program in the community network to support the local enrollment coordinator.

2. The amount allocated from the funding for each publicly-funded site shall be proportionate to the number of publicly-funded children in the site enrolled by the local enrollment coordinator.

3. If an allocation cannot be made from a funding source to support the local enrollment coordinator, the amount established for that funding source to support the local enrollment coordinator shall be allocated from the remaining public funding sources in an amount proportionate to the number of children in each publicly-funded program enrolled by the local enrollment coordinator.

4. BESE shall not allocate additional funds to support local enrollment coordinators from any public funding source that has a per-child allocation or subsidy below the Louisiana average per-child allocation or subsidy for all programs included in the enrollment system.

#### **G. Audit**

1. A local enrollment coordinator shall annually submit to the department an independent financial audit conducted by a certified public accountant who has been approved by the legislative auditor. Such audit shall be accompanied by the auditor's statement that the report is free of material misstatements. The audit shall be limited in scope to those records necessary to ensure that the local enrollment coordinator has used funds to perform required services, and it shall be submitted to the legislative auditor for review and investigation of any irregularities or audit findings.

2. The local early learning enrollment coordinator shall return to the state any funds that the legislative auditor determines were expended in a manner inconsistent with Louisiana law or BESE regulations.

3. The cost of such audit shall be paid by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq., and R.S. 17:407.91 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2593 (December 2015).

### **§713. Request for Departmental Review**

A. Any publicly-funded program may request that the department review an enrollment decision or funding request of its lead agency or local enrollment coordinator.

B. A request for departmental review shall be submitted in writing to the department no later than 10 calendar days after the day on which community networks must submit funding requests to the department or the day in which the community network submitted the funding request to the department, whichever is later.

C. All requests for departmental review shall clearly state the specific reasons for requesting the review and the action being sought, and shall include necessary supporting documentation.

D. The department shall respond to the request for review within 30 calendar days after receiving the request or prior to BESE considering funding allocations, whichever is sooner.

E. No publicly-funded program or community network may request departmental review of the funding allocation approved by BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq., and R.S. 17:407.91 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2593 (December 2015).

Shan N. Davis  
Executive Director

1512#018

## RULE

### Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators (LAC 28: CXV.701, 1103, 2319, and 2363)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 741—Louisiana Handbook for School Administrators*: §701, Maintenance and Use of System Records and Reports; §1103, Compulsory Attendance; §2319, The Career Diploma; and §2363, Social Studies. The policy revisions are required by legislation passed during the 2015 Regular Legislative Session and to correct an omission.

#### Title 28 EDUCATION

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

#### Chapter 7. Records and Reports

#### §701. Maintenance and Use of System Records and Reports

A. - B.2. ...

3. By not later than May 1, 2015, the LDE shall develop a system of unique student identification numbers. By not later than August 1, 2015, each local public school board shall assign such a number to every student enrolled in a public elementary or secondary school. Student identification numbers shall not include or be based on Social Security numbers, and a student shall retain his student identification number for his tenure in Louisiana public elementary and secondary schools.

4. Information files and reports shall be stored with limited accessibility and shall be kept reasonably safe from damage and theft.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:93, R.S. 17:411, R.S. 17:415, and R.S. 17: 3913.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1268 (June 2005), amended LR 37:1380, 1380 (May 2011), LR 40:764 (April 2014), LR 41:41 (January 2015), LR 41:2594 (December 2015).

#### Chapter 11. Student Services

#### §1103. Compulsory Attendance

A. ...

B. A parent, tutor, or legal guardian who has a student who is under the age of 18 and meets one of the requirements below shall be in compliance with the compulsory attendance law.

1. A student, under 18 years of age, who withdraws from school prior to graduating from high school, who has

not enrolled in a dropout recovery program as provided in R.S. 17:221.6, and who has been ruled to be a truant, pursuant to the provisions of chapter 15 of title VII of the *Louisiana Children's Code*, by a court of competent jurisdiction can be ordered by the court to exercise one of the following options within 120 days of leaving school:

a. reenroll in school and make continual progress toward completing the requirements for high school graduation;

b. enroll in a high school equivalency diploma program and make continual progress toward completing the requirements for earning such diploma;

c. enlist in the Louisiana National Guard or a branch of the United States Armed Forces, with a commitment for at least two years of service, and earn a high school equivalency diploma during such service period.

B.2. - N. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:112, R.S. 17:221.3-4, R.S. 17:226.1, and R.S. 17:233.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1273 (June 2005), amended LR 32:546 (April 2006), LR 32:1030 (June 2006), LR 33:2351 (November 2007), LR 35:641 (April 2009), LR 35:1097 (June 2009), LR 35:1475 (August 2009), LR 36:482 (March 2010), LR 36:1224 (June 2010), LR 37:1126 (April 2011), LR 37:2132 (July 2011), LR 38:1000 (April 2012), LR 38:1225 (May 2012), LR 38:1399 (June, 2012), LR 39:2205 (August 2013), LR 41:372 (February 2015), LR 41:2594 (December 2015).

#### Chapter 23. Curriculum and Instruction

#### Subchapter A. Standards and Curricula

#### §2319. The Career Diploma

A. - C.2.a.iii.(f). ...

b. mathematics—4 units:

i. algebra I, applied algebra I, or algebra I-Pt. 2 (the elective course algebra I-Pt. 1 is a pre-requisite);

ii. The remaining units shall come from the following:

(a). geometry;

(b). financial literacy (formerly financial math);

(c). math essentials;

(d). algebra II;

(e). advanced math-functions and statistics;

(f). advanced math—pre-calculus;

(g). algebra III;

(h). pre-calculus;

(i). business math;

(j). comparable Louisiana technical college courses offered by Jump Start regional teams as approved by BESE;

(k). integrated mathematics I, II, and III may be substituted for algebra I, geometry, and algebra II and shall count as 3 math credits;

2.c. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, R.S. 17:183.2, R.S. 17:183.3, R.S. 17:274, R.S. 17:274.1, and R.S. 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 35:1230 (July 2009), LR 35:1876 (September 2009), LR 35:2321 (November

2009), LR 35:2750 (December 2009), LR 36:1490 (July 2010), LR 37:548 (February 2011), LR 37:1130 (April 2011), LR 37:2130 (July 2011), LR 37:3197 (November 2011), LR 38:761 (March 2012), LR 38:1005 (April 2012), LR 40:2522 (December 2014), LR 41:1482 (August 2015), LR 41:2594 (December 2015).

### **Subchapter B. Academic Programs of Study**

#### **§2363. Social Studies**

A. - D.4. ...

E. Beginning with the 2016-2017 school year, the civics course and all courses permitted to substitute for civics, shall contain a unit of study that includes the civics-related content of which naturalized citizens are required to demonstrate mastery.

1. Students shall be administered a test based on the content of the civics portion of the naturalization test used by the United Citizenship and Immigration Services.

2. Courses permitted to substitute for civics include the following:

- a. American government;
- b. AP U.S. government and politics: comparative;
- c. AP U.S. government and politics: U.S.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, R.S. 17:183.3, R.S. 17:274, R.S. 17:274.1, and R.S. 17:274-274.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1298 (June 2005), amended LR 31:3072 (December 2005), LR 33:431 (March 2007), LR 33:2606 (December 2007), LR 36:1495 (July 2010), LR 37:1131 (April 2011), LR 40:1000 (May 2014), LR 40:2529 (December 2014), LR 41:2595 (December 2015).

Shan N. Davis  
Executive Director

1512#019

### **RULE**

#### **Student Financial Assistance Commission Office of Student Financial Assistance**

Scholarship/Grant Programs  
Acts of the 2015 Regular Session  
(LAC 28:IV.301, 703, 801, 803, 805, 1005, and 1903)

The Louisiana Student Financial Assistance Commission (LASFAC) has amended its scholarship/grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6). (SG16163R)

#### **Title 28**

#### **EDUCATION**

#### **Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs**

#### **Chapter 3. Definitions**

#### **§301. Definitions**

A. Words and terms not otherwise defined in this Chapter shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa.

\* \* \*

#### *Eligible Noncitizen—*

a. for students graduating in the 2017-2018 academic year (high school) and prior, an individual who can provide documentation from the U.S. Citizenship and

Immigration Services (USCIS) or its successor that he is in the U.S. for other than a temporary purpose with the intention of becoming a citizen or permanent resident, including, but not limited to, refugees, persons granted asylum, Cuban-Haitian entrants, temporary residents under the recent Immigration Reform and Control Act of 1986, and others. A permanent resident of the United States must provide documentation from the USCIS to verify permanent residency. For 1997, 1998 and 1999 high school graduates, an eligible noncitizen shall be treated as meeting the citizenship requirements for an award under this Part;

b. for students graduating in the 2018-2019 academic year (high school) and later, a student who is not a citizen of the United States but who is the child of a non-United States citizen who is either serving in any branch of the United States armed forces or has been honorably discharged from any branch of the United States armed forces shall be treated as meeting the citizenship requirements for an award under this Part.

\* \* \*

#### *First-Time Student—*

a. for students graduating through the 2015-2016 academic year (high school), a student who is awarded TOPS-Tech and enrolls for the first time, full-time in a Louisiana public community or technical college that offers a vocational or technical education certificate or diploma program or a non-academic undergraduate degree to pursue a skill, occupational training, or technical training subsequent to high school graduation, and is enrolled full-time at the end of the fourteenth class day or later (ninth class day or later for quarter schools). The fact that a student who is eligible for a TOPS-Tech award enrolls in an academic program at a post-secondary school prior or subsequent to graduation from high school, but prior to the required date for full-time enrollment in a Louisiana public community or technical college that offers a vocational or technical education certificate or diploma program or a non-academic undergraduate degree, shall not preclude the student from being a first-time student;

b. for students graduating in the 2016-2017 academic year (high school) or later, a student who is eligible for a TOPS-Tech award and enrolls for the first time, full-time in an eligible college or university in an associate's degree or other shorter-term training and education program that is aligned to state workforce priorities as determined by the Board of Regents and the Louisiana Workforce Investment Council and is enrolled full-time at the end of the fourteenth class day or later (ninth class day or later for quarter schools).

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 24:2237 (December 1998), LR 25:256 (February 1999), LR 25:654 (April 1999), LR 25:1458 and 1460 (August 1999), LR 25:1794 (October 1999), LR 26:65 (January 2000), LR 26:688 (April 2000), LR 26:1262 (June 2000), LR 26:1601 (August 2000), LR 26:1993, 1999 (September 2000), LR 26:2268 (October 2000), LR 26:2752 (December 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), LR 27:1219 (August 2001), LR 27:1840 (November 2001), LR 27:1875 (November 2001), LR 28:45 (January 2002), LR 28:446 (March

2002), LR 28:772 (April 2002), LR 28:2330, 2331 (November 2002), LR 29:555 (April 2003), LR 29:879 (June 2003), LR 30:1159 (June 2004), LR 30:2015 (September 2004), LR 31:36 (January 2005), LR 31:3112 (December 2005), LR 33:86 (January 2007), LR 33:439 (March 2007), LR 33:1339 (July 2007), LR 33:2612 (December 2007), LR 34:234 (February 2008), LR 34:1388 (July 2008), LR 34:1884 (September 2008), LR 35:228 (February 2009), LR 35:1489 (August 2009), LR 35:1490 (August 2009), LR 36:311 (February 2010), LR 36:490 (March 2010), LR 36:2854 (December 2010), LR 37:1561 (June 2011), LR 37:1562 (June 2011), LR 38:1953 (August 2012), LR 38:3156 (December 2012), LR 39:308 (February 2013), LR 40:53 (January 2014), LR 40:281 (February 2014), LR 41:649, 658 (April 2015), LR 41:2595 (December 2015).

## **Chapter 7. Taylor Opportunity Program for Students (TOPS) Opportunity, Performance, and Honors Awards**

### **§703. Establishing Eligibility**

A. To establish eligibility for a TOPS Opportunity, Performance or Honors Award, the student applicant must meet all of the following criteria:

1.a. for students graduating in academic year (high school) 2001-2002 and prior, be a United States citizen, provided however, that a student who is not a citizen of the United States but who is eligible to apply for such citizenship shall be deemed to satisfy the citizenship requirement, if within 60 days after the date the student attains the age of majority, the student applies to become a citizen of the United States and obtains such citizenship within one year after the date of the application for citizenship. Those students who are eligible for U.S. citizenship and who otherwise qualify for a TOPS Award, will continue to satisfy the citizenship requirements for a TOPS Award for one year after the date of the student's application for citizenship, at which time, if the student has not provided proof of U.S. citizenship to the Office of Student Financial Assistance, the student's TOPS Award will be suspended until such time as proof of citizenship is provided and canceled if such proof is not provided by May 1 of the following academic year (college). Students cancelled solely due to their failure to become a United States citizen within one year after the date of application shall be reinstated to their award if they are a United States citizen or a permanent resident as defined by the Bureau of Citizenship and Immigration Services and were eligible to apply for United States citizenship when cancelled and have met the requirements for maintaining eligibility for the award;

b. for students graduating in academic years (high school) 2002-2003 through 2017-2018, be a United States citizen or be a permanent resident as defined by the Bureau of Citizenship and Immigration Services and be eligible to apply for United States citizenship;

c. for students graduating in academic years (high school) 2018-2019 and later, be a United States citizen or an eligible noncitizen as defined in §301.

2. - 5.f.ii. ...

g. beginning with the 2004-2005 award year, eligible non-graduates who meet the following criteria:

i.(a). through the 2017-2018 academic year high school, be a United States citizen or be a permanent resident as defined by the United States Citizenship and Immigration Services and be eligible to apply for United States citizenship;

(b). beginning the 2018-2019 academic year (high school) and later, be a United States citizen or an eligible noncitizen as defined in §301;

A.5.g.ii. - J.4.b.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

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## **Chapter 8. TOPS-Tech Award**

### **§801. General Provisions**

A. Legislative Authority. The TOPS-Tech Award was created by Act of the 1998 First Extraordinary Session of the Louisiana Legislature.

B. Description, History and Purpose

1. For students graduating through the 2015-2016 academic year (high school), the TOPS-Tech Award is a merit based scholarship program for Louisiana residents pursuing skill, occupational or technical training at eligible colleges and universities that offer a vocational or technical education certificate or diploma program or a non-academic undergraduate degree. The purpose of TOPS-Tech is to provide an incentive for qualified Louisiana residents to prepare for and pursue technical positions in Louisiana.

2. Beginning with students graduating in the 2016-2017 academic year (high school), the TOPS-Tech Award is a workforce scholarship program for Louisiana residents who enroll in an eligible college or university on a full-time basis in an associate's degree or other shorter-term training and education program that is aligned to state workforce priorities as determined by the Board of Regents and the Louisiana Workforce Investment Council.

C. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1904 (October 1998), amended LR 26:1997 (September 2000), repromulgated LR 27:1854 (November 2001), amended LR 36:2856 (December 2010), LR 41:666 (April 2015), LR 41:2596 (December 2015).

**§803. Establishing Eligibility**

A. To establish eligibility for the TOPS-Tech Award, the student applicant must meet the following criteria:

1. be a United States citizen or an eligible noncitizen as defined in §301.

2. - 3. ...

4. initially apply and enroll as a *first-time student* as defined in §301, unless granted an exception for cause by LASFAC, in an eligible post-secondary college or university defined in §301; and

4.a. - 5.d.iii. ...

6. if qualifying under the terms of §803.A.5.a, at the time of high school graduation:

a. have successfully completed one of the following core curriculums:

i. high school course work constituting the TOPS core curriculum for the Opportunity, Performance and Honors Awards as defined in §703.A.5 and documented on the student's official transcript as approved by the Louisiana Department of Education;

ii. for students graduating in the 2015-2016 academic year (high school) and later, the high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting the following TOPS-Tech core curriculum.

Core Curriculum—TOPS-Tech Award	
Units	Course
1	English I
1	English II
2	English III, English IV, AP or IB English courses, Business English, Technical Writing, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the State Board of Elementary and Secondary Education.
1	Algebra I; or both Algebra I, Part 1 and Algebra I, Part 2; or an applied or hybrid algebra course
3	Geometry, Algebra II, Math Essentials, Financial Literacy, Business Math, Algebra III, Advanced Math - Functions and Statistics, Advanced Math - Pre-Calculus, Pre-calculus, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the State Board of Elementary and Secondary Education. Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry, and Algebra II, and shall equal three mathematics credits
1	Biology
1	Chemistry I, Earth Science, Environmental Science, Agriscience I and Agriscience II (both for one unit), Physical Science, or AP or IB science courses
1	U.S. History, AP U.S. History, or IB U.S. History
1	Civics, Government, AP U.S. Government and Politics: Comparative, or AP U.S. Government and Politics: United States
9	In Jump Start course sequences, workplace experiences, and credentials. A student shall complete a regionally designed series of Career and Technical Education Jump Start coursework and workplace-based learning experiences leading to a statewide or regional Jump Start credential. This shall include courses and workplace experiences specific to the credential, courses related to

Core Curriculum—TOPS-Tech Award	
Units	Course
	foundational career skills requirements in Jump Start, and other courses, including career electives, that the Jump Start regional team determines are appropriate for the career major.

iii. for students graduating in the 2000-2001 school year through the 2012-2013 school year, the high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting the following TOPS-Tech core curriculum;

Core Curriculum—TOPS-Tech Award	
Units	Course
1	English I
1	English II
1	English III
1	English IV or substitute 1 unit of Business English
1	Algebra I; or both Algebra I, Part 1 and Algebra I, Part 2; or both Applied Mathematics I and Applied Mathematics II
2	Geometry, Applied Mathematics III, Algebra II, Financial Mathematics, Advanced Mathematics I [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Pre-Calculus], Advanced Mathematics II [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Functions and Statistics], Discrete Mathematics, or Probability and Statistics (2 units). Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry and Algebra II, and shall be considered the equivalent of the 3 required math units
1	Biology
1	Chemistry or Applied Chemistry
1	Earth Science, Environmental Science, Physical Science, Integrated Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology or Agriscience I and II (both for 1 unit)
1	American History
1	World History, Western Civilization, or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, nonpublic)
Remaining Core Courses Shall Be Selected from One of the Following Options:	
Option 1—Total of 17 units	
1	Fine Arts Survey or substitute 2 units of performance courses in music, dance, or theater; or substitute 2 units of visual art courses; or substitute 2 units of studio art courses; or a course from the Career and Technical Program of studies that is approved by the BESE (must be listed under the Vocational Education Course Offerings in Bulletin 741 or the updates to Bulletin 741); or substitute 1 unit as an elective from among the other subjects listed in this core curriculum
2	Foreign Language, Technical Writing, Speech I or Speech II
1	One unit from the secondary computer education program of studies that is approved by the BESE
or	
Option 2—Total of 19 Units	
4	In a career major comprised of a sequence of related specialty courses. In order for a student to use this option, the courses for the career major must be approved by BESE.
1	Credit in a basic computer course.
1	In related or technical fields. A related course includes any course which is listed under the student's major. A technical course is one that is listed in the approved career option plan for the high school at which the course is taken.

iv. for students graduating through the 2001-2002 school year, the TOPS-Tech core curriculum as follows;

Core Curriculum—TOPS-Tech Award	
Units	Course
1	English I
1	English II
1	English III
1	English IV or Business English
1	Algebra I (1 unit) or Applied Algebra IA and 1B (2 units)
1	Algebra II
1	Geometry or Applied Geometry, Trigonometry, Calculus or comparable Advanced Mathematics
1	Biology
1	Chemistry or Applied Physics
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II or Physics for Technology or Agriscience I and II (both for 1 unit)
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, non-public)
1	Fine Arts Survey or any approved vocational course in the areas of Agriscience, Business Education, Family and Consumer Science, Health Occupations, Marketing Education, Technology Education, or Trade and Industrial Education; (or substitute 2 units of performance courses in music, dance or theater; or 2 units of studio art or 2 units of visual art courses; or 1 elective from among the other subjects listed in this core curriculum)
2	In a single Foreign Language. (1 unit for students graduating from high school during the 1996-97 and 1997-98 school years.) or Technical Writing, Speech I or Speech II (2 units).
1/2	Computer Science, Computer Literacy or Business Computer Applications (or substitute at least 1/2 unit of an elective course related to computers that is approved by the State Board of Elementary and Secondary Education; or substitute at least 1/2 unit of an elective from among the other subjects listed in this core curriculum)

v. for students graduating in the 2013-2014 school year and thereafter, the high school course work document on the student's official transcript as approved by the Louisiana Department of Education constituting the following TOPS-Tech core curriculum;

Core Curriculum—TOPS-Tech Award	
Units	Course
1	English I
1	English II
1	English III
1	English IV or substitute 1 unit of Business English
1	Algebra I; or both Algebra I, Part I and Algebra I, Part 2; or both Applied Mathematics I and Applied Mathematics II
2	Geometry, Applied Mathematics III, Algebra II, Financial Mathematics, Advanced Mathematics I [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Pre-Calculus], Advanced Mathematics II [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Functions and Statistics], Discrete Mathematics, or Probability and Statistics (2 units). Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry and Algebra II, and shall be considered the equivalent of the 3 required math units
1	Biology
2	Earth Science, Environmental Science, Physical Science, Integrated Science, Biology II, or Chemistry or Applied Chemistry, Chemistry II, Physics, Physics II or Physics for Technology or Agriscience I and II (both for 1 unit)
1	American History
1	World History, Western Civilization or World Geography

Core Curriculum—TOPS-Tech Award	
Units	Course
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, non-public)
Remaining Core Courses Shall Be Selected from One of the Following Options	
Option 1—Total of 17 Units	
1	Fine Arts Survey or drafting (one unit) or substitute 2 units of performance courses in music, dance, or theater; or substitute 2 units of visual art courses; or substitute 2 units of studio art courses; or a course from the Career and Technical Program of studies that is approved by the BESE (must be listed under the Vocational Education Course Offerings in Bulletin 741 or the updates to Bulletin 741); or substitute 1 unit as an elective from among the other subjects listed in this core curriculum
2	Foreign Language, Technical Writing, Speech I or Speech II
1	One unit from the secondary computer education program of studies that is approved by the BESE
or	
Option 2—Total of 19 Units	
4	In a career major comprised of a sequence of related specialty courses. In order for a student to use this option, the courses for the career major must be approved by BESE.
1	Credit in a basic computer course
1	In related or technical fields. A related course includes any course which is listed under the student's major. A technical course is one that is listed in the approved career option plan for the high school at which the course is taken.

A.6.b. - B.4.b.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1904 (October 1998), amended LR 24:2237 (December 1998), LR 25:1795 (October 1999), LR 26:65 and 67 (January 2000), LR 26:1602 (August 2000), LR 26:1997 (September 2000), LR 26:2269 (October 2000), LR 26:2754 (December 2000), LR 27:36 (January 2001), LR 27:1220 (August 2001), repromulgated LR 27:1854 (November 2001), amended LR 28:447 (March 2002), LR 28:773 (April 2002), LR 28:2330 (November 2002), LR 29:554 (April 2003), LR 30:1164 (June 2004), LR 30:2019 (September 2004), LR 31:39 (January 2005), LR 31:3114 (December 2005), LR 33:437 (March 2007), LR 33:2614 (December 2007), LR 35:230 (February 2009), LR 36:491 (March 2010), LR 36:2270 (October 2010), LR 36:2856 (December 2010), LR 38:3159 (December 2012), LR 41:654 (April 2015), LR 41:2597 (December 2015).

### §805. Maintaining Eligibility

A. - A.4. ...

5.a. for students graduating through the 2015-2016 academic year (high school), continue to enroll and accept the TOPS-Tech Award as a full-time student in an eligible college or university defined in §301, and maintain an enrolled status throughout the academic year (TOPS) (enrollment in a summer session is optional and is not required to meet this requirement), unless granted an exception for cause by LASFAC; and

b. for students graduating in the 2016-2017 academic year (high school) and later, continue to enroll in an eligible college or university in an associate's degree or other shorter-term training and education program that is aligned to state workforce priorities as determined by the Board of Regents and the Louisiana Workforce Investment Council, and maintain an enrolled status throughout the academic year (TOPS) (enrollment in a summer session is optional and is not required to meet this requirement), unless granted an exception for cause by LASFAC;

A.6. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1905 (October 1998) amended LR 25:1091 (June 1999), LR 26:68 (January 2000), LR 26:689 (April 2000), LR 26:1997, 2002 (September 2000), repromulgated LR 27:1856 (November 2001), amended LR 28:774 (April 2002), LR 28:2332 (November 2002), LR 29:880 (June 2003), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1165 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005), LR 33:438 (March 2007), LR 35:1489 (August 2009), LR 38:3160 (December 2012), LR 40:1002 (May 2014), LR 41:666 (April 2015), LR 41:2598 (December 2015).

**Chapter 10. TOPS-Tech Early Start Award**  
**§1005. Establishing Eligibility**

A. - A.3. ...

4. score at least 15 on the English subsection and 15 on the mathematics subsection of the ACT PLAN assessment or a successor assessment administered as part of Louisiana's educational planning and assessment system or the ACT or an equivalent concordant value of the SAT or have attained a silver level score on the assessments of the ACT WorkKeys system;

5. enroll in a course in an industry-based occupational or vocational education credential program in a top demand occupation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 31:3110 (December 2005), amended LR 41:375 (February 2015), LR 41:2599 (December 2015).

**Chapter 19. Eligibility and Responsibilities of Post-Secondary Institutions**

**§1903. Responsibilities of Post-Secondary Institutions**

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

3. Beginning with the 2013-2014 academic year (TOPS), an institution shall also report:

- a. a student's completion of a program of study;
- b. through the 2015-2016 academic year (TOPS) whether the program of study was academic or technical;
- c. type of credential (degree, certificate, diploma, baccalaureate);
- d. semester of completion; and
- e. beginning with the 2015-2016 academic year (TOPS):

- i. the CIP code for the program of study in which the student is enrolled;
- ii. the degree level code for the program of study in which the student is enrolled;
- iii. the increment key assigned by the Board of Regents that provides each program a unique key for the program of study in which the student is enrolled.

B. Program Billing. Each term, institutions shall bill LASFAC for students who are recipients of a TOPS Award or a GO-Youth ChalleNGe Program grant and who have enrolled at the institution in accordance with the following terms and conditions:

1.a. through the 2016-2017 academic year (college), institutions may only bill for students who have been certified by LASFAC as eligible for a TOPS Award or a GO-Youth ChalleNGe Program grant; and

b. beginning with the 2017-2018 academic year (college), institutions may bill for students who have been certified by LASFAC as eligible for a TOPS Opportunity, Performance, or Honors Award and may only bill for a TOPS-Tech award if the student is enrolled in an associate's degree or other shorter-term training and education program that is aligned to state workforce priorities as determined by the Board of Regents and the Louisiana Workforce Investment Council at that institution;

B.2. - G.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, 17:3041.10-3041.15, 17:3041.21-3041.26, R.S. 17:3048.1, and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:645 (April 1998), amended LR 24:1914 (October 1998), LR 25:1459 (August 1999), LR 26:1998 and 2002 (September 2000), repromulgated LR 27:1864 (November 2001), amended LR 28:448 (March 2002), LR 28:775 (April 2002), LR 28:1760 (August 2002), LR 28:2333 (November 2002), LR 30:784 (April 2004), LR 30:1166 (June 2004), LR 31:40 (January 2005), LR 31:3111, 3114 (December 2005), LR 33:1340 (July 2007), LR 35:1233 (July 2009), LR 35:1490 (August 2009), LR 35:1491 (August 2009), LR 36:2857 (December 2010), LR 40:282 (February 2014), LR 40:1003 (May 2014), LR 41:667 (April 2015), LR 41:2599 (December 2015).

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**RULE**

**Student Financial Assistance Commission**  
**Office of Student Financial Assistance**

Scholarship/Grant Programs  
TOPS Core Curriculum Equivalents  
Photography I, Photography II, and Digital Photography  
(LAC 28:IV.703)

The Louisiana Student Financial Assistance Commission (LASFAC) has amended its scholarship/grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6). (SG16164R)

**Title 28**

**EDUCATION**

**Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs**  
**Chapter 7. Taylor Opportunity Program for Students (TOPS) Opportunity, Performance, and Honors Awards**

**§703. Establishing Eligibility**

A. - A.5.a.ii.(d).(ii). ...  
\* \* \*

(e). For students graduating in academic year (high school) 2017-2018 and after, for purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course(s)	Equivalent (Substitute) Course
Algebra I, Geometry and Algebra II	Integrated Mathematics I, II and III
Art	Media Arts I-IV; Photography I, Photography II, and Digital Photography
Any listed core course or its equivalent	Any core curriculum course taken by a student who has been deemed to be gifted and talented pursuant to R.S. 17:1941 et seq., as implemented in State Board of Elementary and Secondary Education policy and in fulfillment of the student's Individualized Education Program shall be considered a gifted and talented course and shall fulfill the core curriculum requirement in its given subject area.

A.5.a.ii.(f). - J.4.b.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 24:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330, 2332 (November 2002), LR 29:125 (February 2003), LR 29:2372 (November 2003), LR 30:1162 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 31:37 (January 2005), LR 31:2213 (September 2005), LR 31:3112 (December 2005), LR 32:2239 (December 2006), LR 33:435 (March 2007), LR 33:2357 (November 2007), LR 33:2612 (December 2007), LR 34:1389 (July 2008), LR 35:228 (February 2009), LR 36:312 (February 2010), LR 36:490 (March 2010), LR 36:2269 (October 2010), LR 36:2855 (December 2010), LR 37:2987 (October 2011), LR 38:354 (February 2012), LR 38:3158 (December 2012), LR 39:481 (March 2013), LR 39:2485 (September 2013), LR 40:54 (January 2014), LR 41:373 (February 2015), LR 41:651, 664 (April 2015), LR 41:2599 (December 2015).

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## RULE

### Department of Environmental Quality Office of the Secretary Legal Division

Cathode Ray Tubes (CRT)  
(LAC 33:V.109, 4911, and 4915)(HW116ft)

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 Hazardous Waste regulations, LAC 33:V.109, 4911, and 4915 (Log #HW116ft).

This Rule is identical to federal regulations found in 79 FR 123, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3985 or P.O. Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the Rule. This Rule has been promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This Rule adopts changes to export provisions in the federal cathode ray tube (CRT) disposal regulation in Louisiana. Louisiana's hazardous waste program operates under a federal grant from the EPA. Part of the requirements for this grant is to be equivalent to, or more stringent than, the corresponding federal regulations. The basis and rationale are to mirror federal regulations. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

## Title 33

### ENVIRONMENTAL QUALITY

#### Part V. Hazardous Waste and Hazardous Materials

##### Subpart 1. Department of Environmental Quality— Hazardous Waste

#### Chapter 1. General Provisions and Definitions

##### §109. Definitions

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

\*\*\*

*CRT Exporter*—any person in the United States who initiates a transaction to send used CRTs outside the United States or its territories for recycling or reuse, or an intermediary in the United States arranging for such export.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218, 220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003); amended by the Office of the Secretary, Legal Affairs Division, LR 31:2452 (October 2005), LR 31:3116 (December 2005), LR 32:606 (April 2006), LR 32:822 (May 2006), LR 33:1625 (August 2007), LR 33:2098 (October 2007), LR 34:71

(January 2008), LR 34:615 (April 2008), LR 34:1009 (June 2008), LR 34:1894 (September 2008), LR 34:2396 (November 2008), LR 36:1235 (June 2010), repromulgated LR 36:1535 (July 2010), amended LR 36:2554 (November 2010), LR 38:774, 781 (March 2012), repromulgated LR 38:1009 (April 2012), amended by the Office of the Secretary, Legal Division, 40:1338 (July 2014), LR 41:2600 (December 2015).

#### **Chapter 49. Lists of Hazardous Wastes**

##### **§4911. Conditional Exclusion for Used, Broken Cathode Ray Tubes (CRTs) Undergoing Recycling**

A. - A.4. ...

###### **5. Exports**

a. In addition to the applicable conditions specified in Paragraphs A.1-4 of this Section, exports of used, broken CRTs must comply with the following requirements.

i. Notify EPA of an intended export before the CRTs are scheduled to leave the United States. A complete notification should be submitted 60 days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a 12-month period. The notification must be in writing, signed by the exporter, and include:

(a). name, mailing address, telephone number, and EPA ID number (if applicable) of the exporter of the CRTs;

(b). the estimated frequency or rate at which the CRTs are to be exported and the period of time over which they are to be exported;

(c). the estimated total quantity of CRTs specified in kilograms;

(d). all points of entry to, and departure from, each foreign country through which the CRTs will pass;

(e). a description of the means by which each shipment of the CRTs will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), and types(s) of container used (drums, boxes, tanks, etc.);

(f). the name and address of the recycler(s), the estimated quantity of used CRTs to be sent to each facility, and the names of any alternate recyclers;

(g). a description of the manner in which the CRTs will be recycled in the foreign country that will be receiving the CRTs; and

(h). the name of any transit country through which the CRTs will be sent, and a description of the approximate length of time the CRTs will remain in such country and the nature of their handling while there.

ii. Notifications submitted by mail should be sent to the following mailing address: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (Mail Code 2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Hand-delivered notifications should be sent to: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, (Mail Code 2254A), Environmental Protection Agency, Ariel Rios Bldg., Room 6144, 1200 Pennsylvania Ave., NW, Washington, DC. In both cases, the following shall be prominently displayed on the front of the envelope: "Attention: Notification of Intent to Export CRTs."

iii. Upon request by EPA, the exporter shall furnish to EPA any additional information which a receiving country requests in order to respond to a notification.

iv. EPA will provide a complete notification to the receiving country and any transit countries. A notification is complete when EPA receives a notification which EPA determines satisfies the requirements of Clause A.5.a.i of this Section. Where a claim of confidentiality is asserted with respect to any notification information required by Clause A.5.a.i of this Section, EPA may find the notification not complete until any such claim is resolved in accordance with 40 CFR 260.2.

v. The export of CRTs is prohibited unless the receiving country consents to the intended export. When the receiving country consents in writing to the receipt of the CRTs, EPA will forward an acknowledgment of consent to export CRTs to the exporter. Where the receiving country objects to receipt of the CRTs or withdraws a prior consent, EPA will notify the exporter in writing. EPA will also notify the exporter of any responses from transit countries.

vi. When the conditions specified on the original notification change, the exporter must provide EPA with a written renotification of the change, except for changes to the telephone number in Subclause A.5.a.i.(a) of this Section, and decreases in the quantity indicated in Subclause A.5.a.i.(c) of this Section. The shipment cannot take place until consent of the receiving country to the changes has been obtained (except for changes to information about points of entry and departure and transit countries pursuant to Subclauses A.5.a.i.(d) and A.5.a.i.(h) of this Section).

vii. A copy of the acknowledgment of consent to export CRTs must accompany the shipment of CRTs. The shipment must conform to the terms of the acknowledgment.

viii. If a shipment of CRTs cannot be delivered for any reason to the recycler or the alternate recycler, the exporter of CRTs must renotify EPA of a change in the conditions of the original notification to allow shipment to a new recycler in accordance with Subclause A.5.a.i.(f) of this Section, and obtain another acknowledgment of consent to export CRTs.

ix. Exporters must keep copies of notifications and acknowledgments of consent to export CRTs for a period of three years following receipt of the acknowledgment.

x. CRT exporters must file with EPA no later than March 1 of each year, an annual report summarizing the quantities (in kilograms), frequency of shipment, and ultimate destination(s) (i.e., the facility or facilities where the recycling occurs) of all used CRTs exported during the previous calendar year. Such reports must also include the following:

(a). the name, EPA ID number (if applicable), and mailing and site address of the exporter;

(b). the calendar year covered by the report; and

(c). a certification signed by the CRT exporter that states: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false

information, including the possibility of fine and imprisonment.”

xi. Annual reports must be submitted to the office specified in Clause A.5.a.ii of this Section. Exporters must keep copies of each annual report for a period of at least three years from the due date of the report.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:3122 (December 2005), amended LR 34:645 (April 2008), amended by the Office of the Secretary, Legal Division, LR 41:2601 (December 2015).

**§4915. Notification and Recordkeeping for Used, Intact Cathode Ray Tubes (CRTs) Exported for Reuse**

A. Cathode ray tube (CRT) exporters who export used, intact CRTs for reuse must send a notification to EPA. This notification may cover export activities extending over a 12-month period.

1. The notification must be in writing, signed by the exporter, and include:

a. name, mailing address, telephone number, and EPA ID number (if applicable) of the exporter of the used, intact CRTs;

b. the estimated frequency or rate at which the used, intact CRTs are to be exported for reuse, and the period of time over which they are to be exported;

c. the estimated total quantity of used, intact CRTs specified in kilograms;

d. all points of entry to, and departure from, each transit country through which the used, intact CRTs will pass, a description of the approximate length of time the used, intact CRTs will remain in such country, and the nature of their handling while there;

e. a description of the means by which each shipment of the used, intact CRTs will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), and type(s) of container used (drums, boxes, tanks, etc.));

f. the name and address of the ultimate destination facility or facilities where the used, intact CRTs will be reused, refurbished, distributed, or sold for reuse; and the estimated quantity of used, intact CRTs to be sent to each facility, as well as the name of any alternate destination facility or facilities;

g. a description of the manner in which the used, intact CRTs will be reused (including reuse after refurbishment) in the foreign country that will be receiving the used, intact CRTs; and

h. a certification signed by the CRT exporter that states: “I certify under penalty of law that the CRTs described in this notice are intact and fully functioning or capable of being functional after refurbishment and that the used CRTs will be reused or refurbished and reused. I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”

2. Notifications submitted by mail should be sent to the following mailing address: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, (Mail Code 2254A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460. Hand-delivered notifications should be sent to: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, (Mail Code 2254A), Environmental Protection Agency, William Jefferson Clinton Building, Room 6144, 1200 Pennsylvania Ave. N.W., Washington, DC 20004. In both cases, the following shall be prominently displayed on the front of the envelope: “Attention: Notification of Intent to Export CRTs.”

B. Persons who export used, intact CRTs for reuse must keep copies of normal business records, such as contracts, demonstrating that each shipment of exported used, intact CRTs will be reused. This documentation must be retained for a period of at least three years from the date the CRTs were exported. If the documents are written in a language other than English, CRT exporters of used, intact CRTs sent for reuse must provide both the original, non-English version of the normal business records as well as a third-party translation of the normal business records into English within 30 days upon request by EPA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:645 (April 2008), amended by the Office of the Secretary, Legal Division, LR 41:2602 (December 2015).

Herman Robinson, CPM  
General Counsel

1512#036

**RULE**

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

Dissolved Oxygen Criteria Revisions for Eastern Lower Mississippi River Alluvial Plains (LMRAP) Ecoregion (LAC 33:IX.1123)(WQ091)

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.1123.Table 3 (WQ091).

The dissolved oxygen (DO) criteria have been revised, where appropriate, in water quality subsegments in the eastern Lower Mississippi River alluvial plains (LMRAP) ecoregion based on an ecoregion approach; Table 3 in LAC 33:IX.1123 is being revised accordingly. The proposed DO criteria revisions are the result of the findings presented in the use attainability analysis of inland rivers and streams in the eastern Lower Mississippi River alluvial plains ecoregion for review of dissolved oxygen water quality criteria, which was technically approved by EPA Region 6 on November 25, 2013. Except where the DO criteria have

previously been revised, the current Louisiana DO water quality standards are the nationally-recommended criteria of 5 mg/L for freshwater and marine waters, and 4 mg/L for estuarine waters. However, natural, physical conditions (e.g., lack of slope, low flow, and high temperature) in Louisiana prevent many Louisiana water bodies from attaining the nationally-recommended DO standards. The eastern LMRAP ecoregion is one such area where levels of DO in surface waters are naturally low and the nationally-recommended DO criteria are not attainable throughout the year. Therefore, based on the findings presented in the above referenced use attainability analysis (UAA), the DO criteria for inland streams are being revised to 2.3 mg/L for the months of March through November; for the months of December through February the DO criteria for inland streams will remain as 5.0 mg/L.

Boundaries for 42 subsegments within the eastern LMRAP, the southern plains terrace and flatwoods, the terrace uplands, and the coastal deltaic marshes ecoregions are being refined based on watersheds; these boundary refinements resulted in the delineation of 21 new subsegments. In addition, descriptions to some subsegments are also being revised, as necessary. These changes are reflected in the revisions to Table 3 in LAC 33:IX.1123.

Supporting documentation for the proposed rule consists of two documents: 1) use attainability analysis of inland rivers and streams in the eastern Lower Mississippi River alluvial plains ecoregion for review of dissolved oxygen water quality criteria; and 2) Louisiana water quality standards ecoregions: for use in ecologically-driven water quality standards. The supporting documents for the Rule can be viewed at <http://www.deq.louisiana.gov/portal/DIVISIONS/WaterPermits/WaterQualityStandardsAssessment.aspx>. Subsegment delineations can be viewed using the LDEQ interactive mapping application (LIMA) at <http://map.deq.state.la.us/>. Additionally, at this time a Potpourri is being noticed in the *Louisiana Register* to announce an update to the water quality management plan volume 4: basin and subsegment boundaries. Inaccurate water quality criteria can result in erroneous use impairment decisions that impact many of the state's water quality programs (i.e., assessments, total maximum daily load determinations, wastewater permitting, and implementation of best management practices). Therefore, it is important to establish appropriate and protective dissolved oxygen (DO) criteria that support fish and wildlife propagation. A use attainability analysis (UAA) was conducted to inform the development of ecoregion-

based DO criteria in the eastern portion of the Lower Mississippi River alluvial plains (LMRAP) ecoregion. The eastern LMRAP UAA is a continuation of the process which began with a memorandum of agreement (MOA) in 2008 between the U.S. Environmental Protection Agency and LDEQ that resulted in the use attainability analysis of Barataria and Terrebonne Basins for revision of dissolved oxygen water quality criteria. The basis and rationale for this Rule are to protect waters of the state by establishing appropriate and protective dissolved oxygen criteria that support fish and wildlife propagation. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

### Title 33

## ENVIRONMENTAL QUALITY

### Part IX. Water Quality

#### Subpart 1. Water Pollution Control

#### Chapter 11. Surface Water Quality Standards

#### §1123. Numerical Criteria and Designated Uses

##### A. Water Quality Management Basins and Ecoregions

##### 1. Basins

Basin Name	Basin Number
* * *	

##### 2. Ecoregions

Ecoregion Name	Abbreviation
Atchafalaya River Ecoregion	AR
Coastal Chenier Marshes Ecoregion	CCM
Coastal Deltaic Marshes Ecoregion	CDM
Gulf Coastal Prairie Ecoregion	GCP
Lower Mississippi River Alluvial Plains Ecoregion	LMRAP
Mississippi River Ecoregion	MR
Pearl River Ecoregion	PR
Red River Alluvium Ecoregion	RRA
Sabine River Ecoregion	SR
South Central Plains Flatwoods Ecoregion	SCPF
South Central Plains Southern Tertiary Uplands Ecoregion	SCPSTU
South Central Plains Tertiary Uplands Ecoregion	SCPTU
Southern Plains Terrace and Flatwoods Ecoregion	SPTF
Terrace Uplands Ecoregion	TU
Upper Mississippi River Alluvial Plains Ecoregion	UMRAP

##### B. - E. ...

Table 3. Numerical Criteria and Designated Uses									
A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish And Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters									
Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO4	DO	pH	BAC	°C	TDS
Atchafalaya River Basin (01)									
* * *									
Lake Pontchartrain Basin (04)									
040101	Comite River—From Little Comite Creek and Comite Creek at Mississippi state line to Wilson-Clinton Highway	A B C	25	10	5.0	6.0-8.5	1	32	150

**Table 3. Numerical Criteria and Designated Uses**

A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish And Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters									
Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO4	DO	pH	BAC	°C	TDS
040102	Comite River—From Wilson-Clinton Highway to White Bayou (Scenic)	A B C G	25	10	5.0	6.0-8.5	1	32	150
* * *									
040201	Bayou Manchac—From headwaters to Amite River	A B C	25	10	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	150
040202	Ward Creek—From headwaters to confluence with Dawson Creek	A B C	25	10	5.0	6.0-8.5	1	32	150
040301	Amite River—From Mississippi state line to La. Highway 37 (Scenic)	A B C G	25	10	5.0	6.0-8.5	1	32	150
040302	Amite River—From La. Highway 37 to LMRAP Ecoregion boundary	A B C	25	10	5.0	6.0-8.5	1	32	150
040303	Amite River—From Amite River Diversion Canal to Lake Maurepas	A B C	25	10	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	150
* * *									
040305	Colyell Bay; includes Colyell Creek and Middle Colyell Creek—From Hood Road to Colyell Bay	A B C	25	10	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	150
040306	Amite River—From LMRAP Ecoregion boundary to Amite River Diversion Canal	A B C	25	10	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	150
040307	West Colyell Creek—From headwaters to Hood Road	A B C	25	10	5.0	6.0-8.5	1	32	150
040308	Middle Colyell Creek—From headwaters to Hood Road	A B C	25	10	5.0	6.0-8.5	1	32	150
040309	Colyell Creek—From headwaters to confluence with, and including, Little Colyell Creek	A B C	25	10	5.0	6.0-8.5	1	32	150
040401	Blind River—From Amite River Diversion Canal to mouth at Lake Maurepas (Scenic)	A B C G	250	75	2.3 Mar.-Nov.; 4.0 Dec.-Feb. [9]	6.0-8.5	1	30	500
040402	Amite River Diversion Canal—From Amite River to Blind River	A B C	25	10	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	150
040403	Blind River—From headwaters to Amite River Diversion Canal (Scenic)	A B C G	250	75	2.3 Mar.-Nov.; 3.0 Dec.-Feb. [9]	6.0-8.5	1	30	500
040404	New River—From headwaters to New River Canal	A B C	250	75	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	30	500
040501	Tickfaw River—From Mississippi state line to La. Highway 42 (Scenic)	A B C G	10	5	5.0	6.0-8.5	1	30	55
040502	Blood River—From headwaters to George White Road	A B C	10	5	5.0	6.0-8.5	1	30	55
040503	Natalbany River—From headwaters to La. Highway 22	A B C	30	20	5.0	6.0-8.5	1	30	150
* * *									
040505	Ponchatoula Creek—From headwaters to La. Highway 22	A B C	30	20	5.0	6.0-8.5	1	30	150

**Table 3. Numerical Criteria and Designated Uses**

**A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish And Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters**

Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO4	DO	pH	BAC	°C	TDS
040506	Tickfaw River—From La. Highway 42 to Lake Maurepas	A B C	10	5	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	30	55
040507	Natalbany River—From La. Highway 22 to Tickfaw River	A B C	30	20	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	30	150
040508	Ponchatoula Creek—From La. Highway 22 to Natalbany River	A B C	30	20	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	30	150
040601	Pass Manchac—From Lake Maurepas to Lake Pontchartrain; includes interlacustrine waters from North Pass to Mississippi River levee	A B C	1,600	200	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.5-9.0	1	32	3,000
* * *									
040603	Selsers Creek—From headwaters to Sisters Road	A B C	30	20	5.0	6.0-8.5	1	30	150
040604	South Slough; includes Anderson Canal to Interstate Highway 55 borrow pit canal	A B C	30	20	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	30	150
040604-001	South Slough Wetland—Forested freshwater and brackish marsh located 1.4 miles south of Ponchatoula, directly east of Interstate Highway 55, extending to North Pass to the south and Tangipahoa River to the east	B C	[23]	[23]	[23]	[23]	2	[23]	[23]
040605	Mississippi Bayou and associated canals; includes Dutch Bayou, Reserve Relief Canal and Hope Canal	A B C	1,600	200	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	3,000
040606	Selsers Creek—From Sisters Road to South Slough	A B C	30	20	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	30	150
040701	Tangipahoa River—From Mississippi state line to Interstate Highway 12 (Scenic)	A B C G	30	10	5.0	6.0-8.5	1	30	140
040702	Tangipahoa River—From Interstate Highway 12 to Lake Pontchartrain	A B C	30	10	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	30	140
* * *									
040704	Chappepeela Creek—From La. Highway 1062 to Tangipahoa River	A B C G	20	20	5.0	6.0-8.5	1	30	140
040705	Bedico Creek—From headwaters to Tangipahoa River	A B C	30	10	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	30	140
040801	Tchefuncte River—From headwaters to US Highway 190; includes tributaries (Scenic)	A B C G	20	10	5.0	6.0-8.5	1	30	110
040802	Ponchitolawa Creek—From headwaters to US Highway 190 (Scenic)	A B C G	850	135	5.0	6.0-8.5	1	30	1,850
040803	Tchefuncte River—From La. Highway 22 to Lake Pontchartrain (Estuarine)	A B C	850	135	4.0	6.0-8.5	1	30	1,850
* * *									

**Table 3. Numerical Criteria and Designated Uses**

A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish And Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters									
Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO4	DO	pH	BAC	°C	TDS
040806	East Tchefuncte Marsh Wetland—Freshwater and brackish marsh located just west of Mandeville, bounded on the south by Lake Pontchartrain, the west by Tchefuncte River, the north by La. Highway 22, and the east by Sanctuary Ridge	B C	[23]	[23]	[23]	[23]	2	[23]	[23]
040807	Tchefuncte River—From US Highway 190 to Bogue Falaya River; includes tributaries (Scenic)	A B C G	20	10	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	30	110
040808	Tchefuncte River—From Bogue Falaya River to La. Highway 22 (Scenic)	A B C G	850	135	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	30	1,850
040809	Black River—From headwaters to La. Highway 22	A B C	850	135	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	30	1,850
040901	Bayou LaCombe—From headwaters to Interstate Highway 12 (Scenic)	A B C G	30	30	5.0	6.0-8.5	1	30	150
040902	Bayou LaCombe—From CDM Ecoregion boundary to Lake Pontchartrain (Scenic) (Estuarine)	A B C G	835	135	4.0	6.0-8.5	1	32	1,850
040903	Bayou Cane—From headwaters to US Highway 190 (Scenic)	A B C G	30	30	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	30	150
040904	Bayou Cane—From CDM Ecoregion boundary to Lake Pontchartrain (Scenic) (Estuarine)	A B C G	N/A	N/A	4.0	6.0-8.5	1	32	N/A
040905	Bayou Liberty—From headwaters to LMRAP Ecoregion boundary	A B C	250	100	5.0	6.0-8.5	1	32	500
040906	Bayou Liberty—From La. Highway 433 to Bayou Bonfouca; includes Bayou de Chien (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	32	N/A
040907	Bayou Bonfouca—From headwaters to La. Highway 433	A B C	250	100	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	500
040908	Bayou Bonfouca—From CDM Ecoregion boundary to Lake Pontchartrain (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	32	N/A
* * *									
040912	Bayou LaCombe—From Interstate Highway 12 to US Highway 190 (Scenic)	A B C G	30	30	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	30	150
040913	Bayou LaCombe—From US Highway 190 to CDM Ecoregion boundary (Scenic) (Estuarine)	A B C G	835	135	2.3 Mar.-Nov.; 4.0 Dec.-Feb.	6.0-8.5	1	32	1850
040914	Bayou Cane—From US Highway 190 to CDM Ecoregion boundary (Scenic) (Estuarine)	A B C G	N/A	N/A	2.3 Mar.-Nov.; 4.0 Dec.-Feb.	6.0-8.5	1	32	N/A
040915	Bayou Liberty—From LMRAP Ecoregion boundary to La. Highway 433	A B C	250	100	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	500

Table 3. Numerical Criteria and Designated Uses									
A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish And Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters									
Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO4	DO	pH	BAC	°C	TDS
040916	Bayou Paquet—From headwaters to Bayou Liberty (Estuarine)	A B C	N/A	N/A	2.3 Mar.-Nov.; 4.0 Dec.-Feb.	6.0-8.5	1	32	N/A
040917	Bayou Bonfouca—From La. Highway 433 to CDM Ecoregion boundary (Estuarine)	A B C	N/A	N/A	2.3 Mar.-Nov.; 4.0 Dec.-Feb.	6.0-8.5	1	32	N/A
* * *									
041002	Lake Pontchartrain—East of US Highway 11 bridge (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	32	N/A
041101	Bonnet Carre Spillway	A B C	250	75	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	30	500
041201	Bayou Labranche—From headwaters to Lake Pontchartrain (Scenic) (Estuarine)	A B C G	N/A	N/A	2.3 Mar.-Nov.; 4.0 Dec.-Feb.	6.0-8.5	1	32	N/A
041202	Bayou Trepagnier—From Norco to Bayou Labranche (Scenic)(Estuarine)	A B C G	N/A	N/A	2.3 Mar.-Nov.; 4.0 Dec.-Feb.	6.0-8.5	1	32	N/A
* * *									
041204	Bayou Traverse—From headwaters to LMRAP Ecoregion boundary (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	32	N/A
* * *									

ENDNOTES:

[1]. - [8]. ...

[9]. The site-specific DO criterion has been revised to incorporate ecoregionally-based critical period DO criteria.

[10]. - [24]. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:738 (September 1989), amended LR 17:264 (March 1991), LR 20:431 (April 1994), LR 20:883 (August 1994), LR 21:683 (July 1995), LR 22:1130 (November 1996), LR 24:1926 (October 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2405 (December 1999), LR 27:289 (March 2001), LR 28:462 (March 2002), LR 28:1762 (August 2002), LR 29:1814, 1817 (September 2003), LR 30:1474 (July 2004), amended by the Office of Environmental Assessment, LR 30:2468 (November 2004), LR 31:918, 921 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:815, 816, 817 (May 2006), LR 33:832 (May 2007), LR 34:1901 (September 2008), LR 35:446 (March 2009), repromulgated LR 35:655 (April 2009), amended LR 36:2276 (October 2010), amended by the Office of the Secretary, Legal Division, LR 41:2603 (December 2015).

Herman Robinson, CPM  
Executive Counsel

1512#037

**RULE**

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

Title I Modification (LAC 33:III.502)(AQ347)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.502 (AQ347).

This Rule revises the definition of “title I modification” in LAC 33:III.502.A to clarify that, in the context of section 111 of the Clean Air Act, such modifications are limited to physical or operational changes to an existing facility. 40 CFR 70.7(e)(2)(i)(A)(5) states that minor permit modification procedures may be used only for those permit modifications that are “not modifications under any provision of title I of the Act.” However, neither 40 CFR 70

nor 40 CFR 71 defines “title I modification” or otherwise describes what constitutes a modification “under any provision of title I of the Act.”

LAC 33:III.502.A defines “title I modification,” in relevant part, as “any physical change or change in the method of operation of a stationary source which increases the amount of any regulated air pollutant emitted or which results in the emission of any regulated air pollutant not previously emitted” and which “will result in the applicability of a standard of performance for new stationary sources promulgated pursuant to section 111 of the Clean Air Act.”

This definition could be interpreted to include both the addition of a new affected facility to a stationary source and the modification of an existing facility at a stationary source. However, under 40 CFR 60.2 and 60.14, a modification is defined as any physical or operational change to an existing facility.

Therefore, consistent with the aforementioned provisions, this Rule revision clarifies that “title I modifications,” in the context of section 111 of the Clean Air Act, are limited to physical or operational changes to an existing facility. The basis and rationale for this Rule are to clarify that “title I modifications,” in the context of section 111 of the Clean Air Act, are changes to existing facilities. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part III. Air**

**Chapter 5. Permit Procedures**

**§502. Definitions**

A. Except where specifically provided in another Section herein, the following definitions apply to terms used in this Chapter. Except as provided in this Chapter, terms used in this Chapter retain the definition provided them in LAC 33:III.111 or the Louisiana air quality regulations. Wherever provisions related to the Acid Rain Program are concerned, the definitions provided in 40 CFR Part 72 shall apply.

\* \* \*

*Title I Modification*—any physical change or change in the method of operation of a stationary source which increases the amount of any regulated air pollutant emitted or which results in the emission of any regulated air pollutant not previously emitted and which meets one or more of the following descriptions.

a. The change will constitute a modification as described in 40 CFR 60.14 and therefore result in the applicability of a standard of performance for new stationary sources promulgated pursuant to section 111 of the Clean Air Act.

b. The change will result in a significant net emissions increase under the *prevention of significant deterioration (PSD) program*, as defined in LAC 33:III.509.B.

c. The change will result in a significant net emissions increase under the program for nonattainment new source review, as defined in LAC 33:III.504.

d. The change will result in the applicability of a maximum achievable control technology (MACT) determination pursuant to regulations promulgated under section 112(g) (modifications, hazardous air pollutants) of the Clean Air Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 28:1950 (September 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 36:2553 (November 2010), LR 37:1148 (April 2011), LR 37:1391 (May 2011), amended by the Office of the Secretary, Legal Division, LR 41:2608 (December 2015).

Herman Robinson, CPM  
General Counsel

1512#035

**RULE**

**Office of the Governor**  
**Coastal Protection and Restoration Authority**

Coastal Protection, Conservation, and Restoration  
(LAC 43:VII.Chapters 1 and 3)

The following rules governing coastal protection, conservation and restoration have been moved from LAC 43:I.Chapter 8 to LAC 43:VII.Chapters 1 and 3. The following Sections are being repromulgated to show the current placement.

**Title 43**  
**NATURAL RESOURCES**  
**Part VII. Coastal Protection, Conservation, and**  
**Restoration**  
**Chapter 1. Coastal Restoration Project Construction**  
**Ranking**

**§101. Scope**  
**(Formerly LAC 43:I.801)**

A. This Chapter prescribes coastal restoration project construction ranking and cost-sharing standards and criteria based upon anticipated habitat benefits per Trust Fund (Wetlands Conservation and Restoration Trust Fund, as defined in R.S. 49:213.7) Dollar expended over the project life.

B. This Chapter shall apply only to those coastal restoration projects which are not joint ventures by the state and federal government and which are included in the coastal vegetated wetlands conservation and restoration plan, and any amendments thereto, adopted and implemented in accordance with R.S. 49:213.1 et seq. and 49:214.1 et seq., respectively.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.4.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 18:282 (March 1992), repromulgated by the Office of the Governor, Coastal Protection and Restoration Authority LR 41:2608 (December 2015).

### §103. Definitions

#### (Formerly LAC 43:I.803)

*Cost-Effectiveness Ranking*—the ranking established by dividing the cumulative habitat units of benefits by the aggregate trust fund dollar anticipated to be expended over the life of the proposed coastal restoration project. The cost-effectiveness ranking quotient shall be an indexing number used for assigning coastal restoration project construction priority.

*Cost-Sharing*—a contribution, either monetary, in-kind, and/or both, by a local sponsor for a coastal restoration project from any non-trust-fund source for any or all of the following: design, construction, operation, maintenance, and monitoring, excluding feasibility, over the anticipated life of a particular project.

*Cumulative Habitat Units of Benefit*—the total habitat units "with project" minus the total habitat units "without project."

*Habitat Units*—the sum of the value(s) derived by multiplying the suitability index (SI) value by the acreage for each coastal wetland type of the area of impact ascribable to the proposed project, as defined in Wetland Value Assessment Methodology employed for coastal restoration project evaluation and established in accordance with the Coastal Wetlands Planning, Protection, and Restoration Act of 1990, Public Law Number 101-646, 104 Stat. 4779-4783, (1990).

*Suitability Index*—a unitless number ranging from 0 to 1 wherein 0 represents a low value for fish and wildlife habitat and 1 represents a high value for fish and wildlife habitat. The suitability index for an area shall be determined by using the Wetland Value Assessment Methodology employed for coastal restoration project evaluation and established in accordance with the Coastal Wetlands Planning, Protection, and Restoration Act of 1990, Public Law Number 101-646, 104 Stat. 4779-4783, (1990).

*Total Habitat Units with Project*—the sum of the projected habitat units calculated over a time period equal to the life expectancy of the proposed project were it implemented.

*Total Habitat Units without Project*—the sum of the projected habitat units calculated over a time period equal to the life expectancy of the proposed project, were it not implemented.

*Trust Fund Dollars*—present value in 1990 allures from the Wetlands Conservation and Restoration Trust Fund, as defined in R.S. 49:213.7, of design and construction costs (excluding feasibility costs), plus operation, maintenance, and monitoring costs, minus cost sharing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.4.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 18:282 (March 1992), repromulgated by the Office of the Governor, Coastal Protection and Restoration Authority LR 41:2609 (December 2015).

### §105. Ranking

#### (Formerly LAC 43:I.805)

A. Coastal restoration projects shall be constructed according to their cost-effectiveness ranking. In comparing projects, those projects with higher cost-effectiveness

ranking indices shall have a correspondingly higher construction priority. In the event that two or more projects have identical cost-effectiveness rankings, projects benefiting the greatest number of coastal wetland acreage shall have a correspondingly higher construction priority. Coastal wetland acres shall include only those coastal wetland types as defined in Wetland Value Assessment Methodology employed for coastal restoration project evaluation and established in accordance with the Coastal Wetlands Planning, Protection, and Restoration Act of 1990, Public Law Number 101-646, 104 Stat. 4779-4783. (1990). Upon the initiation of the development of plans and specifications for the construction of a project, a project shall be removed from the construction ranking list.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.4.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 18:282 (March 1992), repromulgated by the Office of the Governor, Coastal Protection and Restoration Authority LR 41:2609 (December 2015).

### §107. Cost-Sharing

#### (Formerly LAC 43:I.807)

A. Feasibility. The state shall bear 100 percent of the feasibility costs of all coastal restoration projects.

B. Design and Construction. In all cases in which the local sponsor is able to identify and secure any appropriate non-trust-fund source(s) to fund the design and/or construction of a coastal restoration project, the local sponsor share of the design and/or construction costs may consist of any form and/or amount of cost-sharing. The state share of the design and/or construction costs shall consist of any form and/or amount of cost-sharing sufficient to meet the remaining design and/or construction costs of the project for which the local sponsor is unable to cost-share.

#### C. Operation, Maintenance, and Monitoring

1. In all cases in which the local sponsor is able to identify and secure any appropriate non-trust-fund source(s) to fund the operation, maintenance, and/or monitoring costs of a coastal restoration project, the state share of said costs shall consist of any form of cost-sharing not to exceed 75 percent of the said costs of the project for which the local sponsor is unable to cost-share and the local sponsor share of said costs shall consist of any form of cost-sharing not less than 25 percent of said costs from a non-trust-fund source.

2. In all cases in which the local sponsor is unable to identify and secure any appropriate non-trust-fund source(s) to cost-share the operation, maintenance, and/or monitoring costs of a coastal restoration project, the state shall bear 100 percent of these costs for which the local sponsor is unable to cost-share.

D. The state shall accept any lawful cost-sharing, as defined in §103 and shall adjust the project's cost-effectiveness ranking accordingly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.4.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 18:282 (March 1992), repromulgated by the Office of the Governor, Coastal Protection and Restoration Authority LR 41:2609 (December 2015).

### Chapter 3. Oyster Lease Acquisition and Compensation Program

#### §301. Purpose and Authority (Formerly LAC 43:I.851)

A. This Subchapter sets forth the rules for the acquisition of and compensation for oyster leases by the department when necessary for purposes of coastal protection, conservation, or restoration. The department may acquire oyster leases, in whole or in part, for such purposes on behalf of the state to the extent that the leases are or may be directly affected by the dredging, direct placement of dredged or other materials, or other work or activities necessary for the construction or maintenance of a coastal protection, conservation, or restoration project.

B. These regulations are adopted pursuant to Subpart D of Part VII of Chapter I of Title 56 of the Louisiana Revised Statutes of 1950, including the Oyster Lease Acquisition and Compensation Program under R.S. 56:432.1 and the general authority of the department under Part II of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:213.1, et seq., R.S. 56:421, et seq., and R.S. 56:432.1.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 32:2089 (November 2006), repromulgated by the Office of the Governor, Coastal Protection and Restoration Authority LR 41:2610 (December 2015).

#### §303. Construction and Usage (Formerly LAC 43:I.853)

A. The following shall be observed regarding the construction and usage of these regulations.

1. Unless otherwise specifically stated, the singular form of any noun includes the plural and the masculine form of any noun includes the feminine.

2. Unless otherwise specifically stated, all references to *Section* are to Sections of this Subchapter.

3. Any reference to *days* in this Subchapter shall refer to calendar days.

4. The day of the event from which a designated time period begins to run shall not be included in the computation of a period of time allowed or prescribed in these regulations. The last day of the period is to be included in the computation of a period of time allowed or prescribed in these regulations, unless it is a legal holiday, in which case the period runs until the end of the next day that is not a legal holiday. Nonetheless, the effective date of acquisition shall be on the date set by the department pursuant to these regulations and R.S. 56:432.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:213.1, et seq., R.S. 56:421, et seq., and R.S. 56:432.1.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 32:2089 (November 2006), repromulgated by the Office of the Governor, Coastal Protection and Restoration Authority LR 41:2610 (December 2015).

#### §305. Definitions (Formerly LAC 43:I.855)

A. The following shall apply for purposes of these regulations.

*Affected Acreage*—the portion of an affected lease located within a direct impact area of a project.

*Affected Lease*—an existing oyster lease identified by the department from records provided and maintained by

DWF as being located, in whole or in part, within a direct impact area of a project.

*Coastal Protection, Conservation, or Restoration*—any project, plan, act, or activity for the protection, conservation, restoration, enhancement, creation, preservation, nourishment, maintenance, or management of the coast, coastal resources, coastal wetlands, and barrier shorelines or islands, including but not limited to projects authorized under any comprehensive coastal protection master plan or annual coastal protection plan issued pursuant to Part II of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950.

*Department*—the Department of Natural Resources, its secretary, or his designee.

*Direct Impact Area*—the physical location upon which dredging, direct placement of dredged, or other materials, or other work or activities necessary for the construction or maintenance of a project is planned to occur or has occurred.

*DWF*—the Department of Wildlife and Fisheries, its secretary, or his designee.

*Effective Date of Acquisition*—the date set by the department in accordance with these regulations and R.S. 56:432.1 upon which the affected lease or affected acreage shall revert back to the state of Louisiana, free and clear of any lease or other obligation or encumbrance.

*Leaseholder*—the last lessee of record, or his designee, of an oyster lease let by DWF pursuant to R.S. 56:425, et seq., as identified in records provided and maintained by DWF.

*Marketable Oysters*—includes both seed and market-size oysters as defined by DWF.

*Oyster Resource Survey*—any survey or sampling to obtain information that may include but is not limited to oyster density (via square meter samples), oyster condition, bottom condition, bottom type, oyster standing crop, oyster physiology, oyster mortality, water depth, water temperature, water salinity, and assessment of oyster reef community organisms.

*Potential Impact Area*—the physical location upon which dredging, direct placement of dredged, or other materials, or other work or activities necessary for the construction or maintenance of a coastal protection, conservation, and restoration project is projected, possible, or estimated to occur.

*Potentially Affected Acreage*—the portion of a lease located within the potential impact area of a project.

*Potentially Affected Lease*—an existing oyster lease identified by the department from records provided and maintained by DWF as being located, in whole or in part, within a potential impact area of a project.

*Project*—any project, plan, act, or activity recognized by the department as relating to coastal protection, conservation, or restoration.

*Secretary*—the Secretary of the Department of Natural Resources or his designee, unless otherwise specifically stated in this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:213.1, et seq., R.S. 56:421, et seq., and R.S. 56:432.1.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 32:2089 (November 2006), repromulgated by the Office of the Governor, Coastal Protection and Restoration Authority LR 41:2610 (December 2015).

**§307. Notification to Leaseholder of an Oyster Resource Survey; Procedures and Protocols for an Oyster Resource Survey (Formerly LAC 43:I.857)**

A. When appropriate, the secretary shall determine and delineate the potential impact area of a project and in making such decision may consult with the government agency or any public or private entity responsible for the project.

B. When the secretary determines that an existing oyster lease identified in records provided and maintained by DWF may, in whole or in part, be located within the direct impact area of a project, the secretary may conduct an oyster resource survey.

C. The secretary shall notify the leaseholder in writing at least 15 days prior to the oyster resource survey of the potentially affected acreage or potentially affected lease. The notification shall, at a minimum, include the following:

1. a brief description of the coastal protection, conservation, or restoration project, and a plat or map depicting the project and potentially affected lease or potentially affected acreage;

2. a copy of these regulations, R.S. 56:424, and R.S. 56:432.1;

3. the date and time of the oyster resource survey;

4. the name of and contact information for the person conducting the oyster resource survey;

5. a statement that the leaseholder or his designee may accompany the person conducting the oyster resource survey;

6. a statement that the state may acquire the potentially affected lease or potentially affected acreage to be surveyed or sampled, and if so, that the leaseholder will be compensated for any acquired lease or portion thereof in accordance with R.S. 56:432.1 and this Subchapter;

7. the name of and contact information for a person at the department to direct all inquiries regarding the project and the potentially affected lease or potentially affected acreage;

8. a statement that the leaseholder may provide to the department, through the contact person listed in the notice, any reasonably confirmable data or other information relevant to a determination of the compensation for any potentially affected lease or potentially affected acreage, within 60 days after the actual date of the oyster resource survey conducted pursuant to this Subchapter. Failure to provide such data or information within the specified time period may preclude consideration of such data by the secretary, the department, the person conducting the oyster resource survey, or the appraiser appointed thereby;

9. a statement that if the person conducting the oyster resource survey is unable to conduct the survey on the date provided in the notice, that such person will provide notice to the leaseholder of the new survey date and time by appropriate and reasonable means;

10. a statement that the oyster resource survey is to be conducted in the manner set forth under §307.E of this Subchapter; and

11. a statement that the department, the state of Louisiana, political subdivisions of the state, the United States, or any agency, agent, contractor, or employee of any of these entities is not subject to any obligation,

responsibility, or liability in relation to or resulting from any surveying or sampling of any oyster lease, information provided to any leaseholder in relation to any surveying or sampling of any oyster lease, the timing of any acquisition of any part of any lease by the state pursuant to R.S. 56:432.1, the lack of acquisition of any part of any lease except as provided by R.S. 56:432.1, or any report pursuant to R.S. 56:432.2 or otherwise.

D. Any written notification from the secretary or the department to the leaseholder of a potentially affected lease or potentially affected acreage in accordance with this section shall be deemed legally sufficient if sent by certified United States mail, postage pre-paid, return receipt requested, or hand delivered, to the last address furnished to DWF by the leaseholder on the date of issuance of notice.

E. Oyster Resource Survey Procedures and Protocol

1. The intent of the oyster resource survey is to obtain information that may include but is not limited to oyster density (via square meter samples), oyster condition, bottom condition, bottom type, oyster standing crop, oyster physiology, oyster mortality, water depth, water temperature, water salinity, and assessment of oyster reef community organisms.

2. Assessment Procedure

a. Should the secretary elect to obtain an oyster resource survey of a potentially affected lease or potentially affected acreage, he may select the person(s) to conduct the oyster resource survey considering all relevant criteria, including but not limited to prior experience, prior performance, demonstrated expert knowledge in the field of oyster biology, and the ability to perform concurrent task orders while maintaining high quality work. The person(s) so selected shall be contracted with by the department pursuant to R.S. 39:1481, et seq., or other applicable public contract law, and shall have the following minimum qualifications:

i. a college degree in biological science, or prior acceptance by a Louisiana federal or state court as an expert witness in the field of oyster biology or oyster ecology; and

ii. five years of professional experience conducting oyster lease surveys and standing oyster crop analyses.

b. Samples should be taken at a minimum within the area of a potentially affected lease delineated by the secretary as the potential impact area of the project for which the oyster resource survey is being conducted.

c. A written assessment of the results of the oyster resource survey shall be prepared.

d. Oyster resource survey methods and procedures used should be stated and identified in the written assessment.

e. Information and data from the oyster resource survey should be compiled, analyzed, and presented in tables, charts, and in a written format along with scale maps indicating the location of the oyster leases in relation to the proposed project, location of sample sites, number and size of both live and dead oysters, oyster size frequency distribution, mortality rates per group, and photographs of oyster samples.

f. An original copy of the written assessment shall be provided to and retained by the department, which may use it in accordance with the appraisal and valuation

procedures set forth in these regulations. A copy will be provided to the leaseholder upon written request by the leaseholder to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:213.1, et seq., R.S. 56:424, and R.S. 56:432.1.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 32:2090 (November 2006), repromulgated by the Office of the Governor, Coastal Protection and Restoration Authority LR 41:2611 (December 2015).

### **§309. Appraisal (Formerly LAC 43:I.859)**

A. The secretary shall determine or delineate the direct impact area of a project, and in making such decision, may consult with any public or private entity responsible for the project.

B. Should the secretary determine that an existing oyster lease identified in records provided and maintained by DWF is, in whole or in part, located within the direct impact area of a project, the secretary shall obtain an appraisal of the affected lease or affected acreage.

C. When the secretary elects to obtain an appraisal of an affected lease or affected acreage, he shall select the appraiser considering all relevant criteria, including but not limited to the following:

1. prior performance; education; experience in valuation of oyster leases; experience in valuation of unique properties and unusual estates; experience in valuation of various land classes; demonstrated expert knowledge in the field of real property appraisal; and, the ability to perform concurrent tasks orders while maintaining high quality work;

2. the appraiser so selected shall be contracted with by the department pursuant to R.S. 39:1481 et seq., or other applicable public contract law, and shall have a current certification as a Louisiana certified general real estate appraiser; professional designation in the field of appraisal; and, five or more years professional experience conducting real property appraisals.

D. The appraiser shall estimate the fair market value of the affected lease or affected acreage to be acquired according to accepted appraisal methods, which may include analysis of comparable sales of other leases. The appraiser may also take into consideration any reasonably confirmable data or information supplied by any person or obtained through the appraisal process, and any data or information obtained through the oyster resource survey conducted in accordance with §307.

E. A written appraisal shall be prepared by the appraiser, estimating the fair market value of the affected lease or affected acreage, and explaining the valuation methodology. An original of the appraisal and a copy of all documents used to develop the appraisal shall be provided to the department, which may use it pursuant to the procedures set forth in these regulations. A copy will be provided to the leaseholder upon written request by the leaseholder to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:213.1, et seq. and R.S. 56:432.1.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 32:2091 (November 2006), repromulgated by the Office of the Governor, Coastal Protection and Restoration Authority LR 41:2612 (December 2015).

### **§311. Determination of Compensation (Formerly LAC 43:I.861)**

A. The secretary shall determine the compensation for any affected acreage to be acquired as follows.

1. If the department provides a time period of one year or more between issuance of a notice of acquisition pursuant to §313 and the effective date of acquisition, then compensation for the affected acreage to be acquired shall be equal to the fair market value of the affected acreage to be acquired as determined by the secretary in accordance with §309.

2. If the department provides a time period of less than one year between issuance of a notice of acquisition pursuant to §313 and the effective date of acquisition, the compensation for the affected acreage to be acquired shall be equal to the fair market value of the affected acreage to be acquired as determined by the secretary in accordance with §309 plus the value of such non-removable marketable oysters on the affected acreage, if any, as determined by the department, based upon reasonably confirmable data. The determination of value shall take into account the number of sacks of marketable oysters per acre, suitable acreage, natural mortality, current market price, and harvest cost.

3. Data for estimation of the value of non-removable marketable oysters shall be determined from the written assessment derived from the oyster resource survey conducted in accordance with §307. The department may also take into consideration any reasonably confirmable data or information supplied timely by any person in accordance with §307.

4. The appraiser and the department shall consider any reasonably confirmable data or other information supplied to the department by the leaseholder following the oyster resource survey conducted in accordance with §307. The department or the appraiser may disregard any information or data not submitted timely pursuant to §307.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:213.1, et seq. and R.S. 56:432.1.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 32:2091 (November 2006), repromulgated by the Office of the Governor, Coastal Protection and Restoration Authority LR 41:2612 (December 2015).

### **§313. Notification to Leaseholder of Acquisition and Compensation (Formerly LAC 43:I.863)**

A. Should the secretary determine that an existing oyster lease issued by DWF is located within the direct impact area of a project and the project is necessary and proper for coastal protection, conservation, or restoration, the secretary may acquire the affected acreage on behalf of the state in accordance with this Section.

B. Acquisition shall be implemented by issuance of a notice of acquisition. Notice of acquisition may be mailed or delivered to the leaseholder no sooner than 60 days after the completion of the oyster resource survey conducted in accordance with §307. The notice shall be issued in writing to the leaseholder by certified United States mail, return receipt requested, postage pre-paid, or hand delivery, to the last address furnished to DWF by the leaseholder on the date of issuance of notice. A copy of such notice shall be recorded in the conveyance records of any parish in which

the affected acreage to be acquired or the affected lease is located.

C. Such notice of acquisition shall, at a minimum, include:

1. a description specifying affected acreage, or portion thereof, being acquired;
2. the effective date of acquisition;
3. a brief description of the coastal protection, conservation, or restoration project for which the acreage is being acquired;
4. a plat or map depicting the project and the affected lease or affected acreage to be acquired;
5. a copy of these regulations and R.S. 56:432.1;
6. a statement that the department will acquire the acreage described in the notice of acquisition, and that such acquisition shall automatically occur on the date specified in the notice;
7. a statement that the leaseholder retains full use and possession of the affected acreage to be acquired until the effective date of acquisition, and may, at his sole risk and expense, harvest any oysters or take any other action permitted under the affected lease until the effective date of acquisition;
8. a statement that the acquisition will be effective regardless of whether the leaseholder actually received the notice of acquisition;
9. a statement that the affected lease shall continue in full force and effect as to all remaining acreage under the lease other than the acquired acreage (in cases where only part of the affected lease is being acquired);
10. a statement that lease payments as otherwise required by R.S. 56:428 or 429 shall no longer be payable as to the acquired oyster lease acreage for the calendar year after the date on which the notice of acquisition is issued; but that payment must still be paid as to any remaining acreage under the lease if the lease is acquired only in part;
11. a statement that the leaseholder will either be allowed a period of one year or more from the date of issuance of notice of acquisition herein in which to remove any and all marketable oysters from the affected lease, at his sole risk and expense, and that no compensation shall be allowed for oysters so removed or removable, or if the department states an effective date for the acquisition that is less than one year after the date of issuance, a statement that the compensation for the acreage to be acquired includes compensation for the non-removable marketable oysters as part of the attached acquisition payment;
12. a determination of compensation, stating the dollar amount that the department has determined in accordance with these regulations and R.S. 56:432.1 to be paid for the acquired acreage and the appraised value of the acquired acreage. If compensation is being paid for non-removable marketable oysters, a statement of the value thereof is also to be included;
13. a check, attached only to a notice of acquisition sent to the leaseholder's last address as furnished to DWF by the leaseholder on the date of issuance of notice, in the full amount of the determination of compensation, except for and less any amount due on recorded liens and encumbrances to be paid out of said proceeds, in the name of the leaseholder of record in accordance with the records of DWF on the date of issuance of notice of acquisition herein;

14. a statement that acceptance or negotiation of the attached check (or draft) does not preclude a claim for additional compensation as provided in these regulations and R.S. 56:432.1;

15. if any amount due on a recorded lien or encumbrance has been withheld from the check for compensation, a statement indicating the name of the holder of the recorded lien or encumbrance, the amount withheld, and that payment of said amount has been made by the department to that holder;

16. a statement that the leaseholder may seek an administrative hearing in writing through the department within 60 days after issuance of the notice of acquisition, determination of compensation, or payment, pursuant to these regulations and R.S. 56:432.1, as to whether the acquisition due to the impact of dredging, direct placement of dredged or other materials, or other work or activities necessary for the construction or maintenance of a project for coastal protection, conservation, or restoration is proper or whether the compensation issued by the department satisfied the regulations under this Subchapter, and that administrative or judicial review may be permissible, but that the procedures stated by law and these regulations must be followed or such right of review may be lost or impaired; and

17. a statement that a request for administrative or judicial review shall have no effect upon the validity of the acquisition of the acquired acreage, but only the compensation payable to the leaseholder, unless review is sought timely and the leaseholder proves that the project or action for which the acreage was acquired does not further coastal protection, conservation, or restoration.

D. Before issuing any notice of acquisition, the department shall make a reasonable attempt to determine whether any amount is due on a recorded lien or encumbrance in relation to any oyster lease covering the acreage to be acquired. The holder of the lien or encumbrance and the leaseholder may negotiate to allocate the compensation to be paid under the notice of acquisition by written agreement among them. Any such written agreement must fully release and indemnify the department from any claim in relation to the acreage to be acquired or the compensation for such acreage.

1. If no such written agreement is provided on or before the date when the department issues the notice of acquisition, the department shall withhold the full amount of all liens or encumbrances covering any of the acreage to be acquired, up to the full amount of the compensation determined by the department. If the department timely receives such a written agreement, the department shall withhold the amount agreed by the lienholder or encumbrance holder. A statement of the name of the holder and the amount withheld in relation to each lien or encumbrance shall be issued to the leaseholder as part of the notice of acquisition.

2. Should the amount of compensation to be paid for the acquired acreage be insufficient to pay the entirety of the lien or encumbrance, any lien or encumbrance shall be paid in order of legal preference and all holders of any remaining or unpaid lien or encumbrance shall be notified of the reason for non-payment or partial payment and issued a copy of the notice of acquisition.

3. The department shall forward payment in the full amount of any withholding to the holder of the lien or encumbrance by certified United States mail, return receipt requested, postage pre-paid, or by pre-paid receipted courier or delivery service, or hand delivery, to the last address on file with the secretary of state, if any, or to any address provided to the department or DWF by the lien or encumbrance holder. A copy of the notice of acquisition and determination of compensation, showing the lien or encumbrance and the withholding in relation thereto, shall be attached to the payment.

4. If the department is unable to make delivery of the payment by these means, the department shall transfer funds in the full amount of the withholding to a trust account from which it may be drawn for the benefit of the holder of the lien or encumbrance by joint agreement of the holder and the department, upon request of the lienholder of record on the date the notice of acquisition is initially issued.

5. If funds deposited into a trust account pursuant to this Subsection remain unclaimed after a period of five years, the funds shall be declared to be abandoned and may be disposed of pursuant to the Uniform Unclaimed Property Act, R.S. 9:151 et seq., at the sole discretion of the secretary.

E. If the department attempts issuance of notice of acquisition, determination of compensation, and the check pursuant to §313.C, at least once, and is unable to make delivery of the notice to the leaseholder thereby, the department shall re-issue the notice and the determination of compensation by certified United States mail, return receipt requested, to the leaseholder at his address on file with DWF on the date of the re-issuance. In such event, the department shall also publish a summary of such notice identifying the affected lease and acreage to be acquired, stating the effective date of the acquisition and providing a contact person at the department for all inquiries regarding the acquisition, in the official journal for all parishes in which any part of the acreage to be acquired is located. In addition, the following procedures shall apply.

1. If a Notice of Acquisition is re-issued under this Subsection, no check shall be attached to the re-issued notice. Instead, payment in the full amount of the determination of compensation, except for and less any amount due on recorded liens and encumbrances to be paid out of said proceeds, shall be transferred into a trust account from which it may be drawn for the benefit of the leaseholder by joint agreement of the leaseholder and the department, upon request of the leaseholder listed with DWF on the date the notice of acquisition is initially issued. If said funds deposited into a trust account pursuant to this Subsection remain unclaimed after a period of five years, the funds shall be declared to be abandoned and may be disposed of pursuant to the Uniform Unclaimed Property Act as set forth in R.S. 9:151 et seq., at the sole discretion of the secretary.

2. A re-issued notice shall include a statement that compensation for the acquisition has been deposited into a trust account, and that a contact person at the department designated in the re-issued notice can assist the leaseholder in withdrawing said funds from the trust account. The re-issued notice shall also include a statement that any funds in

the trust account remaining unclaimed after five years shall be declared abandoned and may be disposed of pursuant to the Uniform Unclaimed Property Act, R.S. 9:151 et seq.

F. Upon the effective date of acquisition of affected acreage as stated in the notice of acquisition, possession of the affected acreage acquired pursuant to the notice of acquisition, issued in accordance with this section shall revert back to the state of Louisiana, free and clear of any lease or other obligation or encumbrance, and regardless of whether the leaseholder actually receives the notice of acquisition.

G. No lease shall be granted for any water bottom for which any lease was previously acquired by the state for coastal protection, conservation, or restoration, unless the secretary of DWF determines that leasing would otherwise be appropriate under the provisions of Subpart D of Part VII of Chapter I of Title 56 of the Louisiana Revised Statutes of 1950 and the secretary of DNR affirms that the water bottom is not necessary for coastal protection, conservation, or restoration, as provided by and in accordance with the provisions of R.S. 56:425(E). Unless this determination has been made prior to issuance of the lease, a lease of water bottom for which a lease was previously acquired shall be null and void for such water bottom and shall be of no force or effect. No person shall have any claim against either secretary, either department, the state of Louisiana, its political subdivisions, the United States, or any agency, agent, contractor, or employee thereof or any other person in relation to the nullity of such lease. The determination of whether the water bottom sought to be leased is not necessary for coastal protection, conservation, or restoration shall be at the sole discretion of the secretary of DNR, upon consideration of existing, planned, projected, or reasonably foreseeable projects or other actions needed for coastal protection, conservation, or restoration.

H. Nothing in these regulations shall be construed to require the secretary to engage in or perform any project or other action for coastal protection, conservation, or restoration or any oyster resource survey, appraisal, or valuation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:213.1, et seq., R.S. 56:425, and R.S. 56:432.1.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 32:2092 (November 2006), repromulgated by the Office of the Governor, Coastal Protection and Restoration Authority LR 41:2612 (December 2015).

### **§315. Administrative Review (Formerly LAC 43:I.865)**

A. A leaseholder of an oyster lease acquired, in whole or in part, in accordance with these regulations and R.S. 56:432.1 may seek an administrative hearing through the department.

1. Any such adjudication shall be limited to whether the acquisition due to the impact of dredging, direct placement of dredged or other materials, or other work or activities necessary for the construction or maintenance of a project for coastal protection, conservation, or restoration is proper, or whether the compensation issued by the department satisfies the rules and regulations under this Subchapter.

2. Any leaseholder whose lease is not acquired, but upon which dredging, direct placement of dredged or other materials, or other work or activities necessary for the construction or maintenance of a project for coastal protection, conservation, or restoration has occurred, may also seek an administrative hearing through the department under this section to determine if acquisition of such oyster lease acreage would be proper.

B. A leaseholder's request for an administrative hearing under this section shall be requested in writing and sent to the department at the following address: Louisiana Department of Natural Resources, Office of Coastal Restoration and Management, Assistant Secretary, P.O. Box 44487, Baton Rouge, LA 70804-4487.

1. A written request for adjudication under this Section must be received by the department within 60 days after issuance of the notice of acquisition, determination of compensation, or payment to which the request pertains. However, a request for adjudication may be submitted to the department within two years after completion of the project for which acreage was acquired, if and only if, the leaseholder establishes that notice of the acquisition, determination of compensation, or payment was not issued as required by R.S. 56:432.1 or §313, or the request for adjudication seeks review of the lack of acquisition of leased acreage upon which dredging, direct placement of dredged or other materials, or other work or activities necessary for the construction or maintenance of a project for coastal protection, conservation, or restoration has occurred.

a. A request for adjudication received after the aforementioned deadlines, as applicable, is not timely and shall be denied.

b. A request for adjudication is deemed timely "received" when the request is mailed on or before the due date. If the papers are received by mail on the first legal day following the expiration of the delay, there shall be a rebuttable presumption that they are timely filed. In all cases where the presumption does not apply, the timeliness of the mailing shall be shown by an official United States postmark or by official receipt or certificate from the United States Postal Service or a bona-fide commercial mail service such as Federal Express or United States Parcel Service, made at the time of mailing which indicates the date thereof.

2. A request for an administrative hearing shall, at a minimum, include the following:

a. identification of the notice of acquisition to which the request pertains, or if no notice has been issued, identification of the affected lease and affected acreage to which the request pertains;

b. a statement of the relief requested, identifying the specific issue or point as to which adjudication is sought;

c. a statement of the reasons such relief is requested, and the facts upon which the request for relief is based;

d. the name and address to which the department and the Division of Administrative Law will send all communications regarding the request for administrative review. Neither the department nor the Division of Administrative Law have any obligation to deliver any communications or other notices regarding the request to any person or address other than the address listed in the request or any amendment thereto. If no person is listed, the

department and the Division of Administrative Law shall deliver all communications or notices to the last address on file for the leaseholder with DWF, and shall have no obligation to deliver communications or notices to any other person or address.

3. The department shall promptly submit a request for adjudication to the Division of Administrative Law.

C. Any adjudication hereunder shall be governed by and conducted in accordance with the Administrative Procedure Act (APA), R.S. 49:950 et seq., and the Division of Administrative Law Act (DALA), R.S. 49:991 et seq., unless such procedures are inconsistent or in conflict with the provisions of this Subchapter or R.S. 56:432.1.

D. The leaseholder may provide to the Division of Administrative Law, the department, and any other parties, including any holder of any lien or encumbrance or any other leaseholder claiming an interest in the acreage at issue, on or before the date of the adjudication, any reasonably confirmable data or other information that the leaseholder believes should be considered by the Division of Administrative Law in conducting the administrative review of the determination of the department. The Division of Administrative Law shall consider any reasonably confirmable data or information timely provided to the department by the leaseholder or any other person pursuant to §313 and R.S. 56:432.1. The Division of Administrative Law may disregard any information or data that is not submitted timely pursuant to this Subchapter.

E. The final decision of the Division of Administrative Law shall be issued to the leaseholder, in writing by certified mail, at his address on file with DWF on the date of issuance thereof, or at such other address as may be specified in the request for adjudication; and the Louisiana Department of Natural Resources, Office of Coastal Restoration and Management, Assistant Secretary, P.O. Box 44487, Baton Rouge, LA 70804-4487.

F. A request for adjudication shall have no effect upon the validity of the acquisition of the acreage acquired pursuant to a notice of acquisition, but only the compensation payable to the leaseholder. However, the acquisition may be found invalid if adjudication is sought timely and the project or action for which acquisition is sought does not further coastal protection, conservation, or restoration. If the acquisition is invalidated, the full possession of the oyster lease acreage sought to be acquired shall remain with the leaseholder, as if the notice of acquisition had never been issued.

G. If the Division of Administrative Law declares in a final decision that the leaseholder is entitled to additional compensation for the acquisition of the leasehold acreage at issue or that the department should have acquired a lease or acreage which it had not previously acquired, and states the amount of such compensation that is due, the department, subject to Constitution Article 12, Section 10, shall issue a check or draft to the leaseholder for such additional amount, except for and less any amount due on recorded liens and encumbrances to be paid out of said proceeds, by certified United States mail, return receipt requested, postage pre-paid, or hand delivery, to the last address on file with DWF on the date of issuance, or at such other address as may be specified in the request for adjudication, within 60 days after issuance of the final decision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:213.1, et seq. and R.S. 56:432.1.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 32:2094 (November 2006), repromulgated by the Office of the Governor, Coastal Protection and Restoration Authority LR 41:2614 (December 2015).

**§317. Judicial Review  
(Formerly LAC 43:I.867)**

A. A leaseholder may seek judicial review of the final decision of the Division of Administrative Law under §315 in accordance with R.S. 56:432.1(D), based solely on the administrative record and, except as otherwise provided in these rules or by R.S. 56:432.1, governed by and conducted in accordance with the Administrative Procedure Act (APA), R.S. 49:950 et seq. and the Division of Administrative Law Act (DALA), R.S. 49:991 et seq.

B. Proceedings for judicial review may be instituted in accordance with R.S. 56:432.1(D) by filing a petition in the Nineteenth Judicial District Court for the Parish of East Baton Rouge within 60 days after issuance of the final decision of the Division of Administrative Law. No petition for judicial review may be filed, and any such petition is premature, unless adjudication has been timely sought and all administrative remedies have been exhausted. Copies of the petition shall be served upon the secretary and on all parties of record.

C. A request for judicial review shall have no effect upon the validity of the acquisition of any oyster lease acreage acquired pursuant to a notice of acquisition, but only the compensation payable to the leaseholder. However, the acquisition may be found invalid if review is sought timely and the project or action for which acquisition is sought does not further coastal protection, conservation, or restoration. If the acquisition is invalidated, the full possession of the acreage sought to be acquired shall remain with the leaseholder, as if the notice of acquisition had never been issued.

D. If the court declares in its judgment that the leaseholder is entitled to additional compensation for the acquisition of the leasehold acreage at issue or that the department should have acquired a lease or acreage which it had not previously acquired, and states the amount of such compensation that is due, the department may appeal the judgment in accord with R.S. 49:965 of the Administrative Procedure Act (APA). If the judgment is affirmed on appeal or no appeal is taken and subject to Constitution Article 12, Section 10, the department shall issue a check or draft to the leaseholder for such additional compensation as set forth in the original judgment or as may be modified or amended on appeal by certified United States mail, return receipt requested, postage pre-paid, or hand delivery, to the last address on file with DWF on the date of issuance, or at such other address as may be specified in the request for adjudication no more than 60 days after the judgment becomes final and definitive under the provisions of Articles 2166 and 2167 of the Code of Civil Procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:213.1, et seq. and R.S. 56:432.1.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 32:2095 (November 2006), repromulgated by the Office of the Governor, Coastal Protection and Restoration Authority LR 41:2616 (December 2015).

**§319. Reimbursement of Costs of Acquisition  
(Formerly LAC 43:I.869)**

A. The department may acquire any acreage under this Subchapter in relation to a project or action for coastal protection, conservation, or restoration performed or to be performed by or for the United States, any department, agency, board, commission, or political subdivision of the state, or any other public or private entity responsible for a project.

B. If the department acquires acreage under this Subchapter in relation to any project or action performed by any person or entity other than the department, such entity shall compensate the department for all costs incurred by the department, which are associated with the acquisition.

C. The costs for which reimbursement is due under this Subchapter includes but is not limited to costs of oyster resource surveys, appraisal, administrative, or other uses of department personnel or resources, payment for acquisition, and awards on administrative adjudications or judicial review.

D. The secretary may choose, at his sole discretion, to waive any part or all of the compensation that would otherwise be required under this Section. No person or entity shall have any right to such waiver, and the secretary shall have no obligation to make such a waiver. Waiver of any part of the compensation that would otherwise be required shall not affect any obligation to pay the remainder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:213.1, et seq. and R.S. 56:432.1.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 32:2095 (November 2006), repromulgated by the Office of the Governor, Coastal Protection and Restoration Authority LR 41:2616 (December 2015).

Jerome Zeringue  
Executive Director

1512#031

**RULE**

**Department of Health and Hospitals  
Board of Examiners of Nursing Facility Administrators**

**Fees and Assessments (LAC 46:XLIX.1201)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:2501 et seq., the Louisiana Board of Examiners of Nursing Facility Administrators has amended LAC 46:XLIX.1201. The Rule increases the annual registration fee for licensed nursing facility administrators to provide sufficient revenues for increases in the operating costs of the Board of Examiners.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XLIX. Nursing Facility Administrators**

**Chapter 12. Fees and Assessments**

**§1201. Fee Schedule**

A. The board hereby establishes the following fees and costs to be imposed for the purpose of implementing and enforcing the provisions of this Part.

Administrator address labels/page	\$8
Annual Conditional Registration Fee	\$210
Annual Registration Fee	\$495
Application Packet	\$100
Certification of document as true copy	\$10
CNA/DSW Card	\$13
Continuing Education Provider (annually)	\$600
Delinquent fee	\$250
Directory of Administrators	\$15
Failure to maintain current information	\$80
Handling and mailing per page	\$2
Initial Registration Fee	\$395
Minimum Licensure Standards Book	\$15
NFA Application Fee	\$600
NFA Replacement Card (with photo)	\$17
NSF Fee	\$50
Photocopies of document/page	\$0.50
Reciprocity Fee (to another state)	\$50
Reciprocity Fee (to Louisiana)	\$125
Replace License Card	\$12
Replace License (original)	\$50
Replace Registration Certificate or 2nd copy	\$25
Request for CEU Approval (applicant)	\$50
Request for CEU Approval (vendor)	\$75
Seminars (per hour of instruction)	\$50
State Exam Fee	\$120
State Exam Retake Fee	\$150

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2504.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Nursing Facility Administrators, LR 37:596 (February 2011), amended LR 39:1047 (April 2013), LR 41:96 (January 2015), LR 41:2616 (December 2015).

Mark A. Hebert  
Executive Director

1512#047

**RULE**

**Department of Health and Hospitals  
Board of Examiners of Psychologists**

Continuing Education (LAC 46:LXIII.811)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Health and Hospitals, Board of Examiners of Psychologists has amended LAC 46:LXIII.Chapter 8, Continuing Education, §811, Extensions/Exemptions. The amendment provides for an exemption for emeritus licenses until 2015 and 2016. Emeritus licensees who hold an odd license will begin accruing continuing education hours on July 1, 2015 and will report by June 30, 2017. Emeritus licensees who hold an even license will begin accruing continuing education hours on July 1, 2016 and will report by June 30, 2018.

**Title 46**

**Professional and Occupational Standards**

**Part LXIII. Psychologists**

**Subpart 1. General Provisions**

**Chapter 8. Continuing Education**

**§811. Extensions/Exemptions**

A. - C. ...

D. Emeritus licensees will be exempt until reporting periods beginning July 1, 2015 and July 1, 2016.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2354

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 19:47 (January 1993), amended LR 32:1229 (July 2006), LR 39:2755 (October 2013), LR 41:2617 (December 2015).

Jaime T. Monic  
Executive Director

1512#026

**RULE**

**Department of Health and Hospitals  
Board of Examiners of Psychologists**

Provisional Licensure of Psychologists  
(LAC 46:LXIII.102, 105, 601, 603, 701, 705, 709,  
901, 902, 1101, 1301, 1503, 1901, and 2103)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Health and Hospitals, Board of Examiners of Psychologists has amended LAC 46:LXIII.Chapters 1-21 to include references to provisionally licensed psychologists. The amendments are necessary pursuant to Act 137 of the 2014 Legislative Session.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part LXIII. Psychologists**

**Subpart 1. General Provisions**

**Chapter 1. Definitions**

**§102. Definition of Applicant for Provisional Licensure**

A. An *applicant* is a person who submits to the board the required application fee and the complete prescribed application which includes evidence that the person:

1. is at least 21 years of age; and
2. is of good moral character; and
3. is a citizen of the United States or has declared an intention to become a citizen. A statement by the person, under oath, to apply for citizenship upon becoming eligible to make such application shall be sufficient proof of compliance with this requirement; and
4. holds a doctoral degree with a major in psychology from a university offering a full-time graduate course of study in psychology that is approved by the board with such requirements as designated in the board's rules and regulations; and
5. has completed a minimum of one year of experience practicing psychology under the supervision of a licensed psychologist or medical psychologist licensed in accordance with R.S. 37:1360.51 et seq., or has completed an approved predoctoral internship as defined in the rules and regulations of the board and required as part of the doctoral degree in psychology as defined by the board and all other experience being post-doctoral;

6. all applicants for provisional licensure must submit and obtain preapproval of a supervised practice plan as a requirement for licensure;

7. is not in violation of any of the provisions of R.S. 37:2351-2367 and the rules and regulations adopted thereunder; and

8. submits such number of full sets of fingerprints and fees and costs as may be incurred by the board in requesting or obtaining criminal history record information as authorized by R.S. 37:2372.1, and in the form and manner prescribed by the boards rules and regulations. The results of the criminal history record information search to be obtained, reviewed and considered acceptable by the board prior to admission to candidacy status.

B. Applicant status shall not be used for professional representation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2617 (December 2015).

**§105. Definition of Candidate for Licensure**

A. A *candidate for licensure* is an applicant or provisional licensee (as defined in the rules and regulations of the board) who:

1. has been judged by the board to have met the requirements set forth under the definition applicant or definition of applicant for provisional license; and

2. is therefore admitted to the written examination.

B. An applicant may be admitted to candidacy, and therefore may take the required written examination, prior to completion of the two years of full-time supervised and documented postdoctoral experience, which is required for licensure and as defined in the rules and regulations of the board, or prior to expiration of the provisional license.

C. A candidate for licensure may retake the written examination as frequently as it is offered by the board, however, the candidate shall not be allowed to take the examination more than three times without meeting the minimum criterion set by the board for successful completion.

D. A candidate shall have a maximum of four years to pass the written examination.

E. A candidate who fails to pass the written examination three times (as in §105.C) or within four years (as in §105.D) shall be removed from candidacy for licensure and shall not be issued a license to practice psychology in Louisiana.

F. Candidates who are provisionally licensed who fail the written exam three times or fail to complete the written exam within four years shall have the provisional license revoked and be removed from candidacy for licensure and shall not be issued a license to practice psychology in Louisiana.

G. The above requirements of a written examination shall not prohibit a modified administration of the examination to an otherwise qualified candidate who is handicapped and whose handicap would interfere with the ability of the candidate to demonstrate satisfactory knowledge of psychology as measured by the examination.

H. A candidate who successfully completes the written examination will be admitted to the oral examination before the board.

I. A candidate who successfully completes the oral examination, in the judgment of the board, shall be issued a

license in psychology upon the completion of the two years of full-time supervised and documented postdoctoral experience which is required for licensure under R.S. 37:2351-2367 and as defined in the rules and regulations of the board.

J. A candidate denied licensure under the preceding provisions, may reapply to the board after more than two years have elapsed from the effective date of the notification by the board of such denial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 5:248 (August 1979), amended by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2618 (December 2015).

**Chapter 6. Fees**

**§601. Licensing Fees**

Licensing Fees	Amount
Application for Licensure	\$200
Application for Provisional Licensure	\$150
Oral Examination (Licensure, specialty change or additional specialty)	\$250
Temporary Registration	\$125
Jurisprudence Examination	\$75
Licensed Psychologist Renewal	\$320
Provisional License Renewal	\$100
Emeritus License Renewal	\$160
Reinstatement of Lapsed License (Application plus renewal fee)	\$520

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2354.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 33:647 (April 2007), amended LR 39:311 (February 2013), LR 41:2618 (December 2015).

**§603. Administrative/Other Fees**

Administrative/Other Fees	Amount
Address List/Labels	\$ 100
License Verification	15
Disciplinary Action Report	25
Replacement License Certificate	25
Photo ID Card	15

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2354.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 33:648 (April 2007), amended LR 39:311 (February 2013), LR 41:2618 (December 2015).

**Chapter 7. Supervised Practice Leading toward Licensure**

**§701. Preface**

A. This document details reasonable minimal standards for supervised practice and establishes the legal, administrative and professional responsibility of the licensed psychologist or medical psychologist licensed in accordance with R.S. 27:1360.51 et seq., designated as supervisor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 5:249 (August 1979), amended LR 7:187 (April 1981), amended by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2618 (December 2015).

#### **§705. Qualifications of Supervisors**

A. Responsibility for the overall supervision of the supervisee's professional growth resides in the licensed psychologist or medical psychologist. Supervising psychologists shall at least be licensed for one year and have training in the specific area of practice in which they are offering supervision. Specific skill training may be assigned to other specialists, under the authority of the supervising psychologist. The non-psychologist specialist shall have clearly established practice and teaching skills demonstrable to the satisfaction of both the supervising psychologist and the supervisee.

B. The supervisor shall limit the number of persons supervised so as to be certain to maintain a level of supervision and practice consistent with professional standards insuring the welfare of the supervisee and the client. The supervisor must be licensed for one year and may not supervise any more than two candidates for licensure at the same time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 5:249 (August 1979), amended LR 7:187 (April 1981), amended by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2619 (December 2015).

#### **§709. Conduct of Supervision**

A. The board recognizes that the variability in preparation for practice of the trainee will require individually tailored supervision. The specific content of the supervision procedures will be worked out between the individual supervisor and the supervisee.

B. The licensed psychologist or medical psychologist who provides supervision for the candidate for licensure must have legal functioning authority over and professional responsibility for the work of the supervisee. This means that the supervisor must be available to the supervisee at the point of the decision-making. The supervisor's relationship with the supervisee shall be clearly differentiated from that of consultant, who may be called in at the discretion of the consultee and who has no functional authority for, nor none of the legal or professional accountability for the services performed or for the welfare of the client.

C. The supervising psychologist is responsible for the delivery of services, the representation to the public of services, and the supervisor/supervisee relationship.

1. All clients will be informed of the availability or possible necessity of meetings with the supervising psychologist at the request of the client, the supervisee, or the psychologist. The supervisor will be available for emergency consultation and intervention.

2. All written communication will clearly identify the licensed psychologist or medical psychologist as responsible for all psychological services provided. Public announcement of services and fees, and contact with the public or professional community shall be offered only by or in the name of the licensed psychologist or medical psychologist. It is the responsibility of both the supervising

psychologist and the supervisee to inform the client, to whatever extent is necessary for the client to understand, of the supervisory status and other specific information as to supervisee's qualifications and functions

3. Billing and receipt of payment is the responsibility of the employing agency or the licensed psychologist/medical psychologist and/or provisional licensed psychologist. The setting and the psychological work performed shall be clearly identified as that of the licensed psychologist. The physical location where services are delivered may not be owned, leased, or rented by the supervisee.

4. The supervisor must be paid either directly by the client or by the agency employing the supervisee. The supervisee may not pay the supervisor for supervisory services, nor may the supervisee and/or his/her immediate family have any financial interest in the employing agency.

5. The supervising psychologist is responsible for the maintenance of information and files relevant to the client. The client shall be fully informed, to whatever extent is necessary for that client to understand, that the supervising psychologist or the employing agency is to be the source of access to this information in the future.

D. In the event the supervisee publicly represents himself/herself inappropriately, or supervision is not conducted according to LAC 46:LXIII.709, the board may rule that any experience gained in that situation is not commensurate with ethical standards and thus not admissible as experience toward licensure. The board may further rule that any psychologist providing supervision under those circumstances is in violation of ethical standards which results in disciplinary action such as suspension or revocation of licensure.

E. Termination of supervision of a provisionally licensed psychologist must be reported to the board by both the supervisor and supervisee, in writing via postal mail, within seven calendar days from when either party knew or should have known supervision was terminated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 5:249 (August 1979), amended LR 7:187 (April 1981), amended by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2619 (December 2015).

### **Chapter 9. Licensees**

#### **§901. Provisional License Renewal**

A. A psychologist is eligible to renew their provisional license until July 31 of each year upon submission of the required renewal fee, renewal application form and fulfillment of all continuing education requirements as defined in LAC 46:LXIII.Chapter 8.

B. A provisional license may be valid for one year beginning August 1 through July 31 for each renewal period.

C. A person whose provisional license has been suspended is not eligible for renewal. Reinstatement procedures of a suspended provisional license are at the discretion of the board.

D. A person whose provisional license has been revoked is not eligible for renewal.

E. Provisionally licensed psychologists shall be eligible for renewal of provisional licensure no more than three consecutive years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 6:489 (August 1980), amended LR 10:795 (October 1984), amended by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 29:2074 (October 2003), LR 33:648 (April 2007), LR 36:1007 (May 2010), LR 41:2619 (December 2015).

#### **§902. Lapsed Provisional License**

A. If a provisional license is not renewed by July 31, due notice having been given, the license shall be regarded as lapsed for the year beginning with that August. Such license is not eligible for reinstatement unless such requirements are satisfied within six months from the date of lapse.

B. If a provisional license lapses for a period longer than 6 months, one may make a new application to the board. It is at the discretion of the board that any requirements not fulfilled during the year prior to lapse be completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2620 (December 2015).

### **Chapter 11. Supervision of Assistants to Psychologists**

#### **§1101. Conditions for Utilization of Assistants**

A. An assistant providing psychological services must be under the general and continuing professional supervision of a licensed psychologist. General supervision means the procedure is furnished under the psychologist's overall direction and control, but the psychologist's presence is not required during the performance of the procedure. Under general supervision, the training of the non-psychologist personnel who actually performs the diagnostic procedure and maintenance of the necessary equipment and supplies are the continuing responsibility of the psychologist.

B. In order to maintain ultimate legal and professional responsibility for the welfare of every client, a licensed psychologist must be vested with functional authority over the psychological services provided by assistants.

C. Supervisors shall have sufficient contact with clients, and must be empowered to contact any client in order to plan effective and appropriate services and to define procedures. They shall also be available for emergency consultation and intervention.

D. Work assignments shall be commensurate with the skills of the assistant and procedures shall under all circumstances be planned in consultation with the supervisor.

E. The supervisory contact with assistants shall occur in the service delivery setting, unless otherwise approved by the board of examiners.

F. Public announcement of fees and services and contact with lay or professional public shall not be offered in the name of the assistant.

G. Billing for psychological services shall not be in the name of an assistant.

H. A provisional licensed psychologist may not supervise unlicensed assistants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of

Psychologists, LR 5:250 (August 1979), amended by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 36:1246 (June 2010), LR 41:2620 (December 2015).

### **Chapter 13. Ethical Standards of Psychologists**

#### **§1301. Ethical Principles and Code of Conduct**

A. The Board of Examiners of Psychologists incorporates by reference and maintains that Psychologists shall follow the APA Ethical Principles of Psychologists and Code of Conduct with the 2010 amendments adopted by the American Psychological Association's Council of Representatives on February 20, 2010, effective June 1, 2010. The *Ethics Code* and information regarding the code can be found on the APA website, <http://www.apa.org/ethics>, or from the LSBEP web site at <http://www.lsbep.org>.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 6:66 (February 1980), amended LR 10:791 (October 1984), amended by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 29:703 (May 2003), LR 41:2620 (December 2015).

### **Chapter 15. Rules for Disciplinary Action**

#### **Subchapter A. Applicability; Processing Complaints**

#### **§1503. Complaints**

A. A *complaint* is defined as the receipt of any information by the board indicating that there may be grounds for disciplinary action against a licensed psychologist or provisional licensed psychologist, or any other individual, under the provisions of title 37, chapter 28 of the *Louisiana Revised Statutes*, or other applicable law, regulation or rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 9:461 (July 1983), amended LR 12:833 (December 1986), amended by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 36:1008 (May 2010), LR 41:2620 (December 2015).

### **Chapter 19. Public Information**

#### **§1901. Public Display of License**

A. The license of the licensed psychologist or provisional licensed psychologist shall be publicly displayed in the office where services are offered. When a psychologist works in two or more settings, the license should be publicly displayed in the primary office location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 15:88 (February 1989), amended LR 41:2620 (December 2015).

### **Chapter 21. Disclosure of Financial Interests and Prohibited Payments**

#### **§2103. Definitions**

\* \* \*

*Provisional Licensed Psychologist*—any individual who practices under the supervision of a Louisiana licensed psychologist and has met all minimal requirements as determined by the Louisiana State Board of Examiners of Psychologists.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 21:1335 (December 1995), amended LR 41:2620 (December 2015).

Jaime T. Monic  
Executive Director

1512#024

## RULE

### Department of Health and Hospitals Board of Examiners of Psychologists

#### Provisional Licensure of Psychologists (LAC 46:LXIII.Chapters 31-43)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Health and Hospitals, state Board of Examiners of Psychologists has adopted LAC 46:LXIII.Chapters 31-43 to include regulations for licensed specialists in school psychology, pursuant to Act 136 of the 2014 Legislative Session.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LXIII. Psychologists

#### Subpart 2. Licensed Specialists in School Psychology

#### Chapter 31. Definitions

##### §3101. Definition of Board

*Board*—the Louisiana State Board of Examiners of Psychologists.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2621 (December 2015).

#### Chapter 32. Licensed Specialist in School Psychology Advisory Committee

##### §3201. Scope

A. The rules of this Chapter identify the constitution, functions and responsibilities of the licensed specialist in School Psychology Advisory Committee to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2621 (December 2015).

##### §3202. Constitution, Function and Responsibilities of Advisory Committee

A. The board shall constitute and appoint a Licensed Specialist in School Psychology Advisory Committee, which shall be organized, and function in accordance with the law and rules of the board.

B. Composition. The committee shall be comprised of 4 members, consisting of:

1. two members that are licensed school psychologists licensed under the LSBEP who meets all requirements as determined by the board, selected from a list of self-nominations to the board;

2. one member that is either a licensed school psychologist licensed under the LSBEP or a licensed

specialist in school psychology licensed under LSBEP who meets all requirements as determined by the board selected from a list of self-nominations to the board; and

3. the board's executive director as the ex-officio, non-voting member.

C. Appointment. Each member, to be eligible for and prior to appointment to the committee, shall have maintained residency and a current and unrestricted license to practice in the state of Louisiana under the authority of LSBEP for not less than two years.

D. Vacancy. In the event of a vacancy on the committee, the board shall appoint a replacement for the remainder of the member's term. The replacement shall meet the same requirements as determined by the board and be drawn from a list of self-nominations to the board.

E. Term of Service. Each member of the initial committee shall serve staggered terms. For the first appointment to the committee, one member will serve three years, one member will serve two years and one member will serve one year. The ex-officio member will serve continuously. Initial committee members shall be eligible for 1 reappointment for a full term of three years.

1. For future committee appointments, members will serve for a term of three years, or until a successor is appointed and shall be eligible for one reappointment. Committee members serve at the pleasure of the board.

F. Functions of the Committee. The committee will provide the board with recommendations relating to the following matters:

1. applications for licensure (initial and renewal);
2. educational requirements for licensure (initial and renewal);
3. changes in related statutes and rules; and
4. other activities as might be requested by the board.

G. Committee Meetings, Officers. The committee shall meet at least quarterly, or more frequently as deemed necessary by a quorum of the committee or the board. Two members of the committee constitute a quorum. The committee shall elect from among its members a chair. The chair shall designate the date, time and place of, and preside at all meetings of the committee.

H. Confidentiality. In discharging the functions authorized under this Section, the committee and the individual members thereof shall, when acting within the scope of such authority, be deemed agents of the board. Committee members are prohibited from disclosing, or in any way releasing to anyone other than the board, any confidential information or documents obtained when acting as agent of the board without first obtaining written authorization from the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by Health and Hospitals, Board of Psychologists, LR 41:2621 (December 2015).

#### Chapter 33. Definition of Applicant for Licensure as a Specialist in School Psychology

##### §3301. Definition

A. An applicant is a person who submits to the board the required application fee and the complete prescribed application which includes evidence that the person:

1. is at least 21 years of age; and
2. is of good moral character; and

3. is a citizen of the United State or has declared his intention to become a citizen. A statement by the person under oath that he is a citizen or that he intends to apply for citizenship when he becomes eligible to make such application shall be sufficient proof of compliance with the requirement of this Paragraph;

4. has completed a school specialist degree from a National Association of School Psychologists approved program or equivalent;

5. has completed a one-thousand-two-hundred hour, at least a nine-month internship under the supervision of a certified school psychologist in a school setting or by a licensed psychologist in a community setting. Of the 1200 hundred hours, 600 hours shall be completed in a school setting;

6. has completed three years of supervised experience as a certified school psychologist within the public school system;

7. has passed the nationally certified school psychologist examination;

8. has demonstrated professional knowledge of the laws and rules regarding the practice of psychology in Louisiana; and

9. Is not in violation of any of the provisions of this Chapter and the rules and regulations adopted by the board.

B. Applicant status shall not be used for professional representation.

C. An applicant who is denied licensure by the board based on the evidence submitted as required under Subsection A of this Section, may reapply to the board after two years have elapsed, and having completed additional training meeting the requirements of the law and as defined in the rules and regulations adopted by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2621 (December 2015).

### **Chapter 34. Specialist Programs in School Psychology**

#### **§3401. Program Requirements—General**

A. A graduate of a specialist in school psychology program that is a National Association of School Psychologists (NASP) -approved program is recognized as holding a specialist degree, or an equivalent certificate, from a university offering a full-time graduate course of study in school psychology. The NASP criteria for program approval serves as a model for specialist-level training in school psychology.

B. Graduate education in specialist in school psychology is delivered within the context of a comprehensive program framework based on clear goals and objectives and a sequential, integrated course of study in which human diversity is emphasized. Graduate education develops candidates' strong affiliation with school psychology, is delivered by qualified faculty, and includes substantial coursework and supervised field experiences necessary for the preparation of competent specialist-level school psychologists whose services positively impact children, families, schools, and other consumers.

C. Degrees from online programs will only be accepted if NASP-approved and meet the requirements in Subsection D of this Section.

D. A graduate of a specialist program that is not approved by the NASP must meet the criteria listed below.

1. Training in school psychology is at the specialist level offered in a regionally accredited institution of higher education.

2. The program, wherever it may be administratively housed, must be clearly identified and labeled as a specialist in school psychology, or certificate, program. Such a program must specify in pertinent institutional catalogs and brochures its intent to educate and train specialist-level school psychologists.

3. The specialist program must stand as a recognizable, coherent organizational entity within the institution.

4. There must be a clear authority and primary responsibility for all specialist program components consistent with NASP standards for training programs.

5. The program must be an integrated, organized sequence of study.

6. There must be an identifiable school psychology faculty and a school psychologist responsible for the program. A minimum of two program faculty must have earned doctorates in school psychology.

7. The specialist program must have an identifiable body of students who have matriculated in that program for a degree.

8. The specialist program must include supervised practicum and internship completed in field-based settings consisted with NASP standards for training.

9. The specialist program shall involve at least one continuous academic year of full-time residency on the campus of the institution at which the degree is granted.

10. The curriculum shall encompass a minimum of two academic years of full-time graduate study and an approved one-year internship consistent with published NASP standards for training. Additionally, the program shall require each student to demonstrate competence in each of the NASP practice domains:

- a. data-based decision making and accountability;
- b. consultation and collaboration;
- c. interventions and instructional support to develop academic skills;
- d. interventions and mental health services to develop social and life skills;
- e. school-wide practices to promote learning;
- f. preventive and responsive services;
- g. family-school collaboration services;
- h. diversity in development and learning;
- i. research and program evaluation;
- j. legal, ethical, and professional practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2622 (December 2015).

**§3402. Program Requirements—Supervised Practica Prior to Internship**

A. The school psychology program should include supervised practica prior to internship that includes the following:

1. completion of practica, for academic credit that are distinct from, precede, and prepare students for the school psychology internship;
2. specific, required activities and systematic evaluation of skills that are consistent with goals of the program;
3. emphasize human diversity, and are completed in settings relevant to program objectives for development of practice competencies;
4. direct oversight by the program to ensure appropriateness of the placement, activities, supervision, and collaboration with the placement sites and practicum supervisors; and
5. close supervision of students by program faculty and qualified practicum supervisors, including appropriate performance-based evaluation, to insure that students are developing professional work characteristics and designated competencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2623 (December 2015).

**§3403. Program Requirements—Internship**

A. The school psychology program should include a comprehensive, supervised, and carefully evaluated internship in school psychology that includes the following:

1. a culminating experience in the program’s course of study that is completed for academic credit or otherwise documented by the;
2. a primary emphasis on providing breadth and quality of experiences, attainment of comprehensive school psychology competencies, and integration and application of the full range of domains of school psychology;
3. completion of activities and attainment of school psychology competencies that are consistent with the goals and objectives of the program and emphasize human diversity, and provision of school psychology services that result in direct, measureable, and children, families, schools, and/or other consumers;
4. inclusion of both formative and summative performance-based evaluations of interns that are completed by both program faculty and field-based supervisors, are systematic and comprehensive, and insure that interns demonstrate professional work characteristics and attain competencies needed for effective practice as school psychologists;
5. a minimum of 1200 clock hours, including a minimum of 600 hours of the internship completed in a school-based setting;
6. at least nine-month internship under the supervision of a certified school psychologist in a school setting or by a licensed psychologist in a community setting;
7. completion in settings relevant to program objectives for intern competencies and direct oversight by

the program to ensure appropriateness of the placement, activities, supervision, and collaboration with the placement sites and intern supervisors;

8. provision of field-based supervision from a school psychologist holding the appropriate state school psychologist credential for practice in a school setting or, if in an a program approved alternative setting, field-based supervision from a psychologist holding the appropriate state psychology credential for practice in the internship setting;
9. an average of at least two hours of field-based supervision per full-time week or the equivalent for part-time placements; and
10. a written plan specifying collaborative responsibilities of the school psychology program and internship site in providing supervision and support ensuring that internship objectives are achieved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2623 (December 2015).

**§3404. Program Requirements—Foreign Programs**

A. Graduates of foreign programs will be evaluated according to the following.

1. Graduates of foreign programs must meet the substantial criteria in §3401.D above.
2. Applicants for specialist licensure whose applications are based on graduation from foreign universities shall provide the board with such documents and evidence to establish that there formal education is equivalent to specialist-level training in a NASP-approved program granted by a United States university that is regionally accredited. The applicant must provide the following:
  - a. an original diploma or other certificate of graduation, which will be returned, and a photostatic copy such a document, which will be retained;
  - b. a transcript or comparable document of all course work completed;
  - c. a certified translation of all documents submitted in a language other than English;
  - d. satisfactory evidence of supervised experiences; and
  - e. a statement prepared by the applicant based on the documents referred to in the Section, indicating the chronological sequence of studies. The format of this statement shall be comparable as possible to a transcript issued by United States universities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2623 (December 2015).

**Chapter 35. Limits in Practice**

**§3501. Limits in Practice**

A. Licensed specialists in school psychology shall apply their knowledge of both psychology and education to render services that are germane to the current state educational bulletins, including but not limited to Louisiana Bulletins 1508 and 1706.

B. A licensed specialist in school psychology cannot diagnose mental disorders as defined by the Diagnostic and Statistical Manual of Mental Disorders or disease as defined by the International Classification of Diseases.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2623 (December 2015).

### **Chapter 36. Supervision**

#### **§3601. Supervisor/Supervisee Relationship**

A. A licensed specialist in school psychology may contract with and work outside of the school system under the clinical supervision of a licensed psychologist or medical psychologist licensed in accordance with R.S. 37:1360.51 et seq.

B. The supervising psychologist shall be administratively, clinically and legally responsible for all professional activities of the licensed specialist in school psychology. This means that the supervisor must be available to the supervisee at the point of decision-making. The supervisor shall also be available for emergency consultation and intervention.

C. The supervising psychologist shall have demonstrated competency and continue maintenance of competency in the specific area of practice in which supervision is being given.

D. The supervising psychologist shall be required to sign any final reports prepared by the licensed specialist in school psychology.

E. The supervising psychologist is responsible for the representation to the public of services, and the supervisor/supervisee relationship.

F. All clients shall be informed of the supervisory relationship, to whatever extent is necessary to ensure the client to understand, the supervisory status and other specific information as to the supervisee's qualifications and functions.

G. The supervising psychologist is responsible for the maintenance of information and files relevant to the client. The client shall be fully informed, to whatever extent is necessary that ensures the client understands that the supervising psychologist is to be the source of access to this information.

H. An ongoing record of supervision shall be created and maintained which adequately documents activities occurring under the supervision of the supervising psychologist.

I. Failure and/or neglect in maintaining the above standards of practice may result in disciplinary action of the licensed specialist in school psychology and/or the licensed psychologist/medical psychologist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2624 (December 2015).

#### **§3602. Qualifications of Supervisors**

A. A supervising psychologist must at least be licensed for one full year prior to entering into a supervision relationship with a licensed specialist in school psychology.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2624 (December 2015).

#### **§3603. Amount of Supervisory Contact**

A. The purpose of this section is to set the minimum standard of one hour per week for general professional supervision.

B. Supervision is to be conducted on a one-on-one, face-to-face basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2624 (December 2015).

#### **§3604. Supervision of Graduate Students and Graduates in Specialist Level School Psychology**

A. A licensed specialist in school psychology may supervise graduate students and graduates if they have been licensed for a minimum of one year and supervise no more than a total of two individuals at the same time.

B. Graduate students and graduates providing services must be under the direct and continuing professional supervision of a licensed specialist in school psychology.

C. In order to maintain ultimate legal and professional responsibility for the welfare of every client, a licensed specialist in school psychology must be vested with functional authority over the services provided by graduate students or graduates.

D. Supervisors shall have sufficient contact with clients, and must be empowered to contact any client in order to plan effective and appropriate services and to define procedures. They shall be available for emergency consultation and intervention.

E. Work assignments shall be commensurate with the skills of the graduate student or graduates. All work and procedures shall be planned in consultation with the supervisor.

F. In the case of prolonged illness or absence, the supervisor should designate another licensed specialist in school psychology to perform as full supervisor with all of the responsibilities of the original supervisor. All legal and professional liability shall transfer to the temporary supervisor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2624 (December 2015).

### **Chapter 37. Examinations**

#### **§3701. Examinations**

A. A Licensed Specialist in School Psychology must have successfully taken and passed the Praxis Series-school psychologist exam as constructed by the National Association of School Psychology. The acceptable passing rate for state licensure is the passing rate established by the National Association of School Psychology.

B. A licensed specialist in school psychology must demonstrate professional knowledge of laws and rules regarding the practice of psychology in Louisiana prior to the issuance of a license by successfully taking and passing a jurisprudence examination developed by and issued by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2624 (December 2015).

**Chapter 38. Fees**

**§3801. Licensing and Administrative Fees**

**A. Licensing Fees**

Licensing Fees:	
Application for Licensure	\$200
Jurisprudence Examination	\$75
Annual License Renewal	\$100
Reinstatement of Lapsed License	\$300
Criminal Background Check	\$50

**B. Administrative Fees**

Administrative Fees:	
Address List	\$100
Licensure Verification	\$15
Replacement License/Certificate	\$15
Disciplinary Action Documents	\$25

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2625 (December 2015).

**Chapter 39. Renewal Requirements for Licensed Specialists in School Psychology**

**§3901. Renewal Process**

A. A licensed specialist in school psychology shall renew their current license every year by July 31, beginning in July 2015. The renewal period shall open in May and will close July 31 annually. The licensed specialist in school psychology must submit the required renewal forms, renewal fee and proof of fulfillment of all continuing education requirements as approved by the board.

B. A license may be valid for one year beginning August 1 through July 31 for each renewal period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2625 (December 2015).

**§3902. Noncompliance—Renewal Process**

A. Noncompliance shall include, in part, incomplete forms, unsigned forms, failure to file all of the required renewal forms by July 31, failure to postmark the renewal package by July 31 and failure to report a sufficient number of acceptable continuing education credits as determined by the board.

B. If the license is not renewed by the end of July, due notice having been given, the license shall be regarded as lapsed effective August 1. An individual shall not practice as licensed specialist in school psychology in Louisiana while the license is lapsed.

C. A lapsed license may be reinstated, at the approval of the board, if all applicable requirements have been met, along with payment of the reinstatement fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2625 (December 2015).

**§3903. Extensions/Exemptions—Renewal Process**

A. The board may grant requests for renewal extensions or exemptions on a case-by-case basis. All requests must be made in writing, submitted via U.S. mail, to the board office and shall be reviewed at the next regularly scheduled board meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2625 (December 2015).

**Chapter 40. Continuing Education Requirements of Licensed Specialist in School Psychology**

**§4001. General Requirements**

A.1. Pursuant to R.S. 37:2357 each licensed specialist in school psychology is required to complete continuing education hours within biennial reporting periods. Continuing education is an ongoing process consisting of learning activities that increase professional development.

a. Each licensed specialist in school psychology is required to complete 50 hours of credit of continuing education within the biennial reporting period beginning in July 2015.

b. Two of the above 50 hours of credit of continuing education must be in the areas of ethics or law.

2. Within each reporting period, LSSPs must earn credits in at least two of the nine categories listed under §4002.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2625 (December 2015).

**§4002. Categories and Calculation of Credits Earned**

A. Workshops, Conferences, In-Service Training. This category is defined by professional development activities that involve opportunities for direct instruction and interaction. It includes seminars, workshops, real-time webcasts, and distance learning programs with interactive capabilities:

1. one hour of participation—1 credit;
2. required documentation—certificate of attendance.

**B. College and University Coursework**

1. This category includes all college or university credit, including both onsite and distance learning courses:

a. one semester hour—15 credits (e.g., 3 credit course = 45 credits);

b. one quarter hour—10 credits.

2. Required documentation: official college or university transcript.

**C. Training and In-service Activities**

1. Credit may be claimed once for development and presentation of new workshops or in-service training activities:

- a. one hour of participation—1 credit;
- b. maximum credit—30 credits.

2. Required documentation: program flyer or syllabus. The hours of credit, date of training, and sponsor must be included in the documentation.

D. Research and Publications

1. Research and Contribution to the Professional Knowledge. To claim credit in this category, it is necessary for the participant to reasonably estimate the amount of time spent and claim those actual hours up to the maximum specified:

- a. maximum credit—25 credits total;
- b. empirical research—up to 10 credits per project;
- c. professional publication—up to 5 credits per project.

2. Required documentation: board-approved form.

E. Supervision of Graduate Students

1. Field supervisors of school psychology interns should consider the extent to which this activity leads to professional growth on the part of the supervisor:

- a. supervision of one intern for one academic year—up to 10 credits;
- b. supervision of one practicum student per semester—up to 5 credits;
- c. maximum credit—20 CPD credits.

2. Required documentation: board-approved form.

F. Supervised Experience

1. Supervised experiences that occur as part of a planned and sequential program on the job or in settings outside the licensed specialist in school psychology's regular job setting. For credit, the supervised experience should lead to professional growth and new knowledge and skills:

- a. one hour per month—up to 10 credits;
- b. two hours per month—up to 20 credits;
- c. maximum credits—20 CPD credits.

2. Required documentation: board-approved form.

G. Program Planning/Evaluation

1. Credit for program planning and evaluation may be claimed when planning, implementing, and evaluating a new program, but not for maintenance and evaluation of an ongoing program:

- a. one hour of participation—1 credit;
- b. maximum credits—maximum of 25 CPD credits.

2. Required documentation: board approved form.

H. Self-Study

1. Two types of self-study are valid for CPD credit.

a. Formal structured programs are self study programs developed and published to provide training in specific knowledge or skill areas, including, for example, NASP online modules. A test is typically given at the end of the program and often a certificate of completion is issued. This could also include a course taken on the Internet.

b. Informal self-study involves systematically studying a topic of interest by reviewing the literature and becoming familiar with the available resources. Included in this category are the reading of books, journals, and manuals:

- a. one hour of participation in either type—1 credit;
- b. maximum credits—25 credits.

2. Required documentation: certificate of completion.

I. Professional Organization Leadership

1. A licensed specialist in school psychology may earn credit for holding a position in a local, state, or national professional school psychology organization:

- a. officer, board position, committee chair—5 CPD credits per position;
- b. maximum credit—a maximum of 5 credits are allowed every two years.

2. Required documentation: verification form approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2625 (December 2015).

**§4003. Acceptable Sponsors, Offerings and Activities**

A. The board will recognize the following as fulfilling the continuing education requirements:

1. accredited institutions of higher education;
2. hospitals which have approved regional medical continuing education centers;
3. hospitals which have APA-approved doctoral training internship programs;
4. national, regional, or state professional associations or divisions of such associations, which specifically offer or approve graduate or post doctoral continuing education training;

5. National Association of School Psychologists (NASP) -approved sponsors and activities offered by NASP;

6. activities sponsored by the Board of Examiners of Psychologists; and

7. activities sponsored by the Louisiana Department of Health and Hospitals its subordinate units and approved by the chief psychologist of the sponsoring state office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2626 (December 2015).

**§4004. Reporting Requirements**

A. Each licensed specialist in school psychology shall, complete the continuing education report provided by the board. By signing the report form the licensee signifies that the report is true and accurate.

B. Licensees shall retain corroborative documentation of their continuing education for six years. The board may, at its discretion, request such documentation. Any misrepresentation of continuing education will be cause for disciplinary action by the board.

C. Licensed specialists in school psychology holding even numbered licenses must submit to the board, in even numbered years, their continuing education report along with renewal form and fee. Licensed specialists in school psychology holding odd numbered licenses must submit to the board, in odd numbered years, their continuing education report along with renewal form and fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2626 (December 2015).

**§4005. Extensions/Exemptions**

A. Licensed specialists in school psychology on extended military leave outside of the state of Louisiana during the applicable reporting period and who do not engage in delivering psychological services within the state of Louisiana may be granted an extension or an exemption if the board receives timely notice.

B. Licensed specialists in school psychology who are unable to fulfill the requirement because of illness or other personal hardship may be granted an exemption if timely confirmation of such status is received by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2627 (December 2015).

**§4006. Noncompliance**

A. Noncompliance shall include, in part, incomplete forms, unsigned forms, failure to file a renewal form, failure to pay the appropriate renewal fee, failure to report a sufficient number of accepted continuing education credits as determined by the board.

B. Failure to fulfill the requirements of continuing education rule shall cause the license to lapse.

C. If the licensee fails to meet continuing education requirements by the appropriate date, the license shall be regarded as lapsed beginning August 1 of the year for which the licensee is seeking renewal.

D. The board shall serve written notice of noncompliance on a licensee determined to be in noncompliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2627 (December 2015).

**§4007. Reinstatement**

A. For a period of two years from the date of lapse of the license, the license may be renewed upon proof of fulfilling all continuing education requirements applicable through the date of reinstatement and upon payment of a fee equivalent to the application fee and a renewal fee.

B. After a period of two years from the date of lapse of the license, passing a new jurisprudence examination and payment of a fee equivalent to the application fee and renewal fee may renew the license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2627 (December 2015).

**Chapter 41. Contact Information**

**§4101. Contact Information**

A. A licensed specialist in school psychology shall notify the board within 30 calendar days, with documentation, attesting to any change of mailing/home address, and email address. The documentation notice shall include the LSSP's full name, license number, and the old and new information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2627 (December 2015).

**Chapter 42. Ethical Standards for Licensed Specialists in School Psychology**

**§4201. Ethical Principles and Code of Conduct**

A. The board incorporates by reference and maintains that the licensed specialists in school psychology shall follow the current version of NASP's Principles for Professional Ethics.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2627 (December 2015).

**Chapter 43. Public Information**

**§4301. Public Display of License**

A. The license of the specialist shall be publicly displayed in the office where services are offered. The LSSP shall provide a copy of the license in any setting in which they work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2627 (December 2015).

Jaime T. Monic  
Executive Director

1512#025

**RULE**

**Department of Health and Hospitals  
Board of Medical Examiners**

Physician Practice; Complaints and Investigations;  
Adjudication (LAC 46:XLV.Chapters 97 and 99)

In accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et. seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (Board) by the Louisiana Medical Practice Act, R.S. 37:1261-1292, as amended by Act 441 of the 2015 Session of the Louisiana Legislature, the board has adopted LAC 46:XLV Chapter 97, governing the investigation of complaints against physicians. It has also amended various sections of its existing rules relative to adjudication of alleged violations, LAC 46:XLV.Chapter 99. The rules and amendments are set forth below.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XLV. Medical Professions**

**Subpart 5. Rules of Procedure**

**Chapter 97. Complaints and Investigations**

**§9701. Scope of Chapter**

A. The rules of this Chapter govern the board's processing of complaints and investigations relative to the laws governing the practice of medicine by physicians, other state and federal laws to which physicians are subject and the board's rules. These rules are intended to supplement, but not replace, any applicable provision of the Louisiana Administrative Practice Act, R.S. 49:950 et seq. regarding the disciplinary process and procedures. To the extent that any rule of this Chapter is in conflict therewith, the

provisions of the Louisiana Administrative Procedure Act shall govern.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2627 (December 2015).

### §9703. Definitions

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

*Board*—the Louisiana State Board of Medical Examiners, as established in the Louisiana Medical Practice Act, R.S. 37:1261-1292.

*Complaint*—any information, claim or report of whatsoever kind or nature received or obtained by the board that alleges or may indicate a violation of the law by a licensee.

*Jurisdictional*—a matter within the board's authority under the law.

*Law* (or *the law*)—unless the context clearly indicates other, the Louisiana Medical Practice Act, R.S. 37:1261-1292, other applicable laws administered by the board and the board's rules, LAC 46:XLV.101 et seq.

*Physician* or *Licensee* —an individual who holds a current license or permit duly issued by the board to practice medicine in this state pursuant to R.S. 37:1261-1292.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2628 (December 2015).

### §9705. Complaint Origination

A. Complaints may be initiated by any person or based on information independently developed by the board.

B. The board provides a complaint form on its website, [www.lsbme.la.gov](http://www.lsbme.la.gov), which is to be completed, dated and signed by persons making complaints to the board. Use of the form is preferred but not required.

C. The board shall not take action on an anonymous complaint except when supported by apparently reliable information or evidence provided with the complaint or obtainable from another source.

D. The identity of and communications from a complainant constitute part of a preliminary review or investigative record of the board and shall be maintained in confidence by the board. Confidentiality shall be waived only by written authorization of the complainant, when the complainant will be offered as a witness in a formal administering hearing before the board or as otherwise provided by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2628 (December 2015).

### §9707. Complaint Processing

A. The board's staff processes all complaints and conducts all investigations on behalf of the board.

B. Any staff member of the board, except the executive director, may act as the lead investigator on any complaint received by the board regarding a physician or any investigation regarding a physician initiated by the board on its own motion.

C. To obtain evidence of violations of the law or assist in a review or investigation the executive director or a designee authorized by the board is authorized to issue, as necessary or upon request of board staff, such subpoenas as may be required to obtain documents and other information, the appearance of witnesses or sworn testimony.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2628 (December 2015).

### §9709. Preliminary Review

A. Upon receipt of a complaint a preliminary review may be conducted to determine if the complaint is jurisdictional and whether sufficient cause exists to warrant formal investigation.

B. During a review such action may be initiated and taken as deemed necessary or appropriate and additional information may be obtained to assist in the determination. As part of the preliminary review:

1. documents and information which may be needed to determine if the complaint is jurisdictional and whether sufficient cause exist to warrant formal investigation may be gathered and secured;

2. the complainant may be contacted; and

3. the licensee may be provided the opportunity to respond to the complaint or provide related information; provided, at the time of the first communication from the board to a licensee regarding a complaint the licensee shall be provided:

a. a brief summary of the complaint or alleged violation or a copy of the complaint if authorization has been provided;

b. notice that the licensee may, at his own expense, retain legal counsel of his choice to represent his interest; and

c. such other information as may be deemed appropriate.

C. Any information gathered during the preliminary review will be added to the information maintained on the complaint.

D. Preliminary review of a complaint shall be completed as promptly as possible within one-hundred and eighty days of receipt. However, this period may be increased by the board for satisfactory cause and shall not apply to information received from local, state or federal agencies or officials relative to on-going criminal, civil or administrative investigations or proceedings.

E. Nothing in this Chapter requires that a preliminary review be conducted if the complaint or information clearly indicates the need for formal investigation or emergent action.

F. At the conclusion of a preliminary review a determination shall be made as to whether the complaint is jurisdictional and there is sufficient cause for investigation. If the complaint:

1. is not jurisdictional or there is insufficient cause for investigation, a report and recommendation shall be submitted to the board to close the complaint without investigation. If approved by the board, the complainant and the licensee, if the licensee was notified of the preliminary review, shall be notified of the disposition. If not approved

by the board, a formal investigation shall be commenced in accordance with §9711 of these rules. A complaint closed after preliminary review shall not be considered an investigation by the board and need not be reported as such by a licensee on subsequent renewal applications to the board.

2. is jurisdictional and there is sufficient cause for investigation, a report and recommendation shall be submitted to the board to commence a formal investigation. The report shall include:

- a. a brief summary of the complaint or alleged violation;
- b. a statement of the possible violations of the law involved; and
- c. a summary of the licensee's biographical, licensure and disciplinary history on file with the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2628 (December 2015).

### **§9711. Formal Investigation**

A. If the board determines by a majority vote of the members present and voting at a board meeting that a complaint warrants investigation it shall instruct board staff to initiate a formal investigation. If the board determines that a complaint does not warrant investigation it shall be closed pursuant to §9709F.1. of this Chapter.

B. Written notice of the investigation including a brief summary of the facts constituting the alleged violation shall be provided to the licensee no later than five business days after the board's formal investigation is initiated by registered, return-receipt-requested mail, as well as by regular first class mail, or by personal delivery or other means, at the most current address for the licensee reflected in the official records of the board. Such notice shall also include the information set forth in §9709B.3.a.-c. of this Chapter.

C. Once a formal investigation is initiated by the board, an investigation shall be undertaken to determine whether or not there is sufficient information and evidence to indicate that a violation of the law has occurred.

D. Past complaints and investigations of a licensee may be utilized in a current investigation for the purpose of determining if there is a pattern of practice or continuing or recurring conduct that fails to satisfy the prevailing and usually accepted standards of medical practice in this state on the part of the licensee.

E. If the complaint giving rise to the formal investigation involves medical incompetency, as part of the investigation a request may be made, or the board may order in a manner prescribed by §365D of these rules, the licensee to undergo a competency evaluation at a third-party evaluation center approved by the board.

F. If the investigation does not provide sufficient information and evidence to indicate that a violation of the law has occurred, a report and recommendation shall be made to the board that the investigation be closed without further action. If the board approves the recommendation, the complainant and the licensee shall be provided written notification of the disposition. If the recommendation is not approved, such further investigation or other action shall be taken as may be necessary or appropriate.

G. If the investigation provides sufficient information and evidence to indicate that a violation of the law has occurred, an administrative complaint may be filed with the board, pursuant to Chapter 99 of these rules, provided one or more of the following conditions exist:

1. a draft administrative complaint, in the form and content specified in §9903B of these rules, has been mailed or provided to the licensee accompanied by a letter providing a reasonable opportunity for a conference to show compliance with all lawful requirements for the retention of the license without restriction, or to show that the complaint is unfounded as contemplated by R.S. 49:961(C); however, the licensee fails to respond to the complaint and letter, waives the opportunity, or the response does not satisfactorily demonstrate lawful compliance or that the complaint is unfounded;

2. informal disposition is attempted but fails to resolve all of the issues and the procedures specified in §9711G.1 of this Section have been provided with the same result described;

3. emergency action is required to pursuant to §9931.

H. Formal investigations shall be completed within thirty-six months after initiated by the board. However, this period may be increased by the board for satisfactory cause and no complaint shall be dismissed solely because a formal investigation was not completed within this period. This period shall also not apply to any investigation pending on July 1, 2015.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2629 (December 2015).

### **§9713. Informal Settlements and Consent Orders**

A. The board may, before, during, or following an investigation, or after filing an administrative complaint, dispose of any complaint through informal disposition.

B. Informal dispositions may take the form of any disposition recognized by R.S. 49:955D, or any other form of agreement which adequately addresses the complaint or matter under review or investigation; provided, however, that such dispositions are considered by the board only upon the recommendation of the board's lead investigator with respect to the investigation and all such dispositions require approval by a majority vote of the board members present and voting at a board meeting.

C. Informal dispositions may be either non-disciplinary or disciplinary:

1. Non-disciplinary dispositions consist of correspondence, an informal conference and a letter of concern. These dispositions shall not constitute disciplinary action, are not a public record of the board and are not reported and distributed in the same manner as final decisions of the board.

2. Disciplinary dispositions consist of consent orders, and other orders and agreements, and stipulations for voluntary surrender of a license. These dispositions shall constitute disciplinary action, shall be a public record of the board, and are reported and distributed in the same manner as final decisions of the board.

D. Any matter may be referred to the board for administrative hearing without first offering an informal disposition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2629 (December 2015).

## **Chapter 99. Adjudication**

### **§9907. Response to Complaint; Notice of Representation**

A. ...

B. Any respondent may be represented in an adjudication proceeding before the board by an attorney at law duly admitted to practice in this state. Upon receipt of service of a complaint pursuant to this Chapter, or thereafter, a respondent who is represented by legal counsel with respect to the proceeding shall personally or through such counsel, give written notice to the board of the name, address, and telephone number of such counsel. Following receipt of proper notice of representation, all further notices, complaints, subpoenas, orders, or other process related to the proceeding shall be served on respondent through his or her designated counsel of record.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:507 (June 1990), amended LR 41:2630 (December 2015).

### **§9915. Disposition of Prehearing Motions**

A. - B. ...

C. The president of the board or presiding officer of the hearing panel, as the case may be, may delegate the task of ruling on prehearing motions to the board's independent legal counsel appointed pursuant to §9921D, who is independent of complaint counsel and who has not participated in the investigation or prosecution of the case.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:508 (June 1990), amended, LR 41:2630 (December 2015).

### **§9916. Discovery**

A. After filing and notice of an administrative complaint has been served pursuant to §9905 of this Chapter:

1. the parties or their respective counsel shall, within the time frames established by the prehearing conference order, provide the other with a list of all witnesses and copies of all exhibits that may be offered as evidence at the adjudication hearing. Respondent shall also be provided a copy of any written or recorded statement he may have provided to the board and any exculpatory material the board may possess concerning the respondent;

2. subpoenas and subpoenas duces tecum may be requested pursuant to §9917 of these rules and discovery may be conducted in accordance with the Louisiana Administrative Procedure Act.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2630 (December 2015).

### **§9919. Prehearing Conference**

A. In any case of adjudication noticed and docketed for hearing a prehearing conference shall be held among the parties or their respective counsel, together with the board's independent counsel appointed pursuant to §9921.D hereof,

for the purpose of simplifying the issues for hearing and promoting stipulations as to facts and proposed evidentiary offerings which will not be disputed at hearing.

B. Following such prehearing conference the parties shall, and without such conference the parties may by agreement, agree in writing on a prehearing stipulation or order which shall include:

1. - 5. ...

6. dates for exchanging and supplementing lists of witnesses and copies of exhibits that may be offered at the hearing and discovery.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:509 (June 1990), amended, LR 41:2630 (December 2015).

### **§9920. Recusal**

A. Any board member who, because of bias or interest, is unable to assure a fair hearing shall be recused from that particular proceeding. The reasons for the recusal shall made part of the record. Should the majority of the board members be recused for a particular proceeding, the governor shall be requested to appoint a sufficient number of pro tem members to obtain a quorum for the proceeding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2630 (December 2015).

### **§9921. Conduct of Hearing; Record; Order**

A. - F. ...

G. The order of proceedings in an adjudication hearing is as follows but may be altered at the discretion of the presiding officer or by agreement of the parties:

1. complaint counsel makes an opening statement of what he intends to prove, and what action is sought from the board;

2. respondent or his counsel makes an opening statement, explaining why he believes that the charges against respondent are not legally founded;

3. complaint counsel presents the evidence against the respondent;

4. respondent or his counsel cross examines;

5. respondent or his counsel presents evidence;

6. complaint counsel cross examines;

7. complaint counsel rebuts the respondent's evidence; and

8. each party makes closing statements. The complaint counsel makes the initial closing statement and the final statement.

H. The board may impose reasonable time limits on the parties provided that such will not unduly prejudice the rights of the parties.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:509 (June 1990), amended, LR 41:2630 (December 2015).

### **§9923. Evidence; Burden of Proof**

A. - E. ...

F. Burden of Proof. Any final decision of the board shall be supported by a preponderance of the evidence presented during the administrative hearing.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:509 (June 1990), amended, LR 41:2630 (December 2015).

### **§9925. Informal Disposition**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:510 (June 1990), repealed, LR 41:2631 (December 2015).

Cecilia Mouton, M.D.  
Executive Director

1512#041

## **RULE**

### **Department of Health and Hospitals Board of Medical Examiners**

Physician Practice; Marijuana for Therapeutic Use by Patients Suffering from a Qualifying Medical Condition (LAC 46:XLV.Chapter 77)

In accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1261-1292, the board has adopted rules governing physicians who utilize therapeutic marijuana in the treatment of their patients who are suffering from a qualifying medical condition, LAC 46:XLV.Chapter 77. These rules are adopted in order to comply with the legislative mandate contained in Act 261 of the 2015 Session of the Louisiana Legislature, amending R.S. 40:1046, directing the board to promulgate such rules by January 1, 2016. The rules are set forth below.

#### **Title 46**

### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part XLV. Medical Professions**

##### **Subpart 3. Practice**

#### **Chapter 77. Marijuana for Therapeutic Use by Patients Suffering from a Qualifying Medical Condition**

##### **Subchapter A. General Provisions**

#### **§7701. Preamble, Warning, Suggested Consultation, and Rational for Terminology**

A. Preamble—State Law. Pursuant to Act 261, R.S. 40:1046, of the 2015 Session of the Louisiana Legislature, the Louisiana State Board of Medical Examiners was directed to:

1. promulgate rules and regulations authorizing physicians licensed to practice in this state to prescribe marijuana for therapeutic use by patients clinically diagnosed as suffering from glaucoma, symptoms resulting from the administration of chemotherapy cancer treatment, and spastic quadriplegia; and

2. submit to the Senate and House Committees on Health and Welfare on an annual basis not less than 60 days prior to the beginning of the Regular Session of the

Legislature a report as to any additional diseases or conditions that should be added to the list of eligible diseases and conditions for prescription.

B. Warning—Federal Law. Irrespective of Louisiana law, which as an agency of this state the board is obliged to adhere, marijuana is classified as a schedule I controlled substance under federal law and regulation and has not been approved by the United States Food and Drug Administration (USFDA) for the treatment of any medical condition. Prescribing marijuana is illegal under federal law and physicians who do so may be subject to criminal, civil and administrative consequences that include, among others, federal criminal prosecution, civil fines, forfeitures, penalties, revocation of controlled dangerous substance registration issued by the United States Drug Enforcement Administration, exclusion from Medicare and other federal payer programs, etc. Patients who possess marijuana, on the written request or recommendation of a physician or otherwise, may also be exposed to federal criminal prosecution, civil fines, forfeitures and penalties. Neither Louisiana nor the board's rules preempt federal law, which may also impact the methods of payment to physicians for visits when therapeutic marijuana is requested or recommended and inhibit the deposit of proceeds from such visits into banks and other federally insured institutions.

C. Consultation. For the foregoing reasons, physicians may wish to consult with their own legal counsel, as well as any health care facility, private or governmental payor with which the physician is affiliated, medical malpractice insurers and financial institutions before suggesting marijuana for the treatment of a qualifying medical condition in their patients.

D. Rational for Terminology. Under Louisiana law, R.S. 40:961(32), the word *prescribe* means “[T]o issue a written request or order for a controlled dangerous substance by a person licensed under this Part for a legitimate medical purpose. The act of prescribing must be in good faith and in the usual course of the licensee's professional practice.” Because some other states that have authorized physicians to issue a *written request* or *recommendation* or *order* for marijuana for qualifying medical conditions may be viewed as not directly transcending the federal prohibition against dispensing (and prescribing) marijuana and considering the definition of the word *prescribe* which was used in Act 261, these rules shall utilize the term *written request* or *recommendation* when describing a physician's direction to a licensed therapeutic marijuana pharmacy to provide marijuana for therapeutic use by patients who suffer from a qualifying medical condition. We do so with the caution that this attempt to minimize what may be viewed as a conflict between Act 261's direction to the board with controlling federal law by the use of this term in these rules, and in rules and laws of other states that have utilized the same or similar terms for this purpose, nevertheless remain subject to criminal, civil and administrative prosecution by federal authorities in the exercise of their discretionary authority to enforce federal law and regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health Hospitals, Board of Medical Examiners, LR 41:2631 (December 2015).

### §7703. Scope of Chapter

A. This Chapter is being adopted in order to comply with the obligations imposed upon the board by Act 261, R.S. 40:1046, of the 2015 Session of the Louisiana Legislature and govern a physician's written request or recommendation for the therapeutic use of marijuana for a patient suffering from a qualifying medical condition with whom the physician has established a bona-fide physician-patient relationship.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health Hospitals, Board of Medical Examiners, LR 41:2632 (December 2015).

### §7705. Definitions

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

*Board*—the Louisiana State Board of Medical Examiners, as established in R.S. 37:1261-1292.

*Bona-Fide Physician-Patient Relationship*—a relationship in which a physician:

- a. has conducted at least one in-person examination at a physical practice location in this state;
- b. maintains a medical record in accordance with professional standards; and
- c. is responsible for the ongoing assessment, care and treatment of a patient's qualifying medical condition, or a symptom of the patient's qualifying medical condition.

*Controlled Substance*—any medication or other substance which is designated as a controlled substance and regulated as such under Louisiana or federal law or regulations.

*Licensed Therapeutic Marijuana Pharmacy*—a pharmacy located in this state that is licensed by and in good standing with the Louisiana Board of Pharmacy to provide therapeutic marijuana to a patient on the written request or recommendation of the patient's physician.

*Marijuana*—tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols in any form, except for inhalation, raw or crude marijuana, as permitted by the rules and regulations of the Louisiana Board of Pharmacy.

*Medical Practice Act or the Act*—R.S. 37:1261-92, as may from time-to-time be amended.

*Patient*—an individual who:

- a. is a resident of this state;
- b. has a current clinical diagnoses of a qualifying medical condition; and
- c. with whom the physician has a *bona-fide* physician-patient relationship.

*Physical Practice Location in this State*—a clinic or office physically located in this state where the physician spends the majority of his or her time practicing medicine.

*Physician*—an individual lawfully entitled to practice of medicine in this state, as evidenced by a current license duly issued by the board.

*Prescription Monitoring Program or PMP*—the prescription monitoring program established by R.S. 40:1001 et seq., as may from time-to-time be amended.

*Qualifying Medical Condition*—glaucoma, symptoms resulting from the administration of chemotherapy cancer treatment, spastic quadriplegia, and/or such other diseases or

conditions that may subsequently be identified as a qualifying medical condition by amendment of R.S. 40:1046 or other state law.

*Registrant*—a physician who is registered with the board to issue a written request or recommendation for the use of marijuana for therapeutic purposes.

*Written Request or Recommendation*—written direction transmitted in a form and manner specified in §7721 of this Chapter, to a licensed therapeutic marijuana pharmacy. The issuance of a written request or recommendation must be in good faith and in the usual course of the physician's professional practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2632 (December 2015).

### Subchapter B. Prohibitions and Exceptions

#### §7707. Prohibitions

A. No physician shall:

1. issue a written request or recommendation for therapeutic marijuana unless he or she is registered with the board and complies with Louisiana law and the rules of this Chapter;
2. issue a written request or recommendation for therapeutic marijuana to more than 100 patients; provided, however, the board may grant an exception to this requirement pursuant to §7709.B of this Subchapter;
3. not delegate to any other healthcare professional or other person the authority to diagnose the patient as having a qualifying medical condition;
4. examine a patient at any location where marijuana is provided; or
5. have an ownership or investment interest established through debt, equity, or other means, whether held directly or indirectly by a physician or a member of a physician's immediate family, nor any contract or other arrangement to provide goods or services, in or with a licensed therapeutic marijuana pharmacy or a producer licensed by the Louisiana Department of Agriculture and Forestry to produce marijuana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2632 (December 2015).

#### §7709. Exceptions

A. The rules of this Chapter shall not apply to a physician's prescription of cannabinoid derived pharmaceuticals that are approved by the USFDA for administration to patients.

B. Upon written application the board may, in its discretion, authorize a physician to exceed the patient limit set forth in §7707.A.2 of this Subchapter. The application shall contain a statement by the physician of the specific manner in which the physician proposes to deviate from such limit, together with a statement of the medical facts and circumstances deemed by the physician to justify such departure, and such other information and documentation as the board may request. The board's action on any such application shall be stated in writing and shall specify the manner and extent to which the physician shall be authorized

to exceed the patient limit set forth in §7707.A.2 and the period of time during which such authorized exception shall be effective.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2632 (December 2015).

### **Subchapter C. Registration**

#### **§7711. Registration, Physician Eligibility**

A. To be eligible for registration under this Chapter a physician shall, as of the date of the application:

1. hold a current, unrestricted license to practice medicine issued by the board;
2. hold current schedule I authority or such other authority as may be designated for therapeutic marijuana by the Louisiana Board of Pharmacy;
3. practice at a physical practice location in this state; and
4. complete an on-line educational activity available at no cost on the board's web page.

B. A physician shall be deemed ineligible for registration who has:

1. has been convicted, whether upon verdict, judgment, or plea of guilty or nolo contendere, of a felony or any crime an element of which is the manufacture, production, possession, use, distribution, sale or exchange of any controlled substance or who has entered into a diversion program, a deferred prosecution or other agreement in lieu of the institution of criminal charges or prosecution for such crime;
2. has within the 10 years preceding application for registration, abused or excessively used any medication, alcohol, or other substance which can produce physiological or psychological dependence or tolerance or which acts as a central nervous system stimulant or depressant; or
3. is the subject of a pending formal investigation or administrative proceeding before the board.

C. The board may deny registration to an otherwise eligible physician for any of the causes enumerated by R.S. 37:1285 or any other violation of the provisions of the Act.

D. The burden of satisfying the board as to the qualifications and eligibility of the physician-applicant for registration shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by and to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2633 (December 2015).

#### **§7713. Application**

A. Application for registration shall be made in a format approved by the board and shall include:

1. the applicant's full name, contact information, and such other information and documentation as the board may require;
2. criminal history record information; and
3. an application fee of \$75.

B. The board may refuse any application that is not complete and may require a more detailed or complete response to any request for information in the application.

C. Applications and instructions may be obtained from the board's webpage, [www.lsbme.la.gov](http://www.lsbme.la.gov), or by contacting the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, 1281, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2633 (December 2015).

### **§7715. Registration Issuance, Expiration, Renewal**

A. If the qualifications, requirements, and procedures set forth in this Chapter are met to the satisfaction of the board, registration shall be issued to the applicant.

B. Registration shall expire and become null, void, and to no effect the following year after issuance on the last day of the month in which the registrant was born.

C. Registration shall be renewed annually on or before its date of expiration by submitting to the board a renewal application and a renewal fee of \$50.

D. Registration which has expired as a result of nonrenewal may be reinstated upon the applicant's satisfaction of the qualifications, requirements and procedures prescribed for original application for registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, 1281, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2633 (December 2015).

### **Subchapter D. Marijuana for Therapeutic Purposes, Limitations, Access to Records**

#### **§7717. Use of Marijuana for Therapeutic Purposes, Limitations**

A. Required Prior Conditions. Nothing in this Chapter requires that a physician issue a written request or recommendation for marijuana. However, if a physician determines it medically appropriate to do so to treat or alleviate symptoms of a patient's qualifying medical condition the physician shall comply with the following rules.

1. Medical Diagnosis. A medical diagnosis of a qualifying medical condition shall be clinically established and clearly documented in the patient's medical record. The diagnosis shall be supported by an assessment of the patient, a review of the patient's medical history, prescription history, an assessment of current coexisting illnesses, diseases, or conditions, and an in-person physical examination.

2. Prescription Monitoring Program. The physician shall review the patient's information in the Prescription Monitoring Program database prior to issuing any written request or recommendation for marijuana.

3. Independent Medical Judgment. A physician's decision to utilize marijuana in the treatment of a patient must be based on the physician's independent medical judgment that the drug is likely to provide a therapeutic benefit in the treatment of the patient's qualifying medical condition and that such use would likely outweigh the health risks of other options that could be used for the patient.

4. Treatment Plan. An individualized treatment plan shall be formulated and documented in the patient's medical record which includes medical justification for the use of marijuana. The plan shall include documentation that other medically reasonable alternative treatments for the patient's qualifying medical condition have been considered or attempted without adequate or reasonable success.

5. Informed Consent. A physician shall explain the potential risks and benefits of the therapeutic use of marijuana and any alternative treatments to the patient. Among other items, informed consent should caution against driving, operating machinery or performing any task that requires the patient to be alert or react when under the influence of the drug and the need for secure storage to reduce the risk of exposure to children or diversion by others. A physician shall also advise patients that therapeutic marijuana has not been approved by the USFDA for the treatment of any medical condition, that possession may be viewed as illegal under federal law and subject to federal (and workplace) enforcement action. Discussion of the risks and benefits should be clearly noted in the patient's record. If the patient is a minor a custodial parent or legal guardian shall be fully informed of the risks and benefits and consent to such use.

6. Continued Use of Marijuana. The physician shall monitor the patient's progress closely, re-examine the patient at intervals not to exceed 90 days to assess the benefits of treatment, assure the therapeutic use of marijuana remains indicated, and evaluate the patient's progress toward treatment objectives. Exceptions to this interval shall be adequately documented in the patient's record. During each visit, attention shall be given to the possibility that marijuana use is not masking an acute or treatable progressive condition or that such use will lead to a worsening of the patient's condition. Indications of substance abuse or diversion should also be evaluated.

7. Medical Records. A physician shall document and maintain in the patient's medical record, accurate and complete records of the medical diagnoses of a qualifying medical condition, PMP inquiries, consultations, treatment plans, informed consents, periodic assessments, and the results of all other attempts which the physician has employed alternative to marijuana. A physician shall also document the date, type, quantity, dosage, route, and frequency of each written request or recommendation for marijuana which the physician has made for the patient. A copy of a written request or recommendation shall suffice for this purpose.

B. Termination of Use. A physician shall refuse to initiate or re-initiate or shall terminate the use of marijuana with respect to a patient on any date that the physician determines, becomes aware, knows, or should know that:

1. the patient is not a qualifying candidate for the use of marijuana under the conditions and limitations prescribed by this Section;

2. the patient has failed to demonstrate clinical benefit from the use of marijuana; or

3. the patient has engaged in diversion, excessive use, misuse, or abuse of marijuana or has otherwise consumed or disposed of the drug other than in compliance with the directions and indications for use given by the physician.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health Hospitals, Board of Medical Examiners, LR 41:2633 (December 2015).

#### **§7719. Board Access to Records**

A. The records required by this Subchapter shall be available for examination, inspection and copying by the board or its designated employee or agent at any reasonable time, but without the necessity of prior notice by the board. The failure or refusal of a registrant to make such records available pursuant to this Section shall constitute a violation of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health Hospitals, Board of Medical Examiners, LR 41:2634 (December 2015).

#### **§7721. Form of Written Request or Recommendation**

A. Required Contents. A written request or recommendation for therapeutic marijuana shall include:

1. the physician's name, address, telephone number, e-mail address, registration number issued under this Chapter, and Louisiana schedule I or other license number for therapeutic marijuana issued by the Louisiana Board of Pharmacy;

2. the name, address and date of birth of the patient;

3. the date, name and address of the licensed therapeutic marijuana pharmacy to whom the written request or recommendation is being transmitted;

4. the form, amount, dosage and instructions for use of therapeutic marijuana in an amount which is not greater than that necessary to constitute an adequate supply for a period of one month, including amounts for topical treatment; and

5. confirmation that the written request or recommendation for therapeutic marijuana is being submitted for the physician's patient as defined by and in and conformity with the rules of this Chapter.

B. Approved Form. Direction provided to a pharmacist substantially in the form of the written request or recommendation form prescribed in the Appendix to these rules (§7729) shall be presumptively deemed to satisfy the requirements of this Section.

C. Manner of Transmission. A written request or recommendation for therapeutic marijuana shall be transmitted by the physician or physician's designee to a licensed therapeutic marijuana pharmacy in a manner that provides for medical/health information privacy and security and is in compliance with rules promulgated by the Louisiana Board of Pharmacy. The pharmacy shall be selected by the patient from a list of licensed therapeutic marijuana pharmacies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health Hospitals, Board of Medical Examiners, LR 41:2634 (December 2015).

#### **Subchapter E. Sanctions, Effective Date, Severability**

##### **§7723. Sanctions Against Medical License or Registration**

A. For noncompliance with any of the provisions of this Chapter the board may suspend, revoke, refusal to issue or impose probationary or other terms, conditions and restrictions on any license or permit to practice medicine in

the state of Louisiana, or any registration issued under this Chapter, held or applied for by a physician culpable of such violation under R.S. 37:1285(A)(6), and R.S. 1285(A)(30), respectively.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2634 (December 2015).

**§7725. Effective Date**

A. The effective date of the rules of this Chapter shall be November 20, 2016, or such earlier date on which final rules have been published in the *Louisiana Register* by the Louisiana Board of Pharmacy and the Louisiana Department of Agriculture and Forestry, in accordance with R.S. 40:1046.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2635 (December 2015).

**§7727. Severability**

A. If any rule, provision, or item of this Chapter or the application thereof is held invalid as in excess of or inconsistent with statutory or constitutional authority, such invalidity shall not affect other rules, provisions, items, or applications, and to this end the rules and provisions of this Chapter are hereby declared to be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2635 (December 2015).

**§7729. Appendix—Form of Written Request or Recommendation for Therapeutic Marijuana  
—THIS IS NOT A PRESCRIPTION—  
PHYSICIAN WRITTEN REQUEST  
OR RECOMMENDATION FORM**

**Section A. Patient’s Physician Information (Required)**

1. Legal First Name	2. Middle Initial	3a. Legal Last Name	3b. Suffix (Jr., Sr., III, etc.)
4a. Full Professional Address (street, city (in LA), zip code) 4b. e-mail address 4c. fax number			
5. City	6. State	7. Zip Code	8. Telephone Number
9a. LSBME Registration No. for Therapeutic Marijuana No. _____		9b. Schedule I No. (Board of Pharmacy) for Therapeutic Marijuana No. _____	

**Section B. Patient Information (Required)**

10. Legal First Name	11. Middle Initial	12a. Legal Last Name	12b. Suffix (Jr., Sr., III, etc.)
13. Date of Birth		14. Full Address of Patient [street, city (in LA), zip code]	

**Section C. Patient’s Qualifying Medical Condition(s) (Required)**

This patient has been diagnosed with the following qualifying medical condition: (A minimum of <b>one</b> condition must be checked)
<input type="checkbox"/> <b>Glaucoma</b> <input type="checkbox"/> <b>Symptoms from chemotherapy cancer treatment</b> <input type="checkbox"/> <b>Spastic quadriplegia</b>

**Section D. Form, Amount, Dose, and Instructions for Use of Therapeutic Marijuana (Required)**


**Section E. Certification, Signature and Date (Required)**

<p>By signing below, I attest that the information entered on this written request or recommendation is true and accurate. I further attest that the above-named individual is my patient, who suffers from a qualifying medical condition and that this written request or recommendation is submitted by and in conformity with Louisiana Law, R.S. 40:1046, and administrative rules promulgated by the Louisiana State Board of Medical Examiners, LAC 46:XLV.Chapter 77.</p> <p><b>Signature of Physician:</b> X _____  <b>Date:</b> _____</p>
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AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, and R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health Hospitals, Board of Medical Examiners, LR 41:2635 (December 2015).

Cecilia Mouton, M.D.  
Executive Director

1512#040

**RULE**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Facility Need Review  
(LAC 48:I.Chapter 125)

The Department of Health and Hospitals, Bureau of Health Services Financing has amended LAC 48:I.Chapter 125 in the Medical Assistance Program as authorized by R.S. 36:254 and R.S. 40:2116. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

**Title 48**

**PUBLIC HEALTH—GENERAL**

**Part I. General Administration**

**Subpart 5. Health Planning**

**Chapter 125. Facility Need Review**

**Subchapter A. General Provisions**

**§12501. Definitions**

A. ...

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*Adult Residential Care Provider (ARCP)*—a facility, agency, institution, society, corporation, partnership, company, entity, residence, person or persons, or any other group, which provides adult residential care services for compensation to two or more adults who are unrelated to the licensee or operator. Adult residential care includes, but is not limited to the following services: lodging, meals, medication administration, intermittent nursing services, and assistance with personal hygiene, assistance with transfers and ambulation, assistance with dressing, housekeeping and laundry. For the purposes of this FNR Rule, ARCP refers to an entity that is or will be licensed as an “ARCP level 4-adult residential care provider”.

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*Home and Community Based Service (HCBS) Providers*—those agencies, institutions, societies, corporations, facilities, person or persons, or any other group intending to provide or providing respite care services, personal care attendant (PCA) services, supervised independent living (SIL) services, monitored in-home caregiving (MIHC) services, or any combination of services thereof, including respite providers, SIL providers, MIHC providers, and PCA providers.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:806 (August 1995), amended LR 25:1250 (July 1999), LR 28:2190 (October 2002), LR 30:1023 (May 2004), LR 32:845 (May 2006), LR 34:2611 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:2437 (November 2009), LR 36:323 (February 2010), LR 38:1961 (August 2012), LR 41:135 (January 2015), LR 41:2636 (December 2015).

**§12505. Application and Review Process**

A. - B.3.b. ...

4. If FNR approval is denied, the applicant may choose to:

a. pursue an administrative appeal pursuant to Subchapter G, §12541; or

b. within 30 days of receipt of the notice of denial of FNR approval, and prior to filing an administrative appeal, request a supplemental review of additional documentation to be submitted by the applicant;

i. the time period to submit the supplemental materials shall be no later than 30 days from the date the request is approved by the department and notice received by the applicant. If timely received, the supplemental documentation will be reviewed in conjunction with the original FNR application. The applicant will receive the results of such review in writing from the department;

ii. in the case of a failure to submit the supplemental materials in a timely manner or, upon a denial of the supplemental application, the applicant may file an administrative appeal of the department’s decision with the Division of Administrative Law (DAL). This request shall be submitted within 30 days of the date of receipt of notice of said failure or denial;

iii. failure to file timely for an administrative appeal shall exhaust the applicant’s remedies with the department and the decision to deny FNR approval is final;

c. the administrative appeal shall be conducted by the DAL in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:812 (August 1995), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 34:2612 (December 2008), LR 35:2438 (November 2009), LR 36:323 (February 2010), LR 38:1593 (July 2012), LR 41:2636 (December 2015).

**Subchapter B. Determination of Bed, Unit, Facility or Agency Need**

**§12508. Pediatric Day Health Care Providers**

A. - E.3. ...

F. The following time frames shall apply for complying with the requirements for obtaining approval of architectural plans and licensure.

1. PDHC facilities which are to be licensed in existing buildings shall have final architectural plans approved no later than six months from the date of the FNR approval. Such facilities shall be licensed within one year from the date of the FNR approval.

2. PDHC facilities which are to be licensed in newly constructed buildings shall have final architectural plans approved no later than six months from the date of the FNR approval. Such units shall be licensed within 24 months from the date of the FNR approval.

3. A one-time 90-day extension may be granted, at the discretion of the department, when delays are caused by circumstances beyond the control of the applicant.

4. Failure to meet any of the timeframes in this Section could result in an automatic expiration of the FNR approval of the PDHC facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:136 (January 2015), amended LR 41:2636 (December 2015).

## §12511. Nursing Facilities

A. - J.4.a. ...

NOTE: Pursuant to R.S. 40:2116(D)(2), the Department of Health and Hospitals shall not approve any additional nursing facilities or additional beds in nursing facilities through facility need review. This prohibition shall apply to additional licensed beds as well as Medicaid certified beds. This prohibition shall not apply to the replacement of existing facilities, provided that there is no increase in existing nursing home beds at the replacement facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116.

HISTORICAL NOTE: Repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:808 (August 1995), amended LR 28:2190 (October 2002), LR 30:1483 (July 2004), LR 34:2615 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:3264 (November 2011), LR 41:2637 (December 2015).

## §12523. Home and Community-Based Service Providers

A. - E.3. ...

F. FNR-approved HCBS applicants shall become licensed no later than six months from the date of the FNR approval.

1. A one-time 90-day extension may be granted, at the discretion of the department, when delays are caused by circumstances beyond the control of the applicant. Inappropriate zoning is not a basis for extension.

2. Failure to meet any of the timeframes in this Section could result in an automatic expiration of the FNR approval of the HCBS agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:2438 (November 2009), amended LR 41:2637 (December 2015).

## §12525. Adult Day Health Care Providers

A. ...

B. For purposes of facility need review, the service area for a proposed ADHC provider shall be within a 30-mile radius of the proposed physical address where the provider will be licensed.

C. - E.3. ...

F. The following time frames shall apply for complying with the requirements for obtaining approval of architectural plans and licensure.

1. ADHC facilities which are to be licensed in existing buildings shall have final architectural plans approved no later than six months from the date of the FNR approval. Such facilities shall be licensed within one year from the date of the FNR approval.

2. ADHC facilities which are to be licensed in newly constructed buildings shall have final architectural plans approved no later than six months from the date of the FNR approval. Such units shall be licensed within 24 months from the date of the FNR approval.

3. A one-time 90-day extension may be granted, at the discretion of the department, when delays are caused by circumstances beyond the control of the applicant.

4. Failure to meet any of the timeframes in this Section could result in an automatic expiration of the FNR approval of the ADHC facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:323 (February 2010), amended LR 41:2637 (December 2015).

## §12526. Hospice Providers

A. - E.3. ...

F. The following time frames shall apply for complying with the requirements for obtaining approval of architectural plans and/or licensure.

1. Outpatient hospice agencies shall be licensed within six months from the date of the FNR approval.

2. Inpatient hospice facilities which are to be licensed in existing buildings shall have final architectural plans approved no later than six months from the date of the FNR approval. Such facilities shall be licensed within one year from the date of the FNR approval.

3. Inpatient hospice facilities which are to be licensed in newly constructed buildings shall have final architectural plans approved no later than six months from the date of the FNR approval. Such units shall be licensed within 24 months from the date of the FNR approval.

4. A one-time 90-day extension may be granted, at the discretion of the department, when delays are caused by circumstances beyond the control of the applicant.

5. Failure to meet any of the timeframes in this Section could result in an automatic expiration of the FNR approval of the hospice agency or facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1593 (July 2012), amended LR 41:2637 (December 2015).

Kathy H. Kliebert  
Secretary

1512#074

## RULE

### Department of Health and Hospitals Bureau of Health Services Financing

Federally Qualified Health Centers  
Service Limits  
(LAC 50:XI.10303)

The Department of Health and Hospitals, Bureau of Health Services Financing has amended LAC 50:XI.10303 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

#### Title 50

#### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part XI. Clinic Services

#### Subpart 13. Federally-Qualified Health Centers

#### Chapter 103. Services

#### §10303. Service Limits

[Formerly §10503]

A. There shall be no limits placed on the number of federally qualified health center visits (encounters) payable by the Medicaid program for eligible recipients.

B. - B.1. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1902 (October 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2280 (October 2010), LR 37:2629 (September 2011), LR 41:2637 (December 2015).

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.

Kathy H. Kliebert  
Secretary

1512#075

**RULE**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Home and Community-Based Services Providers  
Licensing Standards  
(LAC 48:I.Chapters 50 and 51)

The Department of Health and Hospitals, Bureau of Health Services Financing has amended LAC 48:I.Chapter 50 and adopts Chapter 51 in the Medical Assistance Program as authorized by R.S. 36:254 and R.S. 40:2120.2. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, 49:950 et seq.

**Title 48**

**PUBLIC HEALTH—GENERAL**

**Part I. General Administration**

**Subpart 3. Licensing and Certification**

**Chapter 50. Home and Community-Based Services  
Providers Licensing Standards**

**Subchapter A. General Provisions**

**§5001. Introduction**

A. - B. ...

C. Providers of the following services shall be licensed under the HCBS license:

1. - 5. ...

6. supervised independent living (SIL), including the shared living conversion services in a waiver home;

7. supported employment; and

8. monitored in-home caregiving (MIHC).

D. The following entities shall be exempt from the licensure requirements for HCBS providers:

1. - 4. ...

5. any person who is employed as part of a Department of Health and Hospitals' authorized self-direction program; and

a. For purposes of these provisions, a self-direction program shall be defined as a service delivery option based upon the principle of self-determination. The program enables clients and/or their authorized representative(s) to become the employer of the people they choose to hire to provide supports to them.

6. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:63 (January 2012), amended LR 38:1410 (June 2012), LR 41:1007 (May 2014), LR 41:2638 (December 2015).

**§5003. Definitions**

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*Monitored In-Home Caregiving*—services provided by a principal caregiver to a client who lives in a private unlicensed residence. The principal caregiver shall reside with the client, and shall be contracted by the licensed HCBS provider having a MIHC service module.

\*\*\*

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:64 (January 2012), amended LR 41:1007 (May 2014), LR 41:2638 (December 2015).

**§5005. Licensure Requirements**

A. - B.8. ...

C. An HCBS provider shall provide only those home and community-based services or modules:

1. specified on its license; and

2. only to clients residing in the provider's designated service area, DHH Region, or at the provider's licensed location.

D. - J.1, Example. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2120.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:65 (January 2012), amended LR 41:2638 (December 2015).

**§5007. Initial Licensure Application Process**

A. ...

B. The initial licensing application packet shall include:

1. - 9. ...

10. any other documentation or information required by the department for licensure including, but not limited to, a copy of the facility need review approval letter.

C. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2120.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:66 (January 2012), amended LR 41:2638 (December 2015).

**Subchapter D. Service Delivery**

**§5043. Contract Services**

A. ...

B. When services are provided through contract, a written contract must be established. The contract shall include all of the following items:

1. - 4. ...

5. a statement that the person contracted shall meet the same qualifications and training requirements as the position being contracted;

B.5.a. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2120.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:77 (January 2012), LR 41:2638 (December 2015).

## Subchapter F. Provider Responsibilities

### §5055. Core Staffing Requirements

A. - D.4....

E. Direct Care Staff

1. ...

2. The provider shall employ, either directly or through contract, direct care staff to ensure the provision of home and community-based services as required by the ISP.

E.3. - M.1. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:79 (January 2012), amended LR: 40:1001 (May 2014), LR 41:2639 (December 2015).

### Chapter 51. Home and Community-Based Services Providers

#### Subchapter A. Monitored In-Home Caregiving Module

##### §5101. General Provisions

A. Monitored in-home caregiving (MIHC) services are provided by a principal caregiver to a client who lives in a private unlicensed residence.

1. The principal caregiver shall:

a. be contracted by the licensed HCBS provider having a MIHC service module; and

b. reside with the client.

2. Professional staff employed by the HCBS provider shall provide oversight, support, and monitoring of the principal caregiver, service delivery, and client outcomes through on-site visits, training, and daily web-based electronic information exchange.

B. Providers applying for the monitored in-home caregiving module under the HCBS license shall meet the core licensing requirements (except those set forth in §5005.B.4, §5005.C. and §5007.F.1.c) and the module specific requirements of this Section.

C. During any survey or investigation of the HCBS provider with the MIHC module conducted by the DHH-HSS, the survey process begins once the surveyor enters either the client's place of residence or the provider's licensed place of business. When the survey begins at the client's residence, the provider shall transmit any records requested by the HSS surveyor within two hours of such request to the location as designated by the HSS surveyor.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2639 (December 2015).

##### §5103. Staffing Requirements, Qualifications, and Duties

A. The MIHC provider shall employ a registered nurse (RN) and a care manager who will monitor all clients served. The RN or the care manager may also serve as the administrator if he/she meets the requirements as set forth in §5055.A.1.

B. The HCBS provider with a MIHC module shall contract with at least one principal caregiver for each client served.

1. The principal caregiver shall:

a. serve only one client at any time; and

b. be able to provide sufficient time to the client as required to provide the care in accordance with the ISP.

2. Prior to MIHC services being provided to the client, the HCBS provider shall perform an assessment of the client's ability to be temporarily unattended by the principal caregiver and determine how the client will manage safely in the qualified setting without the continuous presence of a principal caregiver.

C. The MIHC registered nurse shall:

1. be licensed and in good standing with the Louisiana State Board of Nursing; and

2. have at least two years' experience in providing care to the elderly or to adults with disabilities.

D. The responsibilities of the registered nurse include:

1. participating in the determination of the qualified setting for MIHC services, based on on-site assessment of the premises;

2. ensuring that the client's applicable health care records are available and updated as deemed necessary;

3. developing, in collaboration with the care manager, client and principal caregiver, the client's person-centered ISP, based upon assessment of the client and medical information gathered or provided;

4. periodically reviewing and updating, at least annually, each client's ISP;

5. certifying, training, and evaluating principal caregivers in conjunction with the care manager;

6. monitoring, through daily review of electronic client progress notes, observation of at-home visits, and by documented consultations with other involved professionals, the status of all clients to ensure that MIHC services are delivered in accordance with the ISP;

7. conducting on-site visits with each client at the qualified setting at least every other month or more often as deemed necessary by the client's health status;

8. completing a nursing progress note corresponding with each on-site visit or more often as deemed necessary by the client's health status; and

9. planning for, and implementing, discharges of clients from MIHC services relative to if the health care needs of the client can be met in the qualified setting.

E. MIHC Care Manager Qualifications

1. The MIHC care manager shall meet one of the following requirements:

a. possess a bachelor's or master's degree in social work from a program accredited by the Council on Social Work Education;

b. possess a bachelor's or master's degree in nursing (RN) currently licensed in Louisiana (one year of experience as a licensed RN will substitute for the degree);

c. possess a bachelor's or master's degree in a human service related field which includes:

i. psychology;

ii. education;

iii. counseling;

iv. social services;

v. sociology;

vi. philosophy;

vii. family and participant sciences;

viii. criminal justice;

ix. rehabilitation services;

x. substance abuse treatment;

xi. gerontology; or

xii. vocational rehabilitation; or

d. possess a bachelor's degree in liberal arts or general studies with a concentration of at least 16 hours in one of the fields in §5103.E.1.c.i-xii.

2. The MIHC care manager shall have at least two years' experience in providing care to the elderly or to adults with disabilities.

3. The MIHC care manager may serve as the administrator of the HCBS provider; however, any such individual that serves as both administrator and care manager shall meet both sets of minimum qualifications and have the ability to service both sets of specified functions.

F. Care Manager Responsibilities. The following responsibilities of the care manager for the MIHC module shall substitute for the requirements in §5055.I and §5055.J. The responsibilities of the MIHC care manager shall include:

1. conducting the initial and ongoing assessment and determination of the qualified setting;

2. certifying, training, and evaluating principal caregivers in conjunction with the registered nurse;

3. developing, in collaboration with the registered nurse, an ISP for delivery of MIHC services for each client, based upon assessment and medical information gathered or provided;

4. monitoring, in collaboration with the registered nurse, through daily review of electronic client progress notes, and observation of at-home visits, the status of all clients to ensure that all MIHC services are delivered;

5. conducting on-site visits with each client at the qualified setting every other month or more often as deemed necessary by the client's health status;

6. completing a care management client progress note corresponding with each on-site visit every other month or more often as the client's condition warrants;

7. assisting with obtaining information and accessing other health-care and community services in accordance with the ISP;

8. reviewing and documenting the fire and safety procedures for the qualified setting;

9. providing training related to MIHC services for each principal caregiver before the principal caregiver begins to provide care;

10. participating in discharge planning of clients from monitored in-home care services by determining if the needs of the client can be met safely in the qualified setting;

11. reviewing and documenting that the qualified setting continues to meet the needs of the client, in accordance with the ISP, at every on-site visit and as situations change; and

12. being readily accessible and available to the principal caregivers either by telephone or other means of prompt communication.

a. The care manager shall maintain a file on each principal caregiver which shall include documentation of each principal caregiver's performance during the care manager's bimonthly on-site visit and more often as caregiver's performance warrants.

G. MIHC Principal Caregiver Qualifications. The following principal caregiver qualifications under the MIHC module shall substitute for the requirements in §5055.F.

1. The principal caregiver shall be certified by the HCBS provider before serving a client.

2. In order to be certified, the principal caregiver applicant shall:

a. participate in all required orientations, trainings, monitoring, and corrective actions required by the HCBS provider;

b. have a criminal background check conducted by the HCBS provider in accordance with the applicable state laws;

c. comply with the provisions of R.S. 40:2179-2179.2 and the rules regarding the direct service worker registry;

d. be at least 21 years of age and have a high school diploma or equivalent;

e. have the ability to read, write, and carry out directions competently as assigned; and

f. be trained in recognizing and responding to medical emergencies of clients.

3. To maintain certification, the principal caregiver shall reside in the state of Louisiana and shall provide MIHC services in a qualified setting located in Louisiana.

H. MIHC Principal Caregiver Responsibilities. The following principal caregiver responsibilities under the MIHC module shall substitute for the responsibilities in §5055.G. The responsibilities of the principal caregiver shall include:

1. supervision and assistance with personal care services for the client that is necessary for his/her health, safety and well-being in accordance with the ISP;

2. monitoring and reporting any non-urgent or nonemergency changes in the client's medical condition to the HCBS care manager;

3. promptly reporting and communicating a client's request for services or change in services to the care manager;

4. maintaining the qualified setting consistent with the criteria noted herein;

5. completing and submitting to the HCBS agency an electronic client progress note daily;

6. providing ongoing supervision of health-related activities, including, but not limited to:

a. reminding the client about prescribed medications;

b. ensuring that the client's prescriptions are refilled timely;

c. transporting or arranging for client transportation to medical and other appointments;

d. assisting the client to comply with health care instructions from health care providers, including but not limited to, dietary restrictions;

e. recognizing and promptly arranging for needed urgent medical care by activating the 911 call system;

f. notifying the care manager of the need for alternative care of the client;

g. immediately reporting any suspected abuse, neglect, or exploitation of a client to the HCBS care manager, as well as timely reporting any suspected abuse, neglect, or exploitation of a client to any other persons required by law to receive such notice;

h. immediately notifying the care manager when any of the following events occur:

- i. death of a client;
- ii. a medical emergency or any significant change in a client's health or functioning;
- iii. a fire, accident, and/or injury that requires medical treatment or the medical diagnosis of a reportable communicable disease of the client and/or principal caregiver;
- iv. any planned or unexpected departure from the residence by a client or principal caregiver; and
- v. all other client or principal caregiver major incidents or accidents.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2639 (December 2015).

#### **§5105. Operational Requirements for Monitored In-Home Caregiving**

A. Training. The following requirements for training and competency for the MIHC module shall substitute for the training and competency requirements in §5055.K, §5055.L, and §5055.M.

1. Prior to the principal caregiver providing MIHC services to a client, the HCBS provider shall ensure that the principal caregiver satisfactorily completes documented training in the following areas:

- a. the client's support needs in accordance with the ISP, including the following:
  - i. medical and behavioral diagnoses;
  - ii. medical and behavioral health history;
  - iii. required ADLs and IADLs;
  - iv. management of aggressive behaviors, including acceptable and prohibited responses; and
  - v. any other pertinent information;
- b. completion and transmission of the daily electronic client progress note;
- c. emergency and safety procedures, including the HCBS provider's fire, safety, and disaster plans;
  - i. this training shall include recognizing and responding to medical emergencies or other emergencies that require an immediate call to 911;
- d. detection and reporting suspected abuse, neglect and exploitation, including training on the written policies and procedures of the HCBS provider regarding these areas;
- e. written policies and procedures of the HCBS provider including, but not limited to:
  - i. documentation and provider's reporting requirements;
  - ii. infection control;
  - iii. safety and maintenance of the qualified setting;
  - iv. assistance with medication(s);
  - v. assistance with ADLs and IADLs;
  - vi. transportation of clients; and
  - vii. client rights and privacy;
- f. confidentiality;
- g. detecting signs of illness or dysfunction that warrant medical or nursing intervention; and
- h. the roles and responsibilities of the HCBS staff and the principal caregiver.

2. The HCBS provider shall ensure that each principal caregiver satisfactorily completes a basic first aid course within 45 days of hire.

#### **B. Transmission of Information**

1. The HCBS provider shall use secure, web-based information collection from principal caregivers for the purposes of monitoring client health and principal caregiver performance.

2. All protected health information shall be transferred, stored, and utilized in compliance with applicable federal and state privacy laws.

3. HCBS providers shall sign, maintain on file, and comply with the most current DHH HIPAA business associate addendum.

C. Monitoring. The HCBS provider shall provide ongoing monitoring of the client and the performance of the principal caregiver in accordance with the ISP. Ongoing monitoring shall consist of the following:

1. conducting on-site visits with each client at the qualified setting monthly by either the RN or the care manager in order to monitor the health and safety status of the client and to ensure that all MIHC services are delivered by the principal caregiver in accordance with the ISP;
2. reviewing and documenting at least every other month that the qualified setting meets the needs of the MIHC services to be provided to the client in accordance with the ISP;
3. receiving and reviewing the daily electronic client progress notes to monitor the client's health status and principal caregiver's performance to ensure appropriate and timely follow up;
4. ensuring the competency of the principal caregiver by written or oral exam before providing services and annually; and
5. ensuring that each principal caregiver receives annual training to address the needs of the client.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2641 (December 2015).

#### **§5107. Qualified Setting Provisions**

A. The residence where MIHC services are provided to a client shall be a qualified setting as stipulated herein. The qualified setting determination shall be completed by the HCBS provider as part of the admission process and on an on-going basis as stipulated herein.

B. In order for a setting to be determined qualified for MIHC services, the setting shall meet the following criteria:

1. is a private residence located in Louisiana, occupied by the client and a principal caregiver and shall not be subject to state licensure or certification as a hospital, nursing facility, group home, intermediate care facility for individuals with intellectual disabilities or as an adult residential care provider;
2. is accessible to meet the specific functional, health and mobility needs of the client residing in the qualified setting;
3. is in compliance with local health, fire, safety, occupancy, and state building codes for dwelling units;

4. is equipped with appropriate safety equipment, including, at a minimum, an easily accessible class ABC fire extinguisher, smoke and carbon monoxide detectors (which shall be audible in the client's and principal caregiver's sleeping areas when activated);

5. is equipped with heating and refrigeration equipment for client's meals and/or food preparation, e.g. warming or cooling prepared foods;

6. has a bedroom for the client which shall contain a bed unit appropriate to his/her size and specific needs that includes a frame, a mattress, and pillow(s). The bedroom shall have a closeable door and window coverings to ensure privacy of the client with adequate lighting to provide care in accordance with the ISP;

7. has a closet, permanent or portable, to store clothing or aids to physical functioning, if any, which is readily accessible to the client or the principal caregiver;

8. has a bathroom with functioning indoor plumbing for bathing and toileting with availability of a method to maintain safe water temperatures for bathing;

9. is equipped with functional air temperature controls which maintain an ambient seasonal temperature between 65 and 80 degrees Fahrenheit;

10. is maintained with pest control;

11. is equipped with a 24 hour accessible working telephone and/or other means of communication with health care providers;

12. is equipped with household first aid supplies to treat minor cuts or burns; and

13. as deemed necessary, has secured storage for potentially hazardous items, such as fire arms and ammunition, drugs or poisons.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2641 (December 2015).

#### **§5109. Waiver of Module Provisions**

A. In its application for a license, or upon renewal of its license, a provider may request a waiver of specific MIHC module licensing provisions.

1. The waiver request shall be submitted to HSS, and shall provide a detailed description as to why the provider is requesting that a certain licensing provision be waived.

2. HSS shall review such waiver request. Upon a good cause showing, HSS, at its discretion, may grant such waiver, provided that the health, safety, and welfare of the client is not deemed to be at risk by such waiver of the provision(s).

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2642 (December 2015).

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.

Kathy H. Kliebert  
Secretary

1512#076

## **RULE**

### **Department of Health and Hospitals Bureau of Health Services Financing and Office of Aging and Adult Services**

Home and Community-Based Services Waivers  
Community Choices Waiver  
(LAC 50:XXI.8329 and 8601)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services have amended LAC 50:XXI.8329 and §8601 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

#### **Title 50**

#### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part XXI. Home and Community Based Services Waivers**

#### **Subpart 7. Community Choices Waiver**

#### **Chapter 83. Covered Services**

#### **§8329. Monitored In-Home Caregiving Services**

A. Monitored in-home caregiving (MIHC) services are provided by a principal caregiver to a participant who lives in a private unlicensed residence. The principal caregiver shall be contracted by the licensed HCBS provider having a MIHC service module. The principal caregiver shall reside with the participant. Professional staff employed by the HCBS provider shall provide oversight, support and monitoring of the principal caregiver, service delivery, and participant outcomes through on-site visits, training, and daily, web-based electronic information exchange.

B. - B.6. ...

C. Unless the individual is also the spouse of the participant, the following individuals are prohibited from being paid as a monitored in-home caregiving principal caregiver:

1. - 5. ...

D. Participants electing monitored in-home caregiving services shall not receive the following community choices waiver services during the period of time that the participant is receiving monitored in-home caregiving services:

1. - 3. ...

E. Monitored in-home caregiving providers must be licensed HCBS providers with a monitored in-home caregiving module who employ professional staff, including a registered nurse and a care manager, to support principal caregivers to perform the direct care activities performed in the home. The agency provider must assess and approve the home in which services will be provided, and shall enter into contractual agreements with caregivers who the agency has approved and trained. The agency provider will pay per diem stipends to caregivers.

F. The MIHC provider must use secure, web-based information collection from principal caregivers for the purposes of monitoring participant health and caregiver performance. All protected health information must be transferred, stored, and otherwise utilized in compliance with applicable federal and state privacy laws. Providers

must sign, maintain on file, and comply with the DHH HIPAA business associate addendum.

1. - 3. Repealed.

G. ...

1. Monitored in-home caregiving services under tier 1 shall be available to the following resource utilization categories/scores as determined by the MDS-HC assessment:

- a. special rehabilitation 1.21;
- b. special rehabilitation 1.12;
- c. special rehabilitation 1.11;
- d. special care 3.11;
- e. clinically complex 4.31;
- f. clinically complex 4.21;
- g. impaired cognition 5.21;
- h. behavior problems 6.21;
- i. reduced physical function 7.41; and
- j. reduced physical function 7.31.

2. Monitored in-home caregiving services under tier 2 shall be available to the following resource utilization categories/scores as determined by the MDS-HC assessment:

- a. extensive services 2.13;
- b. extensive services 2.12;
- c. extensive services 2.11; and
- d. special care 3.12.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 40:792 (April 2014), amended LR 41:2642 (December 2015).

**Chapter 86. Organized Health Care Delivery System**

**§8601. General Provisions**

A. - C. ...

D. Prior to enrollment, an OHCDs must show the ability to provide all of the services available in the Community Choices Waiver on December 1, 2012, with the exceptions of support coordination, transition intensive support coordination, transition services and adult day health care if there is no licensed adult day health care provider in the service area.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 40:792 (April 2014), amended LR 41:2643 (December 2015).

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.

Kathy H. Kliebert  
Secretary

1512#077

**RULE**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Outpatient Hospital Services  
Outpatient Clinics  
Service Limits  
(LAC 50:V.5117)

The Department of Health and Hospitals, Bureau of Health Services Financing has amended LAC 50:V.5117 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part V. Hospital Services**

**Subpart 5. Outpatient Hospital Services**

**Chapter 51. General Provisions**

**§5117. Service Limits**

A. - A.1. ...

2. clinic services-physician services provided in a clinic in an outpatient hospital setting shall be considered physician services, not outpatient services, and there shall be no limits placed on the number of physician visits payable by the Medicaid program for eligible recipients; and

A.3. - B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 9:551 (August 1983), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:2261 (November 2014), LR 41:2643 (December 2015).

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.

Kathy H. Kliebert  
Secretary

1512#078

**RULE**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Pain Management Clinics  
Licensing Standards  
(LAC 48:I.Chapter 78)

The Department of Health and Hospitals, Bureau of Health Services has amended LAC 48:I.Chapter 78 as authorized by R.S. 36:254 and R.S. 40:2198.11-13. This

Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

**Title 48**

**PUBLIC HEALTH—GENERAL**

**Part I. General Administration**

**Subpart 3. Licensing and Certification**

**Chapter 78. Pain Management Clinics**

**Subchapter A. General Provisions**

**§7801. Definitions**

\* \* \*

*Administrator*—the person responsible for the day-to-day management, supervision, and non-medical operation of the pain management clinic.

\* \* \*

*Cessation of Business*—provider is non-operational and has stopped offering or providing services to the community.

\* \* \*

*DAL*—Division of Administrative Law.

\* \* \*

*Health Standards Section (HSS)*—the section within the Department of Health and Hospitals with responsibility for licensing pain management clinics.

\* \* \*

*Non-Operational*—the pain management clinic is not open for business operation on designated days and hours as stated on the licensing application.

\* \* \*

*OPH*—the Department of Health and Hospitals, Office of Public Health.

\* \* \*

*Primarily Engaged in Pain Management*—during the course of any day a clinic is in operation, 51 percent or more of the patients seen are issued a narcotic prescription for the treatment of chronic non-malignant pain. Exception: A physician who in the course of his/her own private practice shall not be considered primarily engaged in the treatment of chronic non-malignant pain by prescribing narcotic medications provided that the physician:

1. treats patients within his/her area of specialty and who utilizes other treatment modalities in conjunction with narcotic medications;
2. is certified by a member board of the American Board of Medical Specialties; and
3. ...

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2198.11-13.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:80 (January 2008), amended LR 34:1418 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2644 (December 2015).

**§7803. Ownership**

A. - B.4. ...

C. A pain management clinic that is not licensed by, or has not submitted a completed application to, the department for licensure on or before August 1, 2014, shall not be licensed under the exemption to §7803.B.

1. Repealed.

D. Any change of ownership (CHOW) shall be reported in writing to the Health Standards Section within five

working days of the transfer of ownership by any lawful means. The license of a clinic is not transferable or assignable between individuals, clinics or both. A license cannot be sold.

1. The new owner shall submit all documents required for a new license including the licensing fee. Once all application requirements are completed and approved by the department, a new license shall be issued to the new owner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2198.11-13.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:80 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2644 (December 2015).

**Subchapter B. Licensing Procedures**

**§7811. General Provisions**

A. It shall be unlawful to operate a clinic without obtaining a license issued by the department. The department is the only licensing agency for pain management clinics in the state of Louisiana. A pain management clinic verified to be operating without a license shall be required to immediately cease and desist operation and discharge all patients.

B. A clinic shall renew its license annually. A renewal application and licensing fee shall be submitted at least 30 days before the expiration of the current license. Failure to submit a complete renewal application shall be deemed to be a voluntary termination and expiration of the facility's license. The license shall be surrendered to the department within 10 days, and the facility shall immediately discharge all patients and cease providing services.

C. - D. ...

1. Any change that requires a change in the license shall be accompanied by the required fee.

2. Any change in geographic location of the clinic requires that the provider requests, and satisfactorily meets the requirements of, the following prior to any patient receiving service at the new location:

a. plan review for life safety code and licensing and inspection report with approvals for occupancy from the Office of the State Fire Marshal (OSFM); and

b. a copy of the health inspection report with a recommendation for licensure or a recommendation for denial of licensure from the Office of Public Health (OPH); and

c. an on-site survey prior to issuance of new license by the department.

3. Exception. Pursuant to R.S. 40:2198.12(D)(1)(g), a pain management clinic which is exempted from the requirement of being owned and operated by a physician certified in the subspecialty of pain management may relocate and continue to be exempted from the requirement of being owned and operated by a physician certified in the subspecialty of pain management if the new location is in the same parish in which the original clinic was located.

E. A separately licensed clinic shall not use a name which is substantially the same as the name of another clinic licensed by the department unless the clinic is under common ownership and includes a geographic identifier.

F. The clinic shall not use a name which may mislead the patient or their family into believing it is owned, endorsed, or operated by the state of Louisiana.

G. Any request for a duplicate license shall be accompanied by the required fee.

H. A clinic intending to have controlled dangerous medications on the premises shall make application for a controlled dangerous substance (CDS) license, and shall comply with all of the federal and state regulations regarding procurement, maintenance and disposition of such medications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40.2198.11-13.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:81 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2644 (December 2015).

### **§7813. Initial Application Process**

A. ...

B. To be considered complete, the initial licensing application packet shall include the following:

1. ...

2. a copy of the plan review for life safety code and licensing and the on-site inspection report with approvals for occupancy from the OSFM;

3. a copy of the health inspection report with a recommendation for licensure or a recommendation for denial of licensure from the OPH;

4. ...

5. a statewide criminal background check on all owners conducted by the Louisiana State Police or its designee;

6. verification of the physician owner's certification in the subspecialty of pain management;

7. proof of professional liability insurance of at least \$500,000;

a. proof of maintenance of professional liability insurance of at least \$500,000 shall be provided to the department at the time of initial licensure, at renewal of licensure, and upon request;

8. an organizational chart identifying the name, position, and title of each person composing the governing body and key administrative personnel;

9. a floor sketch or drawing of the premises to be licensed; and

10. any other documentation or information required by the department for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40.2198.11-13.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:81 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2645 (December 2015).

### **§7815. Licensing Surveys**

A. - B. ...

C. The department may conduct a complaint investigation in accordance with R. S. 40:2009.13, et seq. for any complaint received against a clinic. A complaint survey shall be unannounced to the clinic.

D. A follow-up survey may be done following any licensing survey or any complaint survey to ensure correction of a deficient practice cited on the previous survey. Such surveys shall be unannounced to the clinic.

E. Following any survey, the pain management clinic shall receive a statement of deficiencies documenting relevant findings, including the deficiency, the applicable governing rule, and the evidence supporting why the rule was not met.

1. The following statements of deficiencies issued by the department to the pain management clinic must be posted in a conspicuous place on the licensed premises:

a. the most recent annual licensing survey statement of deficiencies; and

b. any follow-up and/or complaint survey statement of deficiencies issued after the most recent annual licensing survey.

2. Any statement of deficiencies issued by the department to a pain management clinic shall be available for disclosure to the public within 30 calendar days after the pain management clinic submits an acceptable plan of correction to the deficiencies or within 90 days of receipt of the statement of deficiencies, whichever occurs first.

F. The department may require a plan of correction from a pain management clinic following any survey wherein deficiencies have been cited. The fact that a plan of correction is accepted by the department does not preclude the department from pursuing other actions against the pain management clinic as a result of the cited deficiencies.

G. The applicant and/or pain management clinic shall have the right to request an informal reconsideration of any deficiencies cited during any initial licensing survey, annual licensing survey, and follow-up survey.

1. The request for an informal reconsideration must be in writing and received by HSS within 10 calendar days of receipt of the statement of deficiencies. If a timely request for an informal reconsideration is received, HSS shall schedule the informal reconsideration and notify the pain management clinic in writing.

a. The request for an informal reconsideration does not delay submission of the plan of correction within the prescribed timeframe.

2. The request for an informal reconsideration must identify each disputed deficiency or deficiencies and the reason for the dispute and include any documentation that demonstrates that the determination was made in error.

3. Correction of the deficiency or deficiencies cited in any survey shall not be the basis for an informal reconsideration.

4. The pain management clinic may appear in person at the informal reconsideration and may be represented by counsel.

5. The pain management clinic shall receive written notice of the results of the informal reconsideration.

6. The results of the informal reconsideration shall be the final administrative decision regarding the deficiencies and no right to an administrative appeal shall be available.

H. Complaint Survey Informal Reconsideration. Pursuant to R.S. 40:2009.13 et seq., a pain management clinic shall have the right to request an informal reconsideration of the validity of the deficiencies cited during any complaint survey, and the complainant shall be afforded the opportunity to request an informal reconsideration of the survey findings.

1. The department shall conduct the informal reconsideration by administrative desk review.

2. The pain management clinic and/or the complainant shall receive written notice of the results of the informal reconsideration.

3. Except for the right to an administrative appeal provided in R.S. 40:2009.16(A), the results of the informal reconsideration shall be the final administrative decision and no right to an administrative appeal shall be available.

I. Sanctions. The department may impose sanctions as a result of deficiencies cited following any survey. A sanction may include, but is not limited to:

1. civil fine(s);
2. revocation of license;
3. denial of license renewal;
4. immediate suspension of license; and
5. any and all sanctions allowed under federal or state law or regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40.2198.11-13.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:81 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2645 (December 2015).

#### **§7817. Issuance of Licenses**

A. ...

B. A full pain management clinic license may be issued only to applicants that are in compliance with all applicable federal, state and local laws and regulations. This license shall be valid until the expiration date shown on the license, unless the license has been revoked, terminated, or suspended.

C. A provisional license may be issued to those existing licensed pain management clinics that do not meet the criteria for full licensure. This license shall be valid for no more than six months, unless the license has been revoked, terminated, or suspended.

1. - 1.d. ...

2. A pain management clinic with a provisional license may be issued a full license if at the follow-up survey the clinic has corrected the deficient practice. A full license may be issued for the remainder of the year until the clinic's license anniversary date.

3. The department may re-issue a provisional license or allow a provisional license to expire when the clinic fails to correct deficient practice within 60 days of being cited or at the time of the follow-up survey, whichever occurs first.

4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40.2198.11-13.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:82 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2646 (December 2015).

#### **§7819. Initial License Denial, License Revocation or Denial of License Renewal**

A. - A.3. ...

B. A pain management clinic license may not be renewed or may be revoked for any of the following reasons, including but not limited to:

1. - 6. ...

7. failure to remain operational on the days, and during the hours, the clinic has reported to the department that it will be open, unless the closure is unavoidable due to a man-made or natural disaster and in accordance with §7825;

8. - 10. ...

11. failure to correct areas of deficient practice;

B.12. - C. ...

D. When a clinic is under a denial of license renewal action, provisional licensure, or license revocation action, that clinic is prohibited from undergoing a change of ownership.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40.2198.11-13.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:82 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2646 (December 2015).

#### **§7821. Notice and Appeal Procedures**

A. ...

1. The notice shall specify reasons for the action and shall notify the applicant or clinic of the right to request an administrative reconsideration or to request an appeal. A voluntary termination or expiration of the license is not an adverse action and is not appealable.

A.2. - B. ...

1. A request for an administrative reconsideration shall be submitted in writing to the Health Standards Section within 15 calendar days of receipt of notification of the department's action.

2. ...

a. - a.iv. Repealed.

2.b. - 4. ...

5. An administrative reconsideration is not in lieu of the administrative appeals process.

C. Administrative Appeal Process. Upon denial or revocation of a license by the department, the clinic shall have the right to appeal such action by submitting a written request to the Division of Administrative Law (DAL), or its successor, within 30 days after receipt of the notification of the denial or revocation of a license, or within 30 days after receipt of the notification of the results of the administrative reconsideration.

1. Correction of a deficiency shall not be the basis of an administrative appeal.

2. ...

a. The clinic which is adversely affected by the action of the department in immediately revoking a license may, within 30 days of the closing, devolutively appeal from the action of the department by filing a written request for a hearing to the DAL or its successor.

D. If an existing licensed pain management clinic has been issued a notice of license revocation and the provider's license is due for annual renewal, the department shall deny the license renewal application.

1. The denial of the license renewal application does not affect in any manner the license revocation.

2. If the final decision by the DAL or its successor is to reverse the initial license denial, the denial of license renewal, or the license revocation, the provider's license will be reinstated or granted upon the payment of any licensing or other fees due to the department.

E. There is no right to an administrative reconsideration or an administrative appeal of the issuance of a provisional initial license. An existing provider who has been issued a provisional license remains licensed and operational and also has no right to an administrative reconsideration or an administrative appeal. The issuance of a provisional license to an existing pain management clinic is not considered to be a denial of license, a denial of license renewal, or a license revocation.

1. A follow-up survey may be conducted prior to the expiration of a provisional initial license to a new pain management clinic or the expiration of a provisional license to an existing provider.

2. A new provider that is issued a provisional initial license or an existing provider that is issued a provisional license shall be required to correct all noncompliance or deficiencies at the time the follow-up survey is conducted.

3. If all noncompliance or deficiencies have not been corrected at the time of the follow-up survey, or if new deficiencies that are a threat to the health, safety, or welfare of residents are cited on the follow-up survey, the provisional initial license or provisional license shall expire on its face and the provider shall be required to begin the initial licensing process again by submitting a new initial license application packet and fee.

4. The department shall issue written notice to the clinic of the results of the follow-up survey.

5. A provider with a provisional initial license or an existing provider with a provisional license that expires due to noncompliance or deficiencies cited at the follow-up survey, shall have the right to an administrative reconsideration and the right to an administrative appeal of the deficiencies cited at the follow-up survey.

a. The correction of a violation, noncompliance, or deficiency after the follow-up survey shall not be the basis for the administrative reconsideration or for the administrative appeal.

b. The administrative reconsideration and the administrative appeal are limited to whether the deficiencies were properly cited at the follow-up survey.

c. The provider must request the administrative reconsideration of the deficiencies in writing, which shall be received by the HSS within five calendar days of receipt of the notice of the results of the follow-up survey from the department. The request for an administrative reconsideration must identify each disputed deficiency or deficiencies and the reason for the dispute and include any documentation that demonstrates that the determination was made in error.

d. The provider must request the administrative appeal within 15 calendar days of receipt of the notice of the results of the follow-up survey from the department. The request for administrative appeal shall be in writing and shall be submitted to the DAL or its successor. The request for an administrative appeal must identify each disputed deficiency or deficiencies and the reason for the dispute and include any documentation that demonstrates that the determination was made in error.

e. A provider with a provisional initial license or an existing provider with a provisional license that expires under the provisions of this Section must cease providing

services unless the DAL or its successor issues a stay of the expiration. The stay may be granted by the DAL or its successor upon application by the provider at the time the administrative appeal is filed and only after a contradictory hearing, and only upon a showing that there is no potential harm to the residents being served by the pain management clinic.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2198.11-13.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:83 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2646 (December 2015).

### **§7823. Cessation of Business**

A. Except as provided in Section §7825 of these licensing regulations, a license shall be immediately null and void if a pain management clinic becomes non-operational.

B. A cessation of business is deemed to be effective the date on which the pain management clinic stopped offering or providing services to the community.

C. Upon the cessation of business, the pain management clinic shall immediately return the original license to the department.

D. Cessation of business is deemed to be a voluntary action on the part of the pain management clinic. The clinic does not have a right to appeal a cessation of business.

E. The pain management clinic shall notify the department in writing 30 days prior to the effective date of the closure or cessation. In addition to the notice, the provider shall submit a written plan for the disposition of patient medical records for approval by the department. The plan shall include the following:

1. the effective date of the closure;
2. provisions that comply with federal and state laws on storage, maintenance, access, and confidentiality of the closed provider's patients medical records;
3. an appointed custodian(s) who shall provide the following:

a. access to records and copies of records to the patient or authorized representative, upon presentation of proper authorization(s); and

b. physical and environmental security that protects the records against fire, water, intrusion, unauthorized access, loss and destruction; and

4. public notice regarding access to records, in the newspaper with the largest circulation in close proximity to the closing clinic, at least 15 days prior to the effective date of closure.

F. Failure to comply with the provisions concerning submission of a written plan for the disposition of patient medical records to the department may result in the provider being prohibited from obtaining a license for any provider type issued by the department.

G. Once the pain management clinic has ceased doing business, the provider shall not provide services until the clinic has obtained a new initial license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2198.11-13.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2647 (December 2015).

**§7825. Inactivation of License due to Declared Disaster or Emergency**

A. A licensed pain management clinic in an area or areas which have been affected by an executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766 may seek to inactivate its license for a period not to exceed two years, provided that the following conditions are met:

1. the licensed pain management clinic shall submit written notification to the Health Standards Section within 60 days of the date of the executive order or proclamation of emergency or disaster that:

a. the pain management clinic has experienced an interruption in the provisions of services as a result of events that are the subject of such executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766;

b. the licensed pain management clinic intends to resume operation as a pain management clinic in the same service area; and

c. includes an attestation that the emergency or disaster is the sole causal factor in the interruption of the provision of services;

NOTE: Pursuant to these provisions, an extension of the 60-day deadline may be granted at the discretion of the department.

2. the licensed pain management clinic resumes operating as a pain management clinic in the same service area within two years of the approval of construction plans by all required agencies upon issuance of an executive order or proclamation of emergency or disaster in accordance with R.S. 29:724 or R.S. 29:766;

3. the licensed pain management clinic continues to pay all fees and costs due and owed to the department including, but not limited to, annual licensing fees and outstanding civil monetary penalties and/or civil fines; and

4. the licensed pain management clinic continues to submit required documentation and information to the department, including but not limited to cost reports.

B. Upon receiving a completed written request to inactivate a pain management clinic license, the department shall issue a notice of inactivation of license to the pain management clinic.

C. Upon completion of repairs, renovations, rebuilding or replacement of the facility, a pain management clinic which has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met:

1. the pain management clinic shall submit a written license reinstatement request to the licensing agency of the department within two years of the executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766;

2. the license reinstatement request shall inform the department of the anticipated date of opening and shall request scheduling of a licensing survey; and

3. the license reinstatement request shall include a completed licensing application with the appropriate licensing fees.

D. Upon receiving a completed written request to reinstate a pain management clinic license, the department shall conduct a licensing survey. If the pain management

clinic meets the requirements for licensure and the requirements under this Section, the department shall issue a notice of reinstatement of the pain management clinic license.

E. No change of ownership in the pain management clinic shall occur until such pain management clinic has completed repairs, renovations, rebuilding or replacement construction and has resumed operations as a pain management clinic.

F. The provisions of this Section shall not apply to a pain management clinic which has voluntarily surrendered its license and ceased operation.

G. Failure to comply with any of the provisions of this Section shall be deemed a voluntary surrender of the pain management clinic license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2198.11-13.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2648 (December 2015).

**Subchapter C. Clinic Administration**

**§7831. Medical Director**

A. - B. ...

1. A licensed pain management clinic which has been verified by the department as being in operation on or before June 15, 2005, is required to have a medical director, but is exempt from having a medical director who is certified in the subspecialty of pain management by a member board of the American Boards of Medical Specialties.

C. Responsibilities. The medical director is responsible for the day-to-day clinical operation and shall be on-site, at a minimum, 50 percent of the time during the operational hours of the clinic. When the medical director is not on-site during the hours of operation, then the medical director shall be available by telecommunications and shall be able to be on-site within 30 minutes.

1. ...

2. The medical director shall ensure that all qualified personnel perform the treatments or procedures for which each is assigned. The clinic shall retain documentation of staff proficiency and training.

3. The medical director, or his designee, is responsible for ensuring a medical referral is made to an addiction facility, when it has been determined that a patient has been diverting drugs or participating in the illegal use of drugs.

4. ...

5. The medical director shall ensure that patients are informed of after-hours contact and treatment procedures.

6. ...

a. The PMP is to be utilized by the medical director and the pain specialist as part of the clinic's quality assurance program to ensure adherence to the treatment agreement signed by the patient.

i. - i.(a). ...

b. Compliance to this agreement is to be determined, evaluated, and documented at each subsequent visit to a clinic when the patient receives a prescription for a controlled dangerous substance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2198.11-13.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:83 (January 2008), amended by the

**§7832. Administrator**

A. The pain management clinic shall have an administrator designated by the governing body who is responsible for the day-to-day management, supervision, and non-medical operation of the clinic. The administrator shall be available during the designated business hours. The provisions of this Chapter do not prohibit the medical director dually serving as the administrator.

1. Qualifications. The administrator shall be at least 18 years of age and possess a high school diploma or equivalent.

2. The pain management clinic shall designate a person to act in the administrator's absence, and shall ensure this person meets the qualifications of the administrator pursuant to this Chapter. The pain management clinic shall maintain documentation on the licensed premises identifying this person and evidence of their qualifications.

3. Duties and Responsibilities. The administrator shall be responsible for:

a. employing licensed and non-licensed qualified personnel to provide the medical and clinical care services to meet the needs of the patients being served;

b. ensuring that upon hire and prior to providing care to patients, each employee is provided with orientation, training, and evaluation for competency as provided in this Chapter;

c. ensuring that written policies and procedures for the management of medical emergencies are developed, implemented, monitored, enforced, and annually reviewed, and readily accessible to all staff;

d. ensuring that disaster plans for both internal and external occurrences are developed, implemented, monitored, enforced, and annually reviewed and that annual emergency preparedness drills are held in accordance with the disaster plan. The pain management clinic shall maintain documentation on the licensed premises indicating the date, type of drill, participants, and materials;

e. maintaining current credentialing and/or personnel files on each employee that shall include documentation of the following:

i. a completed employment application;

ii. job description;

iii. a copy of current health screening reports conducted in accordance with the clinic's policies and procedures and in compliance with all applicable federal, state, and local statutes, laws, rules, regulations, and ordinances, including department rules, and regulations;

iv. documentation that each employee has successfully completed orientation, training, and evaluation for competency related to each job skill as delineated in their respective job description; and

v. documentation that all licensed nurses, if employed, shall:

(a). have successfully completed a Basic Life Support course; and

(b). be in good standing and hold current licensure with their respective state nurse licensing board;

f. ensuring all credentialing and/or personnel files are current and maintained on the licensed premises at all

times, including but not limited to, documentation of employee health screening reports; and

g. ensuring that appropriate law enforcement agency(s) are notified when it has been determined that a staff member has been diverting drugs or participating in the illegal use of drugs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2198.11-13.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2649 (December 2015).

**§7833. Clinic Operations**

A. A licensed pain management clinic shall establish and implement policies and procedures consistent with all pain management rules and regulations issued by the board.

B. A licensed pain management clinic shall verify the identity of each patient who is seen and treated for chronic pain management and who is prescribed a controlled dangerous substance.

C. A licensed pain management clinic shall establish practice standards to assure quality of care, including but not limited to, requiring that a prescription for a controlled dangerous substance may have a maximum quantity of a 30 day supply and shall not be refillable.

D. On each visit to the clinic which results in a controlled dangerous substance being prescribed to a patient, the patient shall be personally examined by a pain specialist and such shall be documented in the patient's clinical record.

E. A pain management clinic shall have enough qualified personnel who are available to provide direct patient care as needed to all patients and to provide administrative and nonclinical services needed to maintain the operation of the clinic in accordance with the provisions of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2198.11-13.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:84 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2649 (December 2015).

**§7835. Governing Body**

A. A pain management clinic shall be in compliance with all applicable federal, state, and local statutes, laws, rules, regulations, and ordinances.

B. A pain management clinic shall have a governing body that assumes full responsibility for the total operation of the pain management clinic.

1. The governing body shall consist of at least one individual who assumes full responsibility.

2. The pain management clinic shall maintain documentation on the licensed premises identifying the following information for each member of the governing body:

a. name;

b. contact information;

c. address; and

d. terms of membership.

3. The governing body shall develop and adopt bylaws which address its duties and responsibilities.

4. The governing body shall, at minimum, meet annually and maintain minutes of such meetings documenting the discharge of its duties and responsibilities.

C. The governing body shall be responsible for:

1. ensuring the pain management clinic's continued compliance with all applicable federal, state, and local statutes, laws, rules, regulations, and ordinances, including department rules, regulations, and fees;

2. designating a person to act as the administrator and delegating sufficient authority to this person to manage the non-medical day-to-day operations of the facility;

a. provisions of this Chapter do not prohibit the medical director dually serving as the administrator with responsibility for both medical and non-medical operations of the clinic;

3. designating a person to act as the medical director and delegating authority to this person to allow him/her to direct the medical staff, nursing personnel, and medical services provided to each patient consistent with all pain management rules and regulations issued by the Board;

4. evaluating the administrator and medical director's performance annually, and maintaining documentation of such in their respective personnel files;

5. ensuring that upon hire and prior to providing care to patients, and annually thereafter, each employee is provided with orientation, training, and evaluation for competency according to their respective job descriptions in accordance with the provider's policies and procedures;

6. developing, implementing, enforcing, monitoring, and annually reviewing in collaboration with the administrator and medical director written policies and procedures governing the following:

a. the scope of medical services offered;

b. personnel practices, including, but not limited to:

i. developing job descriptions for licensed and non-licensed personnel consistent with the applicable scope of practice as defined by federal and state law;

ii. developing a program for orientation, training, and evaluation for competency; and

iii. developing a program for health screening;

c. the management of medical emergencies; and

d. disaster plans for both internal and external occurrences;

7. approving all bylaws, rules, policies, and procedures formulated in accordance with all applicable state laws, rules, and regulations;

8. ensuring all bylaws, rules, policies, and procedures formulated in accordance with all applicable state laws, rules, and regulations are maintained on the licensed premises and readily accessible to all staff;

9. maintaining organization and administration of the pain management clinic;

10. acting upon recommendations from the medical director relative to appointments of persons to the medical staff;

11. ensuring that the pain management clinic is equipped and staffed to meet the needs of its patients;

12. ensuring services that are provided through a contract with an outside source, if any, are provided in a safe and effective manner;

13. ensuring that the pain management clinic develops, implements, monitors, enforces, and reviews at a minimum, quarterly, a quality assurance and performance improvement (QA) program;

14. developing, implementing, monitoring, enforcing, and annually reviewing written policies and procedures relating to communication with the administrator, medical director, and medical staff to address problems, including, but not limited to, patient care, cost containment, and improved practices;

15. ensuring that disaster plans for both internal and external occurrences are developed, implemented, monitored, enforced, and annually reviewed and that annual emergency preparedness drills are held in accordance with the disaster plan. The pain management clinic shall maintain documentation on the licensed premises indicating the date, type of drill, participants, and materials;

16. ensuring that the pain management clinic procures emergency medical equipment and medications that will be used to provide for basic life support until emergency medical services arrive and assume care;

17. ensuring that the pain management clinic orders and maintains a supply of emergency drugs for stabilizing and/or treating medical conditions on the licensed premises, subject to approval by the medical director; and

18. ensuring that the pain management clinic develops, implements, enforces, monitors, and annually reviews written policies and procedures to ensure compliance with all applicable federal, state, and local statutes, laws, ordinances, and department rules and regulations, including but not limited to, appropriate referrals when it has been determined that a patient or staff member has been diverting drugs or participating in the illegal use of drugs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2198.11-13.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2649 (December 2015).

#### **§7837. Orientation and Training**

A. Orientation and Training. The administrator shall develop, implement, enforce, monitor, and annually review, in collaboration with the medical director, written policies and procedures regarding orientation and training of all employees.

1. Orientation. Upon hire and prior to providing care to patients, all employees shall be provided orientation related to the clinic's written policies and procedures governing:

a. organizational structure;

b. confidentiality;

c. grievance process;

d. disaster plan for internal and external occurrences;

e. emergency medical treatment;

f. program mission;

g. personnel practices;

h. reporting requirements; and

i. basic skills required to meet the health needs of the patients.

2. Training. Upon hire, and at a minimum, annually, all employees shall be provided training in each job skill as delineated in their respective job description.

a. Medical training of a licensed medical professional shall only be provided by a medical professional with an equivalent or higher license.

b. Training of a non-licensed employee related to the performance of job skills relative to medical and clinical services shall only be provided by a licensed medical professional consistent with the applicable standards of practice.

c. All training programs and materials used shall be available for review by HSS.

d. The administrator shall maintain documentation of all of the training provided in each employee's personnel files.

B. Evaluation for Competency. Upon hire, and at a minimum, annually, the clinic shall conduct an evaluation for competency of all employees related to each job skill as delineated in their respective job description.

1. The evaluation for competency shall include the observation of job skills and return demonstration by the employee.

2. Evaluation for competency of a licensed medical professional shall only be provided by a medical professional with an equivalent or higher license.

3. Evaluation for competency of a non-licensed employee related to the performance of job skills relative to medical and clinical services shall only be provided by a licensed medical professional consistent with their applicable scope of practice.

4. The administrator shall maintain documentation of all evaluations for competencies in each employee's personnel file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40.2198.11-13.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2650 (December 2015).

#### **Subchapter D. Facility Requirements**

##### **§7843. Facility Inspections**

A. A licensed pain management clinic shall successfully complete all of the required inspections and maintain a current file of reports and other documentation that is readily available for review demonstrating compliance with all applicable laws and regulations. The inspections shall indicate current approval for occupancy.

A.1. - B. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40.2198.11-13.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:84 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2651 (December 2015).

##### **§7845. Physical Environment**

A. A licensed pain management clinic shall be constructed, arranged and maintained to ensure the safety and well-being of the clinic's patients and the general public.

B. The clinic premises shall meet the following requirements including, but is not limited to:

1. a sign maintained on the clinic premises that can be viewed by the public which shall contain, at a minimum, the:

a. ...

b. days and hours of operation;

2. - 6. ...

C. Administrative and public areas of the clinic shall include at least the following:

1. a reception area;

2. ...

3. at least one multipurpose room large enough to accommodate family members for consultations or for staff meetings, in addition to treatment rooms;

4. designated rooms or areas for administrative and clerical staff to conduct business transactions, store and secure records, and carry out administrative functions separate from public areas and treatment areas;

5. filing cabinets and storage for providers utilizing paper medical records; such records shall be protected from theft, fire, and unauthorized access and having provisions for systematic retrieval of such records;

6. electronic medical records keeping systems for providers utilizing electronic records, such equipment shall be protected from unauthorized access and having provisions for systematic retrieval of such records; and

7. secured storage facilities for supplies and equipment.

8. - 11. Repealed.

D. - D.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40.2198.11-13.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:84 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2651 (December 2015).

##### **§7847. Infection Control Requirements**

A. A pain management clinic shall have written policies and procedures, annually reviewed and signed by the medical director, to address the following:

A.1. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40.2198.11-13.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:85 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2651 (December 2015).

##### **§7849. Health and Safety Requirements**

A. ...

1. The environment of the clinic shall ensure patient dignity and confidentiality.

A.2. - B.4. ...

5. post emergency telephone numbers by all telephones.

C. The clinic shall take all necessary precautions to protect its staff, patients and visitors from accidents of any nature.

D. - E. ...

1. At least one employee on-site at each clinic shall be certified in basic cardiac life support (BCLS) and be trained in dealing with accidents and medical emergencies until emergency medical personnel and equipment arrive at the clinic.

2. A licensed pain management clinic shall have first aid supplies which are easily accessible to the clinic staff.

3. ...

a. emergency medications, as designated by the medical director; and

b. any emergency medical supplies deemed necessary by the medical director and/or the governing body.

b.i. - d. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40.2198.11-13.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:85 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2651 (December 2015).

**§7851. Quality Assurance**

A. A licensed pain management clinic, with active participation of its medical staff, shall conduct an ongoing, comprehensive quality assurance (QA) program which shall be a self-assessment of the quality of care provided at the clinic. Quality indicators shall be developed to track and trend potential problematic areas. These quality indicators shall include, at a minimum, the following:

1. ...
2. any significant adverse effects of medical treatment or medical therapy, including the number of overdoses of prescribed medications or the number of deaths resulting from such overdoses, or both;

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 40.2198.11-13.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:86 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2652 (December 2015).

**Subchapter E. Patient Records**

**§7861. Patient Records**

A. - A.1. ...

a. Safeguards shall be established to maintain confidentiality and protection of the medical record, whether stored electronically or in paper form, from fire, water, or other sources of damage and from unauthorized access.

2. - 3. ...

a. remain in the custody of the clinic, whether stored in paper form or electronically, in clinic or off-site; and

b. be readily available to department surveyors as necessary and relevant to complete licensing surveys or investigations.

c. Repealed.

B. - B.1.j. ...

k. progress or treatment notes;

l. nurses' notes of care, if any, including progress notes and medication administration records;

m. - q. ...

i. has been informed and agrees to obtain and receive narcotic prescriptions only from the licensed pain management clinic where he is receiving treatment for chronic pain;

1.q.ii. - 3. ...

4. Progress Notes. All pertinent assessments, treatments and medications given to the patient shall be recorded in the progress notes. All other notes, relative to specific instructions from the physician, shall also be recorded.

B.5. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40.2198.11-13.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:86 (January 2008), amended by the

Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2652 (December 2015).

Kathy H. Kliebert  
Secretary

1512#079

**RULE**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Professional Services Program  
Physician Services  
Outpatient Physician Visits  
(LAC 50:IX.Chapter 6)

The Department of Health and Hospitals, Bureau of Health Services Financing has repealed the September 20, 1975 Rule governing physician visits, and has adopted LAC 50:IX.Chapter 6 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part IX. Professional Services Program**

**Subpart 1. General Provisions**

**Chapter 6. Outpatient Physician Services**

**§601. General Provisions**

A. The Medicaid program provides coverage and reimbursement for outpatient physician visits in the Professional Services Program. There shall be no limits placed on the number of physician visits payable by the Medicaid program for eligible 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 41:2652 (December 2015).

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.

Kathy H. Kliebert  
Secretary

1512#080

**RULE**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Rural Health Clinics  
Service Limits  
(LAC 50:XI.16303)

The Department of Health and Hospitals, Bureau of Health Services Financing has amended LAC 50:XI.16303 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act.

This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XI. Clinic Services**

**Subpart 15. Rural Health Clinics**

**Chapter 163. Services**

**[Formerly Chapter 165]**

**§16303. Service Limits**

**[Formerly §16503]**

A. There shall be no limits placed on rural health clinic visits (encounters) payable by the Medicaid program for eligible recipients.

B. - B.1. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1905 (October 2006), repromulgated LR 32:2267 (December 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2632 (September 2011), LR 41:2653 (December 2015).

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, if it is determined that submission to CMS for review and approval is required.

Kathy H. Kliebert  
Secretary

1512#081

**RULE**

**Department of Health and Hospitals  
Office of Public Health**

Disease Reporting Requirements/Anti-Rabies  
Vaccination Requirements for Dogs and Cats  
(LAC 51:II.105, 107, 109, 111, 113;  
III.103; XVII.501; and XXI.105)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the state health officer acting through the Department of Health and Hospitals, Office of Public Health (DHH-OPH), pursuant to the authority in R.S. 40:4(A)(2), and R.S. 40:5, has amended and revised Title 51 (*Public Health—Sanitary Code*), Part II (The Control of Diseases). The amendments to Part II are regarding disease reporting requirements. The amendments to Part II require disease reporting requirement provisions currently contained in Part XVII (Public Buildings, Schools, and Other Institutions) and in Part XXI (Day Care Centers and Residential Facilities) to be updated as well. In addition, the state health officer acting through the DHH-OPH, pursuant to the authority in R.S. 40:4(A)(2) and R.S. 40:1277, also amends and revises Title 51, Part III (The Control of Rabies and Other Zoonotic Diseases). This amendment relates to the appropriate re-vaccination interval of dogs and cats based upon the particular anti-rabies vaccine being administered to the animal.

In an attempt to make the content more understandable and to have a better flow when reading, certain Sections, Subsections and Paragraphs, etc., were moved from their prior location in Part II to a new location in Part II. To assist in understanding where an existing subject is being moved, the following chart is provided:

Part II	
Old Text Location	New Text Location
105.A – 105.A.4.a.xvi	105.D
105.A.5 – 105.A.5.a	109
105.B	105.E
107.A	105.A
107.B	105.B
109.A	105.C
113	107
111	113

**Title 51**

**PUBLIC HEALTH—SANITARY CODE**

**Part II. The Control of Diseases**

**Chapter 1. Disease Reporting Requirements**

**§105. Reportable Diseases and Conditions**

**[formerly paragraph 2:003]**

A. It is hereby made the duty of every physician practicing medicine in the state of Louisiana to report to the state health officer, according to the requirements of this Section and utilizing the appropriate method(s) of reporting required under Subsection E of this Section, any case or suspected case of reportable disease or condition which he or she is attending, or has examined, or for which such physician has prescribed. The report shall be made promptly at the time the physician first visits, examines or prescribes for the patient, and such report shall state the name, age, sex, race, usual residence, place where the patient is to be found, the nature of the disease or condition and the date of onset.

B. Any physician, whether Louisiana resident or non-resident, engaged in the practice of medicine at any federal installation or on any vessel, train or other common carrier, which enters any port, station or place in the state of Louisiana, is required to report as specified in Subsection A of this Section.

C. It shall be the duty of every osteopath, coroner, medical examiner, dentist, homeopath, infection control practitioner, laboratory director, medical records director, nurse, nurse midwife, nurse practitioner, pharmacist, physician assistant, podiatrist, poison control center, social worker, veterinarian, and any other health care professional to report a positive laboratory result or a confirmed or suspected case of any reportable disease or condition as required by this Section utilizing the appropriate method(s) of reporting required under Subsection E of this Section in which he or she has examined or evaluated, or for which he or she is attending or has knowledge. In the absence of a health care professional responsible for reporting as stated in the prior sentence (or a physician as referenced in Subsections A and B of this Section), it shall be the duty of the director, chief administrative officer, or other person in charge of any facility, program, or other entity that requires or conducts testing for reportable diseases or conditions, to report a positive laboratory result or a confirmed or suspected case of any reportable disease or condition as

required by this Section utilizing the appropriate method(s) of reporting required under Subsection E of this Section.

D. The following diseases or conditions are hereby declared reportable with reporting requirements by class.

1. Class A Diseases or Conditions which Shall Require Reporting within 24 Hours

a. Class A diseases or conditions include diseases or conditions of major public health concern because of the severity of the disease or condition and the potential for epidemic spread. Class A diseases or conditions shall be reported to the Office of Public Health by telephone (or in another electronic format acceptable to the Office of Public Health) immediately upon recognition that a case, a suspected case, or a positive laboratory result is known. In addition, all cases of rare or exotic communicable diseases, unexplained death, unusual clusters of disease and all outbreaks shall be reported. Any class A disease or condition, rare or exotic communicable disease, unexplained death, or unusual cluster of disease and any disease outbreak, shall be reported to the Office of Public Health as soon as possible but no later than 24 hours from recognition that a case, a suspected case, a positive laboratory result, an unexplained death, an unusual cluster of disease, or a disease outbreak is known. The following diseases or conditions shall be classified as class A for reporting requirements:

- i. acute flaccid paralysis;
- ii. anthrax;
- iii. avian or novel strain influenza A (initial detection);
- iv. botulism;
- v. brucellosis;
- vi. cholera;
- vii. *Clostridium perfringens* food-borne infection;
- viii. diphtheria;
- ix. fish or shellfish poisoning (domoic acid poisoning, neurotoxic shellfish poisoning, ciguatera, paralytic shellfish poisoning, scombroid);
- x. food-borne infection;
- xi. *Haemophilus influenzae* (invasive infection);
- xii. influenza-associated mortality;
- xiii. measles (rubeola, imported or indigenous);
- xiv. *Neisseria meningitidis* (invasive infection);
- xv. outbreaks of any infectious diseases;
- xvi. pertussis;
- xvii. plague (*Yersinia pestis*);
- xviii. poliomyelitis (paralytic and non-paralytic);
- xix. Q fever (*Coxiella burnetii*);
- xx. rabies (animal and human);
- xxi. ricin poisoning;
- xxii. rubella (congenital syndrome);
- xxiii. rubella (German measles);
- xxiv. severe acute respiratory syndrome-associated coronavirus (SARS-CoV);
- xxv. *Staphylococcus aureus*, vancomycin intermediate or resistant (VISA/VRSA);
- xxvi. staphylococcal enterotoxin B (SEB) pulmonary poisoning;
- xxvii. smallpox;
- xxviii. tularemia (*Francisella tularensis*);
- xxix. viral hemorrhagic fever (Ebola, Lassa, Marburg, Crimean Congo, etc.); and
- xxx. yellow fever.

2. Class B Diseases or Conditions which Shall Require Reporting within One Business Day

a. Class B diseases or conditions include diseases or conditions of public health concern needing timely response because of potential for epidemic spread. The following class B diseases or conditions shall be reported to the Office of Public Health by the end of the next business day after the existence of a case, a suspected case, or a positive laboratory result is known:

- i. amoeba (free living) infection (including *Acanthamoeba*, *Naegleria*, *Balamuthia* and others);
- ii. anaplasmosis;
- iii. arthropod-borne viral infections (including West Nile, Dengue, St. Louis, California, Eastern Equine, Western Equine, Chikungunya, Usutu, and others);
- iv. aseptic meningitis;
- v. babesiosis;
- vi. Chagas disease;
- vii. chancroid;
- viii. *Escherichia coli*, Shiga-toxin producing (STEC), including *E. coli* O157:H7;
- ix. granuloma inguinale;
- x. hantavirus (infection or pulmonary syndrome);
- xi. hemolytic-uremic syndrome;
- xii. hepatitis A (acute illness);
- xiii. hepatitis B (acute illness and carriage in pregnancy);
- xiv. hepatitis B (perinatal infection);
- xv. hepatitis E;
- xvi. herpes (neonatal);
- xvii. human immunodeficiency virus [(HIV), infection in pregnancy]<sup>2</sup>;
- xviii. human immunodeficiency virus [(HIV), perinatal exposure]<sup>2</sup>;
- xix. legionellosis;
- xx. malaria;
- xxi. mumps;
- xxii. salmonellosis;
- xxiii. shigellosis;
- xxiv. syphilis<sup>1</sup>;
- xxv. tetanus;
- xxvi. tuberculosis<sup>3</sup> due to *Mycobacterium tuberculosis*, *bovis* or *africanum*; and
- xxvii. typhoid fever.

3. Class C Diseases or Conditions which Shall Require Reporting within Five Business Days

a. Class C diseases or conditions shall include diseases or conditions of significant public health concern. The following class C diseases or conditions shall be reported to the Office of Public Health within five business days after the existence of a case, suspected case, or a positive laboratory result is known:

- i. acquired immune deficiency syndrome (AIDS)<sup>2</sup>;
- ii. *Anaplasma phagocytophilum*;
- iii. blastomycosis;
- iv. campylobacteriosis;
- v. chlamydial infection<sup>1</sup>;
- vi. coccidioidomycosis;
- vii. cryptococcosis (*Cryptococcus neoformans* and *C. gattii*);
- viii. cryptosporidiosis;

- ix. cyclosporiasis;
- x. ehrlichiosis (human granulocytic, human monocytic, *Ehrlichia chaffeensis* and *ewingii*);
- xi. *Enterococcus*, vancomycin resistant [(VRE), invasive disease];
- xii. giardiasis;
- xiii. glanders (*Burkholderia mallei*);
- xiv. gonorrhea<sup>1</sup> (genital, oral, ophthalmic, pelvic inflammatory disease, rectal);
- xv. Hansen's disease (leprosy);
- xvi. hepatitis C (acute illness);
- xvii. histoplasmosis;
- xviii. human immunodeficiency virus [(HIV) infection, other than as in class B]<sup>2</sup>;
- xix. human T lymphocyte virus (HTLV I and II) infection;
- xx. leptospirosis;
- xxi. listeriosis;
- xxii. Lyme disease;
- xxiii. lymphogranuloma venereum<sup>1</sup>;
- xxiv. melioidosis (*Burkholderia pseudomallei*);
- xxv. meningitis, eosinophilic (including those due to *Angiostrongylus* infection);
- xxvi. Nipah virus infection;
- xxvii. non-gonococcal urethritis;
- xxviii. ophthalmia neonatorum;
- xxix. psittacosis;
- xxx. spotted fever rickettsioses [*Rickettsia* species including Rocky Mountain spotted fever (RMSF)];
- xxxi. staphylococcal toxic shock syndrome;
- xxxii. *Staphylococcus aureus*, methicillin/oxacillin-resistant [(MRSA), invasive infection];
- xxxiii. streptococcal disease, group A (invasive disease);
- xxxiv. streptococcal disease, group B (invasive disease);
- xxxv. streptococcal toxic shock syndrome;
- xxxvi. *Streptococcus pneumoniae* invasive disease;
- xxxvii. transmissible spongiform encephalopathies (Creutzfeldt-Jakob disease and variants);
- xxxviii. trichinosis;
- xxxix. varicella (chickenpox);
- xl. *Vibrio* infections (other than cholera); and
- xli. yersiniosis.

4. Class D Special Reportable Diseases or Conditions Shall Require Reporting within Five Business Days

a. Class D diseases or conditions shall include diseases or conditions of significant public health concern. The following class D diseases or conditions shall be reported to the Office of Public Health within five business days after the existence of a case, suspected case, or a positive laboratory result is known:

- i. cancer;
- ii. carbon monoxide exposure and/or poisoning;
- iii. complications of abortion;
- iv. congenital hypothyroidism<sup>4</sup>;
- v. galactosemia;
- vi. heavy metal (arsenic, cadmium, mercury) exposure and/or poisoning (all ages)<sup>5</sup>;
- vii. hemophilia;
- viii. lead exposure and/or poisoning (all ages);
- ix. pesticide-related illness or injury (all ages);

- x. phenylketonuria<sup>4</sup>;
- xi. pneumoconiosis (asbestosis, berylliosis, silicosis, byssinosis, etc.);
- xii. radiation exposure, over normal limits;
- xiii. Reye's syndrome;
- xiv. severe traumatic head injury;
- xv. severe undernutrition (severe anemia, failure to thrive);
- xvi. sickle-cell disease (newborns);
- xvii. spinal cord injury; and
- xviii. sudden infant death syndrome (SIDS).

E. Case reports not requiring special reporting instructions (see below) can be reported by mail or facsimile [(504) 568-8290 (fax)] on confidential disease report forms, or by phone [call (800) 256-2748 for forms and instructions] or in an electronic format acceptable to the Office of Public Health. When selecting a method of notification, the person or entity submitting a report shall be respectful of the time limitations for the report to be received by the Office of Public Health in accordance with the particular time limitations specified under classes A-D above.

1. <sup>1</sup>Report on STD-43 Form. Report cases of syphilis with active lesions by telephone, within one business day, to (504) 568-7474.

2. <sup>2</sup>Report to the Louisiana HIV/AIDS Program. Visit [www.hiv.dhh.louisiana.gov](http://www.hiv.dhh.louisiana.gov) or call (504) 568-7474 for regional contact information.

3. <sup>3</sup>Report on CDC72.5 (f.5.2431) card.

4. <sup>4</sup>Report to the Louisiana Genetic Diseases Program and Louisiana Childhood Lead Poisoning Prevention Programs, [www.genetics.dhh.louisiana.gov](http://www.genetics.dhh.louisiana.gov), or facsimile [(504) 568-8253 (fax)], or call (504) 568-8254 or (800) 242-3112.

5. <sup>5</sup>Report to the Section of Environmental Epidemiology and Toxicology, [www.seet.dhh.louisiana.gov](http://www.seet.dhh.louisiana.gov), or call (504) 568-8159 or (888) 293-7020.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2) and R.S. 40:5(2)(10)(11).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1212 (June 2002), amended LR 32:1050 (June 2006), LR 34:2173 (October 2008), repromulgated LR 34:2582 (December 2008), LR 36:1014 (May 2010), repromulgated LR 36:1253 (June 2010), amended LR 39:1053 (April 2013), amended LR 41:2653 (December 2015).

**§107. Laboratory and Healthcare Facility Reporting Requirements (Formerly §113)**

A. The director of every laboratory and other applicable healthcare facility whether public, private, hospital or other, within or out of the state shall report to the state health officer the results of all tests that are in any way clinically relevant, suggestive or indicative of an individual having active disease, past or present exposure to, past or present contact with and/or past or present association with any of the disease/conditions listed in LAC 51 (Public Health—Sanitary Code), Part II, Chapter 1, §105. The results of the tests to be reported to the state health officer do not have to be conducted for diagnostic reasons, nor do the results have to be diagnostic or confirmatory. The report shall be received in a timely manner consistent with the requirements of the diseases/conditions class described in §105 and shall state the name, date of birth, sex, race, usual residence, specimen identification code/ID and test results of

the tested individual as well as the name of the physician or person submitting the specimen. Contact information for the laboratory performing the test(s) shall be provided. Laboratories shall not defer their public health reporting responsibilities to any other authorities within the institutions they serve. In addition, laboratories performing tests on specimens received from other laboratories shall report to the state health officer all results as prescribed above plus the contact information for the facility/laboratory where the specimen originated. Moreover, no considerations, evaluations or concerns, regarding any test technology or test result by institutions and/or organizations whether federal, state or otherwise (e.g., FDA, CMS-CLIA, etc.) which may be overseeing, approving, evaluating or licensing laboratory testing, shall represent an *a priori* rationale for withholding laboratory reports from the state health officer.

B. All laboratory facilities shall, in addition to reporting tests indicative of conditions found in §105, report positive or suggestive results for additional conditions of public health interest. The following findings shall be reported as detected by laboratory facilities:

1. adenoviruses;
2. coronaviruses;
3. enteroviruses;
4. hepatitis B (carriage, other than in pregnancy);
5. hepatitis C (past or present infection);
6. human metapneumovirus;
7. parainfluenza viruses;
8. respiratory syncytial virus; and
9. rhinoviruses.

C. A reference culture is required to be sent to the Office of Public Health laboratory for the following microorganisms within five business days of the final identification of the microorganism:

1. *Bacillus anthracis* (confirmed or suspected);
2. *Bordetella pertussis*;
3. *Brucella* spp.;
4. *Burkholderia mallei*;
5. *Burkholderia pseudomallei*;
6. *Campylobacter* spp.;
7. *Corynebacterium diphtheriae*;
8. *E. coli* O157:H7 or *E. coli* Shiga toxin producing;
9. *Francisella* spp.;
10. *Listeria* spp.;
11. *Mycobacterium tuberculosis*, *bovis* or *africanum*;
12. *Plesiomonas* spp.;
13. *Salmonella* spp.;
14. *Shigella* spp.;
15. *Vibrio* spp.;
16. *Yersinia enterocolitica*; and
17. *Yersinia pestis*.

D. A reference culture is required to be sent to the Office of Public Health laboratory for the following microorganisms if the original culture was from a sterile site (e.g., blood, spinal fluid, other internal fluid, tissue, etc.). Such reference culture shall be sent to the Office of Public Health laboratory within five business days of the final identification of the microorganism:

1. *Haemophilus influenzae* type b or untyped;
2. *Neisseria meningitidis*; and
3. *Streptococcus pneumoniae*.

E. Laboratory reports shall not be construed by the Office of Public Health as diagnosis. In the case of private patients, follow-up of laboratory reports shall be through the physician(s) submitting the specimen(s).

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2) and R.S. 40:5(2)(10)(11).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1213 (June 2002), amended LR 36:1015 (May 2010), LR 41:2655 (December 2015).

#### **§109. Reports by Emergency Departments (Formerly §105.A.5)**

A. Syndromic Surveillance: Reportable Conditions seen at Emergency Departments of Acute Care Hospitals which Shall Require Reporting Electronically within One Business Day of the Visit

1. Emergency department reporting shall include all conditions seen at emergency departments of acute care hospitals. The text content of the chief complaint for the visit or an international classification of disease code shall be reported to the Office of Public Health within one business day of the visit by electronic means as specified by the Office of Public Health.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2) and R.S. 40:5(2)(10)(11).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1213 (June 2002), amended LR 32:1051 (June 2006), LR 36:1015 (May 2010), LR 41:2656 (December 2015).

#### **§111. Reports by Hospitals**

A. It shall be the duty of all hospitals producing antibiograms detailing the antibiotic sensitivities and resistances of microorganisms in their facility to provide a report annually of antibiogram results to the state health officer.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2) and R.S. 40:5(2)(10)(11).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1213 (June 2002), amended LR 36:1015 (May 2010), LR 41:2656 (December 2015).

#### **§113. Reports Required of Parents, Schools and Day Care Centers (Formerly §111)**

A. It shall be the duty of every parent, guardian, householder, attendant or other person in charge, principal of a public or private school, operator of a day care center or residential facility (public or private) to report a case of reportable disease in his household or school to the state health officer [as required by Subsection 105.C of this Chapter utilizing the appropriate method(s) of reporting required under Subsection 105.E of this Chapter], when he or she knows or reasonably believes that the disease is one which legally must be reported, except when he or she knows or reasonably believes that a physician, presumed to have already reported the case, is in attendance.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2) and R.S. 40:5(2)(10)(11).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1214 (June 2002), amended LR 32:1052 (June 2006), LR 39:1054 (April 2013), LR 41:2656 (December 2015).

**Part III. The Control of Rabies and Other Zoonotic Diseases**

**Chapter 1. Anti-Rabies Vaccination Requirements for Dogs and Cats**

**§103. Mandatory Vaccinations of Dogs, Cats, and Ferrets [formerly paragraph 3:002]**

A. No person shall own, keep or have in his custody a dog, cat, or ferret over three months of age that has not been vaccinated against rabies by a licensed veterinarian. Every owner of a dog, cat, or ferret shall cause said animal to be vaccinated initially with a series of two vaccinations, the first to be administered at three months of age, the second to be administered one year after the initial vaccination. Dogs, cats, or ferrets initially vaccinated later than three months of age shall also be administered a series of two vaccines, the second vaccine to be given one year after the initial vaccination. Thereafter, the interval between revaccinations shall conform to the *Compendium of Animal Rabies Prevention and Control*, 2011 Edition, Part III: Rabies Vaccines Licensed and Marketed in the U.S., which is published by the National Association of State Public Health Veterinarians, Inc. Vaccine licensing and labeling, including duration of immunity, is authorized by the Center for Veterinary Medicine at the Food and Drug Administration (FDA) and those decisions are based on testing conducted by the vaccine manufacturers. The results of testing are presented to the FDA during the registration process.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2)(a), R.S. 40:5(1)(2)(17) and R.S. 40:1277.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1223 (June 2002), amended LR 33:650 (April 2007), LR 41:2657 (December 2015).

**Part XVII. Public Buildings, Schools, and Other Institutions**

**Chapter 5. Health Requirements for Schools**

**§501. Employee Health and Student Health [formerly paragraph 17:028]**

A. [Formerly paragraph 17:028] The requirements of Part I, §117 and Part II, §§113 and 503 shall be met.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(2)(10) and R.S. 40:5 (1)(2)(10)(17).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1392 (June 2002), repromulgated LR 29:1099 (July 2003), amended LR 41:2657 (December 2015).

**Part XXI. Day Care Centers and Residential Facilities**

**Chapter 1. General Requirements**

**§105. General [formerly paragraph 21:002-1]**

A. - B. ...

C. [Formerly paragraph 21:003] All of the above facilities shall comply with appropriate Parts of this Code as stated below.

1. [Formerly paragraph 21:003-1] Employee, patient, and client health shall meet the requirements of Part I, §117 and Part II, §§113, 503, and 505 of this Code.

C.2. - J.2. ...

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(10) and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1399 (June 2002), amended LR 37:2728 (September 2011), amended LR 38:2926 (November 2012), repromulgated LR 38:3233 (December 2012), amended LR 41:2657 (December 2015).

Jimmy Guidry, M.D.  
State Health Officer  
and  
Kathy Kliebert  
Secretary

1512#054

**RULE**

**Department of Health and Hospitals  
Office of Public Health**

Tanning (LAC 49:I.Chapter 13)

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the state health officer, acting through the Department of Health and Hospitals, Office of Public Health (DHH, OPH), recodifies the Chapter 13 regulations originally promulgated in the March 20, 1992 edition of the *Louisiana Register* in accordance with Act 587 of 1990 and amends the newly recodified Sections 1301-1349 of Part I of Title 49 of the *Louisiana Administrative Code* to reflect administrative changes and to comply with the requirements of Act 193 of 2014. This recodification and changes are required to enforce the new ban on minors' use of tanning equipment enacted during the recent Regular Session of the Louisiana Legislature.

**Title 49**

**PUBLIC HEALTH—FOOD AND DRUGS**

**Part I. Food, Drugs, and Cosmetics**

**Chapter 13. Tanning Facility Regulations**

**§1301. Purpose and Scope [formerly 49:8.0000]**

A. These regulations provide for the registration, certification and regulation of facilities and equipment which employ ultraviolet and other lamps for the purpose of tanning the skin of the living human body through the application of ultraviolet radiation.

B. The current statutory provisions in R.S. 40:2701 through 2719, as enacted by Act No. 587 of 1990, indicates that the owner or proprietor of each tanning parlor facility must apply for a certificate of registration as well as a separate permit from the Department of Health and Hospitals. In order to implement Act No. 587 of 1990 efficiently, and to accomplish the desired regulatory results in the best interest of the public health, the department will require a single application to register and obtain a permit for each tanning parlor facility in the state. Upon completion of processing, which includes inspection of each such facility by a department employee, only a single certificate of registration and permit will be issued. The combined instrument will expire at midnight on the date specified on

the face of the document, and it must be renewed annually, as further specified in these regulations.

C. Nothing in these regulations shall be interpreted as limiting the intentional exposure of patients to ultraviolet radiation for the purpose of treatment or therapy other than skin tanning, provided such treatment or therapy is supervised by a licensed practitioner of the healing arts in the lawful practice of their profession, in accordance with the requirements of their professional licensing board to prescribe and supervise such treatment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992), amended by the Department of Health and Hospitals, Office of Public Health, LR 41:2657 (December 2015).

### **§1303. Authority** **[formerly 49:8.0010]**

A. These regulations are promulgated under authority of the Tanning Facility Regulation Act comprising R.S. 40:2701 through 2719 (Act No. 587 of 1990), as amended by Act No. 193 of 2014.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992), amended by the Department of Health and Hospitals, Office of Public Health, LR 41:2658 (December 2015).

### **§1305. Definitions** **[formerly 49:8.0020]**

*Act*—Tanning Facility Regulation Act, unless the text clearly indicates a different meaning. All definitions and interpretations of terms given in the Act shall be applicable also to such terms when used in these regulations.

*Authorized Agent*—an employee of the department designated by the state health officer to enforce the provisions of the Act. The responsibility for implementing the provisions of the Act has been assigned to the Food and Drug Unit of the Office of Public Health of the Department of Health and Hospitals.

*Consumer*—any individual who is provided access to a tanning facility which is required to be registered pursuant to provisions of these regulations.

*Department*—the Department of Health and Hospitals.

*Formal Training*—a course of instruction approved by the department and presented under formal classroom conditions by a qualified expert possessing adequate knowledge and experience to offer a curriculum, associated training, and certification testing pertaining to and associated with the correct use of tanning equipment.

*Individual*—any human being.

*Operator*—any individual designated by the registrant to operate or to assist and instruct the consumer in the operation and use of the tanning facility or tanning equipment.

*Persons*—any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision or agency thereof, and any legal successor, representative, agent, or agency of these entities.

*Phototherapy Device*—a piece of equipment that emits ultraviolet radiation and is used by a licensed health care professional in the treatment of disease.

*Registrant*—any person who has filed for and received a certificate of registration-permit issued by the department as required by provisions of these regulations.

*Secretary*—the secretary of the Department of Health and Hospitals.

*State Health Officer*—the employee of the department who is the chief health care official of the state as provided for in R.S. 40:2.

*Tanning Equipment*—ultraviolet or other lamps and equipment containing such lamps intended to induce skin tanning through the irradiation of any part of the living human body with ultraviolet radiation.

*Tanning Facility*—any location, place, area, structure, or business which provides consumers access to tanning equipment. For the purpose of this definition, tanning equipment registered to different persons at the same location and tanning equipment registered to the same persons, but at separate locations, shall constitute separate tanning facilities.

*Ultraviolet Radiation*—electromagnetic radiation with wavelengths in air between 200 nanometers and 400 nanometers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992), amended LR 19:209 (February 1993), amended by the Department of Health and Hospitals, Office of Public Health, LR 41:2658 (December 2015).

### **§1307. Exemptions** **[formerly 49:8.0030]**

A. As provided in R.S. 40:2704, any person is exempt from the provisions of these regulations to the extent that such person:

1. uses equipment which emits ultraviolet radiation incidental to its normal operation;
2. does not use the equipment described in Paragraph 1 of this Subsection to deliberately expose parts of the living human body to ultraviolet radiation for the purpose of tanning or other treatment.

B. Any physician licensed by the Louisiana State Board of Medical Examiners is exempt from the provisions of these regulations and is authorized to use a phototherapy device or other medical diagnostic and the therapeutic equipment which emits ultraviolet radiation.

C. Any individual is exempt from the provisions of these regulations to the extent that such individual owns tanning equipment exclusively for non-commercial use.

D. Tanning equipment while in transit or storage incidental thereto is exempt from the provisions of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992), amended LR 19:209 (February 1993), amended by the Department of Health and Hospitals, Office of Public Health, LR 41:2658 (December 2015).

**§1309. Certificate of Registration-Permit  
[formerly 49:8.0040]**

A. Each person owning or operating a tanning facility or facilities within the state of Louisiana shall apply for a certificate of registration-permit for each such facility or facilities no later than April 1, 1992.

B. The application for a certificate of registration-permit required above shall be made on forms provided by the department and shall contain all the information required by such forms and any accompanying instructions.

C. The application for certificate of registration-permit shall include the information required in R.S. 40:2705(D).

D. A fee of \$150 shall accompany each initial application for a certificate of registration-permit

E. Each tanning facility operating within the state for which an application for registration-permit and fee has been received by the department shall be issued a temporary registration-permit until such time that an inspection of the tanning facility and equipment can be made and it is determined that a permanent registration-permit to operate can be issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992), amended LR 19:209 (February 1993), amended by the Department of Health and Hospitals, Office of Public Health, LR 41:2659 (December 2015).

**§1311. Issuance of Certificate of Registration-Permit  
[formerly 49:8.0050]**

A. A certificate of registration-permit shall be issued upon receipt of an application provided that no certificate of registration-permit be issued until inspection has been made of the tanning facility and it has been found to be operating in compliance with the provisions of the Act and these regulations.

B. The certificate of registration-permit shall be displayed in an open public area of the tanning facility.

C. An annual certificate of registration-permit shall be issued upon receipt of an application of forms provided by the department for this purpose and required renewal fees.

D. A certificate of registration-permit shall be issued only to the person or persons responsible for the operations of the tanning facility and shall not be transferable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992), amended by the Department of Health and Hospitals, Office of Public Health, LR 41:2659 (December 2015).

**§1313. Renewal of Registration-Permit  
[formerly 49:8.0060]**

A. The registrant shall file applications for renewal of certificate of registration-permit on forms provided by the department. The application shall be sent to the mailing address of the principal registrant listed on the last application for registration-permit submitted.

B. An annual renewal fee of \$110 shall accompany each annual renewal. Make check or money order payable to the Food and Drug Unit/Department of Health and Hospitals.

C. Provided that a registrant files an application with the department in proper form not less than thirty days prior to

the expiration date stated on the certificate of registration-permit, the certificate shall not expire pending final action on the application by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992), amended LR 19:209 (February 1993), amended by the Department of Health and Hospitals, Office of Public Health, LR 41:2659 (December 2015).

**§1315. Report of Changes  
[formerly 49:8.0070]**

A. The registrant shall notify the department in writing before making any change which would render the information contained in the application for certificate of registration-permit inaccurate. Notification of changes shall include information required by R.S. 40:2705(D)1, 2, 3, 4, 6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992), amended by the Department of Health and Hospitals, Office of Public Health, LR 41:2659 (December 2015).

**§1317. Transfer of Certificate of Registration-Permit  
[formerly 49:8.0080]**

A. No certificate of registration-permit may be transferred from one person to another or from one tanning facility to another tanning facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992), amended by the Department of Health and Hospitals, Office of Public Health, LR 41:2659 (December 2015).

**§1319. Prohibited Acts; Advertisement  
[formerly 49:8.0090]**

A. A tanning facility may not claim or distribute promotional materials that claim use of a tanning device is safe or free from risk.

B. No person shall state or imply that any activity under such certificate of registration-permit has been approved by the department.

C. No person or tanning facility may claim health benefits from the use of a tanning device unless such claims have been approved in advance by the state health officer.

D. No tanning facility may allow any person under eighteen years of age to use any tanning equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992), amended LR 19:210 (February 1993), amended by the Department of Health and Hospitals, Office of Public Health, LR 41:2659 (December 2015).

**§1321. Denial, Suspension, or Revocation of a  
Certificate of Registration-Permit  
[formerly 49:8.0100]**

A. The department may deny, suspend, or revoke a certificate of registration-permit applied for or issued pursuant to these regulations:

1. for any material false statement in the application for certificate of registration-permit or in any statement of fact required by provisions of this Chapter;

2. because of conditions revealed by the application or any report, record, inspection or other means which would warrant the department to refuse to grant a certificate of registration-permit on an original application;

3. for operation of the tanning facility in a manner that causes or threatens to cause hazard to the public health or safety;

4. for failure to allow authorized representatives of the department to enter the tanning facility during normal business hours for the purpose of determining compliance with the provisions of these regulations, the Tanning Facility Regulation Act, conditions of the certificate of registration-permit, or an order of the department;

5. for violation of or failure to observe any of the terms and conditions of the certificate of registration, the provisions of this Chapter, or an order of the department;

6. failure to pay a certificate of registration-permit fee or annual renewal fee;

7. the registrant obtained or attempted to obtain a certificate of registration-permit by fraud or deception;

8. the operation of a tanning facility without a valid certificate of registration-permit or the continued operation after a certificate has been revoked or suspended, shall constitute a violation of these regulations. Each day of noncompliance shall constitute a separate violation.

B. Except in cases of willful disregard for the public health and safety, prior to the institution of proceedings for suspension or revocation of a certificate of registrant-permit, the agency shall:

1. call to the attention of the registrant in writing, the facts or conduct which may warrant such actions;

2. provide reasonable and sufficient opportunity for the registrant to demonstrate or achieve compliance with all lawful requirements.

C. The department may deny a certificate of registration-permit or suspend or revoke a certificate of registration-permit after issuance only in accordance with the Administrative Procedure Act.

D. The department may terminate a certificate of registration-permit upon receipt of a written request for termination from the registrant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992), amended LR 19:210 (February 1993), amended by the Department of Health and Hospitals, Office of Public Health, LR 41:2659 (December 2015).

### **§1323. Compliance with Federal and State Law [formerly 49:8.0110]**

A. Tanning devices used by a tanning facility shall comply with 21 *Code of Federal Regulations* (CFR) part 1040.20, sunlamp products and ultraviolet lamps intended for use in sunlamp products.

B. Except as otherwise ordered or approved by the department, each tanning facility shall be constructed, operated, and maintained in accordance with the requirements of R.S. 40:2710 through 40:2714.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992), amended by the Department of Health and Hospitals, Office of Public Health, LR 41:2660 (December 2015).

### **§1325. Warning Signs Required [formerly 49:8.0120]**

A. The registrant shall conspicuously post the warning sign described in Subsection B of this Section within three feet of each tanning station and in such a manner that the sign is clearly visible, not obstructed by any barrier, equipment or other object, and can be easily viewed by the consumer before energizing the tanning equipment.

B. The sign required by this Section shall be printed in upper and lower case letters which are at least one-half inch and one-quarter inch in height, respectively, and shall contain the following warnings:

#### **Danger—Ultraviolet Radiation**

- Follow instructions.
- Avoid overexposure. As with natural sunlight, repeated exposure to ultraviolet radiation can cause chronic sun damage characterized by premature aging of the skin, wrinkling, dryness, fragility and bruising of the skin, and skin cancer.
- Wear protective eyewear.

#### **Failure to Use Protective Eyewear May Result in Severe Burns or Permanent Injury to the Eyes.**

- Medications or cosmetics may increase your sensitivity to the ultraviolet radiation.
- Consult a physician before using sunlamp or tanning equipment if you are using medications or have a history of skin problems or believe that you are especially sensitive to sunlight. Pregnant women or women taking oral contraceptives who use this product may develop discolored skin.

#### **If You Do Not Tan in the Sun, You are Unlikely to Tan from the Use of Ultraviolet Radiation of Tanning Equipment.**

C. Each registrant shall place, at the entrance of the tanning facility, signage that states the following: “LOUISIANA LAW PROHIBITS PERSONS UNDER 18 YEARS OF AGE FROM USING ANY TANNING FACILITY EQUIPMENT THAT EMITS ULTRAVIOLET LIGHT FOR THE PURPOSE OF SKIN TANNING”; this sign shall be of dimensions of at least eight inches by ten inches.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992), amended LR 19:210 (February 1993), amended by the Department of Health and Hospitals, Office of Public Health, LR 41:2660 (December 2015).

### **§1327. Tanning Equipment Standards [formerly 49:8.0130]**

A. Equipment used in tanning facilities shall conform to the standards set forth in R.S. 40:2711(A) through (D) as well as the following.

1. Tanning equipment booths or rooms shall be of rigid construction.

2. Wall surfaces within booths or rooms shall be easily cleanable and shall be kept clean at all times.

3. Ceilings, where provided, shall be easily cleanable and shall be kept clean.

4. Floors within tanning equipment booths or rooms shall be constructed of readily cleanable materials including, but not limited to, vinyl tile, sheet vinyl, quarry tile, glazed brick, short pile carpet or rugs, or other suitable material.

5. Floors shall be kept clean and in good repair at all times.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992), amended by the Department of Health and Hospitals, Office of Public Health, LR 41:2660 (December 2015).

**§1329. Requirements for Stand-Up Booths**  
**[formerly 49:8.0140]**

A. Tanning booths designed for stand-up use shall also comply with the requirements of R.S. 40:2712.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992), amended by the Department of Health and Hospitals, Office of Public Health, LR 41:2661 (December 2015).

**§1331. Potable Water Supply; Sanitary Facilities; Sewage and Waste Disposal**  
**[formerly 49:8.0150]**

A. Each tanning facility shall provide an ample supply of potable hot and cold water, under pressure for drinking, cleansing, washing or other purposes. Such water supply shall not be cross connected to any other supply.

B. Each tanning facility shall provide toilet and hand washing facilities according to requirements of Part XIV, Table 411 of the state *Sanitary Code* and each toilet shall be furnished with toilet tissue. The facilities shall be maintained in a sanitary condition and kept in good repair at all times. Doors to toilet rooms shall be self-closing. Toilet rooms shall be well lighted and ventilated.

C. Sewage disposal shall be made in a sewage system or by other means approved by the State Health Officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992), amended by the Department of Health and Hospitals, Office of Public Health, LR 41:2661 (December 2015).

**§1333. Rubbish and Trash Disposal**  
**[formerly 49:8.0160]**

A. Rubbish, trash, and other debris including used or burned out tanning lamps shall be so conveyed, stored and disposed of as to minimize the development of odor and to prevent harborage of vermin.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992), amended by the Department of Health

and Hospitals, Office of Public Health, LR 41:2661 (December 2015).

**§1335. Operational Requirements**  
**[formerly 49:8.0170]**

A. Each tanning facility must be operated under the requirements set forth by R.S. 40:2713.

B. Each tanning facility shall establish and adhere to effective procedures for cleaning and sanitizing each tanning bed or booth as well as protective eyewear before and after use of such equipment by each consumer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992), amended LR 19:210 (February 1993), amended by the Department of Health and Hospitals, Office of Public Health, LR 41:2661 (December 2015).

**§1337. Information Provided to Consumers, Warnings**  
**[formerly 49:8.0180]**

A. Each tanning facility operator shall provide each consumer, prior to initial exposure, a written warning statement as required by R.S. 40:2714(A). Such warning statements shall be signed by each consumer and maintained permanently on file at the tanning facility. A copy of the signed warning statement shall be given to each consumer. Copies of such warning statement shall be available for review during inspections by duly authorized agents of the state health officer. The written warning statement shall warn that:

1. failure to use eye protection provided to the customer by the tanning facility may result in damage to the eyes;

2. overexposure to ultraviolet light causes burns;

3. repeated exposure may result in premature aging of the skin and skin cancer;

4. abnormal skin sensitivity or burning may be caused by reactions of ultraviolet light to certain:

a. foods;

b. cosmetic;

c. medications, including tranquilizers, diuretics, antibiotic, high blood pressure medicines, and oral contraceptives;

5. any person taking a prescription or over-the-counter drug should consult a physician before using a tanning device;

6. a person should not sunbathe before or after exposure to ultraviolet radiation from sunlamps.

B. Consumer warning statements acknowledged by each consumer by signature prior to initial exposure shall be maintained on file within the tanning facility and shall be made readily available for review by authorized agents of the Department of Health and Hospitals, Office of Public Health.

C. The registrant shall maintain for six years a record of each consumer's total number of tanning visits, dates, and duration of tanning exposures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992), amended LR 19:210 (February 1993), amended by the Department of Health and Hospitals, Office of Public Health, LR 41:2661 (December 2015).

**§1339. Reports to the Department**  
**[formerly 49:8.0190]**

A. The registrant shall submit to the department a written report of actual or alleged injury from the use of registered tanning equipment within five working days after occurrence or notice thereof as required by R.S. 40:2714(D). The report shall include:

1. the name of the affected individual;
2. the name, location, and number of the certificate of registration-permit for the tanning facility and identification of the specific tanning equipment involved, including the name, model number, date of manufacture and type of lamp(s);
3. the nature of the actual or alleged injury, as well as the complete name, address and telephone number of any doctor visited for medical attention;
5. any other information relevant to the actual or alleged injury, including the date and duration of exposure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 41:2662 (December 2015).

**§1341. Replacement of Ultraviolet Lamps, Bulbs, Filters**  
**[formerly 49:8.0210]**

A. Defective and burned out lamps, bulbs, or filters shall be replaced in accordance with R.S. 40:2714(F) and (G).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992), amended by the Department of Health and Hospitals, Office of Public Health, LR 41:2662 (December 2015).

**§1343. Tanning Equipment Operator Training**  
**[formerly 49:8.0220]**

A. The registrant shall certify that all tanning equipment operators are adequately trained in at least the following:

1. the requirements of these regulations;
2. procedures for correct operation of the tanning facility and tanning equipment;
3. recognition of injury or overexposure to ultraviolet radiation;
4. the tanning equipment manufacturer's procedures for operation and maintenance of the tanning equipment;
5. the determination of skin type of consumers and appropriate determination of duration of exposure to registered tanning equipment;
6. emergency procedure to be followed in case of injury.

B. The registrant shall limit the operation of tanning equipment to persons who have successfully completed formal training courses which cover the provisions of Paragraph A.1 of this Subsection, and have been approved by the department.

C. The registrant shall maintain a record of operator training required in Paragraph A.2 of this Subsection for inspection by authorized representatives of the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992), amended by the Department of Health and Hospitals, Office of Public Health, LR 41:2662 (December 2015).

**§1345. Inspections by Department**  
**[formerly 49:8.0230]**

A. In order to effect the enforcement of these regulations, officers or employees duly authorized by the department or the state health officer, after making reasonable request, may enter any registered or unregistered tanning facility and inspect all tanning booths, rooms, tanning equipment, tanning devices, consumer records, and any other materials used in the tanning facility.

B. No tanning facility registrant, owner, or operator shall refuse this reasonable inspection request, without being subjected to provisions of §1321.A.4 of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992), amended by the Department of Health and Hospitals, Office of Public Health, LR 41:2662 (December 2015).

**§1347. Penalties; Criminal Penalty; Injunction**  
**[formerly 49:8.0240]**

A. Criminal penalties or injunctions may be imposed upon a tanning facility operator as provided by 40:2716 and 40:2717 of the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18:274 (March 1992), amended by the Department of Health and Hospitals, Office of Public Health, LR 41:2662 (December 2015).

**§1349. Communications with the Department, Department Address**  
**[formerly 49:8.0250]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2701-2719.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit, LR 18: 274 (March 1992), repealed by the Department of Health and Hospitals, Office of Public Health, LR 41:2662 (December 2015).

Jimmy Guidry  
State Health Officer  
and  
Kathy Kliebert  
Secretary

1512#055

## RULE

### Department of Insurance Office of the Commissioner

#### Regulation 104—Corporate Governance Annual Disclosure (LAC 37:XIII.Chapter 2)

Under the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., R.S. 22:11, R.S. 22:691.34 and R.S. 22:691.35.B, the Department of Insurance has promulgated Regulation 104. The purpose of Regulation 104 is to set forth the procedures for filing and the required contents of the Corporate Governance Annual Disclosure (CGAD) deemed necessary by the commission to carry out the provisions of Subpart G-2 of Part III of Chapter 2 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:691.31 through 691.38 and to meet the accreditation requirements of the National Association of Insurance Commissioners (NAIC).

#### Title 37

#### INSURANCE

#### Part XIII. Regulations

#### Chapter 2. Regulation 104—Corporate Governance Annual Disclosure

##### §201. Purpose

A. The purpose of this regulation is to set forth rules and procedural requirements which the commission deems necessary to carry out the provisions of Act 304 of the 2015 Regular Legislative Session to be comprised of R.S. 22:691.31-691.38 of the Insurance Code. The information called for by this regulation is hereby declared to be necessary and appropriate in the public interest and for the protection of the policyholders in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and 22:691.31-691.38.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 41:2663 (December 2015).

##### §203. Definitions

*Commissioner*—commissioner of insurance for the state of Louisiana.

*Corporate Governance Annual Disclosure or CGAD*—a confidential report filed by the insurer or insurance group compiled in accordance with the requirements of R.S. 22:691.31-691.38 and Regulation 104.

*Insure*—shall have the same meaning as set forth in R.S. 22:46(10). For the purposes of this Subpart, a health maintenance organization as defined R.S. 22:242(7) shall also be considered an insurer. The term “insurer” shall not include agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state.

*Senior Management*—any corporate officer responsible for reporting information to the board of directors at regular intervals or providing this information to shareholders or regulators and shall include, for example and without limitation, the chief executive officer (“CEO”), chief financial officer (“CFO”), chief operations officer (“COO”), chief procurement officer (“CPO”), Chief Legal Officer (“CLO”), chief information officer (“CIO”), chief

technology officer (“CTO”), chief revenue officer (“CRO”), chief visionary officer (“CVO”), or any other “C” level executive.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and 22:691.31-691.38.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 41:2663 (December 2015).

##### §205. Filing Procedures

A. An insurer, or the insurance group of which the insurer is a member, required to file a CGAD by R.S. 22:691.33 shall, no later than June 1 of each calendar year, submit to the commission a CGAD that contains the information described in §207 of this regulation.

B. The CGAD shall include a signature of the insurer’s or insurance group’s chief executive officer or corporate secretary attesting to the best of that individual’s belief and knowledge that the insurer or insurance group has implemented the corporate governance practices and that a copy of the CGAD has been provided to the insurer’s or insurance group’s board of directors (hereafter “board”) or the appropriate committee thereof.

C. The insurer or insurance group shall have discretion regarding the appropriate format for providing the information required by these regulations and is permitted to customize the CGAD to provide the most relevant information necessary to permit the commission to gain an understanding of the corporate governance structure, policies and practices utilized by the insurer or insurance group.

D. For purposes of completing the CGAD, the insurer or insurance group may choose to provide information on governance activities that occur at the ultimate controlling parent level, an intermediate holding company level and/or the individual legal entity level, depending upon how the insurer or insurance group has structured its system of corporate governance. The insurer or insurance group is encouraged to make the CGAD disclosures at the level at which the insurer’s or insurance group’s risk appetite is determined, or at which the earnings, capital, liquidity, operations, and reputation of the insurer are overseen collectively and at which the supervision of those factors are coordinated and exercised, or the level at which legal liability for failure of general corporate governance duties would be placed. If the insurer or insurance group determines the level of reporting based on these criteria, it shall indicate which of the three criteria was used to determine the level of reporting and explain any subsequent changes in level of reporting.

E. Notwithstanding Subsection A of this Section, and as outlined in R.S. 22:691.33, if the CGAD is completed at the insurance group level, then it shall be filed with the lead state of the group as determined by the procedures outlined in the most recent Financial Analysis Handbook adopted by the NAIC. In these instances, a copy of the CGAD shall also be provided to the chief regulatory official of any state in which the insurance group has a domestic insurer, upon request.

F. An insurer or insurance group may comply with this section by referencing other existing documents (e.g., ORSA Summary Report, Holding Company Form B or F Filings, Securities and Exchange Commission (SEC) Proxy Statements, foreign regulatory reporting requirements, etc.) if the documents provide information that is comparable to

the information described in §207. The insurer or insurance group shall clearly reference the location of the relevant information within the CGAD and attach the referenced document if it is not already filed or available to the regulator.

G. Each year following the initial filing of the CGAD, the insurer or insurance group shall file an amended version of the previously filed CGAD indicating where changes have been made. If no changes were made in the information or activities reported by the insurer or insurance group, the filing shall so state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and 22:691.31-691.38.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 41:2663 (December 2015).

## **§207. Contents of Corporate Governance Annual Disclosure**

A. The insurer or insurance group shall be as descriptive as possible in completing the CGAD, with inclusion of attachments or example documents that are used in the governance process, since these may provide a means to demonstrate the strengths of their governance framework and practices.

B. The CGAD shall describe the insurer's or insurance group's corporate governance framework and structure including consideration of the following:

1. The board and various committees thereof ultimately responsible for overseeing the insurer or insurance group and the level(s) at which that oversight occurs (e.g., ultimate control level, intermediate holding company, legal entity, etc.). The insurer or insurance group shall describe and discuss the rationale for the current board size and structure; and

2. The duties of the board and each of its significant committees and how they are governed (e.g., bylaws, charters, informal mandates, etc.), as well as how the board's leadership is structured, including a discussion of the roles of chief executive officer (CEO) and chairman of the board within the organization.

C. The insurer or insurance group shall describe the policies and practices of the most senior governing entity and significant committees thereof, including a discussion of the following factors:

1. How the qualifications, expertise and experience of each board member meet the needs of the insurer or insurance group.

2. How an appropriate amount of independence is maintained on the board and its significant committees.

3. The number of meetings held by the board and its significant committees over the past year as well as information on director attendance.

4. How the insurer or insurance group identifies, nominates and elects members to the board and its committees. The discussion should include, for example:

a. whether a nomination committee is in place to identify and select individuals for consideration.

b. whether term limits are placed on directors.

c. how the election and re-election processes function.

d. whether a board diversity policy is in place and if so, how it functions.

5. The processes in place for the board to evaluate its performance and the performance of its committees, as well as any recent measures taken to improve performance (including any board or committee training programs that have been put in place).

D. The insurer or insurance group shall describe the policies and practices for directing senior management, including a description of the following factors:

1. Any processes or practices (i.e., suitability standards) to determine whether officers and key persons in control functions have the appropriate background, experience and integrity to fulfill their prospective roles, including:

a. identification of the specific positions for which suitability standards have been developed and a description of the standards employed.

b. any changes in an officer's or key person's suitability as outlined by the insurer's or insurance group's standards and procedures to monitor and evaluate such changes.

2. The insurer's or insurance group's code of business conduct and ethics, the discussion of which considers, for example:

a. compliance with laws, rules, and regulations; and

b. proactive reporting of any illegal or unethical behavior.

3. The insurer's or insurance group's processes for performance evaluation, compensation and corrective action to ensure effective senior management throughout the organization, including a description of the general objectives of significant compensation programs and what the programs are designed to reward. The description shall include sufficient detail to allow the commissioner to understand how the organization ensures that compensation programs do not encourage and/or reward excessive risk taking. Elements to be discussed may include, for example:

a. the board's role in overseeing management compensation programs and practices.

b. the various elements of compensation awarded in the insurer's or insurance group's compensation programs and how the insurer or insurance group determines and calculates the amount of each element of compensation paid;

c. how compensation programs are related to both company and individual performance over time;

d. whether compensation programs include risk adjustments and how those adjustments are incorporated into the programs for employees at different levels;

e. any clawback provisions built into the programs to recover awards or payments if the performance measures upon which they are based are restated or otherwise adjusted;

f. any other factors relevant in understanding how the insurer or insurance group monitors its compensation policies to determine whether its risk management objectives are met by incentivizing its employees.

4. The insurer's or insurance group's plans for CEO and senior management succession.

E. The insurer or insurance group shall describe the processes by which the board, its committees and senior management ensure an appropriate amount of oversight to the critical risk areas impacting the insurer's business activities, including a discussion of:

1. How oversight and management responsibilities are delegated between the board, its committees and senior management;

2. How the board is kept informed of the insurer's strategic plans, the associated risks, and steps that senior management is taking to monitor and manage those risks;

3. How reporting responsibilities are organized for each critical risk area. The description should allow the commission to understand the frequency at which information on each critical risk area is reported to and reviewed by senior management and the board. This description may include, for example, the following critical risk areas of the insurer:

a. Risk management processes (An ORSA Summary Report filer may refer to its ORSA Summary Report pursuant to the Risk Management and Own Risk and Solvency Assessment Model Act);

b. actuarial function;

c. investment decision-making processes;

d. reinsurance decision-making processes;

e. business strategy/finance decision-making processes;

f. compliance function;

g. financial reporting/internal auditing; and

h. market conduct decision-making processes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and 22:691.31-691.38.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 41:2664 (December 2015).

#### §209. Severability Clause

A. If any Section or provision of Regulation 104 or the application to any person or circumstance is held invalid, such invalidity or determination shall not affect other Sections or provisions or the application of Regulation 104 to any persons or circumstances that can be given effect without the invalid section or provision or application, and for these purposes the Sections and provisions of Regulation 104 and the application to any persons or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and 22:691.31-691.38.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 41:2665 (December 2015).

James J. Donelon  
Commissioner

1512#060

#### RULE

### Department of Public Safety and Corrections Corrections Services

#### Offender Mail and Publications (LAC 22:I.313)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public

Safety and Corrections, Corrections Services, has amended the contents of Section 313 Offender Mail and Publications.

#### Title 22

### CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

#### Part I. Corrections

#### Chapter 3. Adult Services

#### §313. Offender Mail and Publications

A. - F.6.a.viii. ...

ix. Greeting cards and post cards;

x. Decorative stationary or stationary with stickers;

xi. Other general correspondence for which rejection is reasonably related to a legitimate penological interest.

F.6.b. - I.1.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:833(A), Guajardo v. Esteile, 580 F.2d 748 (5<sup>th</sup> Cir. 1978).

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of Adult Services, LR 5:4 (January 1979), amended LR 10:803 (October 1984), LR 11:360 (April 1985), amended by the Department of Public Safety and Corrections, Corrections Services, LR 33:851 (May 2007), LR 38:830 (March 2012), LR 39:2281 (August 2013), LR:2665 (December 2015).

James M. Le Blanc  
Secretary

1512#045

#### RULE

### Department of Public Safety and Corrections Office of Motor Vehicles

#### Driving School Surety Bonds (LAC 55:III.146 and 147)

Under the authority of R.S. 37:3270 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Motor Vehicles amends the referenced Sections requiring driving schools to execute a good and sufficient surety bond in the sum of \$20,000.

This change is in accordance with Act 99 of the 2015 Legislative Session and by the Emergency Rule Declaration in this issue of the *Louisiana Register*, effective August 1, 2015.

#### Title 55

### PUBLIC SAFETY

#### Part III. Motor Vehicles

#### Chapter 1. Driver's License

#### Subchapter A. General Requirements

#### §146. Application Process and Fees for Private Driving Schools and Instructors

A. - A.2.j. ...

k. a surety bond in the amount of \$20,000;

A.2.l. - E.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1), R.S. 40:1461 and R.S. 40:1462.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1977 (August 2012), amended LR 40:2603 (December 2014), LR 41:2665 (December 2015).

#### §147. General Regulations for Private Driving Schools

A. - B. ...

1. School owners shall be required to maintain a \$20,000 surety bond while maintaining a license to operate a driving school.

2. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1), R.S. 40:1461 and R.S. 40:1462.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1977 (August 2012), amended LR 40:2603 (December 2014), LR 41:2665 (December 2015).

Jill P. Boudreaux  
Undersecretary

1512#046

## RULE

### Department of Public Safety and Corrections Office of Motor Vehicles

Specifications for Notification of Initiation, Termination, or Modification of Liability Security (LAC 55:III.Chapter 17)

In accordance with the provisions of R.S. 32:863.2(A)(3) and (4) for the reporting of the initiation and termination of insurance coverage, and R.S. 32:863.2(F)(6) for the development and initiation of a real-time system insurance coverage verification system, relative to the authority of the Office of Motor Vehicles, the Office of Motor Vehicles hereby publishes, and amends and readopts LAC 55:III, Chapter 17, Subchapter B, Specifications for Notification of Initiation, Termination, or Modification of Liability Security, §§1751-1764 to implement the provisions of R.S. 32:863.2(A)(3) and (4). These are completely new sections.

Additionally, In accordance with the provisions of R.S. 32:863.2(F)(6) for the development and initiation of a real-time system insurance coverage verification system, relative to the authority of the Office of Motor Vehicles, the Office of Motor Vehicles hereby publishes, and adopts LAC 55:III, Chapter 17, Subchapter C, Compulsory Insurance Enforcement, §§1766-1786 to implement the provisions of R.S. 32:863.2(A)(3) and (4). These are completely new sections.

The existing provisions of LAC 55:III.Chapter 17, Subchapter B, are being completely overwritten and will no longer be in effect upon the adoption of these rules. The existing provisions of Subchapter B which are not being overwritten are being repealed.

#### Title 55

#### PUBLIC SAFETY

#### Part III. Motor Vehicles

#### Chapter 17. Compulsory Insurance

#### Subchapter B. Specifications for Notification of Initiation, Termination, or Modification of Liability Security

#### §1750. Definitions

A. As used in this Subchapter, the following terms have the meanings described below.

*Account Number/User-ID*—the unique identifier assigned to each servicing agent. If the electronic filing method is via the internet, this code is assigned by GXS to identify the mailbox for the reporting entity and is also used

by GXS for billing. If the electronic filing method is via the Louisiana secure server, the account number and user-id will be assigned by the department.

*Business Days*—business days are Monday through Friday, between 8:00 a.m. and 4:30 p.m. central time. Business days do not include Saturday, Sunday, state holidays or any other holiday declared by the governor.

*Change in Coverage*—a change in coverage shall be considered either an initiation of coverage or a termination of coverage based on the nature of the change. The addition of a vehicle to a liability security policy shall be considered an initiation of coverage. The effective date of the initiation shall be the date the vehicle was added to the policy, regardless of the date the original policy was issued. The deletion of a vehicle from a liability security policy shall be considered a termination of coverage. The replacement of a covered vehicle with another vehicle in a liability security policy shall be considered both a termination of coverage for the replaced vehicle and an initiation of coverage for the replacement vehicle. If the registered owner of a vehicle changes, the previous owner's coverage shall be terminated and the new registered owner's initiation of coverage shall be reported. If the principal driver changes, but the registered owner stays the same, no change in coverage shall be reported. Renewals, without a lapse in coverage, shall not be reported. Renewals in which only the policy number changes shall not be reported. Changes in coverage not related to the vehicle liability security being issued, procured, recalled, reinstated, terminated, canceled or changed from binder status to an active policy number shall not be reported.

*Department*—Department of Public Safety and Corrections.

*Duplicate Record*—any record reported with the same information (INS-COMP-CODE, VIN, TERMINATION-OR-CHANGE-OR-EFFECTIVE-DATE and TRANSACTION-TYPE) as a record already in the Department's insurance system is a DUPLICATE RECORD and will be rejected. (Disposition code "D").

*Edit Error*—a record submitted by an insurance company or servicing agent unacceptable for filing purposes due to the absence of information in a required field or the presence of invalid information in the key data fields is an EDIT ERROR. Key data fields are identified and detailed in the technical filing specifications. Any record which is returned to an insurance company or servicing agent as an EDIT ERROR is not a filing. The record shall be corrected and re-reported within 15 business days of the RETURN-DATE. (Disposition code "E").

*Edit Error Mask*—the field within each type of record (Header, Individual Vehicle and Fleet) that is used to identify fields that failed to pass the edits. When the Disposition code is "E" the EDIT-ERROR-MASK field will identify which fields failed to pass the edits (1) and which fields are edit error free (0).

*Fleet Policy*—a policy insuring a business with a fleet of five or more vehicles registered in Louisiana for which VIN information is not maintained on each vehicle. If the insurance company maintains the VIN of each vehicle within the fleet, the filing must be reported on a vehicle by vehicle basis.

*Hit*—a record submitted by an insurance or servicing agent which matches a Department’s vehicle registration record and is an acceptable record. (Disposition code “H”).

*Incorrect Type-Use*—the reported vehicle is exempt from the Compulsory Motor Vehicle Liability Security Law because of the “type use” or “class” of vehicle. This record is not updated to the system. Do not resubmit this record. (Disposition code “I”).

*Initiation of Coverage*—the issuing or making of a liability security policy, liability bond, deposit or other security.

*Insurance Company Code*—a unique number assigned to each insurance company. The National Association of Insurance Commissioners Code (NAIC code) or a temporary identification number assigned by the Department to an insurance company for the purpose of R.S. 32:863.2 of the Compulsory Motor Vehicle Liability Security Law will be used.

*Lapse*—when a vehicle liability security policy is not in effect for one or more days.

*No-Hit*—a record submitted by an insurance company or servicing agent which does not match a Department vehicle registration record and which does not pass the VINA check. The filing must be corrected and resubmitted within 15 business days of the RETURN-DATE. (Disposition code “U”).

*Non-Renewals*—

a. a non-renewal of a motor vehicle liability insurance policy shall include:

- i. a refusal by the insurer to issue a superseding policy or a renewal of such policy;
- ii. a request by the insured that a superseding policy not be issued or such policy not be renewed; or
- iii. a failure of the insured to make the premium payment due upon a superseding policy or on a renewal of such policy offered by the insurer.

b. Non-renewals are to be reported in the same manner as cancellations or terminations.

*Notification*—the furnishing of information by a security provider to the department concerning liability security or lack of liability security on a motor vehicle, or a change or correction of data concerning the item of security, the vehicle or the lessee or owner, as required by R.S. 32:863.2 of the Motor Vehicle Liability Security Law and these rules and regulations.

*Out-of-Sequence Error*—the records submitted are not in chronological order. For example the cancellation is reported prior to the initiation. This record is unacceptable for filing purposes and is returned to the insurance company. Records shall be reported in chronological order. (Disposition code “S”).

*Owner*—the name of the legal lessee or owner as obtained by the security provider from the vehicle registration certificate.

*Owner ID Number*—driver’s license number for an individual, lessee or owner, the left most nine (9) characters of the driver’s license number or federal tax identification number for the lessee or owner such as a corporation, an estate, etc. This is always a required field.

*Policy Number*—the number of the policy that the vehicle is insured under. The insurance company will maintain a list of policy numbers and effective dates for each vehicle or fleet reported.

*Prescribed*—the record submitted is over 18 months old. There is an 18 month difference between the TERMINATION-OR-CHANGE-OR-EFFECTIVE-DATE or ISSUE-DATE and the date this record was received by the Department. This record is not updated to the system. Do not resubmit this record. (Disposition code “P”).

*Recall of Notification*—a record submitted to the department by a security provider or servicing agent, which rescinds a record previously submitted to the department in error. The recall record fields match the original record fields except for the TRANSACTION-TYPE. A transaction type “B” will recall an initiation (“A”). A transaction type “1” will recall a termination (“0”).

*Record*—insurance information pertaining to the items required by law and these rules and regulations for an individual vehicle or fleet coverage.

*Return Filing Report*—a report prepared by the department for an insurance company or servicing agent following completion of processing (editing of data and record matching) containing the disposition of each record. It is the responsibility of the insurance company or servicing agent to review this report and take the necessary corrective action as required by these rules and regulations. If the return report contains only the header record, that record was submitted with incorrect or missing information. In this case, the header record must be corrected and all of the filing records must be resubmitted. None of the filing records submitted with an incomplete or incorrect header record will be accepted. Please note the Office of Motor Vehicles is not responsible for keeping a copy of this report.

*Restricted Hit*—a record submitted by an insurance company or servicing agent which does not match a Department vehicle registration record but which does pass the VINA edit check. These records do not need to be re-reported. (Disposition code “R”).

*Return Date*—the department will provide a return date in its filing report. The return date will be the date the Department writes the filing report and will equal the date in the DATE-PROCESSED field of the trailer record.

*Security Provider*—a liability insurance company or other provider of liability security required under the Compulsory Motor Vehicle Liability Security Law (R.S. 32:861 et seq.).

*Service Agent*—any person or organization duly designated by an insurance company to prepare, transmit or deliver records on behalf of such insurance company.

*Service Agent Code*—a number assigned to each service agent. Either the National Association of Insurance Commissioners Code (NAIC code) or a temporary identification number assigned by the department will be used.

*Termination/Cancellation of Liability Security*—any cancellation or termination of liability security on a motor vehicle (whether caused by the insurer or insured).

*Timely Filing*—notification received within 15 business days from the issue date when a vehicle’s liability security is issued, procured, recalled, reinstated, terminated, canceled or changed from binder status to an active policy number.

*VINA*—routine used to compute the VIN check digit for 1981 or newer vehicles.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:863.2.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2842 (December 2004); LR 41:2666 (December 2015).

## **§1752. Introduction**

A. Effective July 1, 1998, security providers shall report to the Department of Public Safety and Corrections, Office of Motor Vehicles, certain information, on a vehicle by vehicle basis, with certain exceptions, in accordance with the Compulsory Motor Vehicle Liability Security Law (R.S. 32:861 et. seq.) “the compulsory security law” and with these rules and regulations regarding the initiation of liability coverage as well as the termination, withdrawal, cancellation, lapsing or otherwise rendering ineffective of liability coverage.

B. As required by law and these rules and regulations, reports must be made to the department whenever liability security on a vehicle is issued, procured, recalled, reinstated, terminated, canceled or changed from binder status to an active policy number.

C. Such information must be transmitted to the department in an efficient and timely manner in accordance with these rules and regulations.

D. Insurance companies shall not provide information to the department except as required by law or these rules and regulations. Examples of information which will not be submitted to the department include, but are not limited to, the following:

1. information on non-liability coverage such as collision and comprehensive policies;
2. information of liability policies not in compliance with the compulsory security law (such as umbrella policies with excess coverage and non-ownership policies);
3. addition or deletion of other drivers;
4. change of policy number;
5. invalid type use or class.

E. The purpose of the information required is to enforce the Motor Vehicle Safety Responsibility Law (R.S. 32:851 et. seq.) and particularly the compulsory security law (R.S. 32:861 et. seq.). Consistently with this purpose, the information maintained by the department will be provided to a person making proper written request under R.S. 32:863.2.C and R.S. 32:871, only after an accident is reported in accordance with R.S. 32:871. Information will be provided on a single individual or vehicle basis only. In order to preserve the proprietary information of insurance companies, insurance coverage information compiled by company or by zip code, for example, will not be made available to inquirers, nor will the department develop or maintain any composite list by insurance company or insurance company identifier except by count of disposition codes. The department will cooperate fully with the

insurance industry in preserving the security of customer lists and related data. The department will initiate criminal prosecution for violations arising out of the wrongful taking or use of information reported under these rules and regulations.

F. The intent of these rules and regulations is to provide a mechanism whereby the liability security coverage for each vehicle subject to the compulsory security law is identified, with the least necessary intrusion into the proprietary interests of liability security providers. To that end the department, responding to the expressed concerns of the insurance industry, has attempted to eliminate unnecessary redundancy in the data required to be reported. To the extent that any adjustments are required in the scope of reportable information, the department solicits the continuing active cooperation of the insurance industry in maintaining the effective operation of the compulsory security law.

G. These rules and regulations permit adjustments to technical specifications. Security providers will be advised by mail (postal, electronic or both) of any changes in the technical specifications of this Section. The department will always attempt to give 90 days notice of these adjustments so that the security provider may have enough time to implement the changes, however, legislative changes or other circumstances may result in notice of less than 90 days. Such mailings may be called “advisory bulletins” or “memorandums” from the Commissioner of the Office of Motor Vehicles. These bulletins or memorandums may also contain clarifications, helpful hints and such additional information as may be deemed applicable to compliance with the compulsory security law. Moreover, in the event that an unusual situation is not covered by these regulations, a reasonable procedure consistent with the compulsory security law will be followed.

H. In cases where, after written notice, a security provider continually fails to supply the information required by R.S. 32:863.2 and these rules and regulations, fees as provided by that statute may be imposed. A security provider will not be charged a fee for providing data based on a reasonable assumption, such as assuming in good faith that the owner’s driver’s license number is the same as the named insured’s driver’s license number. Special consideration shall be given to unusual problems in compliance, provided in writing.

I. A security provider must notify the department when motor vehicle liability security is issued or procured or after motor vehicle liability security is recalled, reinstated, terminated, canceled or changed from binder status to an active policy number. For initiations and terminations such notification shall be made within 15 business days of the issue date. Notification shall be made in the form required by the department as set forth in these rules and regulations. A separate notice shall be submitted for each vehicle. Failure to properly notify the department may result in administrative fees.

J. Procedural questions concerning this regulation should be referred to (email is the preferred method of communication):

1. Mailing Address:

Louisiana Department of Public Safety and Corrections  
Office of Motor Vehicles  
Post Office Box 64886  
Baton Rouge, LA 70896  
Attention: Compulsory Insurance Unit

2. Phone Number: (225) 925-7285 or (225) 925-3731
3. Email: Insurance@dps.la.gov
4. Fax Number: (225) 922-0158

K. Technical questions concerning this regulation should be referred to (email is the preferred method of communication):

1. Mailing Address:

Louisiana Department of Public Safety and Corrections  
Data Processing Center  
8001 Independence Boulevard  
Baton Rouge, LA 70806  
Attention: DMB Project Leader

2. Phone Number : (225) 922-2260
3. Email: Insurance@dps.la.gov
4. Fax Number: (225) 925-4019

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2844 (December 2004); amended LR 41:2668 (December 2015).

**§1754. General Information**

A. Correcting No-Hits. A “Hit” is based on the VIN number. When the VIN does not match with the department’s vehicle registration records and fails the VINA check, the record is coded “No-Hit” (Disposition code “U”). In accordance with these rules and regulations, the security provider (insurance company) has 15 business days from the return date of the filing to correct the VIN information and resubmit. If a company provides a VIN for a 1981 or newer vehicle and the department’s VINA check determines that the VIN is valid, but the VIN is not available from the department’s vehicle registration records, the record is returned as a “Restricted Hit”. (Disposition code “R”).

B. Reporting an Initiation of Coverage and Cancellation of Coverage at the Same Time. The last record received from a company for a vehicle is considered to reflect the status of the vehicle with the company. Multiple filings for a single vehicle having the same company code and owner-ID will result in the last record received being maintained by the department. Receiving records out of order remains a problem with many companies and may result in cancellation notices being sent to individuals who have insurance. All records must be submitted in chronological order.

C. Recalling Notification. When a security provider discovers that a cancellation or initiation of coverage was reported by mistake, the security provider shall submit to the department a notice of recall of notification. All of the data

except the transaction type shall be the same as originally submitted in order to match the recall with the notification. A transaction type “B” will recall an initiation (“A”). A transaction type “1” will recall a termination (“0”).

D. Warning on Notice of Acknowledgment of Termination to Insured. The notice of acknowledgment of termination sent to an insured shall contain the following warning notice:

1. If you do not keep your liability insurance in force during the entire registration period, your registering privileges will be subject to revocation. By law your insurance carrier is required to report specific termination information to the Commissioner of the Department of Public Safety and Corrections.

E. Timely Insurance Filings. In accordance with these rules and regulations, the security provider must notify the department when motor vehicle security is begun, issued or procured or after motor vehicle security is ended, recalled, reinstated, terminated, canceled or changed from a binder status to an active policy number. Such notification must be made within 15 business days from the issue date. The security provider has 15 business days from receipt of the department’s returned filings to correct any “No-Hit” records and resubmit. Termination filings received prior to the effective date will result in an edit error (Disposition code “E”). An edit error is not an acceptable filing. Edit errors must be corrected and resubmitted. It is the responsibility of the insurance company or servicing agent to review and take the necessary corrective action as required by these rules and regulations. An initiation or termination filing will be considered late if the date received is more than 15 business days after the issue date. Any filings considered late will be returned with the LATE-FLAG set to “Y”.

1. Possible Policy Scenarios. If a policy lapses and is then later reinstated, with a lapse, submit a termination. Whenever the policy is re-issued, send in the initiation with the new initiation date, not the date that the policy was initially issued.

a. If insurance coverage lapses and is reinstated without a lapse and a termination has been submitted, recall the termination. Do not send in a new initiation.

b. If insurance coverage lapses and is reinstated without a lapse and a termination was not submitted, no filings are required. Only valid terminations should be reported.

c. If the policy number changes or if the policy is renewed without any owner ID or vehicle or company (NAIC number) changes, then a filing is not required.

2. The department will monitor this area of the reporting requirements. Those security providers who violate this provision will be subject to possible fee assessments.

F. Manual Filings. Effective January 1, 2005 the department will no longer accept manual filings.

G. Fleet Filings—Guidelines for Fleet Filings

1. Eligibility. Any insurance company writing motor vehicle liability insurance in Louisiana and insuring a fleet of five or more vehicles registered in Louisiana for which VIN information is not maintained on each vehicle must electronically report said fleet coverage as specified in these

rules and regulations. If the insurance company maintains the VIN number of each vehicle within the fleet, the filing must be reported on a vehicle by vehicle basis.

2. Conditions of Filing. A security provider must notify the department after motor vehicle liability security is begun, ended or in certain ways modified. Such notification shall be made within 15 business days of the issue date of initiation termination of coverage. After the initiation has been reported, the cancellation is not to be reported until the entire Fleet policy has been canceled. (Do not report the addition or deletion of individual vehicles.)

3. Format. Each notification must be transmitted electronically using the formats provided in these Rules and Regulations.

4. Number of Vehicles. The estimated number of vehicles in a fleet is reported in lieu of VIN information on a vehicle by vehicle basis.

#### H. Fee Assessments

1. The Louisiana Department of Public Safety and Corrections is charged with administering and enforcing all compulsory insurance provisions. In so doing, we must rely on the cooperation of the insurance industry to provide timely, complete and accurate information in accordance with R.S. 32:863.2 and these rules and regulations.

2. Failure to report the required information and/or failure to report the required information timely can result in the insurance company being assessed a fee. If any of acceptable filings (Disposition codes Hit and Restrict Hit) are considered late, a fee of \$50 may be assessed for each of these late filings. A fee of \$50 may be assessed for each failure to report.

3. This state's vehicle registration records will be checked against liability security insurance records on an ongoing basis. Fees will be assessed to those companies in non-compliance with the statute and these rules and regulations. Further, in cooperation with the Department of Insurance, continuous violations and non-compliance could result in additional administrative or judicial action.

4. Fees will not be assessed to those security providers who continue to report all insured vehicles, as well as reporting them in a timely manner.

I. Transaction Types and How They are Used. Described below are the transaction types and how each may be used:

1. 0-Termination. A termination or cancellation notice is submitted whenever liability security is canceled or terminated.

2. 1-Recall of Termination. The recall of transaction type "0" is used whenever a cancellation notice has previously been sent in error.

Example: A cancellation notice was incorrectly reported. The cancellation date was reported as February 2 instead of February 13. A recall of the February 2 cancellation notice is submitted followed by a cancellation notice having a cancel date of February 13.

3. 6-Termination for NSF Check. A termination or cancellation notice pursuant to this code is submitted whenever a security provider backdates the effective date of a cancellation because the insurer paid with a check that was returned by the bank more than 15 days after the effective date of the policy.

4. 7-Termination for Rescinded/Canceled Sale. A termination or cancellation notice is submitted whenever liability security is canceled or terminated as a result of a rescinded or canceled sale of the vehicle.

5. A-Initiation. An initiation notice is submitted whenever liability security is initiated (new business) on a vehicle. If there is a lapse in coverage, a termination notice must be submitted followed by an initiation notice showing the new initiation or reinstated date.

6. B-Recall of Initiation. The recall of transaction type "A" is used whenever an initiation notice is submitted in error.

Example: An initiation notice was incorrectly reported. The starting date was reported as February 2 instead of February 13. A recall of the February 2 initiation notice is submitted followed by an initiation notice having a starting date of February 13.

7. F-Change. A change notice is submitted only for changing the policy number from "BINDER" to an active policy number.

Example: An initiation notice was submitted with a policy number of "BINDER". A change notice is submitted with an active policy number.

J. Disposition Codes. Described below are the disposition codes returned and how they are used.

1. D-Duplicate Reporting. This record was previously reported to the department with the same information. This record has been rejected by the department. It is not necessary to re-report the same record again after it was successfully reported.

2. E-Edit Error. This record is not acceptable due to the absence of information in a required field or invalid information in a field. This record has been rejected by the department. The EDIT-ERROR-MASK field needs to be evaluated to determine the field(s) that requires amendment. After the field(s) have been corrected this record shall be re-reported.

3. H-Hit. This record has been accepted by the department. This record's VIN matches a vehicle that requires compulsory liability security and is currently registered in Louisiana.

4. I-Incorrect Vehicle "Type Use" or "Class". This record has been rejected by the department. The "type use" or "class" of this vehicle record is such that it does not have to be reported to the department. An example of this type of vehicle is a trailer.

5. P-Prescribed. This record is not acceptable because the date in the TERMINATION-OR-CHANGE-OR-EFFECTIVE-DATE or ISSUE-DATE field is more than 18 months old. This record has been rejected by the department.

6. R-Restricted Hit. This record has been accepted by the department. The VIN of this record does not match a vehicle currently registered in Louisiana that requires compulsory insurance; however, the VIN reported passes the VINA edit routine. This record should be verified using the vehicle registration certificate.

7. S-Sequence Error. This record has been rejected by the department. The record has been reported out of sequence. Examples are: reporting a transaction type "0" (termination) prior to having reported a transaction type "A" (initiation). Records shall be reported in chronological order.

8. U-No-Hit. This record has been rejected by the department. The VIN of this record does not match a vehicle currently registered in Louisiana. The VIN does not pass the VINA edit routine. The record should be verified using the vehicle registration certificate.

**K. Contact Person Information**

1. Certain information is needed periodically by this agency to facilitate communication with security providers. The contact information sheet is to be completed and returned to the department during the month of January each year and whenever there is a change involving contact personnel. A contact information sheet shall be submitted for each insurance company.

2. Please furnish the name of the representative responsible for compliance:

- a. administrative reporting requirements;
- b. information technology/information services/data processing;
- c. commercial lines;
- d. personal lines;
- e. fleet filings;
- f. other personnel responsible for filings or fee assessment.

L. Contact Person Information Sheet (CPIS). A CPIS shall be completed by every insurance company:

**CONTACT PERSON INFORMATION SHEET  
LA. OFFICE OF MOTOR VEHICLES  
COMPULSORY INSURANCE UNIT  
P.O.BOX 64886  
BATON ROUGE, LA 70896**

Certain updated information is needed periodically by this agency in order for us to contact the correct person within your insurance company to provide the most updated information or to correct problem areas.

The contact information sheet is to be completed and returned to this department. The contact sheet must be submitted during the month of January each year and whenever there is a change in any of your company's contact personnel.

A contact information sheet must be submitted for each insurance company.

Please furnish the name of the representative for compliance with administrative reporting requirements, data processing, commercial lines, personal lines, fleet filings and other personnel responsible for filings or fee assessments.

This information will assist us in contacting your company's representative(s) in regard to specific compliance regulations:

NAIC#	NAME OF INSURANCE COMPANY
ADMINISTRATIVE COMPLIANCE	DATA PROCESSING
NAME:	NAME:
ADDRESS:	ADDRESS:
PHONE: ( )	PHONE: ( )
FAX: ( )	FAX: ( )
E-MAIL ADDRESS:	E-MAIL ADDRESS:

AREA OF RESPONSIBILITY	AREA OF RESPONSIBILITY
NAME:	NAME:
ADDRESS:	ADDRESS:
PHONE: ( )	PHONE: ( )
FAX: ( )	FAX: ( )
E-MAIL ADDRESS:	E-MAIL ADDRESS:

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:863.2.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2844 (December 2004), amended LR 41:2669 (December 2015).

**§1756. Reporting Instructions**

A. The Louisiana Department of Public Safety and Corrections has two acceptable methods of exchanging electronic data for compulsory liability insurance reporting.

B. One method is to utilize GXS's "information exchange" service. The "information exchange" service will allow secure electronic data transfer between the department and each insurance company. The "information exchange" service gives you the option of submitting multiple filings per day. A message class should be used when sending files via GXS to the test or production mailbox. The message class for uncompressed files is LAPS however the department no longer accepts compressed files. The following outlines steps necessary to begin participating in this electronic transfer. Assistance in implementing the insurance company's part of this electronic relationship will be provided by the marketing and enabling support function which can be reached at (877) 326-6426. The department's mailbox (account-number/user-id) is: "LAPS/LAPSS67" for test; "LAPS/LAPSS68" for production. Please do not send more than 50,000 records at one time. For more records, split the file into smaller parts and send these individually. Each part must contain one header and one trailer.

1. A test filing shall be submitted for all new companies. Please ensure that the test files are sent to the test mailbox (LAPS/LAPSS67) and that all testing has been completed before sending a file to the production mailbox.

2. Network Connectivity/Mailbox. Security providers that currently have connectivity to GXS, either through Insurance Value Added Network Services ("IVANS" phone number (800) 548-2675) or directly, must ensure that their network account is attached to the "information exchange" service. Marketing and Enabling Support can verify this for you. If you do not currently have an account with GXS and would like one, or if you currently access a mailbox for which restrictions prevent use of that mailbox in this effort, you can obtain an account. Please contact Marketing and Enabling Support at the number noted above.

3. Cost Information. Information for costs related to participation in this activity (network charges, software charges, etc.) will be provided by the individuals/groups noted above. Costs incurred through participation in this

electronic transfer of data will be the responsibility of the filing security provider, not the department.

4. After contacting GXS, please provide the department with the NAIC number, account number and user ID at Insurance@dps.la.gov.

C. The second method is the state of Louisiana's free DMZ MoveIt server. You may only submit one filing per day. The following outlines the steps necessary to begin participating in this method of electronic transfer. You will need to contact the department at Insurance@dps.la.gov to obtain a security form. This form must be completed, signed, scanned and emailed back to the department for processing. An account will be created for you. Once the account is created you will receive a flow chart with the file names required for you to submit your filings and to retrieve your return error files. You will be required to submit a test file. If the test file is successful then you will be able to go to production.

#### D. General Information

1. All record formats for electronic transfer will be as described below in the section entitled record formats.

2. The department will retrieve filings only once per day. Any filing not sent before this retrieval time will be considered filed on the next day.

3. After processing, information will be returned to the appropriate GXS mailbox or DMZ MoveIt server folder. The returned data will then be ready to be accessed by the insurance company.

4. Please process the return files prior to sending in any additional files.

E. File Transfer. The department will transfer all files using the FTP protocol. Therefore all files will need to be placed in the department's mailbox using FTP or in FTP ASCII format which uses a CRLF (carriage return line feed) pair as the end-of-line character sequence.

#### F. Record Processing

1. The filing record will have: a header record, filing records (individual vehicle or fleet) and a trailer record. The trailer record will consist of all 9's from character 1 through character 219. Character number 220 of the trailer record should have a transaction type of "2". After processing the filing records, the department will return the filing report to the insurance company's GXS mailbox or DMZ MoveIt server folder. The report will consist of: the header record, filing records with dispositions and late flags and a trailer record containing summary totals.

2. Upon receipt, filings will be edited for the purpose of verification of format and reporting requirements identifying missing or invalid data. Accepted records (those without edit errors) will then be compared by VIN with departmental vehicle registration files. After these steps, records that do not result in a match will be considered unresolved. It is the responsibility of the insurance company to read the returned filing. No-Hit (Disposition code "U") and Edit-Error (Disposition code "E") exceptions must be corrected and re-submitted within fifteen (15) business days from the receipt of the returned filing. If an Out-of-Sequence (Disposition code "S") error is received contact the department as soon as possible before trying to make corrections to avoid filing errors that cannot be corrected.

#### G. Record Formats

1. There are four types of records: header, individual vehicle filing, fleet filing and trailer.

2. A header record must be the first record on filings submitted to the department. This record contains information pertaining to a particular filing as well as the account number and user-id of the reporting service agent. This information is critical for preparing the department's return report. The header record will be the first record on the department's return report and will have a record type of "3".

3. An individual vehicle filing record is used by an insurance company for reporting required liability security information for an individual vehicle. This filing record will have a record type of "1".

4. A fleet filing record is used by an insurance company for reporting required liability security information for a fleet of vehicles. This filing record will have a record type of "4".

#### 5. Header Record

a. The header record has a record type = "3" and it will be edited for errors. It must be the first record on the filing. Filings will not be processed if the header record does not pass all edit checks. If an error is encountered, the header record will be the only record written to the return report. Character positions (194-218) of the header will have an EDIT-ERROR-MASK. The field(s) in error must be corrected and the record(s) re-submitted for processing.

#### b. Header Record Field Descriptions

i. SERV-AGENT-CODE—code for an insurance company preparing its own filing, or a department-supplied number. The service agent code must be the same throughout the entire filing report.

ii. NR-FILING-RECORDS—number of filings records, excluding header and trailer records. An accurate count for this field is not required. It must have 6 digits but it can be 6 zeros.

iii. DATE-CREATED—date the filing report was created. Use format CCYYMMDD.

iv. TEST-FILE—indicator to determine if filing report is production or test. Use "Y" for test data or "N" for live data. If the indicator is "Y", filing reports for GXS must be sent to the Test mailbox ("LAPS/LAPSS67").

v. COMPRESSION—use "N" for uncompressed.

vi. ACCOUNT-NUMBER—the account number (assigned to the company by the GXS or the department).

vii. PERIOD—the character ".".

viii. USER-ID—the user ID (assigned to the company by the GXS or the department).

ix. INS-CO-USAGE—this field is for insurance company usage.

x. FILLER—unused. Should be space filled.

xi. EDIT-ERROR-MASK—used by the department to identify fields in error if the disposition code is "E".

xii. DISPOSITION—if the header record is acceptable will be a SPACE, if the header record is unacceptable will be "E".

xiii. RECORD-TYPE—use a "3".

c. The following fields are required, and the absence of any of these key data fields or the presence of invalid data in any of the key data fields is an edit error which precludes the department from processing any filing records on the submission.

- i. SERV-AGENT-CODE
- ii. NR-FILING-RECORDS
- iii. DATE-CREATED
- iv. TEST-FILE
- v. COMPRESSION
- vi. ACCOUNT-NUMBER
- vii. PERIOD
- viii. USER-ID
- ix. RECORD-TYPE

d. Returning Edit Errors. For a header record with an “E” disposition, the EDIT-ERROR-MASK field will be used to indicate the fields in error. Positions are as follows.

- |                       |     |
|-----------------------|-----|
| i. SERV-AGENT-CODE    | 194 |
| ii. NR-FILING-RECORDS | 195 |
| iii. DATE-CREATED     | 196 |
| iv. TEST-FILE         | 197 |
| v. COMPRESSION        | 198 |
| vi. ACCOUNT-NUMBER    | 199 |
| vii. PERIOD           | 200 |
| viii. USER-ID         | 201 |
| ix. RECORD-TYPE       | 202 |

e. A value of “1” in any of the above character positions in Subparagraph “d” above signifies an error in the corresponding item. For example, if the SERV-AGT is missing, character position 194 will have a value of “1”. A value of “0” in any character position of the EDIT-ERROR-MASK signifies that the corresponding item passed the edits.

#### 6. Individual Vehicle Filing Record

a. An individual vehicle filing record identifies the vehicle for which liability security has been issued, procured, recalled, reinstated, terminated, canceled or changed from binder status to an active policy. Every individual vehicle filing record in the RETURN FILING REPORT is to be reviewed. Duplicate reportings (Disposition code “D”) are not to be re-reported to the department. Edit errors (Disposition code “E”) are to be corrected and re-reported to the department within 15 business days of the return-date. Hits (Disposition code “H”) are acceptable. Incorrect “type use” or “class” (Disposition code “I”) are not to be re-reported to the department. Prescribed (Disposition code “P”) are not to be re-reported to the department. Restricted-Hit (Disposition code “R”) are to have the “VIN” verified with the “vehicle identification number” field from the vehicle registration certificate. If the “VIN” reported matches the “vehicle identification number” on the vehicle registration certificate, do not re-report. If the “VIN” reported does not match the “vehicle identification number” on the vehicle registration certificate, re-report with the correct “VIN”. Sequence errors (Disposition code “S”) must be researched to determine if the record needs to be resubmitted with necessary changes. Records must be reported in chronological order. No-Hit (Disposition code “U”) are to have the “VIN” verified with the “vehicle identification number” field from the vehicle registration certificate, corrected and re-reported with the correct “VIN”; this is not an acceptable reporting.

#### b. Individual Vehicle Filing Record Field Descriptions

i. VIN—“vehicle identification number” field from the vehicle registration certificate.

ii. INS-COMP-CODE—NAIC Code (best’s insurance reports property-casualty).

iii. TRANSACTION-TYPE—see Section III.I. (Transaction Types and How They Are Used)

iv. INS-POLICY-NR—policy number.

v. TERMINATION-OR-CHANGE-OR-EFFECTIVE-DATE—date insurance coverage on VIN was canceled, terminated, changed or became effective. Use format CCYYMMDD.

vi. SERV-AGENT-CODE—use only one servicing agent code throughout the filing. Companies preparing their own filings are to use the NAIC code for the company reporting. Servicing Agents preparing filings for multiple companies shall use their SERV-AGENT-CODE throughout the entire filing and use the NAIC code for the insurance company that is issuing the liability security policy in the INS-COMP-CODE field.

vii. LESSEE-OR-OWNER-STATE—a two-character abbreviation for the state that issued the driver’s license. If the “LESSEE-OR- OWNER-IDENTIFICATION-NUMBER” contains the federal tax identification number, the LESSEE-OR-OWNER-STATE field is spaces.

viii. LESSEE-OR-OWNER-IDENTIFICATION-NUMBER—the lessee or owner identification number can be either a driver’s license number or a federal tax identification number. The “DRIVER’S LICENSE/EIN” field as it appears on the vehicle registration certificate should contain the correct number. For individually owned vehicles, use the driver’s license. For company owned vehicles, use the federal tax identification number.

ix. ISSUE-DATE—date the policy was issued or terminated for a vehicle. When reporting an initiation for a new vehicle added to an existing policy, make sure that the issue date used is the date the vehicle was added to the policy, not the issue date of the original policy. Use format CCYYMMDD.

x. INS-CO-USAGE—this field is for insurance company usage.

xi. FILLER—spaces. No special characters.

xii. RETURN-DATE – This field will be populated by the department with the date the record was processed and returned to the reporting company. Use format CCYYMMDD.

xiii. LATE-FLAG—indicates if filing record was late. This field will be populated by the department. Any filing that is late will have this field set to “Y”.

xiv. EDIT-ERROR-MASK—used to identify edit errors that are being returned to the company. For filing records with DISPOSITION of “E” the EDIT-ERROR-MASK will identify each field that failed to pass the edits. This field will be populated by the department with a “1” (error) or “0” (no error).

xv. DISPOSITION—code used to determine the acceptance or rejection of a filing record. This field will be populated by the department. See Section III.J (Disposition Codes).

xvi. RECORD-TYPE—use a “1” to identify this record as an individual vehicle filing record.

c. The following fields are required, and the absence of any of these key data fields or the presence of invalid data in any of the key data fields is an edit error which precludes the department from processing this individual filing record.

- i. VIN
- ii. INS-COMP-CODE
- iii. TRANSACTION-TYPE
- iv. INS-POLICY-NR
- v. TERMINATION-OR-CHANGE-OR-EFFECTIVE-DATE
- vi. SERV-AGENT-CODE
- vii. LESSEE-OR-OWNER-STATE
- viii. LESSEE-OR-OWNER-IDENTIFICATION-NUMBER
- ix. ISSUE-DATE
- x. RECORD-TYPE

d. Returning Edit Errors. For individual vehicle filing records with an “E” disposition, the EDIT-ERROR-MASK field will be used to indicate the fields in error. Positions are as follows:

- |   |     |
|---|-----|
| i. VIN                                      | 194 |
| ii. INS-COMP-CODE                           | 195 |
| iii. TRANSACTION-TYPE                       | 196 |
| iv. INS-POLICY-NR                           | 197 |
| v. TERMINATION-OR-CHANGE-OR-EFFECTIVE-DATE  | 198 |
| vi. SERV-AGENT-CODE                         | 199 |
| vii. LESSEE-OR-OWNER-STATE                  | 200 |
| viii. LESSEE-OR-OWNER-IDENTIFICATION-NUMBER | 201 |
| ix. ISSUE-DATE—only for Initiations         | 202 |
| x. RECORD-TYPE                              | 203 |

e. A value of “1” in any of the above character positions signifies an error in the corresponding item. For example, if the TRANSACTION-TYPE is missing, character position 196 will have a value of “1”. A value of “0” in any character position of the EDIT-ERROR-MASK signifies that the corresponding item has passed the edits.

#### 7. Fleet Filing Record

a. A fleet filing record is to be used to report the number of vehicles contained within the fleet.

##### b. Fleet Filing Record Field Descriptions

1. INS-COMP-CODE—NAIC Code (Best’s Insurance Reports Property-Casualty)
2. TRANSACTION-TYPE—see Section III.I. (Transaction Types and How They Are Used)
3. INS-POLICY-NR—policy number.
4. TERMINATION-OR-CHANGE-OR-EFFECTIVE-DATE—date policy was canceled, terminated, changed or became effective. Use format CCYYMMDD.
5. SERV-AGENT-CODE—use only one servicing agent code throughout the filing. Companies preparing their own filings are to use the NAIC code for the company reporting. Servicing Agents preparing filings for multiple companies shall use their SERV-AGENT-CODE throughout the entire filing and use the NAIC code for the insurance company that is issuing the liability/security policy in the INS-COMP-CODE field.

6. LESSEE-OR-OWNER-FEDERAL-TAX-IDENTIFICATION-NUMBER—The lessee or owner Federal Tax Identification Number. Use the 9 digits of the federal tax identification number. This is the “DRIVER’S LICENSE/EIN” FIELD as it appears on the vehicle registration certificate.

7. LESSEE-OR-OWNER-NAME—for leased vehicles (“STATUS” field of the vehicle registration certificate is “LESSEE”) this is the “NAME” field as it appears on the vehicle registration certificate. For owned vehicles, this is the “OWNER’S NAME” field as it appears on the vehicle registration certificate.

8. LESSEE-OR-OWNER-ADDRESS—for leased vehicles (“STATUS” field of the Vehicle Registration Certificate is “LESSEE”) this is the “STREET1” field below the “NAME” field as it appears on the vehicle registration certificate. For owned vehicles, this is the “STREET1” field below the “OWNER’S NAME” field as it appears on the vehicle registration certificate.

9. LESSEE-OR-OWNER-CITY-STATE—for leased vehicles (“STATUS” field of the vehicle registration certificate is “LESSEE”) this is the “CITY/STATE” field below the “NAME” field as it appears on the vehicle registration certificate. For owned vehicles, this is the “CITY/STATE” field below the “OWNER’S NAME” field as it appears on the vehicle registration certificate.

10. LESSEE-OR-OWNER-ZIP-CODE—for leased vehicles (“STATUS” field of the vehicle registration certificate is “LESSEE”) this is the “ZIP” field below the “NAME” field as it appears on the vehicle registration certificate. For owned vehicles, this is the “ZIP” field below the “OWNER’S NAME” field as it appears on the vehicle registration certificate.

11. NUMBER-OF-VEHICLES-IN-FLEET—the estimated number of vehicles in the fleet covered by this filing record.

12. ISSUE-DATE—date the policy was issued or terminated.

13. INS-CO-USAGE—this field is for insurance company usage.

14. RETURN-DATE—this field will be populated by the department with the date the record was processed and returned to the reporting company. Use format CCYYMMDD.

15. LATE-FLAG—indicates if filing was late. This field will be populated by the department. Any filing that is late will have this field set to “Y”.

16. EDIT-ERROR-MASK—used to identify edit errors that are being returned to the company. For filing records with disposition of “E”, the EDIT-ERROR-MASK will identify each field that failed to pass the edits. Each character of this field will be populated by the department with a “1” (error) or a “0” (no error).

17. DISPOSITION—code used to determine the acceptance or rejection of a filing record. This field will be populated by the department. See Section III.J. (Disposition Codes)

18. RECORD-TYPE—use a “4” to identify this record as a fleet filing record.

c. The following fields are required.

- i. INS-COMP-CODE
- ii. TRANSACTION-TYPE
- iii. INS-POLICY-NR
- iv. TERMINATION-OR-CHANGE-OR-EFFECTIVE-DATE
- v. SERV-AGENT-CODE
- vi. LESSEE-OR-OWNER-FEDERAL-TAX-IDENTIFICATION-NUMBER
- vii. LESSEE-OR-OWNER-NAME
- viii. LESSEE-OR-OWNER-ADDRESS
- ix. LESSEE-OR-OWNER-CITY-STATE
- x. LESSEE-OR-OWNER-ZIP-CODE
- xi. NUMBER-OF-VEHICLES-IN-FLEET

- xii. ISSUE-DATE
- xiii. RECORD-TYPE

d. Returning Edit Errors

i. For filing records with an “E” disposition, the EDIT-ERROR-MASK field will be used to indicate the fields in error. Positions are as follows:

- (a). INS-COMP-CODE 194
- (b). TRANSACTION-TYPE 195
- (c). INS-POLICY-NR 196
- (d). TERMINATION-OR-CHANGE-OR-EFFECTIVE-DATE 197
- (e). SERV-AGENT-CODE 198
- (f). LESSEE-OR-OWNER-FEDERAL-TAX-IDENTIFICATION-NUMBER 199
- (g). LESSEE-OR-OWNER-NAME 200
- (h). LESSEE-OR-OWNER-ADDRESS 201
- (i). LESSEE-OR-OWNER-CITY-STATE 202
- (j). LESSEE-OR-OWNER-ZIP-CODE 203
- (k). NUMBER-OF-VEHICLES-IN-FLEET 204
- (l). ISSUE-DATE 205
- (m). RECORD-TYPE 206

ii. A value of “1” in any of the above character positions signifies an error in the corresponding item. For example, if the TRANSACTION-TYPE is missing, character position 195 will have a value of “1”. A value of “0” in any character position of the EDIT-ERROR-MASK signifies that the corresponding item passed the edits.

8. Trailer Record

a. A trailer record is required. The trailer record must contain all 9’s for positions 1 through 219 and must

have a record type 2 in position 220. After the complete filing has been processed, the department will update the trailer record with statistical information for the records submitted. This record is returned to the insurance company for review.

b. Returned Trailer Record Field Descriptions:

- i. Servicing Agent Code
- ii. Date Filing was Received by the department \
- iii. Date Filing was Processed by the department
- iv. Total number of records included in the filing (record types 1 and 4)
- v. Total number of records with disposition “D” (Duplicate Reporting)
- vi. Total number of records with disposition “E” (Edit Error)
- vii. Total number of records with disposition “H” (Hit)
- viii. Total number of records with disposition “I” (Incorrect Type-Use or Class)
- ix. Total number of records with disposition “P” (Prescribed)
- x. Total number of records with disposition “R” (Restricted Hit)
- xi. Total number of records with disposition “S” (Sequence Error)
- xii. Total number of records with disposition “U” (No Hit)
- xiii. Total number of late filings
- xiv. Filler
- xv. Record-Type – 2

H. Record Format—Insurance Header Record

FIELD CHARACTERISTICS		RECORD NAME		SYSTEM		
A = ALPHABETIC X = ALPHANUMERIC N = NUMERIC (UNSIGNED) USAGE ALL ASCII CHARACTERS		INSURANCE HEADER RECORD		Compulsory Insurance Reporting		
				RECORD SIZE		
				220		
ITEM NO.	FIELD POSITION	FIELD SIZE CHAR.	FIELD CHAR.	JUSTIFIED	FIELD LABEL	DESCRIPTION OR VALUE
1	1 - 5	5	N	Right	Serv-Agent-Code	REQUIRED
2	6 - 11	6	N	Right	NR-Filing-Records	REQUIRED
3	12 - 19	8	N	Right	Date-Created	REQUIRED
4	20	1	X		Test-File (Y or N)	REQUIRED
5	21	1	X		Compression (Y or N)	REQUIRED
6	22 - 28	7	X	Right	Account-Num	REQUIRED
7	29	1	X		Period	REQUIRED
8	30 - 36	7	X	Right	User-ID	REQUIRED
9	37 - 70	34	X		Ins-Co-Usage	
10	71 - 193	123	X		Filler	SPACES
*** THE FOLLOWING FIELDS ARE OMV DATA RETURNED FOR RECORD TYPE = 3 ***						
11	194 - 218	25	X	Left	Edit-Error-Mask	
12	219	1	X	Left	Disposition	
13	220	1	N		Record-Type	3

I. Record Format—Individual Vehicle Filing Record

FIELD CHARACTERISTICS		RECORD NAME INDIVIDUAL VEHICLE FILING RECORD		SYSTEM Compulsory Insurance Reporting		
A = ALPHABETIC X = ALPHANUMERIC N = NUMERIC (UNSIGNED) USAGE ALL ASCII CHARACTERS				RECORD SIZE 220		
		ITEM NO.	FIELD POSITION	FIELD SIZE CHAR.	FIELD CHAR.	JUSTIFIED
1	1 - 30	30	X	Right / Space Filled	VIN	REQUIRED
2	31 - 35	5	N	Right	Ins-Comp-Code	REQUIRED
3	36	1	X		Transaction-Type	REQUIRED
4	37 - 66	30	X	Left	Ins-Policy-Nr	REQUIRED
5	67 - 74	8	N	Right	Termination-or- Change-or- Effective-Date (CCYYMMDD)	REQUIRED
6	75 - 79	5	N	Right	Serv-Agent-Code	REQUIRED
7	80 - 81	2	X		Lessee-or-Owner- State	REQUIRED
8	82 - 90	9	N	Right	Lessee-or-Owner- Identification- Number	REQUIRED
9	91 - 98	8	N	Right	Issue-Date (CCYYMMDD)	REQUIRED
10	99 - 132	34	X		Ins-Co-Usage	
11	133 - 184	52	X		Filler	SPACES
*** THE FOLLOWING FIELDS ARE OMV DATA RETURNED FOR RECORD TYPE = 1 ***						
12	185 - 192	8	N	Right	Return-Date	CCYYMMDD
13	193	1	X		Late-Flag	Y or N
14	194 - 218	25	X	Left	Edit-Error-Mask	
15	219	1	X	Left	Disposition	
16	220	1	N		Record-Type	1

J. Record Format—Fleet Filing Record

FIELD CHARACTERISTICS		RECORD NAME FLEET FILING RECORD		SYSTEM Compulsory Insurance Reporting		
A = ALPHABETIC X = ALPHANUMERIC N = NUMERIC (UNSIGNED) USAGE ALL ASCII CHARACTERS				RECORD SIZE 220		
		ITEM NO.	FIELD POSITION	FIELD SIZE CHAR.	FIELD CHAR.	JUSTIFIED
1	1 - 5	5	N	Right	Ins-Comp-Code	REQUIRED
2	6	1	X		Transaction-Type	REQUIRED
3	7 - 36	30	X	Left	Ins-Policy-Nr	REQUIRED

4	37 - 44	8	N	Right	Termination-or-Change-or-Effective-Date (CCYYMMDD)	REQUIRED
5	45 - 49	5	N	Right	Serv-Agent-Code	REQUIRED
6	50 - 58	9	N	Right	Lessee-or-Owner-Federal-Tax-Identification-Number	REQUIRED
7	59 - 88	30	X	Left	Lessee-or-Owner-Name	REQUIRED
8	89 - 113	25	X	Left	Lessee-or-Owner-Address	REQUIRED
9	114 - 133	20	X	Left	Lessee-or-Owner-City-State	REQUIRED
10	134 - 138	5	N	Right	Lessee-or-Owner-Zip-Code	REQUIRED
11	139 - 142	4	N	Right	Number-of-Vehicles-in-Fleet	REQUIRED
12	143 - 150	8	N	Right	Issue-Date (CCYYMMDD)	REQUIRED
13	151 - 184	34	X		Ins-Co-Usage	
*** THE FOLLOWING FIELDS ARE OMV DATA RETURNED FOR RECORD TYPE = 4 ***						
14	185 - 192	8	N	Right	Return-Date	CCYYMMDD
15	193	1	X		Late-Flag	Y or N
16	194 - 218	25	X	Left	Edit-Error-Mask	
17	219	1	X	Left	Disposition	
18	220	1	N		Record-Type	4

K. Record Format—Trailer Record

FIELD CHARACTERISTICS		RECORD NAME TRAILER RECORD		SYSTEM Compulsory Insurance Reporting		
A = ALPHABETIC X = ALPHANUMERIC N = NUMERIC (UNSIGNED) USAGE ALL ASCII CHARACTERS				RECORD SIZE 220		
ITEM NO.	FIELD POSITION	FIELD SIZE CHAR.	FIELD CHAR.	JUSTIFIED	FIELD LABEL	DESCRIPTION OR VALUE
1	1 - 5	5	N	Right	Serv-Agent-Code	
2	6 - 13	8	N	Right	Date-Received	CCYYMMDD
3	14 - 21	8	N	Right	Date-Processed	CCYYMMDD
4	22 - 27	6	N	Right	Total-Number-of-Filing-Records	
5	28 - 33	6	N	Right	Total-Number-of-Disposition-D-Records	
6	34 - 39	6	N	Right	Total-Number-of-Disposition-E-Records	
7	40 - 45	6	N	Right	Total-Number-of-Disposition-H-Records	
8	46 - 51	6	N	Right	Total-Number-of-Disposition-I-Records	
9	52 - 57	6	N	Right	Total-Number-of-Disposition-P-Records	
10	58 - 63	6	N	Right	Total-Number-of-Disposition-R-Records	
11	64 - 69	6	N	Right	Total-Number-of-Disposition-S-Records	
12	70 - 75	6	N	Right	Total-Number-of-Disposition-U-Records	

13	76 - 81	6	N	Right	Total-Number-of-Late-Fillings	
14	82 - 219	138	X		Filler	SPACES
15	220	1	N		Record-Type	2

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2844 (December 2004); amended LR 41:2671 (December 2015).

**§1757. Declaratory Orders and Rulings**  
**[Formerly §1789]**

A. Any person desiring a ruling on the applicability of R.S. 32:863.2, or any other statute, or the applicability or validity of any rule, to the reporting of initiation and any subsequent change in insurance coverage shall submit a written petition to the assistant secretary for the Office of Motor Vehicles. The written petition shall cite all constitutional provisions, statutes, ordinances, cases, and rules which are relevant to the issue presented or which the person wishes the assistant secretary to consider prior to rendering an order or ruling in connection with the petition. The petition shall be typed, printed or written legibly, and signed by the person seeking the ruling or order. The petition shall also contain the person's full printed name, the complete physical and mailing address of the person, and a daytime telephone number.

B. If the petition seeks an order or ruling on a report submitted to the Office of Motor Vehicles by a security provider, the person submitting the petition shall notify the security provider who submitted the report, if the person submitting the petition is not the security provider. Such notice shall be sent by certified mail, return receipt requested. In such case, the petition shall not be considered until proof of such notice has been submitted to the assistant secretary, or until the person petitioning for the order or ruling establishes that the security provider cannot be notified after a due and diligent effort. The notice shall include a copy of the petition submitted to the assistant secretary.

C. The assistant secretary may request the submission of legal memoranda to be considered in rendering any order or ruling. The assistant secretary or his designee shall base the order or ruling on the documents submitted including the petition and legal memoranda. If the assistant secretary or his designee determines that the submission of evidence is necessary for a ruling, the matter may be referred to a hearing officer prior to the rendering of the order or ruling for the taking of such evidence.

D. Notice of the order or ruling shall be sent to the person submitting the petition as well as the security provider receiving notice of the petition at the mailing addresses provided in connection with the petition.

E. The assistant secretary may decline to render an order or ruling if the person submitting the petition has failed to comply with any requirement in this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR

24:1780 (September 1998), repromulgated LR 30:2856 (December 2004), LR 41:2678 (December 2015).

**§1758. Invalid Vehicle Type-Use**

A. The type-use for a vehicle is in the "CLASS" field of the vehicle registration certificate. Below is a list of invalid "type-use" or "class" of vehicles that are not to be reported to the department.

- 0109—Shriner Auto
- 0110—Grotto Auto
- 0111, 0112, 0113, 0114, 0115, 0116, 0117, 0118, 0147, 0148, 0149—Public Auto
- 0121, 0122—Consular Auto
- 0124, 0125—Governor's Staff Auto
- 0138—US Congressman
- 0139—US Senator
- 0205, 0236, 0241—Forest Truck
- 0209—Shriner Truck
- 0210—Grotto Truck
- 0211, 0212, 0213, 0214, 0215, 0216, 0217—Public Truck
- 0221, 0222—Consular Truck
- 0224, 0225—Governor's Staff Truck
- 0242, 0243, 0244, 0245, 0246—Farm Truck
- 0252, 0253, 0254—Public Truck
- 0262—Handicap Farm Truck
- 0305, 0306, 0307, 0311, 0312, 0313, 0314, 0315, 0316—Public Motorcycle
- 0309—Shriner Motorcycle
- 0310—Grotto Motorcycle
- 0409—Shriner Bus
- 0415, 0416, 0417, 0418, 0419, 0420, 0421, 0422, 0423, 0427, 0428, 0429, 0466, 0467, 0468—Public Bus
- 0601, 0602—House Trailer
- 0701, 0722—Trailer
- 0702, 0733—Boat Trailer
- 0703—4 Year Trailer
- 0704—Light Semi Trailer
- 0705—Trailer Apportioned
- 0706—Farm Semi Trailer
- 0707, 0708, 0709, 0723, 0724, 0725—Public Perm Trailer
- 0710, 0711, 0712—Public Boat Trailer
- 0713, 0714, 0715—Public 4 Year Trailer
- 0716, 0717, 0718—Public Light Semi Trailer
- 0719, 0720, 0721—Public Plate Trailer
- 0726—Shriner Trailer
- 0727—Grotto Trailer
- 0728—Appor Life trailer
- 0729, 0730—Trailer Life
- 0731, 0732—Trailer 4 Year
- 0901, 0902, 0903, 0904, 0905—Off-Road Vehicle

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2844 (December 2004), amended LR 41:2678 (December 2015).

**§1760. Identification Card Specifications**

A. General Information

1. Pursuant to R.S. 32:863, which became effective July 1, 1985, all vehicles registered in the State of Louisiana must contain within the vehicle documentation indicating compliance with the compulsory motor vehicle liability

security law. An identification card may be used in lieu of the actual policy as a means of showing evidence of liability insurance coverage.

2. The purpose of developing an approved identification card should be to provide a document to be used as proof of compliance with Louisiana’s compulsory insurance laws.

3. Those ID cards, in conformance with the attached specifications, will be accepted as proof of liability insurance by law enforcement and by the Office of Motor Vehicles.

4. In order for the security provider to insure compliance with specification requirements, the security provider shall furnish the department with sample copies of its Louisiana Liability Insurance Identification Card. Mail sample ID cards to:

Department of Public Safety and Corrections  
Office of Motor Vehicles  
Compulsory Insurance Unit  
Post Office Box 64886  
Baton Rouge, LA 70896-4886

or

Fax copy to (225)-922-0158  
Attention: Supervisor

5. For questions regarding implementation, please call the Compulsory Insurance Unit at (225) 925-7285.

**B. Louisiana Identification Card Specifications**

- 1. Size of document need not be uniform.
- 2. Card should be a one-part form on at least 20 lb. white paper stock.
- 3. The following general information must be designated on the card in either bold print or contrasting color:

- a. Front
  - i. Louisiana Auto Insurance Identification Card
  - ii. An insurer authorized to transact business in Louisiana has issued the Motor Vehicle Policy identified hereon. The coverage provided by this policy meets the minimum liability insurance limits prescribed by law.

(a). This wording is necessary to meet requirements without having to specify the actual insurance limits on all vehicles (vehicles under or over 20,000 lbs.).

iii. This card must be carried in the vehicle at all times as evidence of liability insurance

- b. Reverse

**“IMPORTANT NOTICE**

La. R.S. 32:863.1 requires that an operator of a motor vehicle produce upon demand by a law enforcement officer documentation of motor vehicle security which is required to be maintained within the vehicle at all times.

Failure to comply may result in fines, revocation of registration privileges and block against the renewal or issuance of a driver’s license.”

4. Specific information required on the Identification Card is as follows:

- a. Front
  - i. The name, address and NAIC number of the insurance company.

ii. Name of insured, policy number, effective date and expiration date. When a new vehicle is added to an existing policy, make sure the effective date used is the date the vehicle was added to the policy, not the issue date of the original policy.

iii. Vehicle Description. The year may be shown as two digits and the make may be abbreviated. The full VIN number must be shown. Only when the insurer does not have the VIN information under a fleet policy, is the word “FLEET” to be entered. The Federal Tax identification number of the listed insured must be provided when “FLEET” is used.

**b. Front or Back**

i. Any excluded driver’s on the policy must be listed.

ii. The excluded driver’s date of birth and/or operator’s license number (optional)

iii. The insurance agent’s name, address and telephone number\*\*

(a). In accordance with Act 527 (SB882) R.S. 32:397(A), the insured will be required to furnish proof of insurance to law enforcement at the time of an accident.

5. The certificate should be provided to each liability policy holder at least annually or at each renewal.

6. Other items may be included at the discretion of the insurer such as company logo or any other message(s) including claim locations, what to do in the event of an accident, etc., on the reverse side of the card.

**C. Examples of Louisiana Identification Card**

LOUISIANA AUTO INSURANCE IDENTIFICATION CARD		
An insurer authorized to transact business in Louisiana has issued the Motor Vehicle Policy identified hereon. The coverage provided by this policy meets the minimum liability insurance limits prescribed by law.		
NAIC NUMBER	COMPANY	
POLICY NUMBER	EFFECTIVE DATE	EXPIRATION DATE
VEHICLE DESCRIPTION		
YEAR	MAKE/MODEL	VEHICLE IDENTIFICATION NUMBER
INSURED		
THIS CARD MUST BE IN THE VEHICLE AT ALL TIMES AS EVIDENCE OF INSURANCE		

IMPORTANT NOTICE
La. R.S. 32:863.1 requires that an operator of a motor vehicle produce upon demand by a law enforcement officer documentation of motor vehicle security which is required to be maintained within the vehicle at all times.
Failure to comply may result in fines, revocation of registration privileges and block against the renewal or issuance of a driver’s license.
INSURANCE AGENT:
EXCLUDED DRIVERS:

D. Sample Identification Card with Individual Vehicle Information

**LOUISIANA AUTO INSURANCE IDENTIFICATION CARD**

An insurer authorized to transact business in Louisiana has issued the Motor Vehicle Policy identified hereon. The coverage provided by this policy meets the minimum liability insurance limits prescribed by law.

**NAIC NUMBER** 12345  
**COMPANY** Compulsory Insurance Company  
1234 Liability Lane  
Security, LA 10000  
**POLICY NUMBER** ABC 12345  
**EFFECTIVE DATE** 01/01/2010  
**EXPIRATION DATE** 01/01/2011  
**VEHICLE DESCRIPTION**  
**YEAR MAKE/MODEL VEHICLE IDENTIFICATION NUMBER**  
2005 Chev/Cam 1GTCE1456PB123456

**INSURED**  
John Doe  
203 Doe Street  
Baton Rouge, LA 70895

**THIS CARD MUST BE IN THE VEHICLE AT ALL TIMES AS EVIDENCE OF INSURANCE**

**IMPORTANT NOTICE**

La. R.S. 32:863.1 requires that an operator of a motor vehicle produce upon demand by a law enforcement officer documentation of motor vehicle security which is required to be maintained within the vehicle at all times.

Failure to comply may result in fines, revocation of registration privileges and block against the renewal or issuance of a driver's license.

**INSURANCE AGENT:**  
All Day Insurance Agency  
1000 Anywhere Street  
Baton Rouge, LA 70806  
Phone # (225) 123-4567  
**EXCLUDED DRIVERS:** Johnny Doe

**E. Sample Identification Card with Fleet Information**

**LOUISIANA AUTO INSURANCE IDENTIFICATION CARD**

An insurer authorized to transact business in Louisiana has issued the Motor Vehicle Policy identified hereon. The coverage provided by this policy meets the minimum liability insurance limits prescribed by law.

**NAIC NUMBER** 12345  
**COMPANY** Compulsory Insurance Company  
1234 Liability Lane  
Security, LA 10000  
**POLICY NUMBER** ABC 12345  
**EFFECTIVE DATE** 01/01/2010  
**EXPIRATION DATE** 01/01/2011  
**VEHICLE DESCRIPTION**  
**YEAR MAKE/MODEL VEHICLE IDENTIFICATION NUMBER**  
FLEET - FEDERAL TAX ID # 720000000

**INSURED**  
John Doe Trucking, Inc.  
203 Doe Street  
Baton Rouge, LA 70895

**THIS CARD MUST BE IN THE VEHICLE AT ALL TIMES AS EVIDENCE OF INSURANCE**

**IMPORTANT NOTICE**

La. R.S. 32:863.1 requires that an operator of a motor vehicle produce upon demand by a law enforcement officer documentation of motor vehicle security which is required to be maintained within the vehicle at all times.

Failure to comply may result in fines, revocation of registration privileges and block against the renewal or issuance of a driver's license.

**INSURANCE AGENT:**

All Day Insurance Agency  
1000 Anywhere Street  
Baton Rouge, LA 70806  
Phone # (225) 123-4567  
**EXCLUDED DRIVERS:** N/A

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:863.2.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2844 (December 2004), amended LR 41:2678 (December 2015).

**§1762. Proof of Liability Security**

A. In accordance with Act 423 (HB1366) R.S. 32:862(B)(H), licensed drivers and motor vehicle owners will be required to show proof of liability coverage at the time of vehicle registration, renewal of license plate and at the time of initial application, renewal or change of address/endorsement for a driver's license. Acceptable proof of insurance will be in the form of one of the following.

1. For vehicles with a gross vehicle weight of 20,000 pounds or under:

a. proof that a liability insurance policy providing at least \$15,000/\$30,000 bodily injury and \$25,000 property damage as provided in R.S. 32:900(B) was issued. (Copy of insurance identification card, copy of insurance policy or copy of declaration page of insurance policy); or

b. proof that an approved motor vehicle liability bond was issued by a surety or insurance company in the amount of \$30,000; or

c. proof that a certificate was issued from the state treasurer stating that cash or securities of \$55,000 was on deposit with the state treasurer; or

d. proof that a Louisiana certificate of self-insurance was issued under R.S. 32:1042.

2. For vehicles with a gross vehicle weight of 20,001-50,000 pounds:

a. proof that a liability insurance policy providing at least \$25,000/\$50,000 bodily injury and \$25,000 property damage as provided in R.S. 32:900(B) was issued. (Copy of insurance policy or copy of declaration page of insurance policy); or

b. proof that a Louisiana certificate of self-insurance was issued under R.S. 32:1042 (Act 34 of the First Extraordinary Special Session of 1996); or

c. proof of single state registration (current form RS-3); or

d. proof of Public Service Commission authority (current intra-state ID cab card); or

e. proof that a certificate of self-insurance was issued by the Interstate Commerce Commission (ICC) under R.S. 32:900(M)(3).

3. For vehicles with a gross vehicle weight over 50,001 pounds:

a. proof that a liability insurance policy providing at least \$100,000/\$300,000 bodily injury and \$25,000 property damage or combined single limit of \$300,000 as provided in R.S. 32:900(B) was issued. (Copy of insurance policy or copy of declaration page of insurance policy); or

b. proof that a Louisiana certificate of self-insurance was issued under R.S. 32:1042 (Act 34 of the First Extraordinary Special Session of 1996); or

- c. proof of single state registration (current form RS-3); or
- d. proof of Public Service Commission authority (current intra-state ID cab card); or
- e. proof a certificate of self-insurance was issued by the Interstate Commerce Commission (ICC) under R.S. 32:900(M)(3).

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2844 (December 2004), amended LR 41:2680 (December 2015).

**§1764. Declaratory Orders and Rulings**  
**[Formerly §1789]**

A. Any person desiring a ruling on the applicability of R.S. 32:863.2, or any other statute, or the applicability or validity of any rule, to the reporting of initiation and any subsequent change in insurance coverage shall submit a written petition to the assistant secretary for the Office of Motor Vehicles. The written petition shall cite all constitutional provisions, statutes, ordinances, cases, and rules which are relevant to the issue presented or which the person wishes the assistant secretary to consider prior to rendering an order or ruling in connection with the petition. The petition shall be typed, printed or written legibly, and signed by the person seeking the ruling or order. The petition shall also contain the person's full printed name, the complete physical and mailing address of the person, and a daytime telephone number.

B. If the petition seeks an order or ruling on a report submitted to the Office of Motor Vehicles by a security provider, the person submitting the petition shall notify the security provider who submitted the report, if the person submitting the petition is not the security provider. Such notice shall be sent by certified mail, return receipt requested. In such case, the petition shall not be considered until proof of such notice has been submitted to the assistant secretary, or until the person petitioning for the order or ruling establishes that the security provider cannot be notified after a due and diligent effort. The notice shall include a copy of the petition submitted to the assistant secretary.

C. The assistant secretary may request the submission of legal memoranda to be considered in rendering any order or ruling. The assistant secretary or his designee shall base the order or ruling on the documents submitted including the petition and legal memoranda. If the assistant secretary or his designee determines that the submission of evidence is necessary for a ruling, the matter may be referred to a hearing officer prior to the rendering of the order or ruling for the taking of such evidence.

D. Notice of the order or ruling shall be sent to the person submitting the petition as well as the security provider receiving notice of the petition at the mailing addresses provided in connection with the petition.

E. The assistant secretary may decline to render an order or ruling if the person submitting the petition has failed to comply with any requirement in this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1780 (September 1998), repromulgated LR 30:2856 (December 2004), repromulgated LR 41:2681 (December 2015).

**Subchapter C. Compulsory Insurance Enforcement**  
**§1766. Introduction**

A. The Louisiana Legislature enacted law R.S. 32:863.2(F) requiring the Louisiana Department of Public Safety (DPS) to create an online insurance verification system. DPS (Louisiana State Police and the Office of Motor Vehicles) is implementing the Louisiana insurance verification system (LAIVS) in order to meet the law's requirements and provide the Louisiana State Police (LSP), Office of Motor Vehicles (OMV), State Courts, Law Enforcement Agencies, and other authorized users with the ability to perform real-time insurance verification. LAIVS will utilize the Insurance Industry Committee on Motor Vehicle Administration (IICMVA) standards for insurance provider reporting.

B. DPS has partnered with a contracted vendor, MV Solutions Inc., to implement LAIVS. This new system will interface with various state computer systems and networks.

C. Louisiana (LA) licensed insurance providers will be required to make motor vehicle liability insurance information available to LAIVS in the manner defined below for vehicles registered in LA.

D. Insurance providers are required to continue reporting notification of initiation, termination, or modification of liability security to the current LA insurance reporting system. The state intends to replace the current reporting system after successful implementation of LAIVS in a subsequent phase of this project that will be part of a separate procurement solicitation from prospective contractors.

E. LAIVS reporting requirements are summarized below.

1. Insurance providers covering 500 or more vehicles registered in LA must establish a web service that will allow LAIVS instant direct verification of insurance.

a. The web services shall be in compliance with the specifications and standards of the Insurance Industry Committee on Motor Vehicle Administration (IICMVA).

b. Insurance providers issuing commercial policies who capture the VINs shall comply with the web service requirement unless they have been granted an exemption by the commissioner of OMV.

2. All insurance providers writing private passenger and commercial motor vehicle policies in LA are required to report specified policy, vehicle, and customer information [referred to as the Book of Business (BOB)] to LAIVS.

a. Insurance providers must submit BOB data to LAIVS at least once a calendar month. Insurance providers who are not hosting a web service or whose web service do not support VIN broadcasting must provide BOB data on a weekly basis. This data will be used by LAIVS to route instant or real-time verification queries.

b. Unless an insurance provider issues coverage for less than 500 vehicles registered in LA, the insurance provider must submit BOB data to LAIVS via the file transfer protocol (FTP) process outlined in this guide. Insurance providers issuing coverage for less than 500

vehicles can either FTP the BOB file or utilize the LAIVS website for BOB reporting.

c. The vehicle identification number (VIN) will not be required for fleet policies. A fleet policy is a policy insuring a business with a fleet of five or more vehicles registered in LA for which VIN information is not maintained on each vehicle. However, if the insurance provider does maintain the VIN of the vehicles within the fleet, the VINs must be reported in the book of business file.

F. Insurance Provider Compliance Timeline

1. By September 21, 2015—insurance providers register on the LAIVS website.

2. By November 20, 2015—insurance providers submit a test BOB file to LAIVS and begin web services testing. Insurance providers with existing web services active in other jurisdictions can use their production web services for testing

3. By February 23, 2016—insurance providers move to a production environment, including BOB data submission and web services (if applicable). Insurance providers are encouraged to move to production earlier as state users will begin using LAIVS for insurance verification before this deadline.

G. As previously stated, insurance providers are required to continue reporting notification of initiation, termination, or modification of liability security to the current LA insurance reporting system. The state intends to replace the current reporting system after successful implementation of LAIVS in a subsequent phase of this project that will be part of a separate procurement solicitation from prospective contractors.

H. This guide is posted on the LAIVS website. Go to www.LAIVS.org, click on the HELP link, and then on Help For Insurance Providers. If you have any questions, please contact the LAIVS help desk at support@LAIVS.org.

I. Insurance providers are responsible for reading and complying with this entire document and reviewing additional information posted on the www.LAIVS.org website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 41:2681 (December 2015).

**§1767. Book of Business Reporting**

A. Insurance providers must submit book of business (BOB) files to LAIVS by the seventh calendar day of each month. Insurance providers whose web services do not support VIN broadcasting or are not hosting a web service must provide BOB data on a weekly basis. Insurers providing weekly BOB data can submit the data on any day of the week including the weekend. Insurance providers that issue coverage for less than 500 vehicles in Louisiana shall

either submit BOB files via FTP or report BOB data using the LAIVS website. Follow the guidelines and procedures explained in the sections below when providing the BOB files to LAIVS.

B. BOB Data to Be Reported. Report the following information when submitting the BOB files:

1. all active LA motor vehicle insurance policies with the minimum liability coverage required by the state of Louisiana and the associated vehicles and customers;

2. both private passenger and commercial motor vehicle insurance policies shall be reported. The VIN is not required for fleet policies. A fleet policy is a policy insuring a business with a fleet of five or more vehicles registered in LA for which VIN information is not maintained on each vehicle. However, if the insurance provider does maintain the VIN of the vehicles within the fleet, the VINs must be reported in the book of business file;

3. the vehicle types that should be reported are provided in Appendix C.

C. BOB File Structure. The BOB file structure is based upon Version 1.1 of the Insurance Data Transfer Guide published by the IICMVA on August 23, 2011. The BOB file is a text file with rows of fixed length. All rows will be 300 characters long with spaces used as filler. Follow each row with a carriage return line feed character (Hexadecimal '0D 0A'). Submit a separate file for each NAIC number.

1. File Name. The file name should include the following fields.

a. NAIC Number: Insurance provider's NAIC Number

b. File Creation Date: Date file was created in the YYYYMMDD format

c. Environment: "P"—Production; "T"—Test

d. Extension: File extension such as "pgp", "asc", "txt" or any other 3 character file extension

e. File Name format should be in the *NAIC\_Date Environment.extension* format. For example: 12345\_20110815\_P.pgp

2. Detail Rows. The detail rows show the policy data being submitted by the insurance provider. Generate one record per customer, vehicle, and policy combination. For example, if policy number 12345 is associated with customers Jane and John Doe on a 2004 Jeep and a 2005 GMC, then four records with the following combinations should be created.

a. Jane Doe, 2004 Jeep, policy 12345

b. Jane Doe, 2005 GMC, policy 12345

c. John Doe, 2004 Jeep, policy 12345

d. John Doe, 2005 GMC, policy 12345

e. Each field's length is specified in the table below with any unused length filled by trailing spaces. Any fields for which a value is not being provided should be filled with spaces. Provide the following fields in each row.

Field Id	Field Name	Length	Begin	End	Type (AN –Alpha numeric N- Numeric)	Mandatory/ Optional	Description
1	POLICY TYPE	2	1	2	AN	M	'VS' = Vehicle Specific 'NS' = Non Vehicle Specific (Fleet Policies)
2	NAIC	5	3	7	N	M	NAIC Code
3	POLICY NUMBER	30	8	37	AN	M	Policy Number

Field Id	Field Name	Length	Begin	End	Type (AN –Alpha numeric N– Numeric)	Mandatory/ Optional	Description
4	EFFECTIVE DATE	8	38	45	N	M	Effective Date – YYYYMMDD format Date coverage was added for the vehicle. There should not be any time out of force (lapse of coverage) between the Effective Date and the transmission date. If the vehicle had any time out of force, then the effective date that coverage was resumed or reinstated should be reported.
5	VIN	25	46	70	AN	O	VIN (optional for non-vehicle specific fleet policy)
6	LAST NAME or ORGANIZATION	40	71	110	AN	M	
7	PREFIX NAME ABBR	3	111	113	AN	O	
8	MIDDLE NAME	20	114	133	AN	O	
9	FIRST NAME	40	134	173	AN	O	Mandatory if customer is an individual
10	SUFFIX NAME	3	174	176	AN	O	Abbreviated Name Suffix (JR, SR, etc.)
11	FEIN	9	177	185	AN	O	
12	ADDRESS	50	186	235	AN	M	
13	CITY	35	236	270	AN	M	
14	STATE	2	271	272	AN	M	
15	ZIP	5	273	277	N	M	
16	COMMERCIAL INDICATOR	1	278	278	AN	O	"Y" for commercial policies
17	FILLER	1	279	279	AN	O	
18	POLICY EXPIRATION DATE	8	280	287	N	O	Future expiration/renewal date of the current policy term. Format is YYYYMMDD.
19	FILLER	13	288	300	AN	M	Space Filled

3. Trailer Row. Each file should have one trailer row with the following fields.

Field Name	Length	Begin	End	Type	Mandatory/ Optional	Description
TYPE	2	1	2	AN	M	TR' = Trailer
RECORD COUNT	12	3	14	N	M	Record count not including Trailer Record
PROCESS DATE	8	15	22	N	M	Date the file was created – YYYYMMDD Format
FILLER	278	23	300	AN	M	Space Filled

D. BOB File Submission. Each insurance provider will be assigned an FTP account (see Section 2.5). There will be two folders under each FTP account. Place all BOB files into the BOB\_Inbound folder. All return files created by LAIVS in response to the BOB files will be placed in the BOB\_Outbound folder.

E. BOB Return Files Generated for Insurance Providers. This section describes the types of files that may be generated by LAIVS and placed in the BOB\_Outbound folder of the insurance provider. These files will inform insurance providers if their files were successfully processed or if any errors were encountered in the processing. For each BOB file submitted by the insurance provider, at least one of the following files will be generated by LAIVS:

1. OK File. If there are no errors in the BOB file submitted by the insurance provider, an OK file will be generated. The OK file name will be named *OK\_NAIC\_DatetimeStamp.pgp* (e.g. *OK\_12345\_20110806121501.pgp*).

2. Decryption Error File. This file will be generated if a PGP decryption error occurs. Decryption errors can happen for the following reasons.

a. File sent by insurance provider was not encrypted.

b. File sent by insurance provider was improperly encrypted.

c. File sent by insurance provider was encrypted using the wrong PGP key.

d. Decryption error file will be identified based on the file name prefix DE. The file will be named *DE\_NAIC\_DatetimeStamp.pgp* (e.g. *DE\_12345\_20110806121501.pgp*).

3. Reject File. This file will be generated if LAIVS cannot read the file or if the file is improperly formatted and the whole file is being rejected. The file may be rejected for the following reasons.

a. File is not formatted properly.

b. Trailer has a non-zero record count but detail records of the file are missing.

c. Length of each record (line) is not up to the length specified in this guide.

d. End of a record missing carriage return and line feed (Hexadecimal '0D 0A').

e. The reject file will contain the description of the error at the top followed by the contents of the file.

f. The reject file can be identified based on the file name prefix REJ. File will be named *REJ\_NAIC\_DatetimeStamp* (e.g. *REJ\_12345\_20110806121501.pgp*).

4. Row Error File. Row error files are generated when the overall file format sent by the insurance provider is okay but some of the rows have errors including:

- a. mandatory fields missing;
- b. invalid field formats;
- c. the row error file will contain only the records

that are in error. The remaining records sent with the original file will be processed by LAIVS and will not appear in the file. Each error record will have the original row sent by the insurance provider followed by a 3 digit Error Code. The format of the Error Code will be E followed by the Field ID of the invalid/missing field. For example, the Error Code for a row with an invalid NAIC number will be "E02". A complete list of Error Codes is provided in Appendix D;

d. the Row Error file can be identified based on the file name prefix ERR. File will be named *ERR\_NAIC\_DatetimeStamp* (e.g. *ERR\_12345\_20110806121501.pgp*);

5. VIN No-Match File. The VIN No-Match files are generated if any of the VINs submitted by the insurance provider do not match VINs of vehicles registered in LA. The VIN No-Match file will include all the records where the VIN did not match. Each record will have the original row sent by the insurance provider followed by "E05", the 3 digit Error Code indicating VIN mismatch. VIN No-Match files are sent to insurance providers for informational purposes and insurance providers are not required to take action based on these files.

a. The VIN No-Match file can be identified based on the file name prefix VIN. File will be named *VIN\_NAIC\_DatetimeStamp* (e.g. *VIN\_12345\_20110806121501.pgp*).

F. FTP Accounts and PGP Encryption. Insurance providers must send text files to LAIVS using File Transfer Protocol (FTP). FTP accounts will be created for each insurance provider after registering with LAIVS. If the insurance provider prefers, the same FTP account can be shared by providers with different NAIC numbers that are under the same insurance group. Login information and the IP addresses of the FTP servers will be provided after registration.

1. Each FTP account will have the following folders:
  - a. BOB\_Inbound;
  - b. BOB\_Outbound.

2. All files exchanged between LAIVS and insurance providers will be encrypted by the Pretty Good Privacy (PGP) digital data encryption program. Public PGP keys will be exchanged with the LAIVS Help Desk prior to exchanging insurance data. In addition, insurance providers will have the option to use SFTP (Secure File Transfer Protocol using SSH) instead of FTP for transmission layer security.

G. BOB File Testing Process. Before testing begins, each insurance provider participating in LAIVS must register on the LAIVS website as described in Section 5. After completing registration, insurance providers will be contacted by the LAIVS team to schedule a conference call to discuss the testing process and address any questions about the LAIVS reporting requirements. FTP User IDs and

passwords will be provided and public PGP keys will be exchanged. The testing process includes the following:

1. Connectivity Testing. The insurance provider should be able to connect to the designated LAIVS FTP server, log in to the insurance provider's FTP account, and transfer files to the appropriate folders. The insurance provider should be able to retrieve LAIVS return files.

2. Decryption. LAIVS should be able to successfully decrypt files. The insurance provider should be able to successfully decrypt LAIVS return files.

3. File Format. The insurance provider files should be formatted according to LAIVS requirements.

4. File Content. The insurance provider file should contain valid test data and the data elements should meet the LAIVS rules. During testing, it is not necessary to provide production data (in force policies).

5. Insurance providers must pass the above tests before submitting production data. The LAIVS team will work with insurance providers and provide information to assist in resolution of any errors.

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HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 41:2682 (December 2015).

#### **§1768. Insurance Provider Web Services**

A. All insurance providers, except those granted an exemption, are required to implement web services capable of correctly verifying the existence of mandatory insurance for vehicles registered in LA. Insurance providers covering less than 500 vehicles registered in LA are encouraged, but are not required, to provide a web service.

B. Web Service Structure. The LAIVS Online Verification client is based upon the model developed by the IICMVA that allows a jurisdiction to use web services hosted by insurance providers to verify insurance. This section describes the overall structure of the web services to be hosted by the insurance providers.

1. Web Services Description Language (WSDL) File. A WSDL file is an XML file that describes the public interface to a web service. The IICMVA has created WSDL files for Java, .Net, and Universal web service implementations. To make the verification process as fast as possible, LAIVS uses these WSDL files and does not attempt to read the WSDL file at each web service every time a verification request is initiated. LAIVS manages the endpoints, which are uniform resource locators (URLs), from a local configuration file.

2. Schema. An XML schema describes the structure of an XML message. LAIVS currently supports the ANSI ASC X12 Insurance Committee's XML schema for online insurance verification. Case is not specified in the schema. If an insurance provider has particular requirements for upper or lower case, the message payload must be converted to the required case. Also, the policy number must be converted to the required format.

3. Extensible Markup Language (XML) Messages. The XML messages for the insurance verification request and response are derived from the schema. Appendix A

contains a sample verification request message and a sample verification response message.

4. Simple Object Access Protocol (SOAP) SOAP is an XML based protocol that is used by web services to wrap around the XML messages making them platform and language independent. SOAP 1.1 is required.

5. Hypertext Transfer Protocol (HTTP) over Transmission Control Protocol/Internet Protocol (TCP/IP). The XML messages will be transported over the internet via HTTP. Verification requests will utilize HTTP 1.1 and it is strongly suggested that it be used for the verification responses as well.

6. Security. The XML messages will be encrypted via the Secure Sockets Layer (SSL). LAIVS will maintain Class 3 X.509 certificates identifying both the test and production environments. The certificate will be presented in each connection handshake so that the insurance provider can authenticate the client.

#### C. Expected Level of Service

1. Insurance providers' web services are required to respond to verification requests on a 24/7/365 basis. Although a reasonable amount of downtime to maintain and upgrade systems may occur, the web service availability, measured on a monthly basis, shall be at least 99 percent.

2. Scheduled downtime must be reported via e-mail to support@LAIVS.org as early as possible, describing the reason for the downtime, the time the web service will become unavailable, and the time it is expected to become available again.

3. Unscheduled downtime must be reported via e-mail to support@LAIVS.org immediately, describing the reason for the downtime, the time the web service became unavailable, and the estimated time it will become available again.

4. Each online LAIVS transaction should take no more than five seconds from the time that the verification request message is initiated by the user's system until the response reaches the user's system. In order to achieve the overall five second response time, each insurance provider should design its web service to provide a response within two seconds of receipt of an inquiry. Contributing factors to slow responses outside the control of the insurance providers, such as Internet response time, will be taken into account. Responses not received in a timely manner will be logged and used for evaluating the insurance provider's web services performance.

5. Accuracy is critical to the success of the program. Therefore, each insurance provider's web service must provide the correct response to an inquiry. Each web service will be monitored and tested for accurate responses, including testing for false confirmations.

#### D. The Verification Request and Response

1. LAIVS supports the current and previous versions of the IICMVA specifications and plans to include future versions as they are issued. Prior to implementation of a schema, a WSDL created from the schema must be tested and approved.

##### 2. The Verification Request

a. The verification request is sent to the appropriate insurance provider by LAIVS in the XML message format

that is valid for the schema employed by the insurance provider's web service. Verification that the request is from an authorized entity can be established from the certificate that LAIVS will present when the connection is initiated.

b. The following data elements will be in the verification request message:

i. tracking/reference number (ties the request to the response);

ii. National Association of Insurance Commissioners (NAIC) code (identifies insurance provider);

iii. vehicle identification number (VIN);

iv. policy number ("UNKNOWN" will be provided, if not available);

v. verification date. The verification date may be the current date or a date in the past. Insurance providers are required to maintain at least six months history. When a data element is required by the schema, if that data element is not available, LAIVS will send the following default value:

(a). "UNKNOWN" in any mandatory field where text is expected;

(b). zeroes in any mandatory field where numbers are expected.

#### 3. The Verification Response

a. For each verification request sent by LAIVS, a verification response is issued by the insurance provider's web service. Because of front end edits, LAIVS will not send inquiries that would result in a response from the insurance provider that the request was invalid.

b. If minimum financial responsibility coverage is present and the policy is active on the requested verification date, the insurance provider responds with the following coverage confirmation result: CONFIRMED.

c. If minimum financial responsibility coverage is not present or the policy is not active on the requested verification date, the insurance provider responds with the following coverage confirmation result: UNCONFIRMED.

d. The required data element in a verification response is:

i. ResponseCode.

e. We also recommend including the following data elements. However, these data elements are not mandatory.

i. UnconfirmedReasonCode

ii. TrackingNumber (return the number received in the verification request)

iii. NAIC

iv. VerificationDate

v. UniqueKey (policy number)

vi. PolicyState

#### E. Web Service Testing

1. Before testing begins, each insurance provider will have to register on the LAIVS website as described in Section 5. After registration is complete, the insurance provider will be contacted by the LAIVS team to schedule a conference call to discuss the testing process and address any questions about the LAIVS requirements. The following information will be collected during the call:

a. NAIC codes and the corresponding names of the underwriting insurance providers that will be responding to verification requests through the web service;

b. the web service URL(s);

c. a time frame during which insurance providers would like to conduct the testing.

2. Following the call, the insurance provider will be sent the following:

a. the SSL certificates that identify the LAIVS web service client;

b. the IP addresses that identify the source of the verification requests.

3. Although it is not required, the insurance provider can also send its SSL certificate for installation in the LAIVS trust store.

4. The testing will consist of the following steps.

a. Basic Connectivity Test. Connectivity between endpoints is tested via “ping” to ensure that endpoints are reachable.

b. Test ability to send and receive messages. Test verification requests and responses formatted in XML and wrapped in SOAP are exchanged.

c. Testing with security. The SSL encryption and authentication via the X.509 certificates will be enabled. Testing will be done to ensure that the functionality is not impacted. To properly authenticate the certificate from the jurisdiction, each insurance provider must install the public key from the jurisdiction’s certificate and the root certificate from the issuing certificate authority.

d. Test Cases and Data. LAIVS will run the Insurance provider’s Web service through a set of test cases. If required, the insurance provider will provide the data necessary for these test cases. After all the above testing has been completed, the insurance provider can make their production Web Services available to LAIVS for insurance verification.

#### F. VIN Broadcasting

1. If the VIN in the verification request message matches an insured vehicle but the policy number in the request does not match the insurance policy number, then the insurance provider’s web service should be able to indicate that the vehicle is covered (this is known as “VIN Broadcasting” or “Unknown Carrier Request”). The insurance provider can indicate that the vehicle is covered in one of the following ways:

a. Returning a value of “UNCONFIRMED” in the ResponseCode field and a value of “10” or “VIN3” in the UnconfirmedReasonCode field of the CoverageResponse document.

b. Returning a value of “CONFIRMED” in the ResponseCode field of the CoverageResponse document.

2. It is recommended that insurance provider web services support VIN broadcasting. If an insurance provider web service does not support VIN broadcasting, then they are required to provide BOB data on a weekly basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 41:2684 (December 2015).

#### §1770. Reporting by Smaller Insurance Providers

A. Smaller insurance providers providing coverage for less than 500 vehicles are not required to host insurance verification web services and report BOB files via FTP. If the smaller insurance providers are not reporting BOB files by FTP, these providers shall perform a one-time entry of all

policies via the LAIVS website. After the initial entry, these insurance providers will only be required to update their policies on the LAIVS website whenever a policy is added, modified or cancelled/expired. If there is no update to their policies, these insurance providers are required to indicate this on the LAIVS website every week.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 41:2686 (December 2015).

#### §1772. Registration Process

A. Insurance providers must register on the LAIVS website before testing with LAIVS. The LAIVS website can be accessed at <https://www.LAIVS.org>. Cookies should be enabled for the website to properly function after the user has logged in. The LAIVS website is used for user registration, account management, reporting, user management, and providing help to insurance providers.

B. Insurance Provider Registration. To register, go to the LAIVS website home page and click on the “Register” link in the menu on the left side. Self-registration is only available to insurance providers that are licensed in LA. Please follow the instructions below.

1. Fill in all the insurance provider information and functional contact details.

2. Fill in the technical contact details.

3. Fill in the compliance contact details. The compliance contact is used to verify insurance by the LAIVS help desk.

4. Provide the password in the web login section.

5. Provide a secret question and answer which will be used with the forgot password functionality.

C. After the insurance provider submits the registration request, the web account is created and the LAIVS team will review and verify it. If the registration requirements are not met, the contact information submitted during registration will be used to notify the registrant and collect any missing/incorrect information. Once verification is complete, the insurance provider will be contacted by a LAIVS representative to start the testing process.

D. Accessing Help. The LAIVS website help function is available to users at all times and does not require the user to log in to the website. In order to get help, click on the “help” link from the left menu on any screen. The following information is available through the help function:

1. Users can download the latest version of the LAIVS Implementation Guide that provides detailed information on interacting with LAIVS.

2. A frequently asked questions section will be populated based on queries that the LAIVS help desk receives most often.

3. If these sources listed above are not sufficient, click on the “contact” link to write an email to the LAIVS help desk. The LAIVS help desk can be contacted directly at [support@LAIVS.org](mailto:support@LAIVS.org).

E. Login for Registered and Approved Insurance Provider Users. The insurance provider must be registered with the LAIVS website and the account must be activated before a user can log in. To log in, enter the user name and password on the LAIVS website home page and then click the login button.

F. Insurance Provider Profile Management. Once logged in, the user can click on the Account Information link to access the provider profile information. The user can change the address, contact, and password information.

G. Insurance Provider Reports. This section will provide reports that will allow the insurance providers to determine the processing status of the files that were submitted. Users will be able to sort and search by the various fields in the reports, and will also be able to export data to Microsoft Excel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 41:2686 (December 2015).

**§1774. Support**

A. Insurance providers with questions about LAIVS or needing any clarification about information provided in this guide should send an email to support@LAIVS.org.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 41:2687 (December 2015).

**§1776. Appendix A—Sample Verification Request and Response Messages**

A. Please Note. The sample request and response messages included in this guide are for illustrative purposes and do not necessarily reflect the latest version. Prior to implementation of a schema, a WSDL created from the ICMVA schema must be tested and approved.

**1. Sample Verification Request Message**

```
<?xml version="1.0" encoding="UTF-8"?>
<soapenv:Envelope
xmlns:soapenv="http://schemas.xmlsoap.org/soap/envelope/"
xmlns:xsd="http://www.w3.org/2001/XMLSchema"
xmlns:xsi="http://www.w3.org/2001/XMLSchema-instance">
  <soapenv:Body>
    <CoverageRequest
xmlns="http://www.icmva.com/CoverageVerification/"
PublicationVersion="00200809" PublicationDate="2008-11-05">
      <RequestorInformation>
        <Organization>
          <Name>LAIVS</Name>
        </Organization>
        <ReasonDetails>
          <ReasonCode>BIVER</ReasonCode>
          <TrackingNumber>CTTRK-150219-144041-4-31-101-85-
1</TrackingNumber>
        </ReasonDetails>
      </RequestorInformation>
      <Detail>
        <PolicyInformation>
          <OrganizationDetails>
            <NAIC>12345</NAIC>
          </OrganizationDetails>
          <PolicyDetails>
            <VerificationDate>2015-02-19T00:00:00.000</VerificationDate>
            <PolicyKey>UNKNOWN</PolicyKey>
            <PolicyState>CT</PolicyState>
          </PolicyDetails>
          </PolicyInformation>
          <VehicleInformation>
            <VehicleDetails>
              <VIN>VINTEST123</VIN>
            </VehicleDetails>
          </VehicleInformation>
        </Detail>
      </CoverageRequest>
```

```
</soapenv:Body>
</soapenv:Envelope>
```

**2. Sample Verification Response Message**

```
<?xml version="1.0" encoding="UTF-8"?>
<SOAP-ENV:Envelope
xmlns:xsd="http://www.w3.org/2001/XMLSchema" xmlns:SOAP-
ENV="http://schemas.xmlsoap.org/soap/envelope/"
xmlns:xsi="http://www.w3.org/2001/XMLSchema-instance" xmlns:SOAP-
ENC="http://schemas.xmlsoap.org/soap/encoding/">
  <SOAP-ENV:Body>
    <CoverageResponseDocument PublicationVersion="00200809"
PublicationDate="2008-11-05"
xmlns="http://www.icmva.com/CoverageVerification/">
      <RequestorInformation>
        <!-- this section can be echoed from the request -->
        <Organization>
          <Name>LAIVS</Name>
        </Organization>
        <ReasonDetails>
          <ReasonCode>BIVER</ReasonCode>
          <TrackingNumber>CTTRK-150219-144041-4-31-101-85-
1</TrackingNumber>
        </ReasonDetails>
      </RequestorInformation>
      <Detail>
        <PolicyInformation>
          <CoverageStatus>
            <ResponseDetails>
              <ResponseCode>Unconfirmed</ResponseCode>
              <UnconfirmedReasonCode>VIN1</UnconfirmedReasonCode>
            </ResponseDetails>
          </CoverageStatus>
          <OrganizationDetails>
            <NAIC>12345</NAIC>
            <!-- this can be echoed from the request or provide the actual NAIC that
has evidence of coverage -->
          </OrganizationDetails>
          <PolicyDetails>
            <!-- this section can be echoed from the request -->
            <VerificationDate>2015-02-19T00:00:00.000</VerificationDate>
            <PolicyKey>UNKNOWN</PolicyKey>
            <PolicyState>CT</PolicyState>
          </PolicyDetails>
          </PolicyInformation>
        </Detail>
      </CoverageResponseDocument>
    </SOAP-ENV:Body>
  </SOAP-ENV:Envelope>
```

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 41:2687 (December 2015).

**§1778. Appendix B: Unconfirmed Reason Codes**

A. Original Unconfirmed Reason Codes from ASC X12 Schema

1	Incorrect Data Format
2	Missing Unique Key
3	Missing NAIC Code
4	Missing VIN
5	Missing Verification Date
6	Unauthorized Requestor
7	System Cannot Locate Unique Key Information
8	System Found Unique Key - No Coverage on Date
9	System Found Unique Key - VIN Cannot Be Verified
10	System Found VIN - Unique Key Cannot Be Verified
11	System Cannot Locate Policy Information - Manual Search In Progress
12	System Unavailable

B. Newer Unconfirmed Reason Codes from ASC X12 Schema 00200706 and Later

IDF	Incorrect Data Format
SYSU	System Unavailable
UREQ	Unauthorized Requestor
NAIC1	NAIC Code Not Submitted
NAIC2	System Cannot Locate NAIC
PKEY1	Policy Key Not Submitted
PKEY2	System Cannot Locate Policy Key Information
PKEY3	System Found Policy Key - Coverage on Verification Date Cannot Be Confirmed
PKEY4	System Found Policy Key - VIN Cannot Be Verified
POL1	System Cannot Locate Policy Information - Manual Search in Progress
VDT1	Coverage on Verification Date Cannot Be Confirmed
VDT2	Verification Date Not Submitted
VIN1	System Cannot Locate VIN
VIN2	System Found VIN - Coverage on Verification Date Cannot Be Confirmed
VIN3	System Found VIN - Policy Key Cannot Be Verified
VIN4	VIN Not Submitted

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 41:2687 (December 2015).

**§1780. Appendix C: Vehicle Types to be Reported**

Vehicle Type	Should be reported to LAIVS?
Antique	Yes
ATV	No
Boat	No
Bus	Yes
Golf Cart	Yes
Mini Truck	Yes
Mobile Home/House Trailer	No
Motorcycle	Yes
Motor Home	Yes
Passenger	Yes
Semi-Trailer	No
Trailer	No
Truck	Yes
Truck Tractor	Yes
Trike	Yes
Van	Yes

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 41:2688 (December 2015).

**§1782. Appendix D: Error Codes in Row Error Files**

Error Code	Field Id	Field Name
E01	1	POLICY TYPE
E02	2	NAIC
E03	3	POLICY NUMBER
E04	4	EFFECTIVE DATE
E05	5	VIN
E06	6	LAST NAME or ORGANIZATION
E07	7	PREFIX NAME ABBR
E08	8	MIDDLE NAME
E09	9	FIRST NAME
E10	10	SUFFIX NAME
E11	11	FEIN

Error Code	Field Id	Field Name
E12	12	ADDRESS
E13	13	CITY
E14	14	STATE
E15	15	ZIP
E16	16	COMMERCIAL INDICATOR
E18	18	POLICY EXPIRATION DATE

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 41:2688 (December 2015).

**§1784. Appendix E: Definitions**

*Book of Business (BOB)*—a file that must be submitted to LAIVS at least once a calendar month that includes specified policy, vehicle, and customer information for all active policies with minimum liability coverage. Insurance providers who are not hosting a web service or whose web services do not support VIN broadcasting must provide BOB data on a weekly basis.

*Decryption Error File*—this file will be generated if a PGP decryption error occurs. Decryption errors can happen for the following reasons: the file sent by insurance provider was not encrypted, the file sent by insurance provider was improperly encrypted, or the file sent by insurance provider was encrypted using the wrong PGP key.

*DPS*—Louisiana Department of Public Safety.

*Fleet Policy*—a policy insuring a business with a fleet of five or more vehicles registered in Louisiana for which VIN information is not maintained on each vehicle. However, if the insurance provider does maintain the VIN of each vehicle within the fleet, the filing must be reported on a vehicle-by-vehicle basis.

*FTP (File Transfer Protocol)*—standard network protocol used to transfer computer files from one host to another host over a TCP-based network.

*IICMVA*—Insurance Industry Committee on Motor Vehicle Administration.

*LSP*—Louisiana State Police.

*NAIC Number*—the number issued by the National Association of Insurance Commissioners to licensed and affiliated insurance providers across the U.S.

*OK File*—If there are no errors in the BOB file submitted by the insurance provider, an OK file will be generated.

*OMV*—Louisiana Office of Motor Vehicles.

*Reject File*—this file will be generated if LAIVS cannot read the file or if the file is improperly formatted and the whole file is being rejected. The file may be rejected for the following reasons: the file is not formatted properly, the trailer has a non-zero record count but detail records of the file are missing, the length of each record (line) is not up to the length specified in the guide, the end of a record missing carriage return and line feed (Hexadecimal '0D 0A').

*Row Error File*—row error files are generated when the overall file format sent by the insurance provider is okay but some of the rows have errors including mandatory fields missing and invalid field formats. The row error file will contain only the records that are in error. The remaining records sent with the original file will be processed by LAIVS and will not appear in the file. Each error record will have the original row sent by the insurance provider

followed by a 3 digit Error Code. The format of the Error Code will be E followed by the Field ID of the invalid/missing field. For example, the Error Code for a row with an invalid NAIC number will be "E02".

*VIN Broadcasting*—if the VIN in the verification request message matches an insured vehicle but the policy number in the request does not match the insurance policy number, then the insurance provider's web service should be able to indicate that the vehicle is covered. This is known as "VIN broadcasting" or "unknown carrier request".

*VIN No-Match File*—the VIN No-Match files are generated if any of the VINs submitted by the insurance provider do not match VINs of vehicles registered in LA. The VIN No-Match file will include all the records where the VIN did not match. Each record will have the original row sent by the insurance provider followed by "E05", the 3 digit error code indicating VIN mismatch.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 41:2688 (December 2015).

#### **§1786. Model User Guide for Implementing Online Insurance Verification**

A. The Department of Public Safety and Corrections, Office of Motor Vehicles, hereby adopts by reference, the *Model User Guide for Implementing Online Insurance Verification - Using Web Services to verify evidence of auto liability insurance*, version 5.0 April 18, 2012, by the Insurance Industry Committee on Motor Vehicle Administration, effective date: August 20 2015, hereinafter referred to as the model user guide.

B. A copy of the model user guide shall be on file at the Office of State Register, Divisions of Administration, Third Street, Baton Rouge, LA 70802, and copies are available at the Office of Motor Vehicles Headquarters, 7979 Independence Blvd., Ste. 301, Baton Rouge, LA 70806 or P.O. Box 64886, Baton Rouge, LA 70896. A copy is also available at the following link: [http://ola.dps.louisiana.gov/News\\_PDFs/Financial%20Responsibility%20Model%20UserGuide%20V1.pdf](http://ola.dps.louisiana.gov/News_PDFs/Financial%20Responsibility%20Model%20UserGuide%20V1.pdf)

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 41:2689 (December 2015).

#### **§1788. Invalid Vehicle Type-Use**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2856 (December 2004), repealed LR 41:2689 (December 2015).

#### **§1789. Declaratory Orders and Rulings**

Repromulgated as § 1757.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1780 (September 1998), repromulgated LR 30:2856 (December 2004), repealed LR 41:2689 (December 2015).

#### **§1790. Identification Card Specifications**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2856 (December 2004), repealed LR 41:2689 (December 2015).

#### **§1792. Proof of Liability Security**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2858 (December 2004), repealed LR 41:2689 (December 2015).

Jill P. Boudreaux  
Undersecretary

1512#085

### **RULE**

#### **Department of Revenue Office of Alcohol and Tobacco Control**

##### **Caterer's Permits (LAC 55:VII.325)**

Under the authority of R.S. 26:793 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Office of Alcohol and Tobacco Control, has amended LAC 55:VII.325 relative to caterer's permits.

The amendment to the above-Referenced Rule is offered under the authority delegated by R.S. 26:793 to provide for a class A-caterer's permit for persons who hold a written concessions agreement to provide food and beverage concession services at any arena, stadium, race track, amphitheater, auditorium, theater, civic center, convention center, or similar facility that is primarily designed and used for live artistic, theatrical, cultural, educational, charitable, musical, sporting, nationally sanctioned automobile or horse racing or entertainment events.

#### **Title 55**

#### **PUBLIC SAFETY**

#### **Part VII. Alcohol and Tobacco Control**

#### **Subpart 1. Beer and Liquor**

#### **Chapter 3. Liquor Credit Regulations**

#### **§325. Caterer's Permits**

A. The Office of Alcohol and Tobacco Control may issue a class A-caterer's permit to persons who meet the qualifications and criteria of either Paragraph 1, 2, 3 or 4 below.

1. - 3.c. ...

4. Persons who do not otherwise qualify for a retail dealer permit pursuant to the provisions of R.S. 26:71.1 or R.S. 26:271.2, but who hold a written concessions agreement to provide food and beverage concession services at any arena, stadium, race track, amphitheater, auditorium, theater, civic center, convention center, or similar facility that is primarily designed and used for live artistic, theatrical, cultural, educational, charitable, musical, sporting, nationally sanctioned automobile or horse racing or

entertainment events will be allowed to obtain a class A-caterer's permit for the premises under all of the following conditions.

a. The permit holder must have a written concession agreement to provide food and beverages concession services from the owner, operator or lessee of the premises. The written concession agreement shall contain an affirmative provision disavowing the right of any party to engage in conduct prohibited by the alcoholic beverage control laws and regulations.

b. The permit holder must not be owned, in whole or in part, by the owner, operator, lessee, subsidiary, agent, or company managing the premises.

c. The permit holder must not own, in whole or part, or manage the premises.

d. The permit holder shall receive no monetary benefit, directly or indirectly, by any scheme or device or in any form or degree from the alcoholic beverage industry including a benefit in the form of capital improvements, furniture, fixtures, equipment or supplies except as provided in Subsection C of this Section, unless otherwise allowed in the alcoholic beverage control laws and regulations. The provision and use of indoor or outdoor signs, or other advertising or marketing products, including mobile dispensing equipment, logo or other branding of an alcoholic beverage manufacturer or wholesaler pursuant to an advertising or sponsorship agreement with the owner, operator, promoter, lessee party with a right of use or management company of the premises, and the use of proceeds of a manufacturer's or wholesaler's purchase of indoor or outdoor signs or other advertising and marketing products or rights from the owner, operator, promoter, lessee, party with a right of use or management company of the premises, shall not be construed to be a direct or indirect monetary benefit to the permit holder.

e. The permit holder shall not receive any direct monetary benefit from advertising, promotional or sponsorship revenues generated by operation of the premises.

f. The owner, operator, lessee, subsidiary, agent or company managing the premises nor any alcoholic beverage manufacturer or wholesaler or agent thereof shall not, directly or indirectly, control the quantity or brand of alcoholic beverages bought, sold or served by the holder of the class A-caterer permit.

g. This class A-caterer's permit shall not be utilized to sell, serve or otherwise engage in business as an alcoholic beverage dealer at any premises where the primary purpose is the sale of food or alcoholic beverages, including, but not limited to, a bar, nightclub, restaurant, hotel, bowling alley, pool hall, or dance hall, or any premises that derives 75 percent or more of its gross revenue from the on-premise sale of alcoholic beverages.

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

4. A class A—caterer issued under Paragraphs 1, 2 and 3 of Subsection A of this Section must provide the Office of Alcohol and Tobacco Control with written notice of the date, time, and place of each catered event at least one week prior to the date of the event.

B.5. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:793.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Alcoholic Beverage Control, LR 19:904 (July 1993), amended by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 26:2631 (November 2000), LR 34:1633 (August 2008), LR 41:2689 (December 2015).

Troy Hebert  
Commissioner

1512#022

## RULE

### Department of Transportation and Development Professional Engineering and Land Surveying Board

Waiver of the Fundamentals of Engineering Examination  
and Personal References (LAC 46:LXI.1303 and 1701)

Under the authority of the Louisiana professional engineering and land surveying licensure law, R.S. 37:681 et seq., and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Professional Engineering and Land Surveying Board has amended its rules contained in LAC 46:LXI.1303 and 1701.

This is a technical revision of existing rules under which LAPELS operates. The revisions include the repeal of the rule regarding waivers of the fundamentals of engineering examination and a clarification of who is prohibited from serving as a personal reference for an applicant for licensure.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LXI. Professional Engineers and Land Surveyors Chapter 13. Examinations

#### §1303. Waiver of the Fundamentals of Engineering Examination

Repealed.

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 4:88 (March 1978), amended LR 5:113 (May 1979), LR 6:735 (December 1980), LR 7:647 (December 1981), LR 10:805 (October 1984), LR 14:449 (July 1988), LR 17:804 (August 1991), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1030 (July 2001), LR 30:1714 (August 2004), LR 32:1620 (September 2006), LR 39:2282 (August 2013), repealed LR 41:2690 (December 2015).

#### Chapter 17. Applications and Fees §1701. Applications

A. ...

B. Applications for licensure as a professional engineer or professional land surveyor shall be completed on the most current forms developed by the board. The application shall contain statements showing the applicant's qualifications, and the names and addresses of five personal references. None of the five personal references can be an immediate family member or business associate of the applicant. For

purposes of this §1701.B, immediate family member is defined as a spouse, child, spouse of a child, sibling, spouse of a sibling, sibling of a spouse, parent, parent of a spouse, stepparent or stepchild. For purposes of this §1701.B, business associate is defined as a subordinate of the applicant, or a consultant or contractor who provides goods or services to the applicant or to a business, entity or agency in which the applicant is an owner, member, officer, director, trustee, partner, principal, manager, employee, associate, consultant or contractor. Three or more of the five personal references furnished by an applicant for licensure as a professional engineer shall be professional engineers holding valid licenses to engage in the practice of engineering issued to them by proper authority of a state, territory, or possession of the United States, or the District of Columbia. Three or more of the five personal references furnished by an applicant for licensure as a professional land surveyor shall be professional land surveyors holding valid licenses to engage in the practice of land surveying issued to them by proper authority of a state, territory, or possession of the United States, or the District of Columbia. Engineering experience shall be verified by a person having direct knowledge of the quality of the applicant's engineering work, preferably a professional engineer holding a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia. Land surveying experience shall be verified by a person having direct knowledge of the quality of the applicant's land surveying work, preferably a professional land surveyor holding a valid license to engage in the practice of land surveying issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia.

C. - H. ...

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 5:112 (May 1979), amended LR 5:365 (November 1979), LR 7:646 (December 1981), LR 11:362 (April 1985), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1032 (July 2001), LR 30:1717 (August 2004), LR 37:2414 (August 2011), LR 38:2565 (October 2012), LR 39:2283 (August 2013), LR 41:2690 (December 2015).

Donna D. Sentell  
Executive Director

1512#052

## **RULE**

### **Workforce Commission**

#### **Office of Workers' Compensation Administration**

Complaints Concerning Judicial Conduct, Investigations  
(LAC 40:I.5534)

The Louisiana Workforce has amended LAC 40:I.5534. This Rule is promulgated by the authority vested in the director of the Office of Workers' Compensation found in

R.S. 23:1291 and R.S. 23:1310.1(C). It provides for an orderly procedure by which complaints concerning the conduct of workers' compensation judges are submitted to and investigated by the OWC.

## **Title 40**

### **LABOR AND EMPLOYMENT**

#### **Part I. Workers' Compensation Administration**

##### **Subpart 3. Hearing Rules**

##### **Chapter 55. General Provisions**

##### **Subchapter F. Power and Authority**

##### **§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 director in writing, and shall include:

1. the complainant's full name, address, and telephone number;
2. the judge's name and assigned court;
3. a statement detailing the alleged misconduct or disability, including all underlying facts and the names and addresses of any persons having knowledge relevant to the complaint, and if known, the particular judicial cannons, rules of professional conduct, Civil Service rules, or other rules allegedly violated;
4. copies of any pleadings, orders, judgments, or other documents relevant to the complaint;
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, or by certified mail.

B. Upon receipt of the complaint, the director 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 director 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 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 director 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. Nothing herein shall prevent a complainant from seeking any other remedy allowed by law.

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).

Curt Eysink  
Executive Director

1512#005

**RULE**

**Workforce Commission  
Office of Workers' Compensation Administration**

Electronic Billing (LAC 40:I.311)

The Louisiana Workforce Commission has amended LAC 40:I.311.H. This Rule is promulgated by the authority vested in the director of the Office of Workers' Compensation found in R.S. 23:1291 and R.S. 23:1310.1(C). It provides a time limit by which payment for all uncontested medical bills must be paid.

**Title 40**

**LABOR AND EMPLOYMENT**

**Part I. Workers' Compensation Administration**

**Subpart 1. General Administration**

**Chapter 3. Electronic Billing**

**§311. Employer, Insurance Carrier, Managed Care Organization, or Agents' Receipt of Medical Bills from Health Care Providers**

A. - G. ...

H. Payment of all uncontested portions of a complete medical bill shall be made within 30 calendar days of receipt of the original bill, or receipt of additional information requested by the insurance carrier allowed under the law. Amounts paid after this 30 calendar day review period shall be subject to R.S. 23:1201(F).

I. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1203.2.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers' Compensation, LR 37:3546 (December 2011), amended by the Workforce Commission, Office of Workers' Compensation Administration, LR 41:2692 (December 2015).

Curt Eysink  
Executive Director

1512#004

**RULE**

**Workforce Commission  
Office of Workers' Compensation Administration**

Proper Venue (LAC 40:I.5515)

The Louisiana Workforce Commission has amended LAC 40:I.5515. This Rule is amended by the authority vested in the director 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 D. Venue**

**§5515. Proper Venue**

A. Proper venue in a workers' compensation claim shall be governed by R.S. 23:1310.4.

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 25:265 (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).

Curt Eysink  
Executive Director

1512#003

# Notices of Intent

## NOTICE OF INTENT

### Department of Agriculture Forestry Office of Agricultural and Environmental Sciences

Pesticides  
(LAC 7:XXIII.103, 307, 309, 727, 1101 and 1103)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Department of Agriculture and Forestry (“department”), through the Office of Agricultural and Environmental Sciences, intends to amend LAC 7:XXIII.103, 307, 309, 727, 1101 and 1103. The proposed Rule changes add a definition for the term ‘drift’ and a regulation that prohibits drift. The proposed rules add a procedure for requests for the adoption, amendment or repeal of a Rule. The proposed rules add a procedure for declaratory orders and rulings relating to rules. Under the proposed rules, restrictions on the application of certain herbicide classes during specific months and in specific areas of Louisiana are proposed to be changed. In addition, the restriction on cash sales of methyl parathion is proposed to be deleted.

#### Title 7.

### AGRICULTURE AND ANIMALS

#### Part XXIII. Pesticides

### Chapter 1. Authority, Pesticide Declarations, Definitions

#### §103. Definitions

A. ...

B. The following words and terms are defined for the purposes of this Part

\* \* \*

*Division*—the Division of Pesticide and Environmental Programs in the Office of Agricultural and Environmental Sciences of the department.

*Drift*—the physical movement of pesticides either in particulate, liquid or vapor form beyond the target area where the pesticide was applied.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3202 and 3:3203.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:171 (April 1983), amended by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 15:76 (February 1989), LR 27:2085 (December 2001), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, Advisory Commission on Pesticides, LR 35:626 (April 2009), amended by Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 37:3466 (December 2011), by Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 38:3103 (December 2012), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, Advisory Commission on Pesticides LR 42:

## Chapter 3. Advisory Commission on Pesticides

### §307. Requests for Adoption, Amendment or Repeal of a Rule

A. Any interested person may, pursuant to R.S. 49:953(C), request the commissioner adopt, amend, or repeal a rule (“rule change”) that the commissioner has the authority to make.

B. A request for a rule change shall be in writing, be signed by the person making the request, and shall contain the following information:

1. A statement of whether the requested rule change involves the adoption, amendment, or repeal of a rule, or any combination thereof.

2. A citation to the existing rule for which an amendment or repeal is being requested or a statement that the rule will be a new rule, if proposed for adoption.

3. A draft of the proposed wording of the requested rule change or a statement detailing the content of the requested rule change.

4. A statement of why the request is being made.

5. A simple, concise and direct statement of the material facts that the requesting party believes support the requested rule change.

6. A statement of who would benefit from the requested rule change and how they would be benefited if not already included in any of the previously required statements.

7. If known, the specific citation to any statute(s) that specifically relates to the content of the requested rule change.

8. The name, address, telephone number, and, if available, a fax number and e-mail address of the person making the request.

9. A request that does not comply with the Paragraphs in this Subsection shall be returned to the requesting party with an attached statement explaining why the request is incomplete.

C. The written request for a rule change shall be addressed to the Director of the Advisory Commission on Pesticides and shall be mailed or hand delivered to 5825 Florida Boulevard, Suite 3003, Baton Rouge, LA 70806.

D. The request for a rule change shall be presented to the commissioner for due consideration.

1. The commissioner or an officer of the department statutorily authorized to make the rule change may make a decision regarding the requested rule change without the necessity of meeting with the requesting party in person.

a. A decision will be made within 30 days of receipt of the written request unless referred to the commission as provided in Paragraph 2 of this Subsection or unless taken under consideration.

b. The requesting party shall be notified in writing or by electronic means of the commissioner’s decision.

2. The commissioner may direct that the request for a rule change be presented to the commission for review and

recommendation. In such case, the request shall be presented to the commission at its next regularly scheduled meeting. If the next regularly scheduled meeting is more than thirty days from the date the request for a rule change was received by the department, the chairman of the commission may call a special meeting for the purpose of hearing the request. The proposed rule change shall be reviewed by the agency's staff which may participate in any discussion and make any recommendations to the commission that the staff deems proper.

a. Notice of the meeting and the placement of the request on the agenda shall be provided to the person submitting the request at least 10 days prior to the meeting.

b. Failure of the requesting party to attend the meeting for purposes of discussing the proposed rule change may be cause for the request to be denied.

c. The commission may take the matter under consideration or defer action pending further information. If the matter is taken under consideration or action is deferred, then it will be taken up again at the next regularly scheduled meeting of the agency.

d. The commission shall make a recommendation to the commissioner on the request for a rule change. The person requesting the rule change shall be notified in writing or by electronic means of the commissioner's decision.

E. The agency, in its review of the requested rule change, shall be exercising its rulemaking powers under the Administrative Procedure Act (R.S. 49:950, *et seq.*) and its decision shall be a discretionary exercise of its rulemaking powers and shall not be a "decision" or "order" as defined in the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203 and R.S. 49:953.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 37:3467 (December 2011), amended LR 42:

### **§309. Procedure for Declaratory Orders and Rulings**

A. This rule provides for the filing and prompt disposition of petitions or requests for declaratory orders and rulings as to the applicability of any statutory provision or as to the applicability or validity of any rule or order of the agency, as required by R.S.49:962 and 49:963(D) of the Administrative Procedure Act.

B. No technical form of making a request is required but a request for a declaratory order or ruling shall be made in writing, shall be signed by the person making the request, and shall contain the following information:

1. A citation to the specific statutory provision, rule or order that will be the subject of the declaratory order or ruling.

2. A simple, concise, and direct statement of the material facts that the requesting party believes the agency should be aware of in making a determination.

3. A concise statement of why the declaratory order or ruling is being requested.

4. A short, simple and direct statement of how the requesting party would like the agency to rule.

5. A short, simple, and direct statement of the statute, cases, opinions, or other legal authority that the requesting party believes support the requested declaratory order or ruling.

6. A list of all persons that the requesting party may call to testify and a list of all documents that may be submitted as evidence, if the agency decides to hear testimony and take evidence.

7. The name, address, telephone number, and, if available, a fax number and e-mail address of the person making the request. This information shall be either printed on any letterhead or provided in the written request in legible form.

8. A request that does not comply with the Paragraphs in this Subsection shall be returned to the requesting party with an attached statement explaining why the request is incomplete.

C. A written request for a declaratory order or ruling shall be addressed to the Director of the Advisory Commission on Pesticides and shall be mailed or delivered to 5825 Florida Boulevard, Suite 3003, Baton Rouge, LA 70806.

D. The request for a declaratory order or shall be referred by the commissioner to the commission for review and recommendation. The commission shall consider the request as follows:

1. The request for a declaratory order shall be presented to the commission at its next regularly scheduled meeting that is more than 30 days after the request is received unless the department's staff determines that the matter can be fairly heard at a meeting that is scheduled to be held less than 30 days after the request is received.

2. Notice of the meeting and the placement of the request on the agenda shall be provided at least 10 days prior to the meeting to the person submitting the requesting party.

3. Failure of the requesting party to attend the meeting for purposes of presenting the matter to the agency may be cause for the request to be denied.

4. The requesting party and the department may both call witnesses and present documentary evidence in regard to the matter. The administrative proceeding shall be conducted in accordance with the Administrative Procedure Act. The administrative proceeding shall be recorded and the decision of the agency shall be based on the record and evidence presented.

5. The commission may take the matter under consideration or defer action pending further information.

6. The commission shall make a recommendation to the commissioner. The person requesting the declaratory meeting shall be notified in writing of the commissioner's decision.

E. Judicial review of any declaratory order or ruling of the department shall be as provided by the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 49:962 and R.S. 49:953.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 42:

## **Chapter 7. Examinations, Certification and Licensing**

### **Subchapter C. Licensing Requirements**

#### **§727. Pesticides Dealers; Restrictions on Cash Sales**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203 and R.S. 3:3252 (A)(8).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 19:609 (May 1993), repromulgated by Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 37:3477 (December 2011), repealed LR 42:

**Chapter 11. Regulations Governing Application of Pesticides**

**§1101. General Requirements**

A. - H. ...

I. No person shall make an application of any pesticide to a target site in such a manner or under such conditions that drift of the pesticide, which is avoidable through reasonable precautions, infringes on a non-target site.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:189 (April 1983), amended LR 10:196 (March 1984), amended by Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 37:3477 (December 2011) amended LR 42:

**§1103. Restrictions on Application of Certain Pesticides**

A. - A.3. ...

B. The following pesticides may not be applied by commercial applicators during the times set forth in this Rule in the areas listed in §1103.C, D and E.

Chemical Name	Common Name
1. 4-amino-3, 5,6-trichloro-picolinic acid	Picloram
2. Arsenic trioxide	---
3. 3-chlorophenoxy-alpha-propionamide	3-CPA
4. 4-chlorophenoxy acetic acid	4-CPA
5. 2,4-dichlorophenoxy acetic acid (all salts, all formulations)	2,4-D
6. 4-(2,4-dichlorophenoxy) butyric	2,4-DB
7. 2-methoxy-3, 6-dichlorobenzoic acid (all salts, all formulations)	Dicamba
8. 2-methyl-4-chlorophenoxyacetic acid	2, 4-MCPA
9. 4-(2 methyl-4-chlorophenoxy) butyric acid	---
10. 2-(2 methyl-4-chlorophenoxy)	2-MCPP
11. Arsenic acid	Arsenic

C. The pesticides listed in §1103.B shall not be applied by commercial applicators between April 1 and September 15 in the following parishes, unless a waiver has been granted pursuant to §1107:

1. Avoyelles;
2. Bossier;
3. Caddo;
4. Caldwell;
5. Catahoula;
6. Concordia;
7. DeSoto;
8. East Carroll;
9. Evangeline;
10. Franklin;
11. Grant;
12. LaSalle;
13. Madison;
14. Morehouse;
15. Natchitoches;
16. Ouachita;
17. Pointe Coupee;

18. Rapides;
19. Red River;
20. Richland;
21. St. Landry;
22. St. Martin;
23. Tensas;
24. West Carroll;
25. Winn.

D. The pesticides listed in §1103.B shall not be applied by commercial applicators between March 1 and June 15 in the area between the Mississippi River and Highway 61 in the parishes of St. James and St. John the Baptist.

E. The pesticides listed in §1103.B shall not be applied by commercial applicators in the parish of Plaquemines.

F. No commercial applicator may make application of the products listed in §1103.B and the following pesticides when the wind speed is at 10 miles per hour or above:

1. 3<sup>1</sup>4<sup>1</sup>-Dichloropropionanilide—Propanil;
2. 1:1-Dimethyl-4, 41-Bipyridinium (cation)—Paraquat;
3. Isopropylamine salt of glyphosate—Glyphosate and other salts of glyphosate;
4. Glufosinate-ammonium

G. - N. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3242 and R.S. 3:3249.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:189 (April 1983), amended LR 10:196 (March 1984), LR 11:219 (March 1985), LR 11:942 (October 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:953 (September 1992), LR 19:1119 (September 1993), LR 21:668 (July 1995), LR 24:281 (February 1998), LR 24:2076 (November 1998), LR 26:1428 (July 2000), LR 26:1966 (September 2000), LR 27:279 (March 2001), LR 27:1672 (October 2001), LR 33:1855 (September 2007), LR 35:628 (April 2009), LR 36:1980 (September 2010), LR 37:269 (January 2011), LR 37:809 (March 2011), amended by Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 37:3478 (December 2011), amended by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 38:1556 (July 2012), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, Advisory Commission on Pesticides, LR 42:

**Family Impact Statement**

The proposed Rule does 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 does 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 Statement**

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

**Provider Impact Statement**

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to Kevin Wofford, Department of Agriculture and Forestry, 5825 Florida Blvd., Suite 3003, Baton Rouge, LA 70806 and must be received no later than 12 p.m. on the 4th day of February 2016. No preamble is available regarding the proposed regulations.

Mike Strain, DVM  
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Pesticides**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes to Rule 307 and 309 affect the Advisory Commission on Pesticides and may result in a marginal increase of expenditures for the LA Department of Agriculture and Forestry (LDAF). Rule 307 adds procedures for the adoption, amendment or repeal of an administrative rule proposed by interested persons outside LDAF required by LA R.S. 49:953(C) and Rule 309 adds procedures for declaratory orders and rulings for interested persons outside LDAF pursuant to LA R.S. 449:953(A)(3) and LA R.S. 49:962. To the extent persons submit requests pursuant to Rule 307 and Rule 309, LDAF may incur a marginal cost increase related to the review of the proposed rules and declaratory judgments.

The proposed changes to Rules 103, 727, and 1103 are technical in nature and will not result in any costs or savings to state or local governmental units.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule changes will have no effect on revenue collections for state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Interested persons wishing to file administrative rules or declaratory judgments with the Advisory Commission on

Pesticides pursuant to the proposed amendments to Rules 307 and 309 may incur indeterminable costs related to filing the rules or judgments with LDAF.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule changes will have no effect on competition and employment.

Dane Morgan  
Assistant Commissioner  
1512#064

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Agriculture and Forestry  
Office of Animal Health and Food Safety  
Board of Animal Health**

Feral Swine  
(LAC 7: XXI.1301, 1311, 1312 and 1321)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Department of Agriculture and Forestry (“Department”), through the Office Animal Health and Food Safety, and the Board of Animal Health intends to amend LAC 7:XXI.1301, 1311, 1312 and 1321 relative to feral swine (*Sus scrofa*) in Louisiana. Louisiana’s feral swine population is estimated at 500,000. Feral swine are known carriers of a number of diseases that can infect humans and livestock, including swine brucellosis, leptospirosis, salmonellosis, toxoplasmosis, sarcoptic mange, Escherichia coli-related illness, trichinosis, vesicular stomatis and classical swine fever. The proposed regulations are an attempt to control the spread of diseases by feral swine and are adopted pursuant to R.S. 3:2135, which gives the Board of Animal Health “plenary powers to deal with all contagious and infectious diseases of animals as in the opinion of the board may be prevented, controlled, or eradicated” including the “full power to make, promulgate, and enforce such rules and regulations as in the judgment of the board may be necessary to control, eradicate, and prevent the introduction of contagious and infectious diseases of animals.”

**Title 7  
AGRICULTURE AND ANIMALS  
Part XXI. Animals and Animal Health  
Chapter 13. Swine  
(Formerly Chapter 9)  
Subchapter A. General Provisions  
§1301. Definitions**

A. For purposes of this Chapter, the following words shall have the following meanings unless the context clearly indicates otherwise.

*Approved Holding Facility*—A pen or pens approved by LDAF to temporarily hold feral swine pending movement to a recognized slaughter facility or reclassification

*Domestic Swine*—Swine (*Sus scrofa*) other than feral swine.

*Feral Swine*—any hog, pig, or swine species (*Sus scrofa*) including, but not limited to, Russian and European wild boar and their hybrids that are running at large, free roaming, or wild upon public or private lands in this state, and shall also include any hog, pig, or swine species that has lived any part of its life running at large, free roaming, or

wild. The term feral swine shall also include any feral phenotype swine, whether or not running at large, free roaming, or wild.

*Feral Swine Authorized Transporter*—a person authorized by the Board of Animal Health to transport live feral swine to state or federally inspected slaughter facilities, quarantine swine feedlots and feral swine approved holding facilities.

*Recognized Slaughter Facility*—a slaughter facility operated under the state or federal meat inspection laws and regulations.

*Swine-Proof Fence*—means a fence constructed to sufficient construction standards; with materials of hog-proof net, woven or welded wire and wood, metal or other approved posts and, be maintained to prevent egress of swine over, through, or under the fence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 42:

**§§1303-1309. Reserved.**

### **Subchapter B. Brucellosis and Pseudorabies**

#### **§1311. Quarantining, Vaccinating and Testing Swine for Brucellosis and Pseudorabies (Formerly §905)**

A. - I. ...

J. Free roaming or feral swine may be qualified for reclassification as domestic swine upon completion of the following test protocol:

1. Three consecutive complete herd tests (CHT) for brucellosis and pseudorabies with negative results.

a. The first CHT must be completed at least 30 days after removal of the last reactor;

b. The second CHT must be conducted 60-90 days after the first CHT; and

c. The third CHT must be conducted 60-90 days following the second CHT.

2. Any sexually intact female swine shall also undergo a brucellosis and pseudorabies test, with negative results, no later than 30 days after their initial farrowing.

3. Reclassification of feral swine must be conducted by a category 2 USDA Accredited Veterinarian.

4. Reclassified feral swine must be maintained with a USDA official ID and must show proof of reclassification.

5. Reclassified feral swine must not be comingled with unclassified feral swine nor be held within 200 feet of captive unclassified feral swine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093 and R.S. 3:2135.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 16:392 (May 1990), amended LR 18:839 (August 1992), LR 20:1258 (November 1994), LR 23:1493 (November 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:969 (May 2014), amended LR 42:

#### **§1312. Swine Movement Restrictions and Feral Swine Authorized Transporter Authorization**

A. No person shall import live feral swine into this state unless the live feral swine are going directly to a state or federally inspected slaughter establishment, a quarantine swine feedlot or a feral swine approved holding facility in a

sealed trailer accompanied by a USDA VS Form 1-27 permit for the movement of restricted animals.

B. No person shall transport live feral swine within the State of Louisiana without first registering as a feral swine authorized transporter with the Board of Animal Health. Registration as a feral swine authorized transporter shall not be transferrable and shall be active for a five year period.

C. Application to become a feral swine authorized transporter shall be on a form prescribed by the Board of Animal Health and shall include the following information:

1. Name, mailing address, physical address, email address, and telephone number of the applicant;

2. Driver's license number of the applicant;

3. Brief statement describing the area and parishes wherein the applicant typically transports feral swine;

4. Description of the vehicles used to transport live feral swine including any license tag numbers;

D. Live feral swine shall only be transported to the following:

1. approved holding facilities;

2. quarantine swine feedlot;

3. a state or federally inspected slaughter facility;

4. pursuant to an order issued by the state veterinarian;

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2135, 3:2137.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 42:

### **Subchapter C. Quarantine Swine Feedlots and Feral Swine Approved Holding Facilities**

#### **§1321. Quarantine Swine Feedlots and Feral Swine Approved Holding Facilities (Formerly §909)**

A. No person may operate a quarantine swine feedlot or feral swine approved holding facility without first obtaining a permit from the Board of Animal Health. Any person operating a feedlot or approved holding facility without a valid permit will be in violation of this regulation and subject to prosecution.

B. Applications for operation of a quarantine swine feedlot or feral swine approved holding facility shall be made on a form prescribed by the Board of Animal Health. A permit for operation of a quarantine swine feedlot or feral swine approved holding facility may be granted after a determination that the following requirements have all been met:

1. All swine, whether in a quarantine swine feedlot or feral swine approved holding facility, must be maintained at a minimum of 200 yards from any domestic swine pens.

2. Complete records must be maintained on all swine, including feral swine, placed in or removed from a quarantine swine feedlot or feral swine approved holding facility. These records shall be kept by the permit holder for a period of five years and shall be made available to state-federal personnel upon request. The records shall include the following:

a. The number of swine placed in and removed from the facility quarterly;

b. The name and feral swine transporter authorization number of the individual who transported each feral swine to the facility;

c. The weight, color, sex and any applied identification for each animal;

d. The date each animal was placed in and removed from the facility; and

e. The name of the parish where the feral swine was trapped.

3. All swine movements from a quarantine feedlot or feral swine approved holding facility must be directly to a slaughtering establishment operating under approved state or federal meat inspection unless feral swine have qualified for domestic status reclassification.

4. No unclassified feral swine shall be comingled with domestic swine unless the facility is operating as a quarantine swine feedlot.

5. Only feral swine may be placed in a feral swine approved holding facility.

6. Quarantine swine feedlots and feral swine approved holding facilities must be fenced with a swine-proof fence to prevent any swine from escaping. The fencing must be continually maintained by the owner/operator to prevent escape of swine. The Board of Animal Health must be notified of any escapes within 12 hours by the permit holder. Failure to do so may result in termination of the facility permit.

7. Swine shall not be fed garbage while being held in a quarantine feedlot or a feral swine approved holding facility.

8. Each quarantine swine feedlot and feral swine approved holding facility shall be inspected at least annually by an authorized agent of the Board of Animal Health.

#### C. Cancellation of Quarantine a Swine Feedlot or Feral Swine Approved Holding Facility Permit

1. A quarantine swine feedlot permit or feral swine approved holding facility permit may be cancelled upon written notice that the operation does not meet the requirements of this regulation, or the operator of such quarantine swine feedlot or feral swine approved holding facility has violated the provisions of this regulation in any respect.

2. The board shall give written notice of the cancellation of a quarantine swine feedlot permit or feral swine approved holding facility permit to the operator thereof.

3. Any operator of a quarantine swine feedlot or feral swine approved holding facility whose permit is ~~so~~ canceled may appeal the cancellation thereof by written notice to the board within 10 days of receipt of the notice of cancellation. Any operator of a quarantine swine feedlot or feral swine approved holding facility that appeals cancellation of his permit shall be entitled to a full hearing before the board, and the decision of the board at such hearing will be final unless the operator appeals to a court of competent jurisdiction.

4. Upon cancellation of a permit, the permit holder may take up to 14 days to dispose of all swine and/or feral swine at the facility. No feral swine, or any swine species, shall be released into the wild.

5. Cleaning and disinfection of the premises shall be completed immediately upon closure of the facility if required by the Board of Animal Health.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093 and 3:2135.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:247 (March 1985), amended LR 11:615 (June 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:970 (May 2014), amended LR 42:

#### Family Impact Statement

The proposed Rule does 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 does 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 Statement

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

#### Provider Impact Statement

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

#### Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to John Walther, Assistant Commissioner of Animal Health and Food Safety, Department of Agriculture and Forestry, 5825 Florida Blvd., Suite 4000, Baton Rouge, LA 70806 and must be received no later than 4 p.m. on the 4th day of February 2016. No preamble is available.

Mike Strain, DVM  
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Feral Swine**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes will not result in any significant costs or savings to state or local governmental units initially because of the limited scope of the rule changes, though the LA Department of Agriculture and Forestry may incur future costs in the event the LDAF's feral swine program grows in subsequent fiscal years.

The proposed changes to Rule 1301 add definitions for terms used throughout the other proposed rule changes.

The proposed changes to Rule 1311 set forth the procedures which must be followed for a free roaming or feral swine to be reclassified as a domestic swine, including herd testing for brucellosis and pseudorabies. Persons hoping to reclassify feral swine as domestic swine are responsible for having tests performed and providing records of herd health to the LA Department of Agriculture & Forestry.

The addition of Rule 1312 outlines requirements for transporting feral swine into Louisiana, including registering as an authorized transporter with the Board of Animal Health with no associated fee. LDAF does not anticipate significant costs associated with registering authorized transporters of feral swine. To qualify as an authorized transporter of feral swine, persons must first have a valid US Department of Agriculture permit to transport restricted animals (Form VS 1-27). The new rule also outlines destinations where feral swine can be transported within state borders.

The amendments to Rule 1321 establish requirements for the quarantine of swine feedlots and feral swine approved holding facilities, record keeping of swine, and restriction on movement and commingling of feral and domestic swine. LDAF currently issues permits for swine feedlots and feral swine approved holding facilities, and may cancel these permits if operators are found in violation of Rule 1321. Inspection of swine feedlots and feral swine holding facilities is part of LDAF's normal operating duties, and will not result in a cost increase as a result. LDAF performed 105 inspections of these facilities in calendar year 2014.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rules will not result in an increase or decrease in revenue collections to state or local governmental units. The authorizing statute for the proposed rules does not give LDAF the authority to charge fees for these services.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed amendment to Rule 1311 may impact persons wishing to reclassify feral swine as domestic swine. All feral swine to be reclassified as domestic swine must pass herd testing for brucellosis and pseudorabies. In the event a person would like feral swine reclassified, they must bear all potential costs necessary for herd testing and present records to LDAF.

Persons who want to operate a feral swine approved holding facility will also be directly affected by the amendments to Rule 1321. Anyone who desires to operate a feral swine approved holding facility will have to fill out an application and file it with the department. The proposed rule also places certain recordkeeping requirements on an operator of a feral swine approved holding facility.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rules are not anticipated to have an effect on competition or employment.

Mike Strain, DVM  
Commissioner  
1512#062

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Agriculture and Forestry  
Office of Forestry**

Logos for State Products  
(LAC 7:V.2701-2713)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and through authority granted in R.S. 3:4271, notice is hereby given that the Department of Agriculture and Forestry ("Department"), intends to enact LAC 7:V.2701-2713 in order to create standards for use of a department-adopted logo for certain products.

**Title 7**

**AGRICULTURE AND ANIMALS**

**Part V. Advertising, Marketing and Processing**

**Chapter 27. Logos for State Products**

**§2701. Purpose; Definitions**

A. This Chapter is adopted pursuant to R.S. 3:4271 and shall govern eligibility and rules to participate in the department's logo program.

B. For purposes of this chapter, the following terms shall have the meaning hereafter ascribed to them, unless the context clearly indicates otherwise:

*Commissioner*—the commissioner of the Louisiana Department of Agriculture and Forestry.

*Department*—the Louisiana Department of Agriculture and Forestry.

*License*—written authorization from the Louisiana Department of Agriculture and Forestry for the non-exclusive use of the logo.

*Licensee*—applicant who applied to the department for a license to use the logo(s) and whose application was approved

*Logo*—the logos adopted by the department pursuant to R.S. 3:4271 to promote products made, grown, manufactured, processed, produced or substantially transformed in the State of Louisiana. The logos include Certified Louisiana, Certified Louisiana Cajun, Certified Louisiana Creole, and Certified Louisiana Farm to Table Restaurant

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:4271.

**HISTORICAL NOTE:** Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

**§2703. Eligibility**

A. The department shall have sole discretion to determine whether a product, restaurant or agritourism activity is eligible to be labeled with one of the certified logos. To be eligible, a company must possess and be in

compliance with all other state and federal permits, licenses and laws.

B. In order for a product to be eligible for inclusion in the logo program, it must be made, grown, manufactured, processed, produced or substantially transformed in the State of Louisiana.

C. In order for a product to be eligible to use the Certified Louisiana Creole logo, at least fifty percent of the product must be made, grown, produced, manufactured, processed or packed in Louisiana and the owner shall be of Creole decent and/or product(s) being of Creole heritage.

D. In order for a product to be eligible to use the Certified Louisiana Cajun logo, at least fifty percent of the product must be made, grown, produced, manufactured, processed or packed in Louisiana and the owner shall be of Cajun decent and/or product(s) being of Cajun heritage.

E. In order for a restaurant to be eligible to use the Certified Farm to Table Logo, a majority of the restaurant's raw and value added products shall produced and sourced as locally as possible, within Louisiana and or less than 200 miles from its origin, which means going directly from the farm to the table.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

#### **§2705. Application Process and Product Verification**

A. Applications for use of the logos shall be made in writing on a form prescribed by the department. All applications must be signed and notarized. Applications which are not signed and notarized will be returned to the applicant.

B. Each application shall be accompanied by a non-refundable \$25 application fee. Applications which do not include the application fee will be returned to the applicant.

C. Applicant's proposed use of the logo shall be included in the application and is subject to review and acceptance by the Department.

D. Within 30 days of receipt of the application by department, the department shall make a determination of whether such registration permission is granted or denied and shall notify the applicant of same in writing or by electronic mail. A site visit may be required to help determine the eligibility of the registrant to participate in the program. Applicants agree to allow a representative from the department to visit the production and/or processing facilities to verify compliance with guidelines established by the department.

E. Upon approval of the application, a registration fee of \$30 per logo shall be paid to the department. Upon receipt of the registration payment, the department shall provide the registrant a certificate of registration, which will expire on December 31 unless timely renewed, and a digital jpeg and/or eps copies of the logo(s) suitable for reproduction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

#### **§2707. Denial of Registration**

A. Applications for use of the logo(s) may be denied if:

1. The product or activity falls outside of the definition as prescribed by law.

2. The product is of a quality markedly inferior to that representative of similar products produced in Louisiana;

3. The applicant has misused the logo(s) prior to the date of application; or the applicant has used the logo(s) without permission of the department;

4. The applicant's use of the logos would, in the department's opinion, either:

a. Impair or frustrate the department's efforts to expand or encourage development of the markets for Louisiana agricultural and other products; or

b. Fail to enhance the integrity and image of the program, as determined by the department; or

c. it has been determined not to be in accordance with department policy.

B. Any applicant whose request to use the logo(s) is denied may protest the department's decision by filing a notice of protest with the department within 15 days of receipt by the applicant of notice of denial. A notice of protest which has been timely filed shall be administered as a contested case as provided for the Administrative Procedure Act. If notice of protest has not been filed with the department within 15 days of receipt by the applicant of notice of denial, such denial shall become final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

#### **§2709. Renewal of Registration**

A. All licenses expire December 31 of each year. Licensee's right to use logo(s) will cease at 12:01 a.m. on January 1 unless an application for renewal has been timely submitted to and approved by department.

B. Applications for renewal of registration shall be made in writing on a form prescribed by the department. The fee for renewal of registration is \$30.

C. Applicant's application for renewal of registration and \$30 renewal fee must be received on or before the close of business on December 31. Upon receipt of the renewal application and annual fee, the department will send an approved registrant a certificate of registration.

D. Failure to remit the annual registration fee by December 31 shall result in the registrant being designated as inactive. Failure to timely remit the renewal application and renewal fee within by January 10 shall result in the expiration of the registration and the licensee will be treated as a new applicant and must follow the procedure set forth in Rule 105.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

#### **§2711. Use of Logo**

A. No person shall, in commerce, advertise, sell, offer or expose for sale, distribute, package or in any other manner identify any services or goods with the logo affixed to such service or good, unless the logo use has been previously approved by the department.

B. Any permission granted by the department to Licensee for use of the logo shall be nonexclusive and nontransferable to another person or another product. The logo may only be used on the product(s) set forth in the application and listed on the registration certificate.

C. Licensee's authorization to use the logo(s) shall not be construed to grant or assign any right, title or interest in or to the logo(s) or the goodwill attached thereto.

D. Licensee shall not alter the appearance of the logo(s) in any manner. Licensee may use the logo in any color he desires, but logo wording may not be altered.

E. Other than the authorized use of the logo(s), no licensee shall use any statement of affiliation or endorsement by the State of Louisiana or the department in the selling, advertising, marketing, packaging, or other commercial handling of products and services, or restaurants.

F. The following shall constitute misuse of the logo:

1. Using the logo(s) on any product for which use has not been granted by the department;

2. Using the logo(s) on a product that is not in compliance with state or federal law;

3. Using the logo(s) in a manner that is disparaging to the department;

4. Using the logo(s) in violation of any rule promulgated by the department.

5. Using the logo(s) without a valid registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

### **§2713. Enforcement**

A. In the event that the department determines that a licensee has misused the logo(s), the department shall conduct an adjudicatory hearing in accordance with the Administrative Procedure Act in order to determine whether to suspend or revoke the licensee's permission to use the logo(s).

B. All hearings conducted pursuant to this section shall be heard by a three person hearing panel appointed by the commissioner. The commissioner may appoint a hearing officer to conduct the hearing.

C. At the conclusion of the administrative hearing, the hearing panel may recommend that the licensee's permission to use the logo(s) be suspended or revoked. The hearing panel's recommendation shall be submitted to the commissioner for his determination.

D. The department may pursue other civil or injunctive remedies against any person or company misusing the logo. All proceedings shall be brought in the 19<sup>th</sup> Judicial District in East Baton Rouge Parish.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

### **Family Impact Statement**

The proposed Rule does 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 does 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 Statement**

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

### **Provider Impact Statement**

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

### **Public Comments**

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to Jeremy Hendrix, Department of Agriculture & Forestry, 5825 Florida Blvd., Suite 2000, Baton Rouge, LA 70806 and must be received no later than 12 p.m. on the 3rd day of February 2016. No preamble is available.

Mike Strain, DVM  
Commissioner

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

### **RULE TITLE: Logos for State Products**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes will result in a marginal increase in expenditures due to the creation and administration of the new Logos for State Products program within the LA Department of Agriculture and Forestry (LDAF). The new program will utilize existing personnel who will assume its administration, including determining eligibility and carrying out the application process. Expenditures may increase more than anticipated due to the possibility of LDAF holding adjudicatory hearings in the event a program participant has their right to participate revoked or suspended. However, expenditures related to the program will be offset by LDAF's ability to charge fees for application and participation in the program.

Rule 2730 sets forth the criteria for a product to be eligible for inclusion in the logo program. Rule 2705 sets forth the application process for use of the logos, including setting application and registration fees. Rule 2707 sets forth the procedure to be followed if an applicant's registration is

denied. Rule 2709 sets forth the procedure for an annual renewal of registration. Rule 2711 sets forth permissive uses of the logos as well as restrictions on the use of the logos. Rule 2713 sets forth the procedure for enforcement action against participants in the logo program who misuse the logo.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will result in an indeterminable revenue increase for the Department of Agriculture and Forestry. Applicants to the LDAF Logos for State Products program must remit a \$25 application fee to the department. If LDAF approves an application, the applicant must then pay a \$30 registration fee to use the logo on its product for the first year, a total first-year cost of \$55. All registrations expire on December 31 and must be renewed annually. Annual renewals require payment of an annual renewal fee of \$30 if an entity wishes to keep a registration active. All revenues derived from application and registration fees will fund expenditures related to the program.

The annual revenue increase is indeterminable because LDAF is unable to know the number of applications for the Logos for State Products program it will process each year. However, LDAF has records of approximately 900 products being registered for use with a previous logo program for which it never promulgated rules. To the extent 50% of the previously registered 900 products (450) register under the new LDAF Logos for State Products program in FY 16, LDAF could realize a revenue increase of \$24,750. Revenues in subsequent years are indeterminable and are dependent upon the number of renewals and new applicants the Logos for State Products program has.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Entities choosing to participate in the program will have to fill out an application, pay a one-time application fee of \$25, and then pay a registration fee of \$30 if their application is approved. Applications expire December 31st of every year and must be renewed annually and accompanied with a \$30 renewal fee.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will not have an effect on competition and employment.

Lindsey Hunter  
General Counsel  
1512#063

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Children and Family Services  
Division of Programs  
Licensing Section**

**Juvenile Detention  
(LAC 67:V.Chapter 75)**

In accordance with the provisions of the Administrative Procedures Act R.S. 49:953(A), the Department of Children and Family Services (DCFS) proposes to amend LAC 67:V, Subpart 8, Chapter 75 Juvenile Detention Facilities, Sections 7505, 7507, 7511, 7513, 7515, and 7517.

The proposed Rule will enhance and clarify current regulations for the health and safety of youth placed in Juvenile Detention Facilities. The modifications will address ownership and organizational type, application requirements,

criminal background checks, health screenings, training, supervision, incidents, grievances, monitoring, and educational requirements.

**Title 67**

**SOCIAL SERVICES**

**Part V. Child Welfare**

**Subpart 8. Residential Licensing**

**Chapter 75. Juvenile Detention Facilities**

**§7505. Definitions**

\* \* \*

*Change of Location*—change of physical address of facility.

*Change of Ownership*—a transfer of ownership of a currently licensed facility that is in operation and serving youth to another entity without a break in service to the youth.

\* \* \*

*Corporation*—any entity incorporated in Louisiana or incorporated in another state, registered with the secretary of state in Louisiana, and legally authorized to do business in Louisiana.

\* \* \*

*Individual Owner*—a natural person who directly owns a facility without setting up or registering a corporation, LLC, partnership, church, university, or governmental entity. The spouse of a married owner is also an owner unless the business is the separate property of the licensee acquired before his/her marriage, acquired through a judicial separation of property agreement or acquired via a judicial termination of the community of aquets and gains.

\* \* \*

*Juridical Person/Entity*—corporation, partnership, limited-liability company, church, university, or governmental entity.

\* \* \*

*Natural Person*—a human being and, if that person is married and not judicially separated or divorced, the spouse of that person.

\* \* \*

*Owner or Operator*—the individual who exercises ownership or control over a facility, whether such ownership/control is direct or indirect.

*Ownership*—the right that confers on a person direct, immediate, and exclusive authority over a thing. The owner of a thing may use, enjoy, and dispose of it within the limits and under the conditions established by law.

1. *Direct Ownership*—when a natural person is the immediate owner of a facility, i.e., exercising control personally rather than through a juridical entity.

2. *Indirect Ownership*—when the immediate owner is a juridical entity.

*Partnership*—includes any general or limited partnership licensed or authorized to do business in this state. The owners of a partnership are its limited or general partners and any managers thereof.

\* \* \*

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

**HISTORICAL NOTE:** Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1559 (July 2012), amended LR 39:1006 (April 2013), effective July 1, 2013, amended LR 42:

## §7507. Licensing Requirements

A. - A.14. ...

15. The following is a listing of individuals by organizational type who are considered owners for licensing purposes.

a. *Individual Ownership*—individual and spouse.  
b. *Partnership*—all limited or general partners and managers, including but not limited to, all persons registered as limited or general partners with the Secretary of State's Corporations Division.

c. *Church Owned, Governmental Entity, or University Owned*—any clergy and/or board member that is present in the facility during the hours of operation or when youth are present. If clergy and/or board members are not present in the facility, the director/administrator shall provide an annual statement attesting to such.

d. *Corporation* (includes limited liability companies)—any person who has 25 percent or greater share in the ownership or management of the business or who has less than a 25 percent share in the ownership or management of the business and meets one or more of the criteria listed below. If a person has less than a 25 percent share in the ownership or management of the business and does not meet one or more of the criteria listed below, a signed, notarized attestation form shall be submitted in lieu of providing a criminal background clearance. This attestation form is a signed statement which shall be updated annually from each owner acknowledging that he/she has less than a 25 percent share in the ownership or management of the business and that he/she does not meet any of the criteria listed below:

i. has unsupervised access to the youth;  
ii. is present in the facility;  
iii. makes decisions regarding the day-to-day operations of the facility;  
iv. hires or fires staff including the director/administrator; or  
v. oversees staff or conducts personnel evaluations of staff.

B. - F.2. ...

3. When a facility changes ownership, the current license is not transferable. A change of ownership occurs when the license and/or facility is transferred from one natural or juridical person to another, or when an officer, director, member, or shareholder not listed on the initial application exercises or asserts authority or control on behalf of the entity. The addition or removal of members of a board of directors shall not be considered a change of ownership where such addition or removal does not substantially affect the entity's operation and shall require only notice be given to the DCFS of such addition or removal.

a. Prior to the ownership change and in order for a temporary license to be issued, the new owner shall submit a change of ownership (CHOW) application packet containing the following:

i. a completed application and full licensure fee as listed in §7507.D. based on current licensed capacity or requested capacity, whichever is less;  
ii. current (as noted in §7507.F.3.b) Office of State Fire Marshal approval;  
iii. current (as noted in §7507.F.3.b) Office of Public Health approval;

iv. current (as noted in §7507.F.3.b) city fire approval (if applicable);

v. a sketch or drawing of the premises including all rooms, bathrooms, common areas, kitchen, classrooms, buildings, and recreation areas;

vi. a list of staff to include staff's name and position;

vii. documentation of administrator's qualifications as listed in §7511A.2;

viii. copy of a bill of sale or lease agreement;

ix. documentation of a fingerprint-based satisfactory criminal record clearance for all staff, including owners and operators. CBC shall be dated no earlier than 30 days before the application has been received by the Licensing Section. The prior owner's documentation of satisfactory criminal background checks is not transferrable; and

x. documentation of completed state central registry disclosure forms noting no justified (valid) finding of abuse and/or neglect for all staff, including owners and operators, or a determination from the Risk Assessment Panel or Division of Administrative Law (DAL) noting that the individual does not pose a risk to children. The prior owner's documentation of state central registry disclosure forms is not transferrable.

b. The prior owner's current Office of State Fire Marshal, Office of Public Health, and city fire approvals are only transferrable for 60 calendar days. The new owner shall obtain approvals dated after the effective date of the new license from these agencies within 60 calendar days. The new owner will be responsible for forwarding the approval or extension from these agencies to the Licensing Section.

c. A licensing inspection shall be conducted within 60 calendar days from the effective date of licensure of the new owner to verify that the provider is in compliance with the minimum standards. At this time, licensing staff shall complete a measurement of the facility and recreational area. Upon review of the space, the capacity of the facility may be reduced or increased as verified by the new measurement of the facility.

d. All staff and youth's information shall be updated under the new ownership prior to or on the first day services are provided by the new owner.

e. If all information in §7507.F.3 is not received prior to or on the last day services are provided by the existing owner, the new owner shall not operate until a license is issued. The new owner is not authorized to provide services until the licensure process is completed in accordance with §7507.B-C.

F.4. - J.4. ...

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:01561000 (July 2012), amended LR 38:3104 (December 2012), LR 39:1006 (April 2013), effective July 1, 2013, amended LR 42:

## §7511. Facility Responsibilities

A. - A.3.e.iv. ...

B. Background Clearances

1. No staff of the facility shall be hired until such person has submitted his/her fingerprints to the Louisiana

Bureau of Criminal Identification and Information so that it may be determined whether or not such person has a criminal conviction of a felony, or a plea of guilty, or nolo contendere of a felony, or a criminal conviction, or a plea of guilty or nolo contendere to any offense included in R.S. 15:587.1, or any offense involving a juvenile victim. CBC shall be dated no earlier than 30 days prior to the date of hire. If it is determined that such a person has a conviction or has entered a plea of guilty or nolo contendere to a crime listed in R.S. 15:587.1(C) or any offense involving a juvenile victim, that person shall not be hired. No staff shall be present on the JDF premises until such a clearance is received.

2. ...

3. A criminal record check shall be conducted on all volunteers that interact with the youth. No volunteer of the facility shall be allowed to work with youth until such person has submitted his/her fingerprints to the Louisiana Bureau of Criminal Identification and Information so that it may be determined whether or not such person has a criminal conviction, or a plea of guilty or nolo contendere to any offense included in R.S. 15:587.1, or any offense involving a juvenile victim. CBC shall be dated no earlier than 30 days prior to the volunteer being present on the JDF premises. If it is determined that such a person has a conviction or has entered a plea of guilty or nolo contendere to a crime listed in R.S. 15:587.1(C) or any offense involving a juvenile victim, that person shall not be allowed to volunteer with youth at the JDF. No volunteer shall be present on the JDF premises until such a clearance is received.

4. Documentation of a fingerprint-based satisfactory criminal background check (CBC) from Louisiana State Police is required for all qualified mental health professionals and all qualified medical professionals who interact with youth unless they are supervised by facility staff or court-appointed or requested by legal counsel. This check shall be obtained and dated prior to the individual being present in the facility or providing services for the facility. No person who has been convicted of, or pled guilty or nolo contendere to any offense included in R.S. 15:587.1, shall be present in any capacity in any licensed JDF. A criminal background check is satisfactory for purposes of this section if it shows no arrests for any enumerated offense or, if an arrest is shown on the background check, the background check or certified documentation from the jurisdiction of arrest affirmatively shows that the charges were disposed of without a conviction for any excludable offense. A plea of guilty or nolo contendere shall be deemed a conviction.

5. Documentation of a fingerprint-based satisfactory criminal background check (CBC) from Louisiana State Police is required for all Louisiana Department of Education staff or local school district staff that interact with youth. This check shall be obtained prior to the individual being present in the facility or providing services for the facility. No person who has been convicted of, or pled guilty or nolo contendere to any offense included in R.S. 15:587.1, shall be present in any capacity in any licensed JDF. CBC shall be dated prior to the individual being present on the premises. A criminal background check is satisfactory for purposes of this section if it shows no arrests for any enumerated offense

or, if an arrest is shown on the background check, the background check or certified documentation from the jurisdiction of arrest affirmatively shows that the charges were disposed of without a conviction for any excludable offense. A plea of guilty or nolo contendere shall be deemed a conviction.

a. If an individual has previously obtained a certified copy of their criminal background check obtained from the Louisiana Bureau of Criminal Identification and Information Section of the Louisiana State Police, such certified copy shall be acceptable as meeting the CBC requirements. If an individual provides a certified copy of their criminal background check which he/she has previously obtained from the Louisiana State Police to the provider, this criminal background check shall be accepted for a period of one year from the date of issuance of the certified copy. An original certified copy or a photocopy of the certified copy shall be kept on file at the JDF. Prior to the one-year expiration of the certified criminal background check, a new fingerprint-based satisfactory criminal background check shall be obtained from Louisiana State Police in order for the individual to continue providing services at the JDF. If the clearance is not obtained prior to the one-year expiration of the certified criminal background check, the individual is no longer allowed on the premises until a clearance is received;

b. For the first school year that a LDE staff person or local school district staff person provides services to a child, that LDE staff person or local school district staff person shall provide documentation of a fingerprint based satisfactory criminal record check as required by §7511.B.5 or shall provide the original, completed, signed, notarized, DCFS-approved affidavit to the provider prior to being present and working with a child or children at the facility. A photocopy of the original affidavit shall be kept on file at the facility. This affidavit will be acceptable for the entire school year noted in the text of the affidavit and expires on May 31 of the current school year. For all subsequent school years following the first year, the LDE staff or local school district staff person shall present a new affidavit or an original, completed, and signed letter from the superintendent of the school district or designee or superintendent of LDE or designee. The provider will need to view the original letter presented by the LDE staff or local school district staff person and keep a photocopy of the original letter on file at the facility. This letter will be acceptable for the entire school year noted in the text of the letter and expires on May 31 of the current school year. The letter is acceptable only if the following conditions are met:

- i. the LDE staff person or local school district staff person has remained employed with the same school district as noted in the affidavit the provider has on file;
- ii. the provider has maintained a copy of the affidavit on file; and
- iii. the letter is presented on school district letterhead or LDE letterhead and signed by the superintendent of the school district or designee or superintendent of LDE or designee.

6. Prior to employment, each prospective employee shall complete a state central registry disclosure form prepared by the department as required in R.S. 15:1110.2. This information shall be reported prior to the individual

being on the premises of the juvenile detention facility and shall be updated annually, at any time upon the request of DCFS, and within 24 hours or no later than the next business day, whichever is sooner, of any staff receiving notice of a justified (valid) finding of child abuse or neglect.

a. The prospective paid staff (employee) shall complete, sign, and date the state central registry disclosure form and submit the disclosure form to the owner or operator of the facility.

i. If a prospective staff (employee) discloses that his or her name is currently recorded as a perpetrator on the state central registry, the administrator shall inform the applicant they will not be considered for employment at that time due to the state central registry disclosure. The administrator will provide the prospective employee with the risk evaluation panel form (SCR 2) so that a risk assessment evaluation may be requested.

ii. Individuals are not eligible for employment unless and until they provide written documentation from the risk evaluation panel or the Division of Administrative Law expressly stating that they do not pose a risk to youth.

b. Current staff receiving notice of a justified (valid) finding of child abuse and/or neglect shall complete an updated state central registry disclosure form (SCR 1) noting the existence of the justified (valid) finding as required by R.S. 15:1110.2. This updated SCR 1 shall be submitted to the Licensing Section management staff within 24 hours or no later than the next business day, whichever is sooner, or upon being on the juvenile detention facility premises, whichever is sooner. Staff will have 10 calendar days from the date of required completion of the state central registry disclosure form to request a risk assessment evaluation in accordance with LAC 67:I.305 or shall be terminated immediately.

i. If the staff person will no longer be employed at the facility, the provider shall submit a signed, dated statement indicating that the staff will not be on the premises of the facility at any time.

ii. Immediately upon the receipt of the knowledge that a justified (valid) finding has been issued by DCFS and as a condition of continued employment the staff person shall be directly supervised by a paid staff (employee) of the facility who has completed the required state central registry disclosure form and who has indicated on that form that the employee's name does not appear on the state central registry with a justified (valid) finding on the state central registry. Provider shall submit a written statement to Licensing Section management staff acknowledging that the staff is under continuous direct supervision by a paid staff as provided above. When these conditions are met, the staff (employee) may be counted in staff to youth ratio. Under no circumstances may the staff person with the justified finding be left alone and unsupervised with the youth pending the disposition by the risk evaluation panel or the Division of Administrative Law that the staff person does not pose a risk to youth.

iii. If the risk evaluation panel finds the individual does pose a risk to youth and the individual fails to appeal the decision within the required timeframe, the staff (employee) shall be terminated immediately.

iv. If the risk evaluation panel finds the individual poses a risk to youth and the individual appeals the finding to the Division of Administrative Law within the required timeframe, the staff (employee) shall continue to be under direct supervision at all times by another paid employee of the facility who has completed the required state central registry disclosure form and who has indicated on that form that the employee's name does not appear on the state central registry with a justified (valid) finding on the state central registry until a ruling is made by the Division of Administrative Law that they do not pose a risk to youth. Supervision must continue until receipt of a ruling from the Division of Administrative Law that they do not pose a risk to youth.

v. If the Division of Administrative Law upholds the risk evaluation panel finding that the individual does pose a risk to youth, the individual shall be terminated immediately.

c. Any owner, operator, current or prospective employee, or volunteer of a juvenile detention facility requesting licensure by DCFS and/or a juvenile detention facility licensed by DCFS is prohibited from working in a juvenile detention facility if the individual discloses, or information is known or received by DCFS, that the individual's name is recorded on the state central registry (SCR) as a perpetrator for a justified (valid) finding of abuse and/or neglect of a child, unless there is a finding by the risk evaluation panel or a ruling by the Division of Administrative Law that the individual does not pose a risk to youth.

#### C. Health Screening

1. All staff shall receive a physical examination that includes screening for infectious and contagious diseases. Documentation of this examination shall be dated within three months prior to the staff's date of hire or within 30 days after staff's date of hire. Physical examinations shall be required every three years.

#### D. - F.1.b. ...

#### 2. Orientation

a. All new direct care staff and support staff that have direct contact with youth shall receive a minimum of 40 hours of orientation training before assuming any job duties. This training shall include, at a minimum, the following:

#### 2.a.i. - 3.b.xi. ...

#### 4. Annual Training

a. All direct care staff and support staff shall receive a minimum of 40 hours of training annually. This training shall include, at a minimum, the following:

#### 4.a.i. - 5.a.ix. ...

6. All staff employed longer than 60 days shall maintain documentation of current certification in first aid and CPR.

#### G. Staffing Requirements

#### 1. - 3. ...

4. A minimum of one direct care staff shall be maintained in rooms when educational services are being provided, with additional staff in close proximity of the educational service rooms in order to intervene, if necessary.

5. Youth shall be checked by a staff person at least every 15 minutes when in sleeping rooms, whether asleep or awake. Documentation of checks shall be maintained.

6. Direct care staff who are needed to satisfy the staff to youth ratio shall be able to directly see, hear, and speak with the youth when youth are not in their sleeping rooms.

7. There shall be a minimum of 1 to 16 ratio of direct care staff to youth during the hours that youth are asleep.

8. Direct care staff of one gender shall be the sole supervisor of youth of the same gender during showers, physical searches, pat downs, or during other times in which personal hygiene practices or needs would require the presence of a direct care staff of the same gender.

9. Video and audio monitoring devices shall not substitute for supervision of youth.

10. The provider shall provide youth that have limited English proficiency with meaningful access to all programs and activities. The provider shall provide reasonable modifications to policies and procedures to avoid discrimination against persons with disabilities.

H. - I.1.d.v.(b). ...

vi. Copies of all written reports shall be maintained in a central incident file.

J. Abuse and Neglect

1. ...

2. In accordance with Article 603 of the *Louisiana Children's Code*, all staff employed by a juvenile detention facility are mandatory reporters. In accordance with Article 609 of the *Louisiana Children's Code*, a mandatory reporter who has cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect or was a contributing factor in a child's death shall report in accordance with Article 610 of the *Louisiana Children's Code*.

K. Grievance Procedure

1. - 4. ...

5. The provider shall maintain all verbal, written, and/or anonymous grievances filed and the manner in which they were resolved in a central grievance file.

6. A copy of the grievance and the resolution shall be given to the youth, and a copy shall be kept in a central grievance file.

L. - L.2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1565 (July 2012), amended LR 39:1007 (April 2013), effective July 1, 2013, amended LR 42:

### §7513. Admissions and Release

A. - E.2.a.xi. ...

b. Repealed.

F. - H.2.c. ...

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1569 (July 2012), amended LR 42:

### §7515. Youth Protections

A. - E.2.c.vii. ...

d. Staff involved shall file an incident report with the shift supervisor by the end of the shift. The report shall outline in detail the presenting circumstances and a copy shall be kept in a central incident report file. At a minimum, the incident report shall contain the following:

- i. name of the youth;
- ii. date and time the incident occurred;
- iii. a brief description of the incident;
- iv. where the incident occurred;
- v. any youth and/or staff involved in the incident;
- vi. immediate treatment provided if any;
- vii. signature of the staff completing the report; and
- viii. any follow-up required.

E.2.e. - F.4.d. ...

5. In all situations in which a restraint is used, staff involved shall record an incident report with the shift supervisor by the end of the shift. The report shall outline in detail the presenting circumstances and a copy shall be kept in a central incident report file. At a minimum, the incident report shall contain the following:

- a. the name of the youth;
- b. the date, time, and location the intervention was used;
- c. the type of intervention used;
- d. the name of the staff member requesting use of the intervention;
- e. the name of the supervisor authorizing use of the intervention;
- f. a brief description of the incident and the reason for the use of the intervention;
- g. the efforts made to de-escalate the situation and alternatives to the use of intervention that were attempted;
- h. any other youth and/or staff involved in the incident;
- i. any injury that occurred during the intervention restraint and immediate treatment provided if any;
- j. the date and time the youth was released from the intervention;
- k. the name and title of the health professional authorizing continued use of a restraint if necessary beyond 60 minutes;
- l. signature of the staff completing report; and
- m. any follow-up required.

F.6. - G.4. ...

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1572 (July 2012), amended LR 42:

### §7517. Facility Services

A. - A.4. ...

5. Within three school days of the youth's arrival at the facility, the provider shall request educational records from the youth's previous school. If records are not received within ten school days of the request, the administrator shall report in writing on the eleventh day to the local school district from which records were requested that the information has been requested and not received. If the records are not received within the following seven school

days of notifying the local school district, the administrator shall file a written complaint with the Board of Elementary and Secondary Education (BESE) on the eighth day.

6. - 14. ...

15. The administrator shall immediately report in writing to the local school district if the facility school is not being staffed adequately to meet state student to teacher ratios for education, including not but not limited to, special education staff and substitute teaching staff. If the issue is not resolved within five school days by the local school district, then the administrator shall file a written complaint on the sixth day with BESE and cooperate with any subsequent directives received from BESE.

B. - D.3.b.i. ...

ii. Staff shall document the monitoring of youth on suicide watch at the time they conduct the monitoring. The qualified mental health professional shall approve the standard protocol for the maximum amount of time that should lapse between monitoring by a staff member. The qualified mental health professional shall document any deviation from the approved standard protocol for specific cases. Staff shall monitor no less frequently than the recommendations set forth by the mental health professional.

D.3.b.iii. - F.16. ...

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1559 (July 2012), amended LR 42:

#### **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 described in R.S. 49:973.

#### **Small Business Impact Statement**

The proposed Rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

#### **Provider Impact Statement**

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

#### **Public Comments**

All interested persons may submit written comments through, January 26, 2016, to Kim Glapion-Bertrand, Deputy Secretary of Programs, Department of Children and Family Services, P.O. Box 3776, Baton Rouge, LA 70821.

#### **Public Hearing**

A public hearing on the proposed Rule will be held on January 26, 2016 at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-127, Baton Rouge, LA beginning at 9:00 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 Bureau of Appeals at least seven

working days in advance of the hearing. For assistance, call 225-342-4120 (Voice and TDD).

Suzy Sonnier  
Secretary

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Juvenile Detention**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

This rule proposes to amend LAC 67:V, Subpart 8, Chapter 75 Juvenile Detention Facilities, sections 7505, 7507, 7511, 7513, 7515, and 7517. The proposed rule will clarify and enhance current regulations for the health and safety of youths placed in Juvenile Detention Facilities. The modifications will address ownership and organizational type, application requirements, criminal background checks, health screenings, training, supervision, incidents, grievances, monitoring, and educational requirements.

The only cost associated with this proposed rule is the cost of publishing rulemaking, which is estimated to be approximately \$4,047 (\$1,012 State General Funds and \$3,035 Federal Funds) in FY 15-16. This is a one-time cost that is routinely included in the department's operating budget.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Implementation of this rule will have no effect on state or local revenue collections.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

This rule will have no impact on the estimated costs of any persons or non-governmental groups.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no estimated impact on competition and employment.

Kim Glapion-Bertrand  
Deputy Secretary  
1512#057

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Department of Economic Development Office of Business Development**

Enterprise Zone Program (LAC 13:I.Chapter 7)

These rules are being published in the *Louisiana Register* as required by R.S. 47:4351 et seq. The Department of Economic Development, Office of Business Development, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 36:104 hereby proposes to amend and reenact Sections 701, 703, 717, 1117, and 1123 and proposes to enact Section 1133 for the administration of the Enterprise Zone Program in LAC 13:I.Chapter 7 to implement fees under the new fee schedule provided for by Act 361 of the 2015 Regular

Session of the Louisiana Legislature and to make other changes to bring the rules into compliance with statute and department procedures.

### Title 13

## ECONOMIC DEVELOPMENT

### Part I. Financial Incentive Programs

#### Chapter 7. Enterprise Zone Program

##### §701. Scope and Qualifications

A. - D. ...

E. Qualifications

1.a. To qualify for the enterprise zone program, a business must create permanent full-time net new jobs that are at least equal to the lesser of:

i. five jobs, created within the first two years of the contract period; or

ii. the number of jobs equal to a minimum of 10 percent of the employees employed throughout the United States by the business and its affiliates, a minimum of one, created within the first year of the contract period.

b. For purposes of filing the annual employee certification report, LED shall use the number of jobs of the business for five 12-month periods of the contract with the first 12-month period beginning on the contract effective date.

c. For good cause shown, the board may grant an extension of not more than two years to comply with the above job creation requirements.

2. - 4.d....

5. Limitation on Retail Establishments

a. No retail business with an NAICS code of 44, 45, or 722 is eligible to participate in the program unless it filed an advance notification prior to July 1, 2015.

b. For advance notifications filed on or after June 21, 2013 and before July 1, 2015:

i. retail establishments that are assigned a North American industry classification code beginning with 44 or 45 and have more than 100 employees nationwide including affiliates prior to the contract effective date are not eligible to participate unless:

(a). the business is a grocery store or pharmacy as defined by LED; and

(b). the business is located in an enterprise zone;

ii. however, if a retail establishment filed an advance prior to July 1, 2015, but did not enter into an EZ contract prior to July 1, 2015, it cannot claim EZ incentives until on or after July 1, 2016.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 17:252 (March 1991), amended by Department of Economic Development, Office of Commerce and Industry, LR 22:446 (June 1996), amended by the Department of Economic Development, Office of Business Development, LR 29:2298 (November 2003), LR 37:2368 (August 2011), LR 40:490 (March 2014), LR 42:

##### §703. Definitions

\* \* \*

*New Job or Net New Job or Net New Permanent Job—*

1. a position of employment that is:

a. created on or after the contract effective date;

b. in addition to the number of jobs in the employment baseline;

c. based at the site of the enterprise zone project;

d. filled by a full-time employee who is:

i. a United States citizen domiciled in Louisiana, or who becomes domiciled in Louisiana within 60 days after hire date; and

ii. reported on the business's quarterly report;

2. the number of net new jobs filled by full-time employees shall be determined by averaging the monthly totals of full-time employees over a minimum of 7 consecutive months for the first year of the contract period, and over a 12-month period for all other years;

3. for purposes of determining qualification of the business for the enterprise zone program under §701.E, net new jobs shall be limited to permanent full-time jobs that are in addition to the number of permanent full-time jobs included in the employment baseline;

4. jobs in which employees perform essentially the same work at the same location both before and after the contract effective date are not net new jobs unless:

a. there has been an arm's length transfer of ownership between unrelated companies (not affiliates); and

b. either the location has been out of operation for at least three months, or the secretary determines that the jobs would have likely been lost to the state absent the transfer;

5.a. transferred jobs which are not net new jobs include:

i. jobs transferred, or jobs associated with work or sales transferred to the project site from other Louisiana sites of the business (including affiliates), unless back-filled at the original site;

ii. jobs transferred, or jobs associated with work or sales transferred, to the business from affiliates and unrelated affiliates on the project site, unless back-filled;

iii. jobs transferred, or jobs associated with work or sales transferred, to the project site from other Louisiana sites as a result of the business (including affiliates) acquiring a business operation, or substantially all of its assets, and continuing the business operation;

b. jobs created for the project, but temporarily assigned to another site until the site is ready or for training or similar purposes, are not considered transferred jobs and may be considered net new jobs when re-assigned to the project site;

6. lost jobs which must be deducted in determining net new jobs include:

a. jobs lost due to closure of any site of the business (including affiliates) that:

i. is located within the same parish; and

ii. provides the same goods or services as the project site;

b. jobs lost due to downsizing of any site of the business (including affiliates) that:

i. is located within the same parish; and

ii. provides the same goods or services as the project site;

iii. the project site and the other site each sell their goods or services primarily into that parish; and

iv. the downsizing was anticipated by the business at the time the qualification certification was filed;

c. jobs lost due to closure or downsizing of any site of the business (including affiliates) that:

i. is located in the state of Louisiana; and

- ii. provides the same goods or services;
  - iii. primarily for the same market segment or customer base, as the project site; and
  - iv. the closure or downsizing was anticipated by the business at the time the qualification certification was filed;
- d. jobs lost by the business (including affiliates) due to relocation outside Louisiana or downsizing of headquarters operations or headquarters support services of the business (including any intermediate or ultimate parent company), and the relocation or downsizing was anticipated by the business at the time the qualification certification was filed.

*Net New Job—Repealed.*

- 1. - 6.d.Repealed.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2299 (November 2003), amended LR 37:2369 (August 2011), LR 40:491 (March 2014), LR 42:

**§717. Annual Employee Certification**

A. An annual employee certification report (ECR) must be filed with the business incentive services no later than 6 months after the end of each 12-month period on all active contracts validating compliance with §§709, 711, 713, and 715. An ECR fee of \$250 shall be submitted with the report. Failure to file may result in contract cancellation. One 30-day extension may be granted if requested in writing if the request is received prior to the due date of the ECR.

- B. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2301 (November 2003), amended LR 37:2373 (August 2011), LR 40:494 (March 2014), LR 42:

**§721. Advance Notification**

A. An advance notification form, and a \$250 fee, shall be filed with business incentive services prior to the beginning of the project. All incentives for the same project must be indicated on one advance notification and be identified by one project number. It is not acceptable to apply for Enterprise Zone Program and use the same project in a miscellaneous capital addition application for the Industrial Tax Exemption Program. Internet filing of the advance notification may be made at the department website.

- B. - C. ...

D. A business proposing a project exceeding 30 months must separate the project into 30 month phases. The business must comply with §701.E qualifications, and file a separate advance notification, application, project completion report, and affidavit of final cost, with the required fees, for each phase of the project. The business must elect either the sales and use tax rebate or the investment tax credit for all phases of the project. Businesses electing the investment tax credit are not subject to the 50 percent limitation of §731.B for phases subsequent to the initial phase, and may elect to file one investment tax credit claim for all consecutive project periods.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development LR 29:2302 (November 2003), amended LR 37:2373 (August 2011), LR 40:495 (March 2014), LR 42:

**§723. Application**

- A. - B. ...

C. An application fee equal to 0.5 percent (0.005) of the total estimated tax relief shall be submitted with each application. Total estimated tax relief includes jobs tax credits, state sales and use tax rebates and investment tax credits. Jobs tax credits are calculated by multiplying the total new jobs estimated to be created within the five-year contract period by \$2,500 (\$5,000 for rubber, aerospace or auto parts manufacturers). An additional application fee will be due if a project's employment or investment is increased from that stated in the application, resulting in a minimum fee of \$100 more than previously paid. The minimum fee is \$500 and the maximum fee is \$15,000 per application. All fees shall be made payable to Louisiana Department of Economic Development.

- D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2303 (November 2003), amended LR 37:2373 (August 2011), LR 40:495 (March 2014), LR 42:

**§725. Recommendations of the Secretaries of Economic Development and Revenue**

- A. ...

B. The department must receive a letter-of-no-objection or a letter-of-approval from the LDR, prior to submitting the application to the board for action. If LDR issues an objection to an application other than an objection because an applicant is in active negotiations with, under audit by or in litigation with LDR, the applicant has six months to clear the objection or the application shall be cancelled. The six-month period shall begin on the date LED sends written notification to the company of the objection received from LDR. Applicants may demonstrate active negotiation to LED by providing written documentation of ongoing, bilateral communications between the applicant or its representative and LDR, even if such communication begins after the objection was issued, or other written verification as approved by LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2303 (November 2003), amended LR 37:2374 (August 2011), LR 40:495 (March 2014), LR 42:

**§729. Enterprise Zone Program Contract**

- A. ...

B. Business incentive services must be notified, on the prescribed form, of any change that will affect the contract. A fee of \$250 shall be submitted with a request for any contract amendment. This includes, but is not limited to, changes in the ownership or operational name of the business holding a contract, or the suspension, closing, or

abandonment of operations. Failure to report any changes within six months may constitute a breach of contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 37:2374 (August 2011), amended LR 40:496 (March 2014), LR 42:

### **§731. Project Completion**

A. Within six months after the project ending date or the governor's signature on the contract, whichever is later, the business shall file with business incentive services, on the prescribed form, a project completion report and an affidavit of final cost. A project completion report fee of \$250 and an affidavit of final cost fee of \$250 shall be submitted with these forms or any amendments to these forms.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 37:2374 (August 2011), amended LR 40:496 (March 2014), LR 42:

### **§739. Fees**

A. Advance notifications, applications, and affidavits of final cost are not deemed to be filed until all information requested on the form and the required fees are received by LED. Processing fees for advance notifications, applications, or annual certifications that have been accepted for eligible projects shall not be refundable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 37:2376 (August 2011), amended LR 40:497 (March 2014), LR 42:

### **Family Impact Statement**

The proposed Rule changes have no impact on family formation, stability or autonomy, as described in R.S. 49:972.

### **Poverty Impact Statement**

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

### **Provider Impact Statement**

The proposed rulemaking should have no provider impact as described in HCR 170 of 2014.

### **Public Comments**

Interested persons may submit written comments to Danielle Clapinski, Louisiana Department of Economic Development, P.O. Box 94185, Baton Rouge, LA 70804-9185; or physically delivered to Capitol Annex Building, Office of the Secretary, Second Floor, 1051 North Third Street, Baton Rouge, LA, 70802. Comments may also be sent by email to danielle.clapinski@la.gov. All comments must be received no later than 5 p.m., on January 26, 2016.

### **Public Hearing**

A public hearing to receive comments on the Notice of Intent will be held on January 27, 2016 at 10 a.m. at the Department of Economic Development, 1051 North Third Street, Baton Rouge, LA 70802.

Anne G. Villa  
Undersecretary

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

### **RULE TITLE: Enterprise Zone Program**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There will be no incremental costs or savings to state or local governmental units due to the implementation of the proposed rules. The Department of Economic Development intends to administer the program with existing personnel.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Acts 126 and 361 of the 2015 legislative session amended the Enterprise Zone (EZ) Program. Act 126 permanently eliminates all projects with NAICS codes beginning with 44, 45, or 722 (retail and restaurants) from participation in the program unless an advance notification was filed prior to July 1, 2015. This legislative change results in a net revenue increase to the state general fund of \$0 for FY 16, \$1.3 million in FY 17 and \$3.8 million in FY 18 due to the anticipation of fewer program benefits paid. Act 361 provided for a new fee schedule for LED. Under the new fee schedule, the EZ Program will receive increased fees equaling \$350,000 in agency self-generated revenues for FY 16 – FY 18. The addition of both of these revenue increases results in a net revenue increase to the state of roughly \$350,000 for FY 16, \$1.65 million in FY 17 and \$4.15 million in FY 18.

In addition, the proposed rules change when the companies will file annual submissions. Currently, all companies file on an annual basis which makes all filing due at the same time. The proposed rules change to 12-month filings beginning with contract effective dates. This will spread out the due dates for annual filing throughout the year. While this may change the timing of jobs tax credit payments, it will not impact the actual cost of the program. The rules also modify the definition of a net new job for purposes of credit calculation to an average of jobs over a minimum of 7 consecutive months in the first year and 12 months for the remaining years. Lastly, the proposed rule change limits the project phases to 30 months for the Enterprise Zone, Quality Jobs and Competitive Projects Payroll Incentive, which may alter eligibility for larger projects if the timing of the phases is inconsistent with a 30 month mandatory deadline since each phase would require separate qualification and advance notice. If the 30-month phases result in credits no longer earned, state net revenue will increase.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Companies who are no longer eligible to participate in the program will receive reduced state benefits due to the legislation. In addition, costs to applicants will increase by the amount of the increased application fees they will now owe at the time of reservation of credits. Adjustments to applicant administrative practices may occur to maximize the credit as timing of filings has been altered.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Companies receiving benefits under this program will gain competitively over companies that do not receive the program's benefits. While employment may increase in participating businesses, employment may be lessened in other competing businesses that do not participate in the program.

Anne G. Villa  
Undersecretary  
1512#059

Gregory V. Albrecht  
Chief Economist  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Environmental Quality Office of the Secretary Legal Division

#### Deletion of the Significant Monitoring Concentration for PM<sub>2.5</sub> (LAC 33:III.509)(AQ357ft)

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 gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.509 (Log #AQ357ft).

This Rule is identical to federal regulations found in 40 CFR 51.166 and 40 CFR 52.21, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3985 or P.O. Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This Rule will delete the significant monitoring concentration (SMC) for PM<sub>2.5</sub> from Louisiana's Prevention of Significant Deterioration (PSD) program under LAC 33:III.509.LDEQ incorporated certain provisions of the Environmental Protection Agency's (EPA's) final rule entitled "Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers (PM<sub>2.5</sub>)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC),"<sup>1</sup> including the SMC for PM<sub>2.5</sub>, into the Louisiana air quality regulations on December 20, 2012 (AQ328ft).

However, on January 22, 2013, the U.S. Court of Appeals for the D.C. Circuit found that EPA lacked the legal authority to adopt and use the PM<sub>2.5</sub> SMC to exempt permit applicants from the statutory requirement to compile and submit ambient monitoring data (*Sierra Club v. EPA*, No. 10-1413). Consequently, the vacated SMC for PM<sub>2.5</sub> was removed from the federal PSD rules, 40 CFR 51.166 and 40 CFR 52.21, on December 9, 2013, (78 FR 73698). At the same time, EPA also instructed permitting authorities to revise the numerical value of the PM<sub>2.5</sub> SMC to 0 µg/m<sup>3</sup> (or make equivalent changes) as soon as feasible. This rulemaking will delete the PM<sub>2.5</sub> SMC from LDEQ's PSD program.

The basis and rationale for this Rule are to delete the SMC for PM<sub>2.5</sub> from Louisiana's PSD program under LAC 33:III.509. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

<sup>1</sup> 75 FR 64864, October 20, 2010

### Title 33 ENVIRONMENTAL QUALITY

#### Part III. Air

#### Chapter 5. Permit Procedures

#### §509. Prevention of Significant Deterioration

A. - I.4. ...

5. The administrative authority may exempt a stationary source or modification from the requirements of

Subsection M of this Section, with respect to monitoring for a particular pollutant, if:

a. the emissions increase of the pollutant from a new stationary source or the net emissions increase of the pollutant from a modification would cause, in any area, air quality impacts less than the following amounts;

Carbon monoxide	575 µg/m <sup>3</sup>	8-hour average
Nitrogen dioxide	14 µg/m <sup>3</sup>	annual average
Particulate matter	10 µg/m <sup>3</sup> of PM <sub>10</sub> 0 µg/m <sup>3</sup> of PM <sub>2.5</sub> <sup>1</sup>	24-hour average
Sulfur dioxide	13 µg/m <sup>3</sup>	24-hour average
Ozone	No <i>de minimis</i> air quality level is provided for ozone. However, any net increase of 100 tons per year or more of volatile organic compounds or nitrogen oxides subject to PSD would require the performance of an ambient impact analysis including the gathering of ambient air quality data.	
Lead	0.1 µg/m <sup>3</sup>	3-month average
Fluorides	0.25 µg/m <sup>3</sup>	24-hour average
Total reduced sulfur	10 µg/m <sup>3</sup>	1-hour average
Hydrogen sulfide	0.2 µg/m <sup>3</sup>	1-hour average
Reduced sulfur compounds	10 µg/m <sup>3</sup>	1-hour average

<sup>1</sup> No exemption is available with regard to PM<sub>2.5</sub>.

I.5.b. - AA.15.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), LR 16:613 (July 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:478 (May 1991), LR 21:170 (February 1995), LR 22:339 (May 1996), LR 23:1677 (December 1997), LR 24:654 (April 1998), LR 24:1284 (July 1998), repromulgated LR 25:259 (February 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:2234 (December 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2437 (October 2005), LR 31:3135, 3156 (December 2005), LR 32:1600 (September 2006), LR 32:1843 (October 2006), LR 36:2556 (November 2010), LR 37:1148 (April 2011), repromulgated LR 37:1389 (May 2011), amended LR 37:1570 (June 2011), repromulgated LR 37:2146 (July 2011), amended by the Office of the Secretary, Legal Division, LR 38:3163 (December 2012), LR 39:1280 (May 2013), LR 42:

#### Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

#### Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

#### Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

#### Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ357ft. Such comments must be received no later than January 27, 2016, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to [deidra.johnson@la.gov](mailto:deidra.johnson@la.gov). The comment

period for this Rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ357f. This regulation is available on the internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

**Public Hearing**

A public hearing will be held on January 27, 2016, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 North Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM  
General Counsel

1512#032

**NOTICE OF INTENT**

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

Offset Requirements in Specified Parishes  
(LAC 33:III.504)(AQ355)

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 gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.504 (AQ355).

This Rule will revise the offset requirements that apply to certain projects in the Baton Rouge area (i.e., the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge). Currently, if a physical change or change in the method of operation at an existing stationary source (with a potential to emit 50 tons per year (TPY) or more of NOx/VOC) will increase NOx/VOC emissions by 25 TPY or more, the owner/operator must determine the net emissions increase over the contemporaneous period. If the net emissions increase is 25 TPY or more, the owner/operator must provide NOx/VOC offsets for the project at a 1.1 to 1 ratio. This Rule will revise the trigger values and offset ratio as follows:

**Netting Thresholds in Tons per Year for Significant Net Increases in VOC and NO<sub>x</sub> Emissions and Offset Ratio**

	VOC	NO <sub>x</sub>	Offset Ratio
Existing:	25	25	1.1 to 1
Proposed:	40	40	1.0 to 1

This Rule will also establish an exemption for pollution control projects. At present, the Baton Rouge area is designated as a marginal nonattainment area with respect to the 2008 8-hour national ambient air quality standard (NAAQS) for ozone (i.e., 75 parts per billion (ppb)). However, the design value of each ambient air monitor in the region is compliant with this NAAQS, and LDEQ has requested that EPA redesignate the area to attainment. LDEQ anticipates that EPA will approve LDEQ's request in early 2016.

On October 1, 2015, EPA revised the 8-hour ozone NAAQS to 70 ppb, a standard with which the Baton Rouge area does not currently comply. However, designations will not be enacted for up to 2 years from the date the new standard is promulgated (see §107(d)(1)(B)(i) of the Clean Air Act). Thus, during the period between the effective date of the area's redesignation to attainment of the 2008 ozone NAAQS and that of its (potential) nonattainment designation with respect to the 2015 ozone NAAQS, offsets will not be required by the Clean Air Act.

However, LDEQ has elected to retain the offset requirements under LAC 33:III.504.M as an anti-backsliding measure, but align the netting and significant net increase trigger values with those for marginal nonattainment areas (cf. Table 1 of LAC 33:III.504.L), set the offset ratio at 1.0 to 1, and establish an exemption for NO<sub>x</sub> and VOC increases that are a direct result of, and incidental to, the installation of abatement equipment or implementation of a control technique designed to control emissions of another pollutant. The basis and rationale for this Rule are to revise the offset requirements that apply to projects in the Baton Rouge area. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33  
ENVIRONMENTAL QUALITY  
Part III. Air**

**Chapter 5. Permit Procedures  
§504. Nonattainment New Source Review (NNSR)  
Procedures and Offset Requirements in  
Specified Parishes**

A. - L. ...

\*\*\*

M. Offset Requirements in Specified Parishes. Except as provided in Paragraph M.4 of this Section, the provisions of this Subsection shall apply to stationary sources located in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge if the parish's designation with respect to the 8-hour national ambient air quality standard (NAAQS) for ozone is attainment, marginal nonattainment, or moderate nonattainment.

1. ...

## 2. Existing Stationary Sources

a. Consideration of the net emissions increase shall be triggered for any physical change or change in the method of operation that would increase emissions of VOC or NO<sub>x</sub> by 40 tons per year or more, without regard to any project decreases.

b. The owner or operator of an existing stationary source with a potential to emit 50 tons per year or more of VOC shall provide VOC offsets for each physical change or change in the method of operation that would result in a net emissions increase of 40 tons per year or more of VOC.

c. The owner or operator of an existing stationary source with a potential to emit 50 tons per year or more of NO<sub>x</sub> shall provide NO<sub>x</sub> offsets for each physical change or change in the method of operation that would result in a net emissions increase of 40 tons per year or more of NO<sub>x</sub>.

3. Offsets shall be required at a ratio of 1.0 to 1.

4. ...

5. The provisions of this Subsection shall not apply to any increase in NO<sub>x</sub> or VOC emissions that is a direct result of and incidental to the:

a. installation of abatement equipment or implementation of a control technique required to comply with another state or federal regulation, consent decree, or other enforcement action; or

b. voluntary installation of a pollution control project on an existing emissions unit that reduces emissions of air pollutants from such unit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:176 (February 1993), repromulgated LR 19:486 (April 1993), amended LR 19:1420 (November 1993), LR 21:1332 (December 1995), LR 23:197 (February 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 27:2225 (December 2001), LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 30:2801 (December 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2436 (October 2005), LR 31:3123, 3155 (December 2005), LR 32:1599 (September 2006), LR 33:2082 (October 2007), LR 34:1890 (September 2008), LR 37:1568 (June 2011), LR 38:1232 (May 2012), amended by the Office of the Secretary, Legal Division, LR 38:2766 (November 2012), LR 41:2134 (October 2015), LR 42:

### Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

### Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

### Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

### Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ355. Such comments must be received no later than February 3, 2016, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-

4068 or by e-mail to [deidra.johnson@la.gov](mailto:deidra.johnson@la.gov). Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ355. These proposed regulations are available on the internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

### Public Hearing

A public hearing will be held on January 27, 2016, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 North Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM  
General Counsel

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Offset Requirements in Specified Parishes

### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no estimated implementation costs or savings to state or local governmental units as a result of the proposed rule. The proposed rule change aligns state offset thresholds for existing sources to federal Clean Air Act standards for sources in the non-attainment area that includes Ascension, East Baton Rouge, Iberville, Livingston and West Baton Rouge parishes. In addition, the proposed rule lowers the offset ratio from 1.1 to 1.0 to 1 which will still allow for no net emissions increases.

### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units as a result of the proposed rule.

### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule will affect owners/operators of existing stationary sources with a potential to emit 50 tons per year or more of NO<sub>x</sub>/VOC located in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge seeking authorization from LDEQ for a project which will increase NO<sub>x</sub> and/or VOC emissions. However, because the applicability of the proposed rule is not being expanded to encompass additional projects and the offset ratio is not being increased, there will be no compliance-related costs, workload adjustments, or additional administrative obligations required to comply with the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)

There is no estimated effect on competition or employment in the public or private sector as a result of the proposed rule.

Herman Robinson  
General Counsel  
1512#033

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

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

**Reportable Quantity List for Pollutants  
(LAC 33:I.3905 and 3931)(OS093)**

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 gives notice that rulemaking procedures have been initiated to amend the Office of the Secretary regulations, LAC 33:I.3905 and 3931 (OS093).

This Rule will amend LDEQ’s existing reportable quantity (RQ) list under LAC 33:I.3931 to reflect the following federal lists:

- the Environmental Protection Agency’s list of extremely hazardous substances under 40 CFR 355, appendix A; and
- the Department of Transportation’s list of hazardous substances under 49 CFR 172.101.

In addition, RQs will be established for any material on which maintenance of a material safety data sheet (MSDS) is required under the Occupational Safety and Health Administration’s hazard communication standard as found in 29 CFR 1910.1200 et seq., and that does not appear on any of the lists incorporated by reference.

Finally, the LDEQ-specific RQs in the table under LAC 33:I.3931.B will be deleted, except for brine from solution mining, oil, produced water, and sweet pipeline gas (methane/ethane). This action is required to align LDEQ’s RQ list with that of the Louisiana Department of Public Safety and Corrections (i.e., State Police) under LAC 33:V.10111.D. The basis and rationale for this Rule are to revise the RQ list under LAC 33:I.3931 to be consistent with State Police reporting requirements under LAC 33:V.10111.D. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33  
ENVIRONMENTAL QUALITY  
Part I. Office of the Secretary  
Subpart 2. Notification**

**Chapter 39. Notification Regulations and Procedures  
for Unauthorized Discharges**

**Subchapter A. General**

**§3905. Definitions**

A. The following terms as used in these regulations, unless the context otherwise requires or unless redefined by a particular part hereof, shall have the following meanings.

\* \* \*

*Compressed Gas*—as defined in 49 CFR 173.115(b).

\* \* \*

*Discharge*—the placing, releasing, spilling, percolating, draining, pumping, leaking, mixing, leaching, migrating, seeping, emitting, disposing, by-passing, or other escaping of pollutants on or into the air, waters of the state, or the ground. A release shall not include a federal or state permitted release or a release that could not reasonably be expected to escape the confinement of the facility or to an area which the general public has unrestricted access.

\* \* \*

*Flammable Liquid*—as defined in 49 CFR 173.120.

\* \* \*

*Release*—the accidental or intentional spilling, leaking, pumping, pouring, emitting, escaping, leaching, or dumping of hazardous substances or other pollutants into or on any land, air, water, or groundwater. A release shall not include a federal or state permitted release or a release that could not reasonably be expected to escape the confinement of the facility or to an area which the general public has unrestricted access.

\* \* \*

*Unauthorized Discharge*—a continuous, intermittent, or one-time discharge, whether intentional or unintentional, anticipated or unanticipated, from any permitted or unpermitted source which is in contravention of any provision of the Louisiana Environmental Quality Act (R.S. 30:2001 et seq.) or of any permit or license terms and conditions, or of any applicable regulation, compliance schedule, variance, or exception of the administrative authority.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 30:2060(H), 30:2076(D), 30:2183(I), 30:2204(A) and 30:2373(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2442 (November 2000), amended by the Office of Secretary, Legal Affairs Division, LR 33:2080 (October 2007), LR 33:2627 (December 2007), LR 36:1242 (June 2010), amended by the Office of the Secretary, Legal Division, LR 42:

**Subchapter E. Reportable Quantities for Notification of  
Unauthorized Discharges**

**§3931. Reportable Quantity List for Pollutants**

**A. Incorporation by Reference of Federal Regulations**

1. Except as provided in Subsection B of this Section, the following federal reportable quantity (RQ) lists are incorporated by reference:

a. 40 CFR 117.3, July 1, 2015, table 117.3—reportable quantities of hazardous substances designated pursuant to section 311 of the Clean Water Act;

b. 40 CFR 302.4, July 1, 2015, table 302.4—list of hazardous substances and reportable quantities;

c. 40 CFR 355, July 1, 2015, appendix A—the list of extremely hazardous substances and their threshold planning quantities; and

d. 49 CFR 172.101, July 1, 2015, appendix A—list of hazardous substances and reportable quantities.

2. The following administrative reporting exemptions are hereby incorporated by reference:

- a. 40 CFR 302.6(d) and (e), July 1, 2015; and
- b. 40 CFR 355.31, July 1, 2015.

**B. Modifications or Additions**

1. The following table contains modifications to the federal RQ lists incorporated by reference in Subsection A of this Section, as well as RQs for additional pollutants.

Pollutant	Pounds
Acetaldehyde - Barium compounds	Repealed.
Brine from Solution Mining	5000
n Butyl alcohol - Nitric acid	Repealed.
Oil	1 barrel
Phthalic anhydride - Polynuclear aromatic hydrocarbons***	Repealed.
Produced water	1 barrel
Propionaldehyde - Sulfur dioxide	Repealed.
Sweet pipeline gas (Methane/Ethane)	42000 (1,000,000 scf)
Vinyl acetate - Methyl ethyl ketone	Repealed.

2. The RQ for any material on which maintenance of a material safety data sheet (MSDS) is required under the Occupational Safety and Health Administration's hazard communication standard as found in 29 CFR 1910.1200 et seq., and that does not appear on any of the lists incorporated by reference in Subsection A of this Section or in the table set forth in Subsection B of this Section shall be 5000 pounds, except that the RQ for all:

- a. compressed or refrigerated flammable gases shall be 100 pounds;
- b. flammable liquids shall be 100 pounds; and
- c. other liquids requiring maintenance of an MSDS shall be 1000 pounds.

3. Notwithstanding Subparagraph B.2.a of this Section, for facilities that meet the criteria described in LAC 33:V.10111.E.2, the RQ for compressed or refrigerated flammable gases shall be 1000 pounds.

**C. ...**

**D. State Hazardous Material Reportable Quantity Exemptions**

1. LAC 33:V.10111.E.1.b-d.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), 2204(A), and 2373(B).

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:183 (February 1994), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:944 (September 1995), LR 22:341 (May 1996), amended by the Office of the Secretary, LR 24:1288 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30:751 (April 2004), LR 30:1669 (August 2004), amended by the Office of Environmental Assessment, LR 31:919 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:603 (April 2006), LR 32:2248 (December 2006), LR 33:640 (April 2007), LR 33:2628 (December 2007), LR 34:69 (January 2008), LR 34:866 (May 2008), repromulgated LR 34:981 (June 2008), amended LR 35:1106 (June 2009), LR 36:1242 (June 2010), LR 36:2272 (October 2010), amended by the Office of the Secretary, Legal Division, LR 42:

**Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by OS093. Such comments must be received no later than February 3, 2016, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of OS093. These proposed regulations are available on the internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

**Public Hearing**

A public hearing will be held on January 27, 2016, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 North Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM  
General Counsel

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Reportable Quantity List for Pollutants**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no estimated implementation costs or savings to state or local governmental units as a result of the proposed rule. The proposed rule change amends the department's reportable quantity list to match federal and state regulations that are used currently by the Office of State Police (OSP) for releases of reportable quantities. The proposed rule change deletes pollutants that have different thresholds from OSP and the rule now refers to the thresholds OSP maintains for reportable quantities of pollutants.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units as a result of the proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

LAC 33:I.Chapter 39 establishes reporting requirements for unauthorized discharges. Therefore, all regulated entities with the potential to discharge pollutants to the land, water, or air will be affected by the proposed action.

The proposed rule will revise the reportable quantity list under current rule to be consistent with that of the Louisiana Department of Public Safety and Corrections, Office of State Police under LAC 33:V.10111.D. Since OSP rules apply to "any facility ... from which a reportable release occurs" (LAC 33:V.10103.A.2), there will be no compliance-related costs, workload adjustments, or additional administrative obligations required to comply with the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment in the public or private sector as a result of the proposed rule.

Herman Robinson  
General Counsel  
1512#034

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Office of the Governor  
Division of Administration  
Tax Commission**

Ad Valorem Taxation (LAC 61:V.101, 303, 304, 703, 907, 1103, 1307, 1503, 2501, 2503, 2713, 2717, 3101 and 3103)

In accordance with provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), and in compliance with statutory law administered by this agency as set forth in R.S. 47:1837, notice is hereby given that the Tax Commission intends to adopt, amend and/or repeal sections of the Louisiana Tax Commission real/personal property rules and regulations for use in the 2016 (2017 Orleans Parish) tax year.

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**

As required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the Louisiana Tax Commission hereby submits the following Family Impact Statement.

1. The Effect on the Stability of the Family. Implementation of these proposed rules will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parent Regarding the Education and Supervision of Their Children. Implementation of these proposed rules will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. Implementation of these proposed rules will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. Implementation of these proposed rules will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. Implementation of these proposed rules will have no effect on the behavior and responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in these Proposed Rules. Implementation of these proposed rules will have no effect on the ability of the family or local government to perform this function.

**Poverty Impact Statement**

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

**Small Business Statement**

The proposed Rule will have no adverse impact on small businesses as described in R.S. 49:965.2 et seq.

**Provider Impact Statement**

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

**Public Comments**

Interested persons may submit written comments on the proposed rules until 4 p.m., January 8, 2016, at the following address: Charles Abels, Tax Commission Administrator, Louisiana Tax Commission, P.O. Box 66788, Baton Rouge, LA 70896.

**Public Hearing**

A public hearing on this proposed Rule may be scheduled for Tuesday, January 26, 2016, at 10 a.m., at the Louisiana State Capitol, 900 North Third St., Baton Rouge, LA 70802, if requested by January 8, 2016.

James D. "Pete" Peters  
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Ad Valorem Taxation**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rules reflect annual changes in valuation procedures for taxation purposes based on the most recent available data. There are no estimated state costs or savings associated with the proposed rules. The impact on local governmental workload and paperwork cannot be quantified, but is expected to be minimal.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

On average, these revisions will generally decrease certain 2016 real and personal property assessments for property of similar age and condition in comparison with the latest available equivalent assessments. However, the assessments of certain property types will increase compared to prior year. Composite multiplier tables for assessment of most personal property will increase by an estimated .5%. Specific valuation tables for assessment of pipelines will increase by an estimated 2% (onshore no change and offshore 4.5%). Oil & gas wells will decrease by an estimated 7% in all regions. Drilling rigs will decrease by an estimated 10.5% (land rigs -21.5%, jack-ups no change, semisubmersible rigs no change and well service land only rigs -20.5%). Use value as it pertains to agricultural & horticultural land and timberland will increase by an estimated 8.5% (ag. & hort. land 15% and timberland 2.5%). There is no change for all other land classified as use value). The net effect determined by averaging these revisions

is estimated to decrease assessments by .5% and estimated local tax collections by \$4,665,000 in FY 16/17 on the basis of the existing statewide average millage. However, these revisions will not necessarily affect revenue collections of local government units as any net increase or decrease in assessed valuations are authorized to be offset by millage adjustment provisions of Article VII, Section 23 of the state Constitution. The proposed rule also stipulates the calculation for depreciation of surface equipment, using actual age when reported, for equipment with an original purchase cost of \$2,500 or more beginning 1/1/16. Property identified as Salt Dome Storage Wells & Caverns will be assessed as general business assets beginning 1/1/16.

There is no impact to state governmental units

### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The affects of these new rules on assessments of individual items of equivalent real and personal property will generally be lower in 2016 compared to the last year of actual data. Specific assessments will depend on the age and condition of the property subject to assessment. Taxpayers will be impacted based on the changes to the valuation guidelines for assessments as listed in Section II. The magnitude will depend on the taxable property for which they are liable. Regardless of the guidelines adopted by the Tax Commission, all taxpayers continue to have the right to appeal the assessments.

### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The impact on competition and employment cannot be quantified. In as much as the proposed changes in assessments are relatively small and there will no longer be any charges for the updates, the impact is expected to be minimal.

James D. Pete” Peters  
Chairman  
1512#043

Gregory V. Albrecht  
Chief Economist  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Health and Hospitals Board of Embalmers and Funeral Directors

License, Internship, Inspection, and Fees  
(LAC 46:XXXVII, 707, 901, 903, 905, 909, 1107, and 2001)

The Board of Embalmers and Funeral Directors proposes to amend LAC 46:XXXVII. Chapters 7, 9, 11 and 2001 pursuant to the authority granted by R.S. 37:840 in accordance with the provisions of the Administrative Procedures Act, amend and/or add provisions of the rules, regulations, and procedures relative to providing useful guidance and information for the purpose of improving regulatory compliance and to enhance the understanding of these changes.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XXXVII. Embalmers and Funeral Directors

#### Chapter 7. License

#### §707. Reciprocal License Requirements

A. Any person desiring a temporary license for an embalmer and funeral director or funeral director license shall, before practicing, make application on forms furnished by the board. Said application shall be accompanied by a temporary license fee as established by the board, which is not refundable. If applicant meets all requirements, the

secretary shall issue a temporary license. The board cannot, at its discretion, extend the temporary license period.

B.1. - C. Repealed.

D.1. The temporary license entitles the licensee to practice embalming and/or funeral directing in this state. However, it shall become null and void if the original license is revoked, suspended, or lapsed.

2. - 3. Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840 and R.S. 37:842.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended LR 11:688 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2821 (December 2004), LR 42:

#### §709. Continuing Education

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 20:1378 (December 1994), repromulgated LR 21:175 (February 1995), amended by 2004 Regular Session, House Concurrent Resolution No. 10, LR 30:2990 (December 2004), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2822 (December 2004), repromulgated LR 31:1018 (April 2005), repealed LR 42:

#### Chapter 9. Internship

#### §901. Requirements for Combination License

A. Any person desiring to engage in the practice of embalming and funeral directing in this state, except those holding a temporary license, shall serve as an intern within the state of Louisiana.

1. - 5. Repealed.

6. The employment of the intern at the funeral home may be verified by the board. Verification of employment will be made by presenting the quarterly returns submitted either to the Internal Revenue Service or the Louisiana Department of Revenue and Taxation, or, alternatively, some other official form used to verify employment which is acceptable to the board.

7. - 9. Repealed.

10. Any internship shall be considered stale/null and void and unavailable for consideration after the passage of 10 years.

11. The board registered supervisor shall certify or verify the cases and the contact hours that the intern worked during the month.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, promulgated LR 5:277 (September 1979), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 15:10 (January 1989), LR 16:769 (September 1990), amended LR 30:2823 (December 2004), LR 34:2400 (November 2008), LR 42:

#### §903. Requirements for Funeral Director License

A. Any person desiring to engage in the practice of funeral directing within this state, except those holding a temporary license, shall serve as an intern within the state of Louisiana.

1. - 5. Repealed.

6. The employment of the intern at the funeral home may be verified by the board. Verification of employment

will be made by presenting the quarterly returns submitted either to the Internal Revenue Service or the Louisiana Department of Revenue and Taxation, or, alternatively, some other official form used to verify employment which is acceptable to the board.

7. - 9. Repealed.

10. Any internship shall be considered stale/null and void and unavailable for consideration after the passage of 10 years.

11. The board registered supervisor shall certify or verify the cases and the contact hours that the intern worked during the month.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended March 1974, promulgated LR 5:278 (September 1979), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 15:10 (January 1989), LR 19:744 (June 1993), LR 30:2823 (December 2004), LR 34:2400 (November 2008), LR 42:

#### **§905. Application; Fee**

A. Each intern shall make application to the board on prescribed forms, accompanied by a fee as established by the board and if found acceptable shall be registered as such and given an identification slip.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended March 1974, promulgated LR 5:278 (September 1979), amended LR 11:687 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2824 (December 2004), LR 42:

#### **§907. Affidavits Required**

A. When tenure of internship is completed, an affidavit by both the intern and the person under whose supervision he or she served, shall be filed not later than 15 days with the board. Said affidavit shall list the number of bodies embalmed and/or funerals assisted in and the contact hours served.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended March 1974, promulgated LR 5:278 (September 1979), repromulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2824 (December 2004), amended LR 42:

#### **§909. Notification to Licensed Person**

A. The secretary of the board, upon notification by the applicant, will inform the licensed person responsible for the supervision and the training of the intern of the rules and regulations concerning the internship and that he will be responsible to the board for the application and enforcement of these rules and regulations.

B. Repealed.

C. Each intern is required to file a complete case report for each individual case handled during the internship which must be signed by the individual licensee who was supervisor of that case and must also file a monthly report providing the board with a summary of the cases worked during that period which shall be signed by the licensee designated as the supervisor of the intern. The report is due

on the tenth day of the month and delinquent on the fifteenth day. Delinquent reports may result in the loss of credit for that month.

1. It shall be a requirement and responsibility of the intern to make these reports monthly and to have them in the office of the secretary on the date specified. Failure of the licensed supervisor to perform as agreed or to in any way falsify the records of the internship will cause a fine to be levied in accordance with the provisions of R.S. 37:850 for said violation.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, promulgated LR 5:278 (September 1979), amended LR 11:946 (October 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 15:11 (January 1989), LR 30:2824 (December 2004), LR 42:

### **Chapter 11. Funeral Establishments**

#### **§1107. Inspection**

A. - B.2. ...

a. floors of tile, cement, linoleum, or like composition, finished with a glazed surface or epoxy flooring;

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended November 1972, February 1973, amended and promulgated LR 4:227 (June 1978), amended LR 4:295 (August 1978), LR 4:356 (September 1978), LR 5:278 (September 1979), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 20:191 (February 1994), LR 20:1380 (December 1994), LR 30:2825 (December 2004), LR 42:

### **Chapter 20. Fees**

#### **§2001. Fees**

A. The board shall require payment of fees hereunder as

1. - 11. ...

12. a fee of \$100 from each person applying for a temporary license within this state;

13. ...

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840 and 37:845.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2828 (December 2004), amended LR 42:

#### **Family Impact Statement**

The proposed additions and/or changes to the rules of the board, Professional and Occupational Standards for Embalmers and Funeral Directors should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, there should be no known or foreseeable effect 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. a family's earnings and budget;
5. the behavior and personal responsibility of children; or
6. the family's ability or that of the local government to perform the function as contained in the proposed rule.

### Poverty Impact Statement

This 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 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 Statement

The impact of the proposed Rule on small business has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act.

### Provider Impact Statement

The proposed Rules does not impact or affect a provider. "Provider" means an organization that provides services for individuals with developmental disabilities as defined in HCR 170 of the 2014 Regular Session of the Legislature. In particular, the proposed Rule has no effect or impact on a provider in regard to:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the provider to provide the same level of service;
3. the ability of the provider to provide the same level of service.

### Public Comments

Interested persons may submit written comments to Kim W. Michel, Executive Director, Louisiana State Board of Embalmers and Funeral Directors, 3500 N. Causeway Blvd., Suite 1232, Metairie, LA 70002. Written comments must be submitted to and received by the board within 30 days of this notice. A request pursuant to R.S. 49:953 (A)(2) for oral presentation, argument, or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

Kim W. Michel  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: License, Internship, Inspection, and Fees

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There is no estimated implementation cost or savings due to the proposed rule changes except for the publication of the proposed rules estimated at \$450. In FY 16. The proposed rule changes codify legislative action per Act 264 of the 2014 Regular Session of the Louisiana Legislature, specifically with regard to licensure and internships of embalmers/funeral directors.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

To the degree that the expanded internship options under Act 264 of 2014 may result in additional applicants to the relevant embalmer/funeral director positions, the board may

realize a modest, but indeterminable increase in revenues through licensure application.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The expansion of internship opportunities as detailed in Act 264 of 2014 may facilitate additional individuals seeking to enter into the profession of embalmer/funeral director.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not expected to have a significant effect on competition and/or employment, but the expansion of internship opportunities as detailed in Act 264 may ease entry into the profession of embalmer/funeral director.

Kim W. Michel  
Executive Director  
1512#050

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Health and Hospitals Board of Medical Examiners

General Information; Complaints and Investigations;  
Adjudication (LAC 46:XLV.8315, 9707, 9709, and 9711)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et. seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1261-1292, the board intends to adopt an organizational Rule and amend its rules on investigations and complaints of physicians. The proposed changes: add a new Rule (§8315) specifying that no individual may simultaneously hold the positions of executive director and director of investigations and provide for related matters; delete §9707.C, relative to the issuance of subpoenas, reinstate it in §9711.C (formal investigations) and list the items that may be subpoenaed during a preliminary review (§9709.B.1); specify that affidavits rather than subpoenas may be obtained to preserve the testimony of a complainant and complainant witnesses during a preliminary review (§9709.B.1); revise the wording on §9709.F.1 to provide flexibility to gather additional information to support a recommendation to dismiss a preliminary review within a specified period of time in lieu of automatically commencing a formal investigation (§9709.F.1); identify and limit the potential participants in conferences with board staff (§9711.G.1); and reduce the period for completing a formal investigation from 36 to 24 months (§9711.H). The proposed changes are set forth below.

#### Title 46

#### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLV. Medical Professions

#### Subpart 4. Administrative Provisions

#### Chapter 83. General Information

#### Subchapter B. Board Organization

#### §8315. Executive Director; Director of Investigations

A. No individual shall simultaneously hold the positions of executive director and director of investigations for the board nor shall the executive director serve as an

investigator on any complaint received or initiated by the board with respect to a physician. Each of these positions may be filled by the board on an interim basis; however, if a position remains vacant for a period of six months, the board shall notify its legislative oversight committees of such fact and its plans and anticipated time frame within which to fill the position.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 1261-1292.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 42:

### **Subpart 5. Rules of Procedure**

#### **Chapter 97. Complaints and Investigations**

##### **§9707. Complaint Processing**

A. - B. ...

C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 42:

##### **§9709. Preliminary Review**

A. ...

B. During a review such action may be initiated and taken as deemed necessary or appropriate and additional information may be obtained to assist in the determination. As part of the preliminary review:

1. documents and information which may be needed to determine if the complaint is jurisdictional and whether sufficient cause exist to warrant formal investigation may be gathered and secured. To assist in a review a designee authorized by the board is authorized to issue, as necessary or upon request of board staff, subpoenas to obtain medical, hospital and pharmacy records and records from law enforcement, state and federal agencies. Affidavits may be obtained to preserve the testimony of a complainant and complaint witnesses;

B.2. - E. ...

F. At the conclusion of a preliminary review a determination shall be made as to whether the complaint is jurisdictional and there is sufficient cause for investigation. If the complaint:

1. is not jurisdictional or there is insufficient cause for investigation, a report and recommendation shall be submitted to the board to close the complaint without investigation. If approved by the board, the complainant and the licensee, if the licensee was notified of the preliminary review, shall be notified of the disposition. If not approved by the board, the board shall direct the board's staff to undertake such additional review as may be necessary or indicated within a specified period of time. A complaint closed after preliminary review shall not be considered an investigation by the board and need not be reported as such by a licensee on subsequent renewal applications to the board;

2. - 2.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 42:

##### **§9711. Formal Investigation**

A. - B. ...

C. Once a formal investigation is initiated by the board, an investigation shall be undertaken to determine whether or

not there is sufficient information and evidence to indicate that a violation of the law has occurred. To assist in a formal investigation subpoenas may be issued in the same manner as set forth in §9709.B to obtain any of the items listed therein and any other documents and other information, the appearance of witnesses and sworn testimony.

D. - F. ...

G. If the investigation provides sufficient information and evidence to indicate that a violation of the law has occurred, an administrative complaint may be filed with the board, pursuant to Chapter 99 of these rules, provided one or more of the following conditions exist:

1. a draft administrative complaint, in the form and content specified in §9903.B of these rules, has been mailed or provided to the licensee accompanied by a letter providing a reasonable opportunity for a conference to show compliance with all lawful requirements for the retention of the license without restriction, or to show that the complaint is unfounded as contemplated by R.S. 49:961(C); however, the licensee fails to respond to the complaint and letter, waives the opportunity, or the response does not satisfactorily demonstrate lawful compliance or that the complaint is unfounded. Such conference shall be attended only by the board's director of investigations or the investigator assigned to the matter and legal counsel, if any, and by the physician and the physician's counsel, if any;

2. - 3. ...

H. Formal investigations shall be completed within 24 months after initiated by the board. However, this period may be increased by the board for satisfactory cause and no complaint shall be dismissed solely because a formal investigation was not completed within this period. This period shall also not apply to any investigation pending on July 1, 2015.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 42:

##### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

##### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

##### **Provider Impact Statement**

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with development 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 amendment to Rita Arceneaux, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130, (504) 568-6820, ex. 242. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m., January 19, 2016.

### 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 January 25, 2016, at 9 a.m. at the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call to confirm that a hearing is being held.

Cecilia Mouton, M.D.  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: General Information; Complaints and Investigations; Adjudication

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than publication costs during FY 16, it is not anticipated that the proposed changes will have further impact on the Board or any other state or local governmental unit. Publication costs associated with notice (\$333) and promulgation (\$213) of the changes are estimated at a combined total of \$546 in FY 16. The Board of Medical Examiners proposes to adopt an organizational rule (8315) specifying separation of duties of the executive director and director of investigations. The Board also seeks to amend its rules on complaints and investigations of physicians to further clarify its intended procedures subsequent to rules submitted in September 2015 and pursuant to requirements adopted by Act 441 of the 2015 Regular Legislative Session (LAC 46:XLV 9707, 9709, 9711).

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of the Board of Medical Examiners or any state or local governmental unit.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

It is not anticipated that the proposed changes will effect costs, paperwork or workload of physicians, nor on receipts and/or income of licensees or non-governmental groups.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed changes will have any impact on competition or employment in either the public or private sector.

Cecilia Mouton, M.D.  
Executive Director  
1512#042

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Health and Hospitals Bureau of Health Services Financing

#### Direct Service Worker Registry (LAC 48:I.Chapter 92)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to amend LAC 48:I.Chapter 92 as authorized by R.S. 37:1031-1034 and R.S. 40:2179-2179.1. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

In compliance with Act 451 of the 2005 Regular Session of the Louisiana Legislature and Act 29 of the 2011 Regular Session of the Louisiana Legislature, the Department of Health and Hospitals, Bureau of Health Services Financing adopted provisions governing medication administration and the performance of noncomplex nursing tasks by direct service workers (*Louisiana Register*, Volume 38, Number 12).

The department has now determined that it is necessary to amend the provisions governing the DSW Registry in order to align the DSW Registry Rule with R.S. 40:2179-40:2179.1, and to provide information on how to access the DSW Registry online database for verification purposes.

#### Title 48

#### PUBLIC HEALTH—GENERAL

#### Part I. General Administration

#### Subpart 3. Health Standards

#### Chapter 92. Direct Service Worker Registry

#### Subchapter A. General Provisions

#### §9201. Definitions

\*\*\*

*Activities of Daily Living (ADLs)*—the functions or tasks which are performed either independently or with supervision that assist an individual to live in a community setting, or that provide assistance for mobility (i.e., bathing, dressing, eating, grooming, walking, transferring and toileting).

\*\*\*

*DAL*—Division of Administrative Law or its successor.

*Department*—the Louisiana Department of Health and Hospitals (DHH).

*Direct Service Worker (DSW)*—an unlicensed person who provides personal care or other services and support to persons with disabilities or to the elderly to enhance their well-being, and who is involved in face-to-face direct contact with the person. Functions performed may include, but are not limited to, assistance and training in activities of daily living, personal care services, and job-related supports. Examples of direct service workers employed in a licensed health care setting include, but are not limited to:

1. patient care technicians;
2. hospital aides;
3. unlicensed assistive personnel (UAPs);
4. home health aides;
5. hospice aides;
6. direct care workers;
7. mental health technicians;
8. mental health aides;
9. mental health orderlies;

10. nursing aides or hospital orderlies;
11. nursing assistants;
12. patient care aides; and/or
13. any persons hired as unlicensed direct care staff that meet the provisions of this chapter.

Note: Those persons who are listed on the Certified Nurse Aide Registry and who are employed as certified nurse aides in a licensed nursing facility and/or a skilled nursing facility within a hospital are not included under these provisions as a direct service worker.

*Disability*—a physical or mental impairment which substantially limits one or more of the major life activities of an individual or who has a history of such impairment or who is regarded as having such impairment; having a condition (such as an illness or an injury) that damages or limits a person's physical or mental abilities, either temporarily or on a permanent basis.

*Elderly*—persons who are elderly are considered being past middle age and approaching old age, of, or relating to, or having characteristics of older persons, or life in later years; sometimes used to describe any adult over 75 years old or individuals over 65 years old who have functional impairments.

\* \* \*

*Exploitation*—the illegal or improper use or management of the funds, assets or property of an adult with disabilities or who is elderly, or the use of the power-of-attorney or guardianship of an adult with disabilities or who is elderly for one's own profit or advantage.

\* \* \*

*Finding*—allegations of abuse, neglect, exploitation or extortion that are placed on the registry by the department for the following reasons:

1. after a final decision by an administrative law judge or a court of law, after all appeal delays afforded by law are exhausted; or
2. failure by the accused to timely request an appeal in accordance with the provisions of this Rule.

*Health Care Provider*—any health care facility, agency, or entity licensed or certified by DHH. Such entities may be referred to in other laws, statutes and regulations as providers, agencies, clinics, residential care units, homes or facilities. Health care providers include, but are not limited to, the following:

1. nursing facilities;
2. hospice providers;
3. hospitals;
4. intermediate care facilities;
5. adult residential care providers;
6. adult day health care centers;
7. home health agencies;
8. behavioral health providers;
9. dialysis units; or
10. home and community based services providers.

*Health Standards Section (HSS)*—the section of the Department of Health and Hospitals responsible for the licensing and certification of health care providers.

\* \* \*

*Independent Living Environment*—Repealed.

*Major Life Activities*—functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

\* \* \*

*Person-Specific Training*—a set of knowledge, skills, training and abilities that address the client's strengths, restrictions relative to aging, disabilities, health care needs and related factors in order to meet the unique needs of the person receiving care.

*Plan of Care*—a plan that describes the assistance or services required to be provided to a person receiving home and community-based services, as defined herein. The plan also describes who shall provide the assistance and the frequency and/or duration of the services that shall be provided.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2058 (November 2006), amended LR 33:95 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3175 (December 2012), LR 42:

### **§9202. Introduction**

A. The Department of Health and Hospitals (DHH) shall maintain a registry of individuals for whom specific findings of abuse, neglect, exploitation or extortion have been substantiated by the department, an administrative law judge, or a court of law.

B. – B.6....

C. Licensed health care providers shall access the registry to determine if there is a finding that a prospective hire or currently employed direct service worker has been determined to have committed abuse or neglect of an individual being supported, or misappropriated the individual's property or funds. If there is such a finding on the registry, the prospective employee shall not be hired nor shall a current employee have continued employment with the licensed health care provider.

D. All provisions of this Chapter, except Subchapter D, §§9241-9261, Medication Administration and Noncomplex Tasks in Home and Community-Based Settings, applies to any licensed health care provider who employs direct service workers who provide personal care or other services and support to persons with disabilities or to the elderly to enhance their well-being, and who is involved in face-to-face direct contact with the person.

1. Exception. Home and community-based services providers are required to meet all provisions of this Chapter, inclusive of Subchapter D, §§9241-9261, if the HCBS provider employs direct service workers who perform medication administration and noncomplex medical tasks in the HCBS setting.

E. The provisions of this Chapter shall apply to direct service workers who are compensated, regardless of the setting, and specifically do not apply to those direct service workers listed on the Certified Nurse Aide Registry established under rules promulgated by the Department of Health and Hospitals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2059 (November 2006), amended LR 33:95 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3176 (December 2012), LR 42:

## **Subchapter C. Provider Participation**

### **§9231. Health Care Provider Responsibilities**

A. Prior to hiring any direct service worker or trainee, the licensed health care provider shall:

1. assure that the individual is at least 18 years of age, and that they have the ability to read, write and comprehend the English language; and

2. access the registry in accordance with the provisions of §9202.C.

B. The health care provider shall have a written process to check the registry every six months to determine if any currently employed direct service worker or trainee has been placed on the registry with a finding that he/she has been determined to have committed abuse or neglect of an individual being supported or misappropriated the individual's property or funds.

1. The provider shall follow the agency's process in demonstration of compliance with this procedure.

2. If there is such a finding on the registry, the employee shall not have continued employment with the licensed health care provider in accordance with the provisions of §9202.C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2061 (November 2006), amended LR 33:97 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3176 (December 2012), LR 42:

## **Subchapter D. Medication Administration and Noncomplex Tasks in Home and Community-Based Settings**

### **§9257. Liability**

A. - B. ...

C. Notwithstanding any other provision of law, licensed agencies that employ direct service workers shall be liable for acts or omissions of the direct service worker.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1031-1034.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3179 (December 2012), amended LR 42:

### **§9261. Violations and Noncompliance**

A. ...

B. In accordance with §9259.A(2), authorization for a direct service worker to perform any of the tasks specified in R.S. 37:1032 shall be terminated if the registered nurse certifies that the direct service worker can no longer perform the prescribed tasks safely and the direct service worker shall immediately cease performing such procedures.

C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1031-1034.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3180 (December 2012), amended LR 42:

## **Subchapter E. Violations**

### **§9273. Allegations of Direct Service Worker Wrong-Doing**

A. The department, through the Division of Administrative Law, or its successor, provides a process for the review, investigation, and appeal of all allegations of

wrong-doing by direct service workers. Direct service workers and trainees shall not:

1. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2061 (November 2006), amended LR 33:98 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3180 (December 2012), LR 42:

### **§9275. Notice of Violation**

A. When there are substantiated allegations against the direct service worker, either through oral or written evidence, the department will notify the individual(s) implicated in the investigation of the following:

1. - 2. ...

3. the right to request from HSS an informal discussion (informal dispute resolution process); and

4. the right to request from the Division of Administrative Law an administrative hearing (appeal).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2061 (November 2006), amended LR 33:98 (January 2007), LR 42:

### **§9277. Informal Dispute Resolution**

A. When a direct service worker feels that he/she has been wrongly accused, the following procedure shall be followed:

1. The direct service worker may request an informal dispute resolution (IDR) within 15 calendar days of the receipt of the department's notice of violation. The request for an IDR shall be made to the HSS in writing.

2. The IDR is designed:

a. to provide an opportunity for the direct service worker to informally discuss the allegations that make the basis for placement of the finding;

b. - c. ...

3. An IDR session will be arranged within 20 days of receipt of the written request.

4. During the IDR, the direct service worker will be afforded the opportunity to:

a. talk with agency personnel assigned to the IDR;

b. - e. ...

5. Notice of the results of the IDR decision will be forwarded to the DSW in writing. Such written notice will include any further opportunities for appeal, if necessary and/or appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2061 (November 2006), amended LR 33:98 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3180 (December 2012), LR 42:

## **Subchapter F. Administrative Hearings**

### **§9285. General Provisions**

A. ...

1. The request for an administrative hearing shall be made in writing to the Division of Administrative Law, or its successor.

2. The request shall contain a statement setting forth the specific allegations which the direct service worker disputes and the reasons for this dispute.

A.3. – B. ...

B.1. – B.1.c. Repealed.

C. The administrative hearing shall be conducted by an administrative law judge from the Division of Administrative Law, or its successor, as authorized by R.S. 46:107 and according to the Administrative Procedure Act.

1. – 9. Repealed.

D. If there is a final and binding administrative hearing decision to place a finding on the DSW Registry against the direct service worker, the department shall place the direct service worker's name and the adverse findings on the DSW Registry. The occurrence and findings will remain on the DSW Registry permanently.

D.1. – H. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2062 (November 2006), amended LR 33:98 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3180 (December 2012), LR 42:

#### **§9287. Preliminary Conferences**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2062 (November 2006), amended LR 33:99 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3180 (December 2012), repealed LR 42:

#### **§9293. Failure to Appear at Administrative Hearings**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2063 (November 2006), amended LR 33:100 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3181 (December 2012), repealed LR:42:

#### **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.

#### **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 Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821 or by email to MedicaidPolicy@la.gov. Ms. Castello is responsible for responding to inquiries regarding this proposed Rule.

#### **Public Hearing**

A public hearing on this proposed Rule is scheduled for Thursday, January 28, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Kathy H. Kliebert  
Secretary

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Direct Service Worker Registry**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 15-16. It is anticipated that \$1,944 (SGF) will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will not affect revenue collections since the licensing fees, in the same amounts, will continue to be collected.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

This proposed Rule amends the provisions governing the Direct Service Worker (DSW) Registry in order to revise and clarify these provisions to align the DSW Registry Rule with R.S. 40:2179-2179.1, and to provide information for accessing the DSW Registry online database for verification purposes. It is anticipated that the implementation of this proposed Rule will have no economic cost to health care providers in FY 15-16, FY 16-17, and FY 17-18, but will be beneficial to providers by providing online access to the DSW Registry database free of charge to assist with employment verifications.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This rule has no known effect on competition and employment.

Cecile Castello  
Director  
1512#070

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Health and Hospitals Bureau of Health Services Financing

Inpatient Hospital Services  
Non-Rural, Non-State Hospitals  
Reinstatement of Additional Payments for  
Hemophilia Blood Products (LAC 50:V.965)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend LAC 50:V.965 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 and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted provisions governing the reimbursement methodology for inpatient hospital services rendered by non-rural, non-state acute care hospitals to provide additional reimbursements to certain hospitals for the extraordinary costs incurred in the purchase of blood products for Medicaid recipients who have been diagnosed with hemophilia (*Louisiana Register*, Volume 34, Number 10) and other rare bleeding disorders (*Louisiana Register*, Volume 35, Number 4).

As a result of a budget shortfall in state fiscal year 2015, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for inpatient hospital services rendered by non-rural, non-state hospitals to eliminate the additional reimbursements for hemophilia blood products purchased by hospitals (*Louisiana Register*, Volume 41, Number 3).

Act 16 of the 2015 Regular Session of the Louisiana Legislature allocated funding to the department to reinstate the additional reimbursements for hemophilia related blood products. The department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for inpatient hospital services rendered by non-rural, non-state hospitals to reinstate reimbursements for costs incurred in the purchase of blood products for certain Medicaid recipients diagnosed with, and receiving inpatient treatment for, hemophilia (*Louisiana Register*, Volume 41, Number 7). This proposed Rule is being promulgated to continue the provisions of the July 1, 2015 Emergency Rule.

#### Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part V. Hospital Services

#### Subpart 1. Inpatient Hospitals

#### Chapter 9. Non-Rural, Non-State Hospitals

#### Subchapter B. Reimbursement Methodology

#### §965. Hemophilia Blood Products

A. Effective for dates of service on or after July 1, 2015, the Department of Health and Hospitals shall provide additional reimbursements to certain non-rural, non-state acute care hospitals for the extraordinary costs incurred in purchasing blood products for certain Medicaid recipients diagnosed with, and receiving inpatient treatment for hemophilia.

B. - B.1. ...

2. have provided clotting factors to a Medicaid recipient who:

a. has been diagnosed with hemophilia or other rare bleeding disorders for which the use of one or more clotting factors is Food and Drug Administration (FDA) approved; and

b. has been hospitalized at the qualifying hospital for a period exceeding six days; and

3. - 3.a. ...

C. Reimbursement. Hospitals who meet the qualifications in §965.B may receive reimbursement for their actual costs that exceed \$50,000 if the hospital submits a request for reimbursement to the Medicaid Program within 180 days of the patient's discharge from the hospital.

1. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2176 (October 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:674 (April 2009), LR 42:

#### Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability or autonomy as described in R.S. 49:972 by ensuring that Medicaid recipients have access to medically necessary hospital services and medications.

#### Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 by ensuring that Medicaid recipients have access to medically necessary hospital services and medications.

#### 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, but may reduce the total direct and indirect cost to the provider to provide the same level of service, and may enhance the provider's ability to provide the same level of service as described in HCR 170 since this proposed Rule increases payments to providers for the same services they already render.

#### Public Comments

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this proposed Rule.

#### Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, January 28, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge,

LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Kathy H. Kliebert  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Inpatient Hospital Services Non-Rural,  
Non-State Hospitals Reinstatement of Additional  
Payments for Hemophilia Blood Products**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will result in estimated state general fund programmatic costs of \$100,270 for FY 15-16, \$102,755 for FY 16-17 and \$105,837 for FY 17-18. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 62.17 percent in FY 15-16 and 62.26 percent in FY 16-17.

**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 \$164,610 for FY 15-16, \$169,515 for FY 16-17 and \$174,601 for FY 17-18. It is anticipated that \$270 will be expended in FY 15-16 for the federal administrative expenses for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 62.17 percent in FY 15-16 and 62.26 percent in FY 16-17.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

This proposed Rule continues the provisions of the July 1, 2015 Emergency Rule which amended the provisions governing reimbursement for inpatient hospital services in order to reinstate reimbursements for costs incurred in the purchase of blood products for certain Medicaid recipients diagnosed with, and receiving inpatient treatment for, hemophilia. It is anticipated that implementation of this proposed rule will increase programmatic expenditures for inpatient hospital services by approximately \$264,340 for FY 15-16, \$272,270 for FY 16-17 and \$280,438 for FY 17-18.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

It is anticipated that the implementation of this proposed rule will not have an effect on competition and employment.

J. Ruth Kennedy  
Medicaid Director  
1512#071

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Inpatient Hospital Services  
Public-Private Partnerships  
Supplemental Payments  
(LAC 50:V.Chapter 17)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to adopt LAC 50:V.Chapter 17 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 and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing inpatient hospital services to establish supplemental Medicaid payments to non-state (private) owned hospitals in order to encourage them to take over the operation and management of state-owned and operated hospitals that have terminated or reduced services (*Louisiana Register*, Volume 38, Number 11). Participating non-state owned hospitals shall enter into a cooperative endeavor agreement with the department to support this public-provider partnership initiative.

The department submitted the required corresponding Medicaid State Plan Amendment to the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) for review and approval as a result of these revisions to the reimbursement methodology governing inpatient hospital services. During negotiations with CMS to secure approval, additional revisions were made. This proposed Rule is being promulgated to continue the provisions of the November 1, 2012 Emergency Rule, and to revise these provisions to ensure they are consistent with the approved corresponding State Plan Amendment.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part V. Hospital Services**

**Subpart 1. Inpatient Hospital Services**

**Chapter 17. Public-Private Partnerships**

**§1701. Baton Rouge Area Hospitals**

A. Qualifying Criteria. Effective for dates of service on or after April 15, 2013, the department shall provide supplemental Medicaid payments for inpatient hospital services rendered by non-state privately owned hospitals in the Baton Rouge Area that meet the following conditions.

1. The hospital must be a non-state privately owned and operated hospital that enters into a cooperative endeavor agreement with the Department of Health and Hospitals to increase its provision of inpatient Medicaid and uninsured hospital services by:

- a. assuming the management and operation of services at a facility where such services were previously provided by a state owned and operated facility; or
- b. providing services that were previously delivered and terminated or reduced by a state owned and operated facility.

**B. Reimbursement Methodology**

1. Payments shall be made quarterly based on the annual upper payment limit calculation per state fiscal year.

2. Payments shall not exceed the allowable Medicaid charge differential. The Medicaid inpatient charge differential is the Medicaid inpatient charges less the Medicaid inpatient payments (which includes both the base payments and supplemental payments).

a. The payments will be made in four equal quarterly payments based on 100 percent of the estimated charge differential for the state fiscal year.

3. The qualifying hospital will provide quarterly reports to the department that will demonstrate that, upon implementation, the annual Medicaid inpatient payments do not exceed the annual Medicaid inpatient charges per 42 CFR 447.271. The department will verify the Medicaid claims data of these interim reports using the state's MMIS system. When the Department receives the annual cost report as filed, the supplemental calculations will be reconciled to the cost report.

4. If there is additional cap room, an adjustment payment will be made to assure that supplemental payments are the actual charge differential. The supplemental payments will also be reconciled to the final cost report.

5. The annual supplemental payments will not exceed the allowable Medicaid inpatient charge differential per 42 CFR 447.271, and the maximum inpatient Medicaid payments shall not exceed the upper limit per 42 CFR 447.272.

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:

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability or autonomy as described in R.S. 49:972 as it will enhance recipient access to hospital services by ensuring sufficient provider participation in the Hospital Program.

**Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 as it will enhance recipient access to hospital services by ensuring sufficient provider participation in the Hospital Program.

**Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has

been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service and no direct or indirect cost to the provider to provide the same level of service. These provisions 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 J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this proposed Rule.

**Public Hearing**

A public hearing on this proposed Rule is scheduled for Thursday, January 28, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Kathy H. Kliebert  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Inpatient Hospital Services Public-Private Partnerships, Supplemental Payments**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will result in estimated state general fund programmatic costs of \$41,257,466 for FY 15-16, \$54,608,710 for FY 16-17 and \$56,944,019 for FY 17-18. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 62.17 percent in FY 15-16 and 62.26 percent in FY 16-17.

**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 \$67,802,541 for FY 15-16, \$90,088,455 for FY 16-17 and \$93,941,033 for FY 17-18. It is anticipated that \$270 will be expended in FY 15-16 for the federal administrative expenses for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 62.17 percent in FY 15-16 and 62.26 percent in FY 16-17.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

This proposed Rule continues the provisions of the November 1, 2012 Emergency Rule which amended the provisions governing inpatient hospital services to establish supplemental Medicaid payments to non-state (private) owned hospitals in order to encourage them to take over the operation and management of state-owned and operated hospitals that have terminated or reduced services. It is anticipated that implementation of this proposed rule will increase

programmatic expenditures for inpatient hospital services by approximately \$109,059,467 for FY 15-16, \$144,697,165 for FY 16-17 and \$150,885,052 for FY 17-18.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this proposed rule will not have an effect on competition and may have a positive effect on employment.

J. Ruth Kennedy  
Medicaid Director  
1512#072

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

**Outpatient Hospital Services—Public-Private Partnerships  
Supplemental Payments (LAC 50:V.Chapter 67)**

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to adopt LAC 50:V.Chapter 67 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 and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing outpatient hospital services to establish supplemental Medicaid payments to non-state owned (private) hospitals in order to encourage them to take over the operation and management of state-owned hospitals that have terminated or reduced services (*Louisiana Register*, Volume 38, Number 11). Participating non-state owned hospitals shall enter into a cooperative endeavor agreement with the department to support this public-private partnership initiative. The department promulgated an Emergency Rule which amended the provisions of the November 1, 2012 Emergency Rule to revise the reimbursement methodology in order to correct the federal citation (*Louisiana Register*, Volume 39, Number 3).

The department submitted the required corresponding Medicaid State Plan Amendment to the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), for review and approval as a result of these revisions to the reimbursement methodology governing outpatient hospital services. During negotiations with CMS to secure approval, additional revisions were made. This proposed Rule is being promulgated to continue the provisions of the March 2, 2013 Emergency Rule, and to revise these provisions to ensure they are consistent with the approved corresponding State Plan Amendment.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part V. Hospital Services**

**Subpart 5. Outpatient Hospital Services**

**Chapter 67. Public-Private Partnerships**

**§6701. Baton Rouge Area Hospitals**

A. Qualifying Criteria. Effective for dates of service on or after April 15, 2013, the department shall provide supplemental Medicaid payments for outpatient hospital

services rendered by non-state privately owned hospitals that meet the following conditions.

1. Qualifying Criteria. The hospital must be a non-state privately owned and operated hospital that enters into a cooperative endeavor agreement with the Department of Health and Hospitals to increase its provision of outpatient Medicaid and uninsured hospital services by:

a. assuming the management and operation of services at a facility where such services were previously provided by a state owned and operated facility; or

b. providing services that were previously delivered and terminated or reduced by a state owned and operated facility.

**B. Reimbursement Methodology**

1. Payments shall be made quarterly based on the annual upper payment limit calculation per state fiscal year.

2. For SFY 2013, this payment shall be \$2,109,589, and for each state fiscal year starting with SFY 2014, this payment shall be \$10,000,000, not to exceed the upper payment limits pursuant to 42 CFR 447.321.

3. Maximum payments shall not exceed the upper payment limit pursuant to 42 CFR 447.321.

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:

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability or autonomy as described in R.S. 49:972 as it will enhance recipient access to hospital services by ensuring sufficient provider participation in the Hospital Program.

**Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 as it will enhance recipient access to hospital services by ensuring sufficient provider participation in the Hospital Program.

**Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service and no direct or indirect cost to the provider to provide the same level of service. These provisions 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 J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Kennedy is responsible for responding to inquiries regarding this proposed Rule. The

deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

### Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, January 28, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Kathy H. Kliebert  
Secretary

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: Outpatient Hospital Services

### Public-Private Partnerships—Supplemental Payments

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will result in estimated state general fund programmatic costs of \$3,783,324 for FY 15-16, \$3,774,000 for FY 16-17 and \$3,774,000 for FY 17-18. It is anticipated that \$648 (\$324 SGF and \$324 FED) will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 62.17 percent in FY 15-16 and 62.26 percent in FY 16-17.

#### 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 \$6,217,324 for FY 15-16, \$6,226,000 for FY 16-17 and \$6,226,000 for FY 17-18. It is anticipated that \$324 will be expended in FY 15-16 for the federal administrative expenses for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 62.17 percent in FY 15-16 and 62.26 percent in FY 16-17.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Rule continues the provisions of the November 1, 2012 and March 2, 2013 Emergency Rules which amended the provisions governing outpatient hospital services to establish supplemental Medicaid payments to non-state owned hospitals in order to encourage them to take over the operation and management of state-owned hospitals that have terminated or reduced services (1 Hospital in the Baton Rouge Area only). It is anticipated that implementation of this proposed rule will increase programmatic expenditures in the Medicaid Program for outpatient hospital services by approximately \$10,000,000 for FY 15-16, \$10,000,000 for FY 16-17 and \$10,000,000 for FY 17-18.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this proposed rule will not have an effect on competition and may have a positive effect on employment.

J. Ruth Kennedy  
Medical Director  
1512#073

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Health and Hospitals Office of Public Health

Sanitary Code/Water Supplies  
Minimum Disinfectant Residual  
Levels in Public Water Systems  
(LAC 51:XII.311, 355, 357, 358, 361, 363, 367,  
903, 1102, 1105, 1113, 1117, 1119, 1125,  
1133, 1135, 1139, 1503, 1903, and 1907)

Under the authority of R.S. 40:4 and 40:5 and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the state health officer, acting through the Department of Health and Hospitals, Office of Public Health (DHH-OPH), intends to amend Part XII (Water Supplies) of the Louisiana State Sanitary Code (LAC 51). The amendments to Part XII are necessary to protect the public from water provided by public water systems that may be contaminated with *Naegleria fowleri* (brain-eating amoeba) parasite.

In accordance with the intent of Act 573 of 2014 and HCR 54 of 2015, the state health officer, through DHH-OPH, finds it necessary to promulgate a rule that finalizes the requirements of the emergency rule (the "ER") concerning disinfection of public water systems initially promulgated on November 6, 2013, and presently in effect as a result of subsequent re-promulgation. This rule maintains the requirements of the ER and strengthens monitoring requirements for public water systems using chloramine disinfection. This rule maintains the ER's required minimum disinfection residual level of 0.5 milligrams per liter (mg/L) for public water systems. Furthermore, this rule maintains the ER's twenty-five (25) percent increase to the number of required disinfectant residual measurements taken monthly or quarterly. The ER requires public water systems using surface water source to provide public notice upon the second consecutive month having disinfectant residuals less than 0.5 mg/L in over 5.0 percent of the measurements taken each month. This rule keeps that public notification requirement for surface water systems and extends that public notification requirement to public water systems using ground water. This rule also requires public water systems using chloramines as a disinfectant to monitor for nitrification, and to take corrective action as needed, in accordance with an approved nitrification plan. This nitrification plan requirement is based on DHH's confirmation of nitrification occurring in the distribution systems of the affected public water systems at the time of the above-mentioned amoeba detections. This rule is supported by scientific data and recommendations from the federal Centers for Disease Control and Prevention (CDC) relative to the control of the *Naegleria fowleri* parasite, which has thus far been found in seven public water systems within Louisiana.

For the reasons set forth above, Part XII (Water Supplies) of the Louisiana State Sanitary Code (LAC 51:XII) is proposed to be amended as follows.

**Title 51  
PUBLIC HEALTH—SANITARY CODE**

**Part XII. Water Supplies**

**Chapter 3. Water Quality Standards**

**§311. Records**

**[formerly paragraph 12:003-2]**

A. Complete daily records of the operation of a public water system, including reports of laboratory control tests and any chemical test results required for compliance determination, shall be kept and retained as prescribed in the National Primary Drinking Water Regulations on forms approved by the state health officer. When specifically requested by the state health officer or required by other requirements of this Part, copies of these records shall be provided to the office designated by the state health officer within 10 days following the end of each calendar month. Additionally, all such records shall be made available for review during inspections/sanitary surveys performed by the state health officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8) and 40:5(2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1321 (June 2002), amended LR 30:1195 (June 2004), LR 42:

**§355. Mandatory Disinfection**

**[formerly paragraph 12:021-1]**

A. Routine, continuous disinfection is required of all public water systems.

1. Where a continuous chloramination (i.e., chlorine with ammonia addition) method is used, water being delivered to the distribution system shall contain a minimum concentration of 0.5 mg/l of chloramine residual (measured as total chlorine).

2. Where a continuous free chlorination method is used, water being delivered to the distribution system shall contain a minimum concentration of free chlorine residual in accordance with the following table.

pH Value	Free Chlorine Residual
up to 7.0	0.5 mg/l
7.0 to 8.0	0.6 mg/l
8.0 to 9.0	0.8 mg/l
over 9.0	1.0 mg/l

a. Table 355.A.2 does not apply to systems using chloramines.

b. pH values shall be measured in accordance with the methods set forth in §1105.D. of this Part.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8)(13) and R.S. 40:5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1326 (June 2002), amended LR 28:2514 (December 2002), LR 35:1240 (July 2009), LR 38:2376 (September 2012), LR 42:

**§357. Minimum Disinfection Residuals**

**[formerly paragraph 12:021-2]**

A. Disinfection equipment shall be operated to maintain disinfectant residuals in each finished water storage tank and at all points throughout the distribution system at all times in accordance with the following minimum levels:

1. a free chlorine residual of 0.5 mg/l; or,

2. a chloramine residual (measured as total chlorine) of 0.5 mg/l for those systems that feed ammonia.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8)(13) and R.S. 40:5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1327 (June 2002), amended LR 42:

**§358. Treatment Technique Requirement**

A. Unless holding a valid variance from mandatory disinfection, each public water system using ground water as its source of water supply shall incur a treatment technique violation when it fails to comply with the minimum residual disinfectant concentration (0.5 mg/l free chlorine or total chlorine) in more than 5.0 percent of the samples collected each month from the distribution system for any two consecutive months. Upon the determination that a treatment technique violation has occurred, the public water system shall provide Tier 2 public notification in accordance with §1907.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8)(13) and R.S. 40:5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 42:

**§361. Implementation of Disinfection Requirements**

A. A public water system not holding a disinfection variance on November 6, 2013 shall comply with the requirements of §355.A, §357, §367.C, and §367.G of this Part on the later of:

1. February 1, 2014; or
2. the expiration date of any additional time for compliance beyond February 1, 2014 granted by the state health officer. A request for additional time may be submitted in writing prior to February 1, 2014 only, and shall provide detailed justification and rationale for the additional time requested. The state health officer may grant such additional time if significant infrastructure improvements are required to achieve compliance with said requirements.

B. A public water system holding a disinfection variance on November 6, 2013 shall comply with one of the following options by February 1, 2014:

1. implement continuous disinfection that complies with the requirements of §355.A, §357, §367.C, and §367.G of this Part;

2. request additional time for complying with the requirements of §355.A, §357, §367.C, and §367.G of this Part by submitting a written request, if significant infrastructure improvements are required to achieve compliance therewith or extraordinary circumstances exist with regard to the introduction of disinfection to the system. Such written request shall provide detailed justification and rationale for the additional time requested;

3. (This option shall be available only if the public water system's potable water distribution piping is utilized for onsite industrial processes.) notify the state health officer in writing that in lieu of implementing continuous disinfection, the public water system has provided, and will thereafter provide on a quarterly basis, notification to all system users, in a manner compliant with §1907 of this Part, that the system does not disinfect its water. The notification shall state that because the water is not disinfected, the water quality is unknown in regard to the *Naegleria fowleri*

amoeba. A public water system selecting this option must sign an acknowledgement form, to be developed by the state health officer, stating that the public water system understands the risks presented by the lack of disinfection and that the public water system maintains responsibility for ensuring the safety of its water for end users; or

4. (This option shall be available only if the public water system's potable water distribution piping is utilized for onsite industrial processes.) request approval of an alternate plan providing water quality and public health protection equivalent to the requirements of §355.A and §357 of this Part. The state health officer may approve such a plan only if it is supported by peer reviewed, generally accepted research and science.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8)(13) and R.S. 40:5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 42:

### **§363. Revocation of Variances**

#### **[formerly paragraph 12:021-5]**

A. A variance from mandatory disinfection shall be revoked when a public water system has a bacteriological MCL violation. When a variance is revoked, the system shall install mandatory continuous disinfection as stated in §355 of this Part within the times specified in a compliance schedule submitted to and approved by the state health officer. Such schedule shall be submitted within 10 days of receipt of notice of revocation.

B. Except for variances held by qualifying public water systems that comply with §361.B.3 of this Part or receive approval of an alternate plan under §361.B.4 of this Part, any variance concerning the mandatory disinfection requirements of §355 and/or §357 of this Part held by a public water system as of November 6, 2013 shall be automatically revoked on the later of:

1. February 1, 2014;
2. the expiration date of any additional time for compliance granted by the state health officer under §361.B.2 of this Part; or
3. the denial of a request for approval of an alternate plan submitted under §361.B.4 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8)(13) and R.S. 40:5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1327 (June 2002), amended LR 42:

### **§367. Disinfectant Residual Monitoring and Record Keeping**

#### **[formerly paragraph 12:021-7]**

A. Disinfectant Residual Monitoring in Treatment Plant. A public water system shall measure the residual disinfectant concentration in water being delivered to the distribution system at least once per day.

B. Disinfectant Residual Monitoring in Distribution System. A public water system shall measure the residual disinfectant concentration within the distribution system:

1. by sampling at the same points in the distribution system and at the same times that samples for total coliforms are required to be collected by the public water system under this Part;

2. by sampling at an additional number of sites calculated by multiplying 0.25 times the number of total coliform samples the public is required under this Part to

take on a monthly or quarterly basis, rounding any mixed (fractional) number product up to the next whole number. These additional residual monitoring samples shall be taken from sites in low flow areas and extremities in the distribution system at regular time intervals throughout the applicable monthly or quarterly sampling period; and

3. by sampling at the site that represents the maximum residence time (MRT) in the distribution system at least once per day.

C. A public water system shall increase sampling to not less than daily at any site in the distribution system that has a measured disinfectant residual concentration of less than 0.5 mg/l free chlorine or 0.5 mg/l chloramine residual (measured as total chlorine) until such disinfectant residual concentration is achieved at such site.

D. The records of the measurement and sampling required under Subsections A and B of this Section shall be maintained on forms approved by the state health officer and shall be retained as prescribed in the National Primary Drinking Water Regulations, and shall be made available for review upon request by the state health officer.

E. Each public water system shall submit a monitoring plan to the state health officer for review and approval. The monitoring plan shall be submitted in a format approved by the state health officer and shall include all the total coliform and disinfectant residual monitoring sites required under this Section and §903.A of this Part. All monitoring sites shall be identified along with a 911 street address, a latitude/longitude coordinate, and a brief description of the site location. A public water system in existence as of November 6, 2013 shall submit such a monitoring plan no later than January 1, 2014 and shall update the monitoring plan as requested by the state health officer and/or as monitoring sites change.

F. Chlorine residuals shall be measured in accordance with the analytical methods set forth in §1105.C of this Part.

G. Where a continuous chloramination (*i.e.*, chlorine with ammonia addition) method is used or where water that is provided to customers contains chloramines, a nitrification control plan shall be developed and submitted to the state health officer. A public water system in existence as of November 6, 2013 shall submit and comply with such a nitrification control plan no later than January 1, 2017. The plan shall conform to the guidelines contained in industry standards such as the American Water Works Association's M56 Manual on Nitrification and contain at least the following information:

1. At a minimum, the following parameters shall be monitored and recorded in accordance with the following:

a. free ammonia at least once per week in water being delivered to the distribution system (*i.e.*, point of entry) unless an alternate measurement or method is approved by the state health officer.

b. nitrite at least once per quarter and in response to an action level trigger within the distribution system at sites prone to nitrification such as storage tanks and low flow areas.

2. A response plan with expected water quality ranges and action levels to control nitrification and ensure compliance with §357 of this Part.

H. Public water systems utilizing chloramination shall review and update the nitrification control plan required

under Subsection G of this Section as requested by the state health officer.

1. In addition, the nitrification control plan and monitoring results shall be retained on-site for a minimum of five years and shall be made available to the state health officer upon request and/or when the public water system fails to comply with §357 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8)(13) and 40:5(2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1327 (June 2002), amended LR 30:1195 (June 2004), LR 42:

**Chapter 9. Louisiana Total Coliform Rule  
[formerly Appendix C]**

**§903. Coliform Routine Compliance Monitoring  
[formerly Coliform Routine Compliance  
Monitoring of Appendix C]**

A. Public water systems shall collect routine total coliform samples at sites which are representative of water throughout the distribution system in accordance with a monitoring plan approved by the state health officer. Each public water system shall submit a monitoring plan in a format approved by the state health officer. The monitoring plan shall include a minimum number of point of collection (POC) monitoring sites calculated by multiplying 1.5 times the minimum number of samples required to be routinely collected in accordance with Subsections C and D of this Section, rounding any mixed (fractional) number product up to the next whole number. The monitoring plan shall include a map of the system with each POC sampling site identified along with a 911 street address, a latitude/longitude coordinate, and a brief description of the site location. In accordance with requirements of Subsection E of this Section, the plan shall also indicate how the public water system will alternate routine sampling between all of the approved POC sampling sites.

B. - D. ...

E. Unless the state health officer specifies otherwise, the public water supply shall collect routine samples at regular time intervals throughout the month and shall alternate routine sampling between all of the approved POC sites. Routine samples shall not be collected from the same POC more than once per month.

F. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8)(13) and 40:5(2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1333 (June 2002), amended LR 42:

**Chapter 11. Surface Water Treatment Rule  
Subchapter A. General Requirements and Definitions**

**§1102. Relationship with this Part**

A. In those instances where the requirements of this Chapter are stricter than or conflict with the requirements of this Part generally, a public water system utilizing surface water or ground water under the direct influence of surface water (GWUDISW) shall comply with the requirements of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8)(13) and R.S. 40:5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 42:

**§1105. Analytical Requirements**

A. Analysis for total coliform, fecal coliform, or HPC which may be required under this Chapter shall be conducted by a laboratory certified by DHH to do such analysis. Until laboratory certification criteria are developed, laboratories certified for total coliform analysis by DHH are deemed certified for fecal coliform and HPC analysis.

B. - B.3. ...

C. Public water systems shall conduct analysis for applicable residual disinfectant concentrations in accordance with one of the analytical methods in Table 1.

<b>Residual</b>	<b>Methodology</b>	<b>Standard Methods<sup>1</sup></b>	<b>ASTM Methods<sup>2</sup></b>	<b>Other Methods</b>
Free Chlorine	Amperometric Titration	4500-CI D, 4500-CI D-00	D 1253-03	
	DPD Ferrous Titrimetric	4500-CI F, 4500-CI F-00		
	DPD Colorimetric	4500-CI G, 4500-CI G-00		
	Syringaldazine (FACTS)	4500-CI H, 4500-CI H-00		
	On-line Chlorine Analyzer			EPA 334.0 <sup>3</sup>
	Amperometric Sensor			ChloroSense <sup>4</sup>
Total Chlorine	Amperometric Titration	4500-CI D, 4500-CI D-00	D 1253-03	
	Amperometric Titration (low level measurement)	4500-CI E, 4500-CI E-00		
	DPD Ferrous Titrimetric	4500-CI F, 4500-CI F-00		
	DPD Colorimetric	4500-CI G, 4500-CI G-00		
	Iodometric Electrode	4500-CI I, 4500-CI I-00		
	On-line Chlorine Analyzer			EPA 334.0 <sup>3</sup>
	Amperometric Sensor			ChloroSense <sup>4</sup>
Chlorine Dioxide	Amperometric Titration	4500-CIO <sub>2</sub> C		
	DPD Method	4500-CIO <sub>2</sub> D		
	Amperometric Titration II	4500-CIO <sub>2</sub> E, 4500-CIO <sub>2</sub> E-00		
	Lissamine Green Spectrophotometric			EPA 327.0 Rev 1.1 <sup>5</sup>
Ozone	Indigo Method	4500-O <sub>3</sub> B, 4500-O <sub>3</sub> B-97		

1. All the listed methods are contained in the 18th, 19th, 20th, 21st, and 22nd Editions of *Standard Methods for the Examination of Water and Wastewater*; the cited methods published in any of these editions may be used.

2. *Annual Book of ASTM Standards*, Vol. 11.01, 2004 ; ASTM International; any year containing the cited version of the method may be used. Copies of this method may be obtained from ASTM International, 100 Barr Harbor Drive, P.O. Box C700 West Conshohocken, PA 19428-2959.

3. EPA Method 334.0. "Determination of Residual Chlorine in Drinking Water Using an On-line Chlorine Analyzer," August 2009. EPA 815-B-09-013. Available at [http://epa.gov/safewater/methods/analyticalmethods\\_ogwdw.html](http://epa.gov/safewater/methods/analyticalmethods_ogwdw.html).

4. ChloroSense. "Measurement of Free and Total Chlorine in Drinking Water by Palintest ChloroSense," September 2009. Available at <http://www.nemi.gov> or from Palintest Ltd, 21 Kenton Lands Road, PO Box 18395, Erlanger, KY 41018.

5. EPA Method 327.0, Revision 1.1, "Determination of Chlorine Dioxide and Chlorite Ion in Drinking Water Using Lissamine Green B and Horseradish Peroxidase with Detection by Visible Spectrophotometry," USEPA, May 2005, EPA 815-R-05-008. Available online at <http://www.epa.gov/safewater/methods/sourcalt.html>.

D. - E.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8)(13) and 40:5 (5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1337 (June 2002), amended LR 28:2516 (December 2002), LR 42:

### **Subchapter B. Treatment Technique Requirements and Performance Standards**

#### **§1113. Treatment Technique Requirements**

A. - A.3. ...

4. the total reductions to be required by the DHH may be higher and are subject to the source water concentration of *Giardia lamblia*, viruses, and *Cryptosporidium*;

5. the residual disinfectant concentration in the water delivered to the distribution system is not less than 0.5 mg/l free chlorine or 0.5 mg/l total chlorine for more than 4 hours in any 24 hour period; and

6. the residual disinfectant concentration is not less than 0.5 mg/l free chlorine or 0.5 mg/l total chlorine in more than 5.0 percent of the samples collected each month from the distribution system for any two consecutive months.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8) and R.S. 40:5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1340 (June 2002), amended LR 28:2518 (December 2002), LR 35:1241 (July 2009), LR 42:

#### **§1117. Non-Filtering Systems**

A. - C.1. ...

a. A system shall demonstrate compliance with the inactivation requirements based on conditions occurring during peak hourly flow. Residual disinfectant measurements shall be taken hourly. Continuous disinfectant residual monitors are acceptable in place of hourly samples provided the accuracy of the disinfectant measurements are validated at least weekly in accord with §1109.B or C, as applicable, of this Chapter. If there is a failure in the continuous disinfectant residual monitoring equipment, the system shall collect and analyze a grab sample every hour in lieu of continuous monitoring.

b. ...

2. To avoid filtration, the system shall maintain minimum disinfectant residual concentrations in accordance with the requirements of §355 and §357 of this Part. Performance standards shall be as presented in §1119.B and C of this Chapter.

3. - 3.a. ...

b. an automatic shut off of delivery of water to the distribution system when the disinfectant residual level

drops below 0.5 mg/l free chlorine residual or 0.5 mg/l chloramine residual (measured as total chlorine).

D. - D.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8)(13) and 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1341 (June 2002), amended LR 28:2520 (December 2002), LR 35:1242 (July 2009), LR 42:

#### **§1119. Disinfection Performance Standards**

A. ...

B. Except as otherwise specified by this Section and Chapter, disinfection treatment shall comply with the minimum standards and requirements set forth in §355.A and §357 of this Part.

C. - C.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8)(13) and 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1341 (June 2002), amended LR 28:2522 (December 2002), LR 35:1242 (July 2009), LR 42:

#### **Subchapter C. Monitoring Requirements**

#### **§1125. Disinfection Monitoring**

A. - A.5. ...

B. Disinfectant Residual Monitoring at Plant. To determine compliance with the performance standards specified in §1115 or 1119 of this Chapter, the disinfectant residual concentrations of the water being delivered to the distribution system shall be measured and recorded continuously. The accuracy of disinfectant measurements obtained from continuous disinfectant monitors shall be validated at least weekly in accord with §1109.B or C, as applicable, of this Chapter. If there is a failure of continuous disinfectant residual monitoring equipment, grab sampling every two hours shall be conducted in lieu of continuous monitoring, but for no more than five working days following the failure of the equipment. Failure to have the continuous monitoring equipment replaced or repaired and put back into continuous service following the five working days allowed herein shall be deemed to constitute a violation of this Chapter. Systems shall maintain the results of disinfectant residual monitoring for at least 10 years.

C. Small System Disinfectant Residual Monitoring at Plant. Suppliers serving fewer than 3,300 people may collect and analyze grab samples of the water being delivered to the distribution system for disinfectant residual determination each day in lieu of the continuous monitoring, in accordance with Table 4 of this Chapter, provided that any time the residual disinfectant falls below 0.5 mg/l free chlorine or 0.5 mg/l chloramine residual (measured as total chlorine), the supplier shall take a grab sample every two hours until the residual concentrations is equal to or greater than 0.5 mg/l free chlorine or 0.5 mg/l chloramine residual (measured as total chlorine).

\* \* \*

D. Disinfectant Residual Monitoring in Distribution System. The residual disinfectant concentrations in the distribution system shall be measured, recorded, and maintained in accordance with §367.B, C, D and E of this Part. A monitoring plan shall be developed, submitted, reviewed, and approved in accordance with §367.E of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8)(13) and R.S. 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1342 (June 2002), amended LR 28:2523 (December 2002), LR 35:1243 (July 2009), LR 42:

#### **Subchapter E. Reporting**

##### **§1133. DHH Notification**

A. - A.4. ...

5. the disinfectant residual measured from any sample collected from water being delivered to the distribution system is found to be less than 0.5 mg/l free chlorine or 0.5 mg/l chloramine residual (measured as total chlorine). The notification shall indicate whether the disinfectant residual was restored to at least 0.5 mg/l free chlorine or 0.5 mg/l chloramine residual (measured as total chlorine) within 4 hours;

A.6. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8)(13) and 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:2525 (December 2002), amended LR 35:1244 (July 2009), LR 42:

##### **§1135. Monthly Report**

A. - B.5. ...

C. Disinfection Monitoring Results. The monthly report shall include the following disinfection monitoring results.

1. The date and duration of each instance when the disinfectant residual in water supplied to the distribution system is less than 0.5 mg/l free chlorine or 0.5 mg/l chloramine residual (measured as total chlorine) and when the DHH was notified of the occurrence.

2. The following information on samples taken from the distribution system:

a. the number of samples where the disinfectant residual is measured; and

b. the number of measurements where the disinfectant residual is less than 0.5 mg/l free chlorine or 0.5 mg/l chloramine residual (measured as total chlorine).

D. - F.2.a ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8)(13) and R.S. 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:2526 (December 2002), amended LR 35:1244 (July 2009), LR 42:

Subchapter F. Public Notification

##### **§1139. Consumer Notification**

A. Treatment Technique/Performance Standard Violations. The supplier shall notify persons served by the system whenever there is a failure to comply with the treatment technique requirements specified in §§1113 or 1141, or a failure to comply with the performance standards specified in §§1115, 1117, 1119.A or 1119.C of this Chapter. The notification shall be given in a manner approved by the DHH, and shall include the following mandatory language.

A.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8)(13) and R.S. 40:5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:2527 (December 2002), amended LR 35:485 (March 2009), LR 35:1246 (July 2009), LR 42:

## **Chapter 15. Approved Chemical Laboratories/Drinking Water**

### **Subchapter A. Definitions and General Requirements**

#### **§1503. General Requirements**

A. - C. ...

D. - D.1. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8)(13) and 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 30:1199 (June 2004), amended LR 42:

### **Chapter 19. Public Notification Rule**

#### **§1903. Public Notification**

A. If a public water system fails to comply with an applicable maximum contaminant level, treatment technique requirement, or analytical requirement as prescribed by this Code or fails to comply with the requirements of any schedule prescribed pursuant to a variance or exemption, or fails to perform any monitoring required by this Code, the public water system shall notify persons served by the system of the failure in a manner prescribed by the *national primary drinking water regulations* (as defined in this Part), §§358, 913, 1139, 1317, 1507, 1509, and the Public Notification Rule (Chapter 19 of this Part), as applicable.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8) and 40:5(2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 35:486 (March 2009), amended LR 35:1246 (July 2009), LR 38:2378 (September 2012) LR 42:

#### **§1907. Tier 2 Public Notice**

A. When a tier 2 public notice is required under the National Primary Drinking Water Regulations, §§358, 913 or 1139.C of this Part, the public water system shall, unless directed otherwise by the Office of Public Health in writing, provide public notification in a daily or weekly newspaper serving the area as soon as possible but no later than 14 days after the violation or failure. In addition to newspaper notice, a notice shall also be provided to the consumers by direct mail or hand delivery within 30 days after the violation or failure.

EXCEPTION: When furnishing a notice to a newspaper is deemed not feasible for a non-community water system, continuous posting (in conspicuous places within the area served by the system) and, if available, e-mailing (to students or employees, for example) may be substituted. The notice shall remain posted for a minimum of at least 7 days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8) and 40:5(2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 35:487 (March 2009), amended LR 42:

#### **Family Impact Statement**

1. The Effect on the Stability of the Family. None.  
2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. None.

3. The Effect on the Functioning of the Family. None.

4. The Effect on Family Earnings and Family Budget.

The Rule cost estimates are based on the compliance status of each public water system (PWS) with the Rule. Non-compliant and compliant systems have incurred costs as a

result of the emergency rule; however, many of the non-compliant systems are still anticipated to incur additional costs in order to become compliant. Based on the number of compliant systems, it is estimated that 71 percent of the households that are connected to a compliant PWS may incur a monthly cost increase of \$1.22 for this rule. It is estimated that the remaining 29 percent of the households that are connected to a non-compliant PWS may incur a monthly cost increase of \$6.58 for this rule.

6. The Effect on the Behavior and Personal Responsibility of Children. None. The Ability of the Family or Local Government to perform the Function as Contained in the Proposed Rule. None for family. Local governmental units which own, manage, and/or operate a public water system may determine a need to increase their revenue collections (i.e., increase water bills) to cover the cost to perform the function as contained in this rule.

#### Public Comments

Interested persons may submit written comments on the proposed Rule. Such comments must be received no later than Friday, January 29, 2016 at COB, 4:30 p.m., and should be addressed to Amanda Laughlin, Acting Chief Engineer, Engineering Services Section, Office of Public Health, P.O. Box 4489, Baton Rouge, LA 70821-4489, or faxed to (225) 342-7303. If comments are to be shipped or hand-delivered, please deliver to the Bienville Building, 628 N. Fourth Street - Room 132, Baton Rouge, LA 70802.

#### Public Hearing

DHH-OPH will conduct a public hearing at 9 am on Monday, January 25, 2016, in Room 118 of the Bienville Building, 628 North Fourth Street, Baton Rouge, LA. Persons attending the hearing may have their parking ticket validated when one parks in the 7-story Galvez Parking Garage which is located between N. Sixth and N. Fifth/North and Main Streets. (cater-corner and across the street from the Bienville Building). All interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Jimmy Guidry, M.D.  
State Health Officer  
and  
Kathy H. Kliebert  
Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Sanitary Code/Water Supplies Minimum Disinfectant Residual Levels in Public Water Systems

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule amends Part XII (Water Supplies) of the Louisiana State Sanitary Code (LAC 51) to finalize the requirements of the emergency rule initially promulgated on November 6, 2013 relative to the disinfection of drinking water provided by public water systems. The proposed amendments strengthen the existing disinfection levels and monitoring requirements for public water systems to control the *Naegleria fowleri* (brain-eating amoeba) parasite, which has thus far been found in seven public water systems within Louisiana.

This rule will impact certain state governmental units including DHH hospitals and other state agencies and facilities

that own or operate 32 public water systems. The Office of Public Health estimates such state governmental units may incur an additional cost of approximately \$162,849 in FY16, \$72,100 in FY17 and \$74,263 in FY18. These costs includes capital improvements (e.g., booster facility, sampling equipment, and sample stations), and operation and maintenance costs (e.g., additional sampling, chemical and flushing).

This rule will also impact local governmental units that own or operate 568 public water systems statewide. The approximate cost for all 568 systems is estimated to be \$44.5 M in FY 16, \$5.5 M in FY 17, and \$5.7 M in FY 18, which includes capital improvement costs (e.g., disinfection by-product treatment, booster facility, sampling equipment, and sample stations), and operation and maintenance costs (e.g., additional sampling, chemical and flushing).

The proposed rule will result in an estimated cost of \$2,849 for FY 16 to publish the notice of intent and the final rule in the Louisiana Register and \$10,000 each subsequent fiscal year for IT infrastructure costs associated with the monitoring plan portal that was developed for the implementation of the rule.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

State or local governmental units which own, manage, and/or operate public water systems (PWS) may determine a need to increase their revenue collections (i.e. increase water bills) to cover the cost of complying with this rule. The actual effect on revenue collections is hard to predict due to variables in the applicable requirements based upon various sized systems.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This rule will impact persons (including federally owned public water systems located within Louisiana) or non-governmental groups that own or operate the 13 federally-owned public water systems and the 744 privately-owned public water systems. For the 744 privately-owned systems, additional costs of approximately \$10 million are expected to be incurred, which includes the capital improvement costs (e.g. disinfection by-product treatment, booster facility, sampling equipment, and sample stations), and operation and maintenance costs (e.g., additional sampling, chemical and flushing).

The 13 federally owned public water systems may incur additional costs of approximately \$90,000 which includes the capital improvements for treatment, and operation and maintenance costs.

The rule cost estimates are based on the compliance status of each public water system (PWS) with the rule. Non-compliant and compliant systems have incurred costs as a result of the emergency rule; however, many of the non-compliant systems are still anticipated to incur additional costs in order to become compliant. Based on the number of compliant systems, it is estimated that 71 percent of the households that are connected to a compliant PWS may incur a monthly cost increase of \$1.22 as a result of this rule. It is estimated that the remaining 29 percent of the households that are connected to a non-compliant PWS may incur a monthly cost increase of \$6.58 as a result of this rule.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will likely cause an increase in competition to hire and retain qualified and certified water plant operators. The rule will require water plant operators to become more knowledgeable of plant and distribution system processes and controls. The competition to hire and retain a competent operator will be higher based on his/her qualifications. This will cause an increase in employment of

more knowledgeable and qualified individuals to properly install, operate and maintain required disinfectant residuals levels from the water plant through the entire distribution system.

Jimmy Guidry, MD  
State Health Officer  
1512#056

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Public Safety and Corrections Corrections Services

#### Sex Offender Treatment Plans and Programs (LAC 22:I.337)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby amends the contents of Section 337, Sex Offender Treatment Plans and Programs.

#### Title 22

### CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

#### Part I. Corrections

#### Chapter 3. Adult Services

#### Subchapter A. General

#### §337. Sex Offender Treatment Plans and Programs

A. Purpose—to state the department's procedures for providing sex offender treatment plans and programs as set forth pursuant to the laws of this state.

B. Applicability—deputy secretary, chief of operations, department's medical/mental health director, director, Regional Directors and District Managers of probation and parole, chairman of the committee on parole, regional wardens, wardens and sheriffs or administrators of local jail facilities. Each unit head is responsible for ensuring that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation.

C. Policy. It is the secretary's policy that certain convicted sex offenders (as specifically defined in Subsections E, F, G and H) shall participate in appropriate sex offender treatment plans pursuant to the provisions of this regulation and the statutory requirements as stated herein.

#### D. Definitions

*Mental Health Evaluation* (for the purpose of this regulation)—an examination by a qualified mental health professional with experience in treating sex offenders.

*Qualified Mental Health Professional* (for the purpose of this regulation)—an individual who provides sex offender treatment to offenders in keeping with their respective levels of education, experience, training and credentials.

*Unit Head*—the head of an operational unit, specifically, the undersecretary, warden, director of probation and parole, chairman of the committee of parole, sheriffs and administrators of local jail facilities and transitional work programs.

E. Sex offender treatment plan pursuant to R.S. 15:538(C):

1.a. no sex offender whose offense involved a minor child who is twelve years old or younger or who is convicted two or more times of a violation of:

i. R.S. 14:42—aggravated rape or first degree rape;

ii. R.S. 14:42.1—forcible rape or second degree rape;

iii. R.S. 14:43—simple rape or third degree rape;

iv. R.S. 14:43.1—sexual battery;

v. R.S. 14:43.2—second degree sexual battery;

vi. R.S. 14:43.3—oral sexual battery;

vii. R.S. 14:43.4—Repealed.

viii. R.S. 14:78—incest committed prior to 6-12-14;

ix. R.S. 14:89(A)(2)—crime against nature committed on or after 6-12-14;

x. R.S. 14:78.1—aggravated incest committed prior to 6-12-14;

xi. R.S. 14:89.1—aggravated crime against nature;

b. shall be eligible for probation, parole, suspension of sentence, or diminution of sentence if imposed as a condition by the sentencing court pursuant to R.S. 15:537(A), unless, as a condition thereof, the offender undergoes a treatment plan based upon a mental health evaluation.

2. It shall be the responsibility of ARDC specialists during the pre-class verification process to identify those offenders whose sentence places them under the provisions of R.S. 15:538(C). It is preferable that state offenders in this category be transferred from a local jail facility to a departmental reception and diagnostic center. The Office of Adult Services' Transfer Section shall be responsible for the transport of these offenders to the department's custody. The basic jail guidelines regional team leaders shall assist local jail facilities with any questions or concerns regarding the provisions of R.S. 15:538(C).

a. If an offender assigned to an institution should receive a new sentence for an identified sex offense, it will be the responsibility of the warden to determine if they are subject to the conditions of R.S. 15:538(C).

3. Each institution and the division of probation and parole shall make arrangements with qualified mental health professionals for the purpose of conducting mental health evaluations and to develop and implement treatment plans.

4. The treatment plan shall be based upon a mental health evaluation and shall effectively deter recidivist sexual offenses by the offender, thereby reducing the risk of reincarceration of the offender and increasing the safety of the public, and under which the offender may reenter society.

5. The treatment plan may include:

a. the utilization of medroxyprogesterone acetate treatment (MPA) or its chemical equivalent as a preferred method of treatment;

b. a component of defined behavioral intervention if the evaluating qualified mental health professional determines that is appropriate for the offender.

6. The provisions of R.S. 15:538(C) shall only apply if parole, probation, suspension of sentence, or diminution of sentence is permitted by law and the offender is otherwise eligible.

7. If on probation or subject to a sentence that has been suspended, the offender shall begin MPA or its chemical equivalent treatment as ordered by the court or a qualified mental health professional and medical staff.

8. If MPA or its chemical equivalent is part of an incarcerated offender's treatment plan, the offender shall begin such treatment at least six weeks prior to release.

9. Once a treatment plan is initiated, based upon a mental health evaluation, it shall continue unless it is determined by a physician or qualified mental health professional that it is no longer necessary. The attending physician or qualified mental health professional may seek a second opinion.

10. If an offender voluntarily undergoes a permanent, surgical alternative to hormonal chemical treatment for sex offenders, he shall not be subject to the provisions of this regulation.

11. Before beginning MPA or its chemical equivalent therapy, the offender shall be informed about the uses and side effects of MPA therapy, and shall acknowledge in writing using the consent/refusal for medroxyprogesterone treatment (Form B-06-002-A) that he has received this information.

12. The offender shall be responsible for the costs of the evaluation, the treatment plan and the treatment:

a. if the offender is not indigent, these services will be rendered by an outside mental health provider based upon a fee schedule established by the Department of Public Safety and Corrections. If the offender is on probation or under parole supervision, services will be rendered at the provider's place of business. If the offender is housed in an institution, services will be rendered by the provider at the state or local jail facility. In either event, the department reserves the right to determine the eligibility of the provider to furnish services;

b. indigent offenders who are on probation or under parole supervision will be responsible for seeking services through the Department of Health and Hospitals, Office of Mental Health (with assistance, as needed, from their probation and parole officer). The provision of such services is strictly subject to the availability of resources and programs within the Department of Health and Hospitals. If the offender is housed in a state institution, services will be provided by Department of Public Safety and Corrections' mental health staff. A set-up fee will be charged to the offender based upon the fee scale for non-indigent offenders and the offender's account shall reflect the cost of the service as a debt owed;

c. indigent offenders housed in local jail facilities requiring these services should be transferred, if possible, to the department's reception and diagnostic center. In unusual circumstances when this is not possible, services for these offenders shall be coordinated by the administrator of the local jail facility with the Department of Health and Hospitals, Office of Mental Health (with assistance, as needed, from the department's medical/mental health director or the basic jail guidelines regional team leader). The provision of such services is strictly subject to the

availability of resources and programs within the Department of Health and Hospitals.

13. Chemical treatment shall be administered through a licensed medical practitioner. Any physician or qualified mental health professional who acts in good faith in compliance with this regulation in the administration of treatment shall be immune from civil or criminal liability for his actions in connection with the treatment. The offender may decline to participate in the evaluation or treatment plan by signing the consent/refusal for medroxyprogesterone treatment (Form B-06-002-A) indicating that he acknowledges his decision renders him ineligible for probation, parole, suspension of sentence or diminution of sentence if conditioned by the court. However, the provisions of R.S. 15:828, R.S. 14:43.6 or C.Cr.P. Art. 895(J) may still be applicable. (See Subsections F, G and H of this regulation for additional information.)

14. Failure to continue or complete treatment shall be grounds for revocation of probation, parole, or suspension of sentence, or, if so conditioned by the parole board, revocation of release on diminution of sentence.

a. Good time earned may be forfeited pursuant to R.S. 15:571.4. Should an offender in an institutional setting fail to continue or complete his sex offender treatment plan, an incident report shall be initiated and good time forfeited, if appropriate, pursuant to established policy and procedures.

15. Wardens and the director of probation and parole shall ensure strict adherence to the procedures of this regulation.

F. Sex Offender Treatment Program Pursuant to R.S. 15:828

1. *Sex offenders* for the purpose of R.S. 15:828 and this Section are defined as persons committed to the custody of the Department of Public Safety and Corrections for a crime enumerated in R.S. 15:541. An individual convicted of the attempt or conspiracy to commit any of the defined sex offenses shall be considered a sex offender for the purposes of R.S. 15:828 and this Section.

a. Subject to the availability of resources and appropriate individual classification criteria, sex offenders as defined in Paragraph F.1 of this regulation and who are housed in a state correctional facility should be provided counseling and therapy by institutional mental health staff in a sex offender treatment program until successfully completed or until expiration of sentence, release on parole in accordance with and when permitted by R.S. 15:574.4, or other release in accordance with law, whichever comes first.

b. A sex offender treatment program means one which includes either or both group and individual therapy and may include arousal reconditioning. Group therapy should be conducted by two therapists, one male and one female. Subject to availability of staff, at least one of the therapists should be licensed as a psychologist, board-certified as a psychiatrist or a clinical social worker. A therapist may also be an associate to a psychologist under the supervision of a licensed psychologist.

c. Reports, assessments, and clinical information, as available, including any testing and recommendations by

mental health professionals, shall be made available to the board of parole.

2. If the offender is convicted of a crime enumerated in R.S. 15:538(C), then he shall be treated in accordance with that statute and not R.S. 15:828.

G. Sex offender treatment program pursuant to R.S. 14:43.6:

1.a. notwithstanding any other provision of law to the contrary, the court may order an offender convicted of the following offenses:

i. R.S. 14:41—aggravated rape or first degree rape;

ii. R.S. 14:42.1—forcible rape or second degree rape;

iii. R.S. 14:43.2—second degree sexual battery;

iv. R.S. 14:78.1—aggravated incest committed prior to 6-12-14;

v. R.S. 14:81.2(D)(1)—molestation of a juvenile when the victim is under the age of 13;

vi. R.S. 14:89.1—aggravated crime against nature;

b. to be treated with medroxyprogesterone acetate (MPA) according to a schedule of administration monitored by the Department of Public Safety and Corrections. Upon a second conviction of the above enumerated offenses, the court shall order an offender to be treated with acetate MPA according to a schedule of administration monitored by the Department of Public Safety and Corrections.

2. If the court orders the offender to be treated with MPA, this treatment may not be imposed in lieu of, or reduce, any other penalty prescribed by law. However, in lieu of treatment, the court may order the defendant to undergo physical castration provided the offender files a written motion with the court stating that he intelligently and knowingly gives his voluntary consent to physical castration as an alternative to the treatment.

3. An order of the court sentencing the offender to MPA pursuant to R.S. 14:43.6 shall be contingent upon a determination by a court appointed medical expert that the offender is an appropriate candidate for treatment. This determination shall be made not later than 60 days from the imposition of the sentence. The court order shall specify the duration of the treatment for a specific term of years, or in the discretion of the court, up to the life of the offender.

4. In all cases involving the administration of MPA, the treatment shall begin not later than one week prior to the offender's release from incarceration.

5. The department shall provide the services necessary to administer the MPA treatment and shall not be required to continue the treatment when it is not medically appropriate as determined by the department.

6. If an offender fails to appear as required by the schedule of administration as determined by the department, or the offender refuses to allow the administration of MPA, the offender shall be charged with a violation of R.S. 14:43.6.

7. If an offender ordered to be treated with MPA or ordered to undergo physical castration takes any drug or other substance to reverse the effects of the treatment, he

shall be held in contempt of court in accordance with R.S. 14:43.6.

8. If an offender is ordered by the court pursuant to R.S. 14:43.6, then he shall be treated in accordance with that statute and no others.

H. Sex Offender Treatment Program Pursuant to C.Cr.P. Art. 895(J)

1. In addition to other requirements of law and established policy and procedure, in cases where a defendant has been convicted of an offense involving criminal sexual activity, the court shall order as a condition of probation that the defendant successfully complete a sex offender treatment program. As part of the sex offender treatment program, the offender shall participate with a victim impact panel or program providing a forum for victims of criminal sexual activity and sex offenders to share experiences on the impact of the criminal sexual activity in their lives. The director of probation and parole shall establish procedures to implement victim impact panels. All costs for the sex offender treatment program, pursuant to this Paragraph shall be paid by the offender.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:538(C).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 24:2308 (December 1998), amended LR 26:332 (February 2000), LR 38:1598 (July 2012), LR 42:

#### **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 providers as defined by HCR 170 of the 2014 Regular Legislative Session.

#### **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 Melissa Callahan, Deputy Assistant Secretary, Department of Public Safety and Corrections, P. O. Box 94304, Baton Rouge, LA 70804 until 4:30 p.m. on January 11, 2016.

James M. Le Blanc  
Secretary

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Sex Offender Treatment Plans and Programs**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes are anticipated to have no material fiscal impact to state or local governmental units. Pursuant to Act 184 and Act 256 of 2015, the proposed rule changes add requirements upon a second conviction that an offender be treated with acetate medroxyprogesterone and provides for other various technical changes.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units as a result of the proposed rule changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The cost associated chemical castration is the responsibility of the parolee or probationer. The estimated average costs to directly affected persons is between \$30 to \$75 per physical visit. The clinical visits for treatment vary depending on the amount of time spent. The medication cost for treatment is between \$2.70 per month (or \$32.40 annually) up to \$234.16 annually depending on the dosing and if the medication is an injection or taken by mouth. The fee schedule for services provided will be based on the prevailing Medicaid rates.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule changes.

Thomas C. Bickham, III  
Undersecretary  
1512#086

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Public Safety and Correction  
Liquefied Petroleum Gas Commission**

Liquefied Petroleum Gas  
(LAC 55:IX.Chapter 1)

The Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, in accordance with R.S. 40:1846 and with the Administrative Procedure Act., R.S. 49:950 et seq., hereby gives notice of its intent to amend the following Sections: 107 with regard to general requirements of permit holders to include a change to permit fees, 133 which eliminates the commission's obligation to provide a list of acceptable manufacturers, 143 which eliminates the Commission's obligation to perform a facility inspection every three years, 155 which deletes the need for a data report, and 183 which regulates the sale and storage of hydrocarbon refrigerants containing liquefied petroleum gasses.

**Title 55  
PUBLIC SAFETY**

**Part IX. Liquefied Petroleum Gas Commission**

**Chapter 1. General Requirements**

**Subchapter A. New Dealers**

**§107. Requirements**

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

1. - 2. ...

3. Shall have proof of insurance on file in the office of the director on a commission proprietary certificate of insurance or one substantially equivalent issued by a Louisiana licensed agent in the minimum sum of \$1,000,000, in the classes of insurance as required by the commission. This certificate of insurance shall indicate the type and amount of coverage. This policy of insurance shall

meet the proof of insurance as required by the commission. Said certificate shall be considered evidence of liability insurance coverage; said certificate shall state that in the event the insurance company cancels the insurance policy, the insurance company shall notify the office of the director 10 days prior to the date of cancellation. A binder of insurance coverage shall be acceptable as proof of insurance until the policy is issued and a certificate of insurance is issued. The \$1,000,000 requirement shall be effective on the first proof of insurance required after November 1, 2003. The commission shall provide the proprietary certificate of insurance form on its public web site for downloading or shall provide copies of the proprietary certificate of insurance form via facsimile or via U.S. mail upon request. In lieu of the certificate of insurance for automobile liability, the commission may accept a certificate of self-insurance issued by the office of motor vehicles.

3.a. - 5.c. ...

6. Applicants shall have paid a permit fee in the amount of \$75, except for Class VII-E, which shall be \$100, and R-1, R-2 registrations, which shall be \$37.50 and Class VI-X shall be in the amount of \$75 for each location For fiscal year 2014-2015, and for each subsequent fiscal year, the permit fee shall be 0.1369 of 1 percent of annual gross sales of liquefied petroleum gas with a minimum of \$75, except in the case of Class VI-X for which the minimum permit fee shall be \$75 for the first each location, plus \$50 for each 2-11 locations, plus \$25 for each 12-infinity locations; or 0.1369 of 1 percent of annual gross sales of liquefied petroleum gases of all locations whichever is greater. For classes not selling liquefied petroleum gases in succeeding years the permit fee shall be \$75, except registrations shall be \$37.50 per year.

6.a. - 8.f.ii.(d). ...

(e). Proof of a passing grade, for purposes of certification, shall be maintained in dealer employee file. The employer shall maintain this record until 1 year after the employment has terminated.

9. - 14. ...

15. All classes of permit or registration holders shall display a copy of their permit in a prominent area at all locations utilizing said permit.

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

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

**§133. Shall Purchase Containers Manufactured by Manufacturers Acceptable to the Authority Having Jurisdiction**

A. All liquefied petroleum gas containers purchased shall be manufactured by a manufacturer acceptable to the commission.

B. A manufacturer of liquefied petroleum gas containers shall be listed by the commission as acceptable when it has met or exceeded the requirements of Chapter 5, NFPA 58, 2008 edition and provided documentation acceptable to the commission of the same.

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

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:465 (March 1998), LR 38:1263 (May 2012), LR 42:

#### **§143. Inspections**

A. Each dealer facility subject to the regulations of the commission shall submit to an inspection by a representative of the commission.

B. ...

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

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:559 (May 1985), LR 38:1264 (May 2012), LR 42:

#### **Subchapter C. Manufacturers of Liquefied Petroleum Gas Containers**

#### **§155. Data Reports**

Repealed.

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

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 15:860 (October 1989), LR 38:1265 (May 2012), repealed LR 42:

#### **Subchapter I. Adoption of Standards**

#### **§183. Use of Liquefied Petroleum Gas as a Refrigerant Prohibited**

A. ...

B. Hydrocarbon refrigerants containing liquefied petroleum gases is strictly prohibited for sale, storage inside buildings and use in refrigeration systems within the borders of the state of Louisiana. Specific exceptions to this regulation can be found in the United States Environmental Protection Agency (EPA) regulations 40 CFR Part 82.

C. - D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 23:990 (August 1997), amended LR 29:2511 (November 2003), amended LR 38:1271 (May 2012), LR 42:

#### **Family Impact Statement**

1. The effect of this Rule on the stability of the family. This Rule should not have any effect on the stability of the family.

2. The effect of this Rule on the authority and rights of parents regarding the education and supervision of their children. This Rule should not have any effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect of this Rule on the functioning of the family. This Rule should not have any effect on the functioning of the family.

4. The effect of this Rule on family earnings and family budget. This Rule should not have any effect on family earnings and family budget.

5. The effect of this Rule on the behavior and personal responsibility of children. This Rule should not have any effect on the behavior and personal responsibility of children.

6. The effect of these rules on the ability of the family or local government to perform the function as contained in the proposed Rule. This Rule should not have any effect on the ability of the family or local government to perform the function as contained in the proposed rules.

#### **Poverty Impact Statement**

1. The impact of the proposed Rule on child, individual, or family poverty has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on poverty in relation to individual or community asset development as provided in the LA R.S. 49:973.

2. The agency has considered economic welfare factors 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 poverty.

#### **Small Business Impact**

The impact of the proposed Rule on small businesses has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act.

The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### **Provider Impact Statement**

The proposed Rule does not impact or affect a "provider." "Provider" means an organization that provides services for individuals with developmental disabilities as defined in HCR 170 of the 2014 Regular Session of the Legislature. In particular, the proposed rules have no effect or impact on a "provider" in regards to:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the provider to provide the same level of service;
3. the ability of the provider to provide the same level of service.

#### **Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Such comments should be submitted no later than January 11, 2016 at 4:30 p.m. to Melinda L. Long, 7979 Independence Boulevard, Suite 307, Baton Rouge, LA 70806, (225) 925-6103 Fax:(225) 925-4624, or melinda.long@la.gov. A public hearing will be scheduled pursuant to R.S. 49:953(A)(1)(a) if needed.

John W. Alario  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Liquefied Petroleum Gas**

**NOTICE OF INTENT**

**Department of Public Safety and Corrections  
Office of State Police**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes will not result in any material costs or savings to state or local governmental units. The proposed amendments reflect changes adopted by the Commission to ensure the rules more accurately reflect the controlling statute, LA R.S.40:1848(A).

The proposed amendment to Rule 107(A)(6) repeals the provision allowing applicants for permits to the LP Gas Commission to pay only \$50 per permit if permitting 2-11 locations and \$25 per permit for applicants permitting 12 or more locations. The associated permit fee for each location will be \$75 regardless of the number of locations.

The proposed amendment to Rules 107(A)(3), 107(A)(8)(e), 107(A)(15), 133(A), 143, 155, and 183 are all technical in nature, and therefore have no associated fiscal impact.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will increase revenue collections for state governmental units by an indeterminable amount. Present law states that all permit applicants with the LP Gas Commission shall pay a permit fee in the amount of \$75 for the first location with the exception of Class VII-E, R-1 and R-2 registrations which carry permit fees of \$100 and \$37.50, respectively. Present law also states that an applicant shall pay a fee of \$50 for each additional 2-11 locations and \$25 per location for 12 more locations. The proposed rule changes state the permit fee amount shall be \$75 for each location. Based on 160 locations currently receiving payments at the reduced fee amounts, up to an additional \$12,000 may be generated if each location pays \$75 for permits. However, due to limitations on data collected by the LP Gas Commission on how many locations applicants are operating, the net revenue generated by the proposed rule change may be less.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change will affect permitted dealers of liquefied petroleum gas. Previously dealers with 2-11 locations only paid \$50 per permit, per location, and dealers with 12 or more locations paid only \$25 per permit, per location. The proposed change to Rule 107(A)(6) states that all dealers must pay \$75 per permit, per location, regardless of the number of locations. Based on an estimated 160 locations currently receiving permits at the lower fee amount, dealers of liquefied petroleum gas may pay up to additional \$12,000 to the LP Gas Commission for permitting annually. However, due to limitations on data collected by the LP Gas Commission on how many locations applicants are operating, the net revenue generated by the proposed rule change may be less.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no anticipated effect on competition and/or employment as a result of the proposed rule changes.

Jill P. Boudreaux  
Secretary  
1512#083

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**Motor Vehicle Inspections (LAC 55:III.Chapter 7 and 8)**

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 49:950 et seq., Act 138 of the 2009 Regular Session, and R.S. 32:1304 et seq., gives notice of its intent to promulgate amended rules which clarify the civil penalty process, revise the license application and renewal process, add required inspection tools, add grounds for rejection of an inspector, specify educational requirements for inspectors, clarify the procedures for two year certificates, address NSF checks, clarify window tint requirements, specify requirements for side marker lights and reflectors, clarify requirements for buses, and specify inspection requirements for commercial motor vehicles and other miscellaneous amendments.

**Title 55**

**PUBLIC SAFETY**

**Part III. Office of Motor Vehicles**

**Chapter 7. Louisiana Motor Vehicle Safety  
Inspection Program**

**§701. Foreword**

**(Formerly §803)**

A. The inspection of vehicles as prescribed in the Louisiana motor vehicle inspection law is conducted in privately-owned businesses which have been approved by the Louisiana Department of Public Safety and Corrections. Although these approved inspection stations are privately owned businesses, the inspection of vehicles in compliance with the law is not entirely a private matter. During the course of performing these inspections, the station and its personnel are acting as representatives of the state of Louisiana. The guiding principal of station personnel should be, and must be, providing honest and efficient service to the citizens of our state.

B. Official motor vehicle inspection station operators and employees should be courteous and patient when explaining that the requirements of the motor vehicle inspection laws are designed to promote safety. It should be clearly understood by all employees that the primary function of the inspection station is not an arbitrary enforcement of the law but rather the advancement of highway safety.

C. All inspection station personnel must adopt the attitude that they sell safety. They must also bear in mind that the placement of one inspection certificate on an unsafe vehicle may be the cause of a serious crash. They owe a duty to themselves, their families, other vehicle owners and operators not to jeopardize lives through error, carelessness or indifference.

D. The official motor vehicle inspection station license may be revoked if any station owner, operator or employee fails to achieve and maintain a priority standard of service to the motoring public.

E. Each official motor vehicle inspection station shall give priority to customers seeking motor vehicle inspections. Reasonable time shall be considered when the inspector is committed to other duties, (clean up, hazardous situation).

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2421 (December 1999), amended by the Department of Public Safety and Corrections, Office of State Police, LR 38:2550 (October 2012), LR 42:

## **Chapter 8. Motor Vehicle Inspection**

### **Subchapter A. General**

#### **§803. Penalties for Non-Compliance (Formerly §701)**

A. Civil penalties shall be assessed as described in R.S. 32:1312.

1. If an inspection station or mechanic inspector receives three written violation notices within a 12-month period, this shall be grounds to remove said inspection station or mechanic inspector from the Motor Vehicle Safety Inspection Program. This in no way intends to impede the ability of the department from removing an inspection station or mechanic inspector at any time with proper cause.

2. The department shall impose civil penalties after affording the accused an opportunity for a fair and impartial hearing to be held in accordance with the Administrative Procedure Act.

3. Failure to pay civil penalties that have been finally adjudicated and upheld may result in the immediate suspension of the station or inspectors license. The department may prohibit the station from purchasing inspection certificates, and/or selling, issuing or conducting inspections until the penalty has been satisfied.

4. All licensees and applicants shall be current in the payment of all penalties and fees owed to the Department of Public Safety. Companies failing to comply with this requirement are subject to having their station's license suspended or revoked.

B. To maintain the integrity of the program and the safe operation of vehicles of the motoring public, the following violations are considered serious offenses. The mechanic inspector's license and/or the motor vehicle station's license may be revoked immediately upon a finding by the department of such violations. Upon the revocation of the station license/or mechanic inspector's license, he/she shall have the right to request a hearing in reference to the violations but the license shall remain revoked until the date of the hearing and the ruling from the administrative law Judge. The request for an administrative hearing shall be in writing and must be received by the department within 30 days from the date the license of the station/mechanic inspector was revoked:

1. 55:805F3, allowing uncertified mechanics to inspect;

2. 55:805F9, illegal sale of inspection certificates. This shall include the sale of fraudulent MVI Certificates, rejection certificates or any insert that is attached to the MVI certificate;

3. 55:805G2, involvement in criminal activity of a felony nature;

4. 55:807I3, intentionally falsifying of report (written or electronic);

5. 55:809A1, intentionally overcharging for inspections.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1310 and 32:1312 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 21:184 (February 1995), amended LR 38:2550 (October 2012), LR 42:

### **Subchapter B. Safety Inspections**

#### **§805. Requirements**

A. The Department of Public Safety, upon application and issuance of a motor vehicle inspection license, will authorize a station to conduct certain type inspections. The inspections will be designated by the station number issued to it. Below is an example of a station number.

EXAMPLE NUMBER P03255A-ABCDG

(1) (2) (3) (4)  
P 03255 A BCDG

Position (1) Denotes type of station- P=Public

D=Dealer

F=Fleet

G=Government

Position (2) Denotes station number

Position (3) Denotes Troop Area the MVI station is located in.

Position (4) Denotes the type of inspection the station is allowed to perform-

B-School Buses

C-Commercial Motor Vehicle Inspections

D-Non-attainment emission testing

G-General inspections-(automobile, trucks, suv's, trailer

M-Motorcycles

B. Classes of Inspection Stations. The classes of Official Motor Vehicle Inspection (MVI) Stations authorized in Louisiana are:

1. Public Station. Stations authorized by the Louisiana Department of Public Safety and Corrections to inspect any and every vehicle presented for inspection. When warranted and approved by the department, certain stations may be designated to inspect only specific classes of vehicles. When authorizing a public station to inspect only a certain class vehicle, the class of vehicle to be inspected and justification for each authorization shall be noted in the remarks section of the station application form. Such stations will display a sign immediately adjacent to the official Motor Vehicle Inspection sign designating the classes of vehicles which can be inspected. The designation of a specific class of vehicle to be inspected by a station may be as follows:

a. trucks and trailers only;

b. passenger vehicles and light duty trucks only;

c. motorcycles only; and

d. stations inspecting commercial vehicles and school buses are required to have special authorization from the department.

2. Dealer Station. Any person, association or corporation licensed as a dealer of vehicles which are subject to registration may be licensed as an official MVI dealer inspection station. These stations may only conduct inspections of both new and used vehicles owned by the dealer which are for sale or demonstration. A notation will be made in the remarks section of the application form

indicating what type of vehicles is to be inspected. When a dealer is authorized to inspect, it is mandatory that all vehicles sold as new or used must be properly inspected and a valid inspection certificate affixed thereto as prescribed by the official rules and regulations under LAC 55:III.Chapters 7 and 8.

3. Fleet Station. Any motor vehicle repair or maintenance shop operated or maintained by a person, firm or corporation in whose name 10 or more vehicles are licensed under the provisions of R.S. 47:462, may be designated as an official fleet MVI station. Fleet stations may inspect only those vehicles registered to or under bona fide lease to the company designated as an official fleet inspection station;

4. Government Station. A town, municipality, city, parish or state agency to which the department has granted authority to inspect vehicles owned and registered to these government agencies. These stations will not be approved unless they have their own repair shop; a school board may be granted authority to inspect and certify vehicles operated or contracted by that board.

5. Non-attainment area stations are inspection stations receiving specialized training and licensing. Only non-attainment area stations are permitted to inspect vehicles registered within this area that are subject to the inspection and maintenance (I/M) program as provided in 32:1306(B)(3) and LAC 55:817. The nonattainment area consists of five parishes. These parishes are designated by the four-digit domicile code on the registration. Domicile codes beginning with 03 (Ascension Parish), 17 (East Baton Rouge), 24 (Iberville Parish), 32 (Livingston Parish), or 61 (West Baton Rouge) are within the non-attainment area.

C. Request for Appointment as an Official Inspection Station

1. A written request must be submitted to the department at the main office located at 7919 Independence Blvd., Baton Rouge, LA 70806 in order to become an official MVI station. The request can be mailed or faxed. A representative of the department will be assigned to inspect the premises and interview the personnel to determine that all minimum requirements are met.

a. A background check including a criminal history check will be conducted on each applicant applying for a Motor Vehicle Inspection Station License. Applicants with felony backgrounds may be refused to be licensed.

2. Should a person, firm or corporation currently operating a motor vehicle inspection station make application to add commercial inspections at their location, a thorough investigation and evaluation of the performance of the existing station will be conducted. Should the investigation show that the existing station has been operated within the rules and regulations of the motor vehicle inspection program, and the owner/operator has demonstrated a willingness and desire to fulfill all of the obligations and responsibilities as an MVI station operator, the application for the new station, if all other requirements are met, may be approved.

D. Minimum Requirements for a Motor Vehicle Inspection Station

1. The following minimum requirements must be met prior to approval as an official MVI station:

a. the prospective MVI station must project an image of a clean and orderly place of business;

b. MVI station locations must comply with current local occupational, zoning and building inspection codes, and must be current at the time of application or occupation

i. must submit a copy of the occupational license for the MVI station;

ii. if building is leased, must show a written lease agreement. The lease must be at least a minimum of six months. Verbal leases will not be allowed;

c. must have a covered vehicle stall or bay, with a roof and two permanent connecting walls, large enough to accommodate the inspection of a full-sized motor vehicle.

E. Renewal of Motor Vehicle Inspection Station License

1. All motor vehicle inspection licenses expire on December 31 of each calendar year.

a. Completed renewal packets should be returned to the department 30 days prior to the expiration of the station/mechanic license.

i. All outstanding civil penalties must be paid prior to issuance of the new MVI license.

ii. If all required paperwork and fees are not submitted, the station license will not be renewed.

b. If the motor vehicle inspection station license has not been renewed by January 1 of the following calendar year, the station must stop conducting all MVI inspections until the license has been renewed and the new license is received by the station from the MVI officer.

c. If the MVI station fails to renew their MVI license by February 1 following the expiration of their expired MVI license, the station license shall be revoked until the following conditions are met:

i. must submit paperwork as required for a new station and must meet all new station/mechanic inspector requirements as stated in this Section. It is the station's responsibility to contact the office if it did not receive its station renewal and complete and return it before the new calendar year;

ii. must pay all outstanding civil penalties.

F. Space Requirements

1. All motor vehicle inspections, including the brake check, must be conducted on the premises licensed and must be conducted on a hard surface (concrete or asphalt). A minimum of 150 feet will be required to conduct the brake test, and must be conducted in a safe location. Officers may reject any applicant if the station does not have the required space to safely conduct inspections. Notwithstanding any law, rule or administrative policy to the contrary, official MVI stations shall not be required to reserve a service bay or stall for the exclusive purpose of conducting motor vehicle inspections, but such stall or bay must be cleared and available within 20 minutes from the time an inspection is requested.

G. Equipment Required for Safety Inspections

1. The following required equipment will be readily accessible during inspection hours and in good working order:

a. windshield scraper for removing old certificates;

b. numerical stamps (#1 through #12) 1 inch in size, an X stamp, and a black indelible ink stamp pad;

c. tire depth gauge;

d. measuring tape at least 6 feet in length;  
e. flashlight;  
f. tint meter (two-piece type);  
g. adjustable mirror; and  
h. a telephone number listed under the name of the station as it appears on the station license, with a telephone located at the place of business. All stations in the non-attainment area shall have the ability to access a telephone and the world wide web simultaneously during normal hours of operation;

i. on board diagnostic systems test equipment and evaporative system test equipment which includes gas cap pressure test equipment as per the United States Environmental Protection Agency (U.S. EPA) specifications. Stations must have such approved equipment readily accessible and in good working order. This equipment must be in or near the inspection area. The provisions of this Subparagraph shall only apply to inspection stations located in the non-attainment area. Any inspection station incorporated into a new DEQ emissions control program non-attainment area shall adhere to U.S. EPA specifications;

j. mechanic's creeper. The provisions of this Subparagraph shall only apply to stations that conduct commercial and school bus inspections;

k. soapstone marker. The provisions of this Subparagraph shall only apply to stations that conduct commercial and school bus inspections;

l. two wheel chocks (commercial and school bus inspection only);

m. floor jack or lift or two jack stands. This equipment must be capable of lifting and safely holding up the vehicle being inspected.

n. a current Federal Motor Carrier Safety regulation handbook (updated within one calendar year) as prescribed by: the U.S. Department of Transportation, Federal Motor Carrier Safety Administrations, parts 40, 303, 325, 350-399 (commercial and school bus inspections only);

o. brake chamber tool (commercial and school bus inspections only);

p. tire pressure gauge;

q. a current e-mail address from the station;

r. additional equipment may be required by the department as it may be deemed necessary, for the proper operation of an inspection station. The department shall give prior written notice of any additional equipment requirements. After such written notice is given, such additional equipment requirement shall be enforced as if included in these rules.

H. Responsibility of Station Owner or Operator. Upon application for designation as an official MVI station, the owner/operator has pledged himself to:

1. act as directed by the department when inspecting vehicles in accordance with these rules;

2. maintain a current, updated official rules and regulations on the premises at all times. The manual will be maintained in good condition and be readily available to the mechanic inspector. Any changes in official rules and regulations received by the station operator must be placed immediately in the station's official rules and regulations manual. It is the owner/operator's responsibility to ensure all of his employees involved in the inspection program are aware of any changes;

3. use only employees authorized and licensed by the department to perform the actual inspection of motor vehicles;

4. conduct honest, thorough and efficient inspections in accordance with motor vehicle inspection laws and the department's regulations;

5. maintain in good working order all required tools and equipment described in the minimum requirements, and to cease operations immediately and contact the Department of Public Safety, MVI Section when this condition is not met;

6. maintain a clean and orderly place of business and shop. The owner/operator is responsible for his employees in this respect;

7. refrain from the use of alcohol or drugs while on duty. MVI stations shall not be located on the premises or property where alcoholic beverages are sold;

8. keep an adequate supply of both inspection and rejection certificates and all necessary forms on hand at all times; adequate supply shall be considered 15 certificates or more;

9. perform inspections and affix certificates of inspection only at the business location designated on the station license, affix valid certificates of inspection only to those vehicles which have been properly inspected and have passed the safety and/or emission requirements;

10. have at least one approved mechanic inspector on duty to make inspections during the hours of business each normal working day;

11. must be open a minimum of 40 hours per week. The days and hours the station is open will be determined by the station owner and approved by the department. The days and hours of operation must be posted on the MVI sign;

a. if a station is required to close for any reason during its posted hours, the station owner or operator must notify the MVI Section by phone, fax or e-mail before closing;

12. ensure that all mechanic inspectors attend all meetings, training programs and various schools required by the Louisiana Department of Public Safety and Corrections;

13. be responsible for the actions of his mechanic inspectors in all matters relating to motor vehicle inspections. All civil penalties will be addressed to the station and the payment of penalties will be the responsibility of the owner/operator. The station owner/operator is responsible for all violations and fines concerning the operation of his/her station including the actions of his/her mechanic inspectors;

14. immediately follow all directives and instructions issued by the department; and

15. properly inform all employees of the rules and regulations set forth herein. Continued supervision of all mechanics authorized to inspect motor vehicles must be maintained;

16. contact the Motor Vehicle Inspection Section of the Louisiana Department of Public Safety and the Department of Environmental Quality of any changes in mechanic inspectors.

I. Requirements for Approval of Mechanic Inspectors. Before any mechanic can perform inspections, the department shall review the mechanic's qualifications and may authorize him to inspect. The following requirements

shall be met by each applicant prior to being approved as a mechanic inspector:

1. shall be at least 18 years of age;
2. a criminal history check shall be conducted on all new and renewal applicants who are requesting to be licensed as a mechanic inspector. The following will be grounds for rejection of a mechanic inspector application:
  - a. a felony conviction for an offense related to the operation of a motor vehicle within five years of application;
  - b. any conviction as defined in R.S. 14:2(B);
  - c. any person who is registered as a sex offender or a child predator;
3. shall be able to read and write the English language. They shall be able to complete MVI certificates and reports accurately and legibly;
4. shall possess a valid Louisiana operator's license. The operator's license shall not be subject to any order of suspension, revocation or cancellation or any other order or action which prevents the issuance of a duplicate or renewed operator's license. An approved mechanic inspector residing in a bordering state or those on active military duty shall furnish a valid operator's license from their resident state along with a copy of their driving record. The suspension, revocation, or cancellation of a mechanic inspector's operator's license shall be grounds to suspend his authority to inspect vehicles. A mechanic inspector shall notify the department immediately of such suspension, revocation, or cancellation of his operator's license;
5. shall successfully complete a training program offered by a state accredited and department approved post-secondary educational institution (which shall include community colleges and vocational-technical schools). The instructor of this program shall possess at least two years of previous automotive/truck mechanic experience or be an ASE-certified master technician. The curriculum of this training program shall be subject to review of, and approval by, the department to ensure inclusion of all aspects of the Motor Vehicle Inspection Program. A mechanic inspector employed by a station approved to inspect school buses and commercial vehicles shall also be properly trained in those areas prior to licensure. A mechanic inspector to be employed by a station within the five parish nonattainment area must first successfully complete special training related to emissions testing. A mechanic inspector whose license has not been current for a 12-month period shall successfully complete a new training program in order to renew his license;
6. a mechanic may be approved to inspect at more than one location. A separate application and fee for each location must be submitted;
7. upon completion of the training program, and submission of the mechanic inspector application's current fee, the mechanic will be certified as a mechanic inspector. The department will re-issue the station license with the new inspectors name noted on the license. The inspector may be required to show proficiency and knowledge of the inspection procedures before he/she is allowed to conduct inspections even after attending the class. A mechanic inspector must have successfully completed the MVI school from which he/she is to be licensed or have been licensed by the department within the previous 12 months. If not, the

mechanic inspector must attend the motor vehicle inspection class that he wishes to be certified in.

#### J. Duties and Responsibilities of Authorized Mechanic Inspectors

1. The authorized mechanic inspector shall:
  - a. always properly and thoroughly conduct an official inspection of vehicles presented for that purpose;
  - b. only affix inspection certificates to an approved vehicle. By doing this, he is placing a certificate of safety on the vehicle, indicating it is safe for operation on the highway;
  - c. be sure that no life may be jeopardized by his error, carelessness or indifference;
  - d. owe a duty to his employer, who has pledged to assist in safeguarding the lives of motorists, to ensure against the operation of unsafe vehicles;
  - e. inform the owner/operator of the actual condition of his vehicle after completion of an inspection;
  - f. verify that all equipment is of an approved type and is properly adjusted as prescribed. Evaporative system test equipment must be properly calibrated as recommended by the manufacturer;
  - g. perform each inspection with the understanding that he assumes full responsibility for the quality of the inspection when he signs the inspection certificate and places his name on the station's weekly/monthly log report;
  - h. always remember that he has been authorized to inspect vehicles because he has demonstrated the knowledge to act as an agent of the state of Louisiana when inspecting vehicles;
  - i. abide by the inspection laws, rules, regulations and/or procedures. Failure to do so by an authorized mechanic inspector may result in a civil penalty being imposed and could result in the permanent revocation of inspection privileges and may subject him/her to criminal and or civil prosecution;
  - j. when changing employment from one inspection station to another, the mechanic inspector or station shall inform the department that he is no longer employed by the inspection station;
  - k. determine whether the vehicle being presented for inspection should be inspected under the normal inspection procedures, school bus regulations or commercial criteria. The inspector shall not examine a vehicle he is not certified to inspect.

2. The department reserves the right to withdraw for cause its authorization of any mechanic inspector or to re-examine a mechanic inspector at any time. If a mechanic inspector has been unlicensed for one year or more he must be re-trained before inspecting any vehicle.

#### K. Approval as an Inspection Station

1. No inspection station shall be appointed as an official motor vehicle inspection station until all of the requirements have been met.

2. If the application is approved, the applicant will be notified. Once the applicant provides a permit fee, an MVI station license will be issued to the applicant. The station will be required to pay an annual renewal fee. An applicant for a public motor vehicle inspection station shall also provide a \$5,000 bond.

3. When all conditions have been met, the station license will be mailed or delivered to the station by a

representative of the department appointed to supervise the station. The station license will be presented to any law enforcement officer upon demand.

L. Any applicant who is issued a new station or mechanic inspector license by the department shall be required to serve a one-year probationary period. The department may revoke the license for any violation under the Motor Vehicle Inspection Program contained in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2422 (December 1999), amended LR 27:2260 (December 2001), repromulgated LR 28:344 (February 2002), amended by the Department of Public Safety and Corrections, Office of State Police, LR 38:2550 (October 2012), LR 42:

### **§807. Operation as an Official Motor Vehicle Inspection Station**

#### **A. Change of Name, Location and/or Ownership**

1. Persons operating under a motor vehicle inspection station license contemplating a change of name, location and/or ownership must notify the department in writing before a change is made. All changes must be approved by the department prior to being made by the station. A change in location and/or ownership will require that the new owner/location must meet the current requirements in LAC 55:III.Chapters 7 and 8 of the Motor Vehicle Inspection Program.

2. The new location or owner shall meet all requirements under §805.D of this Chapter (minimum requirements for a motor vehicle inspection station).

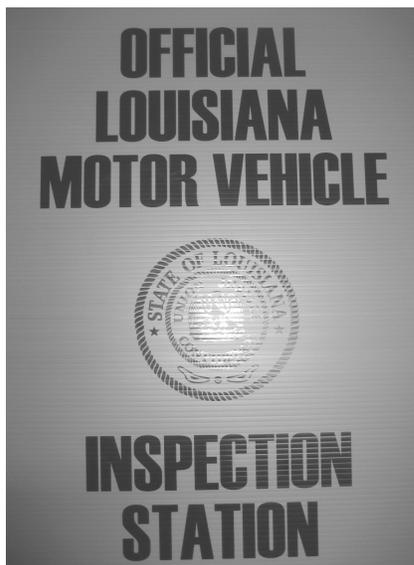
#### **B. Going Out of Business or Discontinuance of Inspections**

1. ...

#### **C. Official Motor Vehicle Inspection Sign (Public Stations Only)**

1. ...

a. Sample of Official Motor Vehicle Sign



2. ...

3. The station shall display the price for the one-year and two-year certificate on or near the official MVI sign. If the station conducts emission inspections, it shall also display the price for such inspection.

#### **D. Periods of Inspection**

1. All vehicles inspected under the provisions of R.S. 32:1301 through R.S. 32:1314 (motor vehicle inspection law) shall be inspected at least bi-annually.

a. ...

b. The fee for inspection of a passenger car or light truck and all other vehicles shall be \$10 for a one-year certificate and \$20 for a two-year certificate except in non-attainment parishes. The owner has the option of requesting either a one- or two-year certificate.

c. Vehicles that are registered inside the non-attainment area and/or vehicles that are registered outside the non-attainment area that are presented for inspection in the non-attainment area that fall within the guidelines of LAC 55:III.807.B shall be issued a one-year certificate only and be assessed an \$18 inspection fee.

i. Cars, light duty trucks, and trailers registered or inspected in the non-attainment area that do not meet the criteria for the enhanced emission testing as stated in LAC 55:III.807.B can at the owners discretion be issued a one- or two-year certificate as stated in Subparagraph D.1.a of this Section.

#### **D.2. - F.1. ...**

2. Demands for inspection or rejection certificates should be anticipated before the station's supply is depleted. Every motor vehicle inspection station will be required to have 15 certificates or more on hand at all times.

3. - 4. ...

5. Motor vehicle inspection certificates and rejection certificates, and requisition forms may be obtained from the Office of Motor Vehicles.

6. If a station submits funds which are returned NSF from the bank, the station license shall be suspended until the Office of Motor Vehicles receives the funds and penalties associated with the NSF check.

a. If the station does not satisfy the NSF check within 30 days from date of suspension, the station's license shall be permanently revoked and the station will have to re-apply as a new station once all funds and penalties have been received by the Office of Motor Vehicles. The station will have to meet all present requirements as a new station applicant.

b. If the owner of the MVI station is also the owner of the station's property, a license will not be issued to any other applicant who applies for a license on that property until the Office of Motor Vehicles receives the funds and penalties associated with the NSF check.

#### **G. Lost or Stolen Inspection/Rejection Certificates**

1. All inspection/rejection certificates and inserts are the property of the Louisiana Department of Public Safety and Corrections and must be safeguarded against loss. They must be kept in a secure place under lock and key, available only to the mechanic inspector. (Inspection/rejection certificates can only be placed on an inspected vehicle.)

2. Each inspection station will be accountable for each inspection/rejection certificate and inserts it receives from the department. Lost or stolen certificates must be accounted for on the log report by numerical listing. In lieu of the inspection information, the word "lost" or "stolen" must be noted on the log report by that certificate number.

3. Should an inspection/rejection certificate or insert be lost or stolen, the department must be notified immediately. If a theft is suspected of an inspection or rejection certificate, the local law enforcement agency shall be asked to investigate the theft and the MVI station must forward a copy of the police report to the department.

4. ...

H. Warning Notices. A written warning may be issued by a representative of the department for any infraction of the rules and regulations. This will become a permanent part of the station's file and will be a basis for determining the issuance of a civil penalty, suspension or revocation.

#### I. Motor Vehicle Inspection Log Report

1. All entries must be legible and made in ink only. The audit number of the inspection or rejection certificates issued must be listed in numerical order and must be shown on the report. All other required information must be provided for the vehicle inspected. Vehicle information will be obtained from the registration. The operator's license number must be taken from the driver's license of the person presenting the vehicle for inspection and not from the registration.

a. Stations that are required to maintain log sheets shall maintain the log sheets for 36 months.

i. General MVI Stations. A separate log shall be kept for the one- and two-year certificates.

Exception: Log sheets are not required to be utilized if a station is required to enter the inspection information on the DEQ computer system.

ii. Commercial MVI Stations. The station must maintain a copy of each commercial log sheet.

2. Torn, voided or damaged inspection or rejection certificates must be recorded on the log report. All information required shall be listed on the log sheet and the station shall write torn, voided, or damaged in the signature block. The torn, voided or damaged inspection/rejection certificates shall be attached to the log sheet.

a. stations in the non-attainment area who utilize the DEQ computer system shall also keep a log of all torn, voided, or damaged inspection/rejection certificates and emission inserts. The non-attainment station must comply with Paragraphs 1 and 2 of this Subsection. The non-attainment station that issues a certificate due to the challenge station advising the station to issue a MVI certificate must use the same log as stated above.

3. Falsifying information on any official document, including the inspection report, or computer is a criminal offense. Felony charges may be brought against anyone providing fraudulent information on an inspection report or forging anyone's signature.

4. ...

5. Log reports shall be kept in the log book at the Motor Vehicle Inspection station for 36 months. These reports shall be available for inspection by department personnel or law enforcement officers. After 36 months, a station may destroy the log sheets by burning or shredding.

6. Stations in the non-attainment area which are required to submit their inspection information electronically must do so in real time.

a. Stations in the non-attainment area that are licensed to inspect commercial vehicles must maintain a copy of each commercial log sheet for 36 months.

7. Official motor vehicle inspection stations can obtain copies of the log sheets from the Louisiana State Police website at [www.lsp.org](http://www.lsp.org). Copies of log sheets may be made, but they must be similar to the state log sheet and contain the same information and in the same order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2424 (December 1999), amended 27:2260 (December 2001), repromulgated LR 28:345 (February 2002), amended LR 30:2859 (December 2004), amended by the Department of Public Safety and Corrections, Office of State Police, LR 38:2552 (October 2012), LR 42:

### **§809. General Inspection Requirements**

#### A. Fees for Inspection

1. The fee for safety and commercial inspections will be the current fee set by law for each inspection performed, whether it was approved or rejected. No sales tax or late penalty fees will be collected on inspections.

2. A rejected vehicle is entitled to one free re-inspection if returned to the same inspection station within 30 days.

#### B. Repairs or Adjustments

1. The owner of a vehicle is under no obligation to have defects corrected by the inspection station. The owner may have the vehicle repaired where he chooses or may repair the vehicle himself. The inspection station is only required to perform a complete and proper inspection.

#### C. Issuance of Inspection Certificates

1. An inspection certificate will be issued for every vehicle inspected which passes the safety and/or emission requirements. The month that a certificate is issued shall be indicated by an insert placed in the appropriate area of the certificate. The year the certificate expires will also be indicated by an insert placed in the appropriate block on the certificate. All of the information on the back of the sticker must be filled in with black indelible ink. The certificate will be firmly attached to the lower left-hand corner of the windshield as viewed from the driver's seated position. Under no circumstances will an inspection certificate be applied to the windshield without the month and year of expiration being noted in the appropriate blocks provided.

2. ...

3. When inspecting motorcycles, motor-driven cycles, trailers and semi-trailers, an "X" will be stamped on the face of the inspection certificate, between the month and year insert. Under no circumstances will the stamp cover the month nor the year of expiration insert or the audit number of the inspection certificate. Inspection certificates of this type will be attached to the registration certificate for the vehicle.

4. - 6. ...

7. Only year inserts (issued by the Office of Motor Vehicles) shall be placed on MVI certificates. Under no circumstance shall a station stamp or write the year on the certificates.

8. Inserts must be properly affixed to the sticker with the month and year in the proper area on the sticker.

D. Issuance of Rejection Certificates

1. When a vehicle is presented for inspection and fails to pass the safety or emission standards, the current fee will be charged for the service of inspecting the vehicle. The owner or operator will be advised of the defects causing the vehicle to fail inspection.

a. When a vehicle is presented for inspection and the owner/operator requests a one- or two-year inspection and the vehicle is rejected, the station must charge for the sticker that was requested.

2. - 5. ...

6. All rejection certificates must be entered in the weekly log report in numerical order and must be accounted for. The log report must indicate the items found defective by making a notation in the appropriate blocks provided. In the non-attainment area, the same information shall be entered in the station's computer. The reverse side of the rejection certificate must also indicate the defective items found.

7. Should the owner or operator of a rejected vehicle refuse to accept the rejection certificate, it will be noted as such on the log report. The completed rejection certificate will be attached to the log report and kept with the station. In the non-attainment area, the station shall keep a file for all rejection certificates that have been refused.

8. The rejection certificate must be filled out in ink only. It will be noted on the reverse side of the rejection certificate, the date of inspection, a brief description of the vehicle and the expiration date of the rejection certificate. The face of the rejection certificate will be stamped with the number of the month in which the vehicle was inspected.

D.9. - E.2.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2426 (December 1999), amended by the Department of Public Safety and Corrections, Office of State Police, LR 38:2553 (October 2012), LR 42:

**§811. Inspection Procedures**

A. The mechanic inspector shall record the expired sticker number on the log report then remove the expired sticker prior to continuing with the inspection. The expired motor vehicle inspection sticker must be immediately destroyed.

B. - B.2. ...

3. License Plate. The registration indicates a license plate number and expiration date of the plate. This information must correspond with the information displayed on the vehicle. The license plate cannot be expired. An out-of-state vehicle may be inspected, as long as it meets the criteria.

a. Vehicles which display apportioned license plates for trucks which travel out of Louisiana are issued a Louisiana apportioned cab card in lieu of a registration. The cab card will indicate an expiration and a grace period.

b. - e. ...

4. Operator license must be valid and in the immediate possession of the vehicle operator. It must be presented to the mechanic inspector, and the license number

must be taken from the driver's license and recorded in the appropriate block on the log report or DEQ computer system.

a. - d. ...

5. Proof of current liability insurance must be shown to the mechanic inspector. Electronic proof of insurance will be accepted. The vehicle operator must also sign the log report indicating the vehicle is covered by liability insurance. (Note: Government vehicles are exempt from furnishing proof of insurance.) One of the following must be presented as proof of insurance. Although a trailer is not required to have liability insurance, the inspector must verify that the towing unit complies with one of the below requirements.

B.5.a. - C. ...

D. Every motor vehicle, trailer, semi-trailer and pole trailer registered in this state shall bear a valid safety inspection certificate issued in the state of Louisiana except as provided in R.S. 32:1311.

E. ...

F. State mechanic inspectors must check registrations prior to inspecting vehicles. Any vehicle registered in the municipalities of New Orleans, Kenner or Westwego must be inspected in those municipalities. In addition, inspectors must refer to the four-digit domicile code on the registration. Effective January 2000, any vehicle registered with a domicile code beginning with 03 (Ascension Parish), 17 (East Baton Rouge Parish), 24 (Iberville Parish), 32 (Livingston Parish), or 61 (West Baton Rouge Parish), and that are subject to the Inspection and Maintenance (I/M) Program as provided in R.S. 32:1306(B)(3) and LAC 55:III.817 must be inspected within that five-parish area.

G. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2427 (December 1999), amended by the Department of Public Safety and Corrections, Office of State Police, LR 38:2553 (October 2012), LR 42:

**§813. Required Equipment**

A. The below items in Subsections B-FF of this Section shall be inspected by the mechanic inspector when an inspection certificate or a rejection is given to the vehicle being presented for an inspection. Inspected items must be in proper condition and adjustment such that the item does not pose an unsafe condition as to endanger any person or property.

B. Speedometer/Odometer

1. The speedometer and odometer must be operational.

2. The speedometer shall indicate miles per hour (mph) traveling.

3. The actual mileage must be recorded on the log report.

C. Horn

1. - 4. ...

D. Brakes

1. Every vehicle required to be equipped with brakes must be tested by conducting a road test on the approved brake test area. The mechanic inspector shall take physical control of the vehicle presented for inspection to determine if the brakes are operating correctly, except motorcycles.

2. The test for stopping distance shall be made on a substantially level, smooth, hard surface that is free from loose material and is at least 150 feet in length. The vehicle shall not pull to the right or the left causing the vehicle to excessively alter its direction of travel.

3. ...

#### 4. Classifications for Brake Application

a. - c. ...

d. Buses, regardless of the number of axles, not having a manufacturer's gross weight rating shall have a braking distance of 40 feet.

e. All combinations of vehicles in drive away, tow-away operations shall have a braking distance of 40 feet.

f. All other vehicles and combinations with a GVWR of 10,000 or more pounds shall have a braking distance of 50 feet. This includes car and trucks towing a trailer over 3,000 lbs and under 10,000 lbs.

E. - F.1. ...

#### G. Lighting System

1. All exterior required bulbs or sealed beams must light when activated. All lamps must be of an approved type as stated in R.S. 32:330.

2. - 11. ...

12. - 12.b. Repealed.

H. - J.1. ...

2. Vehicles manufactured or assembled after December 31, 1962, must be equipped with at least two tail lamps.

J.3. - L.3. ...

4. No tint shall obscure the high mount brake light.

M. - N.1. ...

2. The lamp is to be lighted with white light only when headlamps or auxiliary driving lamps are lighted. The use of neon lights or the use of any other lights which obscure the license plate is prohibited.

#### O. Outside/Inside Rearview Mirrors

1. - 3. ...

4. All vehicles manufactured after December 31, 1972, must be equipped at the factory with a left-hand, outside rearview mirror. This includes motorcycles and motor-driven cycles. If two outside mirrors are utilized, no inside mirror is required. If equipped with right outside mirror, it must comply with Paragraph 2 of this Subsection.

P. - P.7. ...

#### Q. Windshield Washers

1. The windshield washing system upon a vehicle that is not more than six years old from the date of manufacture or assembly shall be maintained in good working order.

#### R. Windshields

1. - 2. ...

a. Acute Area. The acute area is directly in the driver's line of vision in the center of the driver's critical area. It is 8 1/2" x 11", the size of a standard piece of paper, held horizontally on the windshield. In this area no cracks are allowed. No more than two stars, nicks, chips, bulls-eyes or half-moons in excess of 1/2 inch will be allowed.

b. Critical Area. The critical area is the area other than the acute area which is cleaned by the normal sweep of the windshield wiper blades on the driver's side only. In this area, any star larger than 2 inches in diameter; two or more stars larger than 1 1/2 inches in diameter or one or more

cracks which extend more than 8 inches in length will not be allowed.

c. Non-Critical Area. This area consists of all other windshield area other than the acute or critical area. This area cannot have one or more cracks which extend more than 8 inches, one or more cracks which extend from top to bottom, one or more cracks which extend from right to left or one or more cracks which extend all the way across the windshield.

3. ...

#### S. Windows and Glass Sunscreening and Glass Coating

1. Windshields are allowed to have sunscreen extend down from the topmost portion of the windshield no more than 5 inches. The sunscreen shall be transparent and not red or amber in color. The windshield limitation for a vehicle that has a sunscreen certificate is 6 inches from the topmost portion of the windshield.

2. Vehicles being presented for inspection that do not have a valid window tint medical exemption affidavit or a security exemption form issued by the department shall be inspected as follows.

2.a. - 5. ...

a. No vehicle wraps can be placed on any part of the vehicles glass.

6. Exceptions to the sunscreen rule:

a. sunscreen regulations do not apply to windows behind the driver of trucks, buses, trailers, motor homes, SUV's, multi-purpose passenger vehicles and all windows of vehicles used for law enforcement purposes;

b. vehicles with valid window tint medical exemption affidavit or a security exemption form issued by the department.

#### 7. Window Tint Medical Exemption Affidavit

a. A person with a medical condition which makes that individual sensitive to sun exposure may obtain a waiver form provided by the department. The waiver must be completed by a licensed physician and must be signed by a department officer. This waiver exempts the vehicle identified on the form from all restrictions except windshields as provided in R.S. 32:361.1.

b. The medical exemption affidavit shall:

i. be valid for a period of not more than 3 years, except for the following provisions;

ii. be valid only for vehicles registered in this state where the registered owner, spouse or immediate family member has an approved affidavit that shall be kept in the motor vehicle at all times;

iii. not be applied for, or issued to, persons convicted of crimes of violence as defined in R.S. 14:1(13) or criminal offenses involving controlled dangerous substances as defined in RS 40:961 et seq.

iv. be returned to applicant by an officer, if approved;

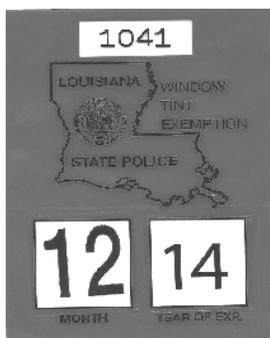
v. be non-transferable.

vi. be valid for the duration of ownership of a vehicle whose owner is age 60 years or older.

(a). The registered owner of the vehicle is 60 years and older at the time of application for a Medical Exemption Affidavit, or the individual becomes 60 years old while in possession of a valid Medical Exemption Affidavit, then the affidavit will be valid for the duration of that

individual's ownership of the vehicle as provided in R.S. 32:361.2(A)(3)(c) unless deemed otherwise by the department.

c. A red medical exemption certificate will be issued to each vehicle that has been approved for a medical Exemption affidavit. The certificate will be placed above the motor vehicle inspection certificate by an officer of the department. The certificate number will correspond to the certificate number on the medical exemption affidavit.



#### 8. Window Tint Security Affidavit

a. The following exclusive list of persons, or entities, shall be eligible for a security exemption from the provisions of R.S. 32:361.1:

- i. private investigators;
- ii. bail enforcement agents;
- iii. railroad police officers;
- iv. Louisiana peace officers, POST-certified and sworn;
- v. elected or appointed public officials.

b. The department will review and make a final decision on any other individual, business, company, corporation or agency who submits a security exemption affidavit requesting added concealment of persons or property from public view.

#### c. Window Tint Security Exemption Criteria

- i. Vehicle must be:
  - (a). properly licensed, insured and registered, all in Louisiana; and
  - (b). owned or leased by an applicant.

#### d. Security Exemption Affidavit

i. An individual seeking exemption to window tint restrictions can obtain a security exemption affidavit form at the department headquarters, any motor vehicle field office or via the world wide web by accessing [www.lsp.org](http://www.lsp.org).

ii. The security exemption affidavit must be complete, sworn and subscribed in the presence of a notary public. The security exemption affidavit must include:

- (a). applicant's name;
- (b). address, city, state and zip code;
- (c). vehicle description (year, make, model);
- (d). vehicle identification number (VIN);
- (e). vehicle license plate number;
- (f). need, reason or explanation for exemption;

and

- (g). signature of applicant.

#### e. Security Exemption Process

i. A completed Security Exemption Affidavit must be mailed to the Department Headquarters Office, P.O. Box 66614, Mail Slip 26, Baton Rouge, LA 70896-6614. Security exemption affidavits will be reviewed and subsequently approved or disapproved by the department.

ii. Approved security exemption affidavits will be returned to applicant.

iii. An applicant whose Security Exemption Affidavit is disapproved will receive written notification of that decision by U.S. Mail. The correspondence will outline the reason(s) for denial. An applicant may write a letter of rebuttal germane to the reason(s) for denial. Letters of rebuttal will be taken under advisement. Once a final determination of eligibility has been made, an applicant has no further recourse. The Department of Public Safety and Corrections may approve, disapprove, cancel or revoke exemptions for window tint restrictions as deemed appropriate.

T. - V.3. ...

W. Doors. The vehicle's doors will be inspected as follows.

1. All doors must be present and operational with installed handles.

2. - 3. ...

4. Drivers side windows must properly function as designed. Laminated driver and passenger side windows cannot have cracks that obscure the drivers view.

X. - Z.5. ...

6. Tires shall not have visible bumps, bulges or knots indicating partial failure or ply separation of the tire structure.

7. - 11. ...

12. Vehicles equipped with oversized wheels must be able to make a turn of not more than a 45 degree angle without rubbing on the frame.

#### AA. Steering Mechanism

1. - 2. ...

a. With the front wheels in a straight-ahead position, check steering for free play. The engine must be running to check the free play in the power steering. More than 2 inches of free play for power-assisted steering and more than 3 inches of free play for manual steering will not be permitted. This shall be conducted during the road test.

AA.3. - BB.2. ...

3. The vehicle must have at least 4 inches of ground clearance measured from the frame or the lowest part of the vehicle, with the vehicle on a level surface.

#### CC. Seats and Seat Belts

1. - 4. ...

5. Passenger cars, vans or trucks with a gross weight of 10,000 pounds or less, and manufactured after January 1, 1981, must have working seatbelts as originally equipped.

DD. - DD.7. ...

EE. The windshield, rear glass and all windows must be present with no obstructions and in working order as originally equipped except as provided in Paragraphs S.6, S.7, or S.8 of this Section.

FF. Side Marker Lights and Reflectors. In addition to other equipment required in this Chapter, the following vehicles shall be equipped as herein stated under the conditions stated in R.S. 32:301.

GG. Buses, trucks, motor homes, and motor vehicles with mounted truck camper, 80 or more inches in width shall meet equipment requirements as follows:

1. on the front: two clearance lamps, one at each side, and all such vehicles manufactured or assembled after December 31, 1972 shall have three identification lamps meeting the specification of Subsection F of this Section;

2. on the rear: two clearance lamps, one at each side, and all such vehicles assembled or manufactured after December 31, 1972 shall have three identification lamps meeting the specifications of Subsection F of this Section;

3. on each side: two side marker lamps and two reflectors one of each at or near the rear and at or near the front.

HH. Trailers and semi-trailers 80 inches or more in width, except boat trailers, shall meet equipment requirements as follows:

1. on the front: two clearance lamps, one at each side;

2. on the rear: two clearance lamps, one at each side, and all such vehicles manufactured or assembled after December 31, 1972, three identification lamps meeting the specifications of Subsection F of this Section;

3. on each side: two side marker lamps and two reflectors one of each at or near the front and at or near the rear.

II. Truck tractors shall meet equipment requirements as follows:

1. on the front: two cab clearance lamps, one at each side, and on vehicles manufactured or assembled after December 31, 1972, three identification lamps meeting the specifications of Subsection F of this Section;

2. on each side: two amber side marker lamps and two amber reflectors, one of each at or near the front and at or near the rear.

JJ. Trailers, semi-trailers and pole trailers 30 feet or more in length shall have one amber side marker lamp and one amber reflector, centrally located with respect to the length of the trailer, on each side. Pole trailers shall also have on each side, at the rearmost support for the load, one combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer.

KK. Boat trailers 80 inches or more in width shall meet equipment requirements as follows:

1. on each side: two side marker lamps and two reflectors, one of each at or near the front and at or near the rear, and at or near the midpoint, one clearance lamp performing the function of both a front and rear clearance lamp;

2. on the rear of boat trailers manufactured or assembled after December 31, 1972, shall be three identification lamps meeting the specifications of Subsection F of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2428 (December 1999), amended LR 28:345 (February 2002), amended by the Department of Public

Safety and Corrections, Office of State Police, LR 36:1789 (August 2010), LR 38:2553 (October 2012), LR 42:

### **§815. Miscellaneous Inspection Procedures**

A. Trailers (must comply with requirements of LAC 55:III.811 where applicable)

1. ...

2. Trailers shall be inspected for fenders, lights and brakes, and tires where applicable.

3. Trailers shall be inspected at the hitch connection and the inspector must verify that the ball and hitch are of the same dimension.

4. Trailers must have working emergency brake-away device.

5. Exemptions, Single axle two-wheel trailers and all boat trailers are exempt from the MVI requirements.

B. Antique Cars. Motor vehicles which are 25 years old or older and which are used primarily for exhibition in shows, parades, tours and other special uses and not for general transportation, and which are registered and licensed as antique as provided in R.S. 32:707(L) shall be exempt from the inspection requirements of this Chapter.

C. - C.2. ...

3. Handlebars shall not extend past the operator's shoulder height when the operator is sitting astride the seat and the operator's hands are on the handlebar grips.

4. Handlebars shall be properly aligned.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2433 (December 1999), amended by the Department of Public Safety and Corrections, Office of State Police, LR 42:

### **Subchapter C. Vehicle Emission Inspection and Maintenance Program**

#### **§817. General Information**

A. - C.1. ...

2. Repealed.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2433 (December 1999), amended by the Department of Public Safety and Corrections, Office of State Police, LR 42:

### **Subchapter D. Inspection Procedures for School Buses**

#### **§821. General Information**

A. These standards are adopted from the minimum standards for school buses in Louisiana as promulgated by authority of *Louisiana Revised Statute* 17:164 which reads: "The Louisiana State Board of Education is authorized, directed and empowered to establish and adopt regulations relating to the construction, design, equipment and operation of school buses used in transportation of students to and from school. The statute further states that: "...any school bus body, chassis or equipment that meets the latest revised minimum standards for school buses adopted and recommended by the National Conference [now Congress] on school Transportation...shall be deemed in compliance with any such regulations adopted by the Louisiana state board of education....". The National Congress on School Transportation publishes specifications for school buses, along with inspection procedures, in its publication

*Specifications and Procedures*, which is available at [ncstonline.org](http://ncstonline.org). This document is reviewed and revised every five years.

#### B. Definitions of School Bus Types

*Type A*—school bus is a conversion or bus constructed utilizing a cutaway front-section vehicle with a left side driver's door. This definition includes two classifications:

- a. type A-1, with a gross vehicle weight rating (GVWR) of 14,500 pounds or less; and
- b. type A-2, with a GVWR greater than 14,500 and less than or equal to 21,500 pounds.

*Type B*—school bus is constructed utilizing a stripped chassis. The entrance door is behind the front wheels. This definition includes two classifications:

- a. type B-1, with a GVWR of 10,000 pounds or less; and
- b. type B-2, with a GVWR greater than 10,000 pounds.

*Type C*—school bus is constructed utilizing a chassis with a hood and front fender assembly. The entrance door is behind the front wheels; also known as a conventional school bus. This type also includes cutaway truck chassis or truck chassis with cab with or without a left side door and a GVWR greater than 21,500 pounds.

*Type D*—school bus is constructed utilizing a stripped chassis. The entrance door is ahead of the front wheels; also known as rear or front engine transit style school buses.

#### C. Color

1. Any passenger-carrying vehicle, regardless of its class, with a capacity of more than seven passengers and used exclusively in the transportation of teachers and pupils to and from schools or their institution of learning under contract or other arrangement made by or with the constituted and authorized school personnel shall be considered a school bus. The school bus must be painted national school bus glossy yellow (R.S. 17:161). [The color known as "national school bus yellow" (NSBY) is specified and described in the School Bus Manufacturers Technical Council publication SBMTC-008, National School Bus Yellow Color Standard.] The uppermost top section of the roof may be painted white to reduce heat inside of the bus and the body exterior trim may be painted glossy black.

2. The front and rear bumpers shall be black.
3. Wheels may be gray, yellow or black.

4. Every school bus sold or transferred to any use other than school activities shall be painted by the new owner a color other than national school bus chrome yellow, all lettering of school bus identification, and all semaphore arms and alternate flashing signal lights shall be removed therefrom (R.S. 17:162; R.S. 32:378).

D. All school buses presented for inspection must adhere to all safety requirements, where applicable, and must also conform to applicable Federal Motor Vehicle Safety standard (FMVSSs) and Federal Motor Carrier Safety regulations. The bus must comply with the following items and devices in addition to all other requirements.

E. Before being approved to inspect school buses, official motor vehicle inspection stations must meet the following qualifications.

1. The station must have an area large enough to accommodate a bus. The inspection area will be subject to approval by the department.

2. Mechanic inspectors must possess a valid driver's license. The mechanic inspector must also meet the minimum experience qualifications.

3. The mechanic inspector must pass the general and commercial MVI classes and must be approved to inspect school buses by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2434 (December 1999), amended by the Department of Public Safety and Corrections, Office of State Police, LR 38:2557 (October 2012), LR 42:

#### **§823. General Inspection Procedures (must comply with requirements of LAC 55:III.811 where applicable)**

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

C. Fluid Leaks. Vehicle fluids include gasoline or diesel, transmission fluid, engine oil, bearing grease, water or radiator coolant, windshield washer fluid or water and power steering fluid. No fluid leaks of any kind are allowed.

D. Lighting Systems. The lighting system will be checked as follows.

1. Interior Lamps (including stepwell lamp on types A, B, C and D school buses). Interior lamps shall be used to provide adequate illumination of the interior compartment. The stepwell lamp shall be illuminated by an entrance door-operated switch, to illuminate only when headlamps and clearance lamps are on and the entrance door is open.

2. - 5.b.i. ...

ii. One must be mounted at or near the rear of the bus and must be red in color. Buses 30 feet or longer in length require one additional amber reflex reflector on each side of the bus.

6. School Bus Alternately Flashing Lamps. A school bus shall have alternately flashing lamps mounted at the same horizontal level which identify the vehicle as a school bus. They also inform other vehicle operators that the bus is stopped or about to stop to take on or discharge students.

a. - d. ...

#### E. Left Hand Stop Arm Lamps

1. All buses manufactured after July 7, 1977, must be equipped with two flashing red lights on each of the left hand stop arms with the light visible from both sides of the stop arms, and these lights shall be visible at 500 feet in normal sunlight [R.S. 32:318(B)(4)].

a. ...

2. Two stop signal arms shall be installed on types B, C and D school buses; one stop signal arm shall be installed on type A school buses. When two stop signal arms are installed on a school bus, the rearmost stop arm shall not contain any lettering, symbols or markings on the forward side.

3. The entire surface of both sides of the stop signal arm shall be of reflectorized material with type III reflector material that meets the minimum specific intensity

requirements of 49 CFR 517.131. When two stop signal arms are installed on a bus, the forward side of the rearmost stop signal arm shall not be reflective.

F. - H. ...

I. Backing Lamp and Audible Backing Alarm

1. Backing Lamp. The bus body shall be equipped with two white rear backup lamps that are at least four inches in diameter, or, if a shape other than round, a minimum of 12 square inches of illuminated area and shall meet FMVSS No. 108. If backup lamps are placed on the same horizontal line as the brake lamps and turn signal lamps, they shall be to the inside.

2. Backing Alarm. Every new school bus ordered or purchased after August 15, 1993, and every used bus not in service as a school bus on that date, but put into service as a school bus thereafter, shall be equipped with an automatic back-up audible alarm which sounds on backing and which is capable of emitting sound audible under normal conditions from a distance of not less than 100 feet. The alarm shall also be capable of operating automatically when the vehicle is in neutral or a forward gear but rolls backward (R.S. 32:378).

J. Mirrors. School buses are required to have an interior mirror, exterior mirrors and one or more exterior cross-view mirrors.

1. Interior Mirror. Type A bus shall have a minimum of 6" x 16" mirror and type B, C and D buses shall have a minimum of 6" x 3" mirror.

2. Exterior mirror must have one or more left and one or more right hand mirrors with a minimum of 50 square inches of reflecting glass.

3. Exterior Cross View Mirror. Buses manufactured after July 1, 1979, shall have a mirror system which will provide a clear, unobstructed view of the area in front of the bus; the area immediately adjacent to the left and right front wheels and the entrance door.

K. Interior Doors

1. Service Door (front passenger pick up door). It may be controlled manually or by power. It must be controlled by the bus driver only.

a. The vertical closing edges of the service door must be equipped with a flexible material to protect passenger's fingers.

2. Emergency Exit Door

a. The passage way to the emergency door must not be restricted in any way to less than 12 inches in width.

b. There must not be steps to the emergency door when the door is in the closed position.

c. It must be equipped with a proper gasket around the door and the glass which furnishes a proper seal.

d. It must be equipped with an audible warning buzzer which notifies the driver's compartment that the door is open.

e. The emergency door mechanism shall function from the inside and outside.

f. The words "Emergency Exit" or "Emergency Door" shall be marked directly above the door on both the inside and outside in letters at least 2 inches high.

g. There must be no manual locking of any doors while the bus is in operation. No pad locks can be used on any door while the bus is in operation.

L. Bumpers and Crossing Control Arm

1. The words "School Bus" must be on the front and rear of the vehicle in plain, black letters at least 8 inches in height.

2. The stop arms shall be painted red with the word "Stop" in white letters.

3. Every school bus shall be equipped with a crossing control device actuated by the driver and operated in conjunction with the stop arm. The crossing control device shall pivot out from the right side of the front bumper to prevent persons from walking directly in front of the bus [R.S. 17:164.1(A)(1)].

M. School bus identification (signs):

1. The words "School Bus" must be on the front and rear of the vehicle in plain, black letters at least 8 inches in height.

2. bus identification number on the sides, rear and front;

3. district, company name or owner of the bus displayed at the beltline;

4. the location of the battery(ies) identified by the word battery or batteries on the battery compartment door in two-inch lettering;

5. "handicap" symbol, identifying the bus as equipped for or transporting student with disabilities; however, the symbol shall not be placed on the glass of the rear emergency exit;

6. the stop arms shall be painted red with the word Stop in white letters, or the stop arms may be covered by a manufactured decal with the same color combination.

N. Tires

1. At a minimum, the steering axle must have 4/32 inch tread.

2. No re-grooved or re-capped tires are allowed on the steering axle.

3. At a minimum, the rear axle must have 2/32 inch tread.

O. Mud Flaps. All school buses manufactured on or after July 1, 1979, shall be equipped with mud flaps on the rear of the vehicle.

P. Front and Rear Suspension and Steering. The front of the bus must be lifted and the following items checked:

1. wheel bearings for excessive looseness and play;

2. king pins and bushings for excessive looseness;

3. drive shaft and universal joints for excessive wear;

and

4. ball joints for excessive wear.

Q. Windshield, Windows, and Glass

1. The left front driver's window must readily open and close.

2. No cracks, discoloration or scratches to the front, rear, right or left of the driver which would interfere with his vision are allowed.

3. No window may be broken or have any exposed sharp edges. No window may have any cracked or separated glass allowing one piece of glass to move independently of another.

4. The windshield, not including a 2 inch border at the top and a 1 inch border at each side of the windshield or each panel thereof, may not:

a. have any crack not over 1/4 inch wide, if not intersected by any other crack; or

b. have any damaged area which can be covered by a disc 3/4 of an inch in diameter, if not closer than 3 inches to any other such damaged area (Federal Motor Carrier Safety regulation, 393.60).

5. Side windows must open and close properly.

6. Windows must have exposed edge of glass banded.

7. Driver side windows and service doors shall not have window tint.

8. Each emergency exit window must be equipped with an alarm buzzer that alerts the bus driver to an unlatched or open window.

#### R. Stepwell and Floor Covering

1. The stepwell and the aisle on buses manufactured after July 1, 1966, must be covered with a rubber, non-skid, wear resistant, ribbed material.

2. All openings in the floor board, such as the gear shift lever and auxiliary brakes, shall be sealed.

3. The stepwell must not be rusted in any area and must have sufficient strength to support passengers.

4. The aisle must not be restricted in any way to less than 12 inches in width.

5. There must be no looseness in the stanchions, guard rails or grab rails.

S. Emergency Equipment. Any piece of emergency equipment may be mounted in an enclosed compartment, provided the compartment is labeled in not less than one-inch letters, identifying each piece of equipment contained therein. Emergency equipment shall consist of the following items.

1. First Aid Kit. The bus shall have a removable, moisture-proof and dust-proof first aid kit, securely mounted in an accessible place within the driver's compartment. The first aid kit must contain the supplies necessary to administer first aid in an emergency situation.

2. Fire Extinguisher. The bus will be equipped with at least one UL-approved pressurized ABC type of dry chemical fire extinguisher. It must have a gauge and at least a 5 pound capacity. It must be mounted in the manufacturer's bracket of an automotive type. It must be located in the driver's compartment in a clearly marked location or in full view of, and readily accessible to, the driver. Fire extinguishers must have a valid and up-to-date certification.

3. Warning Devices. Each school bus shall contain at least three retroreflective triangle road warning devices that meet the requirements of FMVSS No. 125, warning devices. They shall be mounted in an accessible place.

4. Body Fluid Cleanup Kit (Optional). Each school bus may have a removable and moisture-proof body fluid clean-up kit accessible to the driver. The kit shall be mounted and identified as a "body fluid clean-up kit."

T. - Y.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2434 (December 1999), amended by the Department of Public Safety and Corrections, Office of State Police, LR 42:

## Subchapter E. Federal Motor Carrier Safety Regulations §825. General Information

A. Certain types of vehicles are subject to federal regulations in connection with Louisiana's Motor Vehicle Inspection Program. A *commercial vehicle* is defined as any self-propelled or towed vehicle used on public highways in commerce to transport passengers or property when:

1. the vehicle has a gross vehicle weight rating or gross combination weight rating as follows:

a. interstate commerce—the vehicle travels from this state to another state and has a weight rating of 10,001 pounds or more;

b. intrastate commerce—the vehicle travels only in Louisiana and has a weight rating of 26,001 pounds or more;

2. the vehicle is designed to transport more than 15 passengers, including the driver;

3. the vehicle is used in the transportation of hazardous material in a quantity requiring placarding under regulations issued by the secretary under the Hazardous Material Transportation Act.

B. The federal regulations mandate that this motor carrier safety inspection will be conducted on an annual basis, with the commercial vehicle inspection report completed with each yearly inspection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2437 (December 1999), amended by the Department of Public Safety and Corrections, Office of State Police, LR 42:

## §827. 49 Code of Federal Regulations (CFR) §390.15 Motor Carrier Safety Regulations

A. The definition of a *commercial motor vehicle* is any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle:

1. has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight, of 4,536kg (10,001 lbs) or more, whichever is greater; or

2. is designed or used to transport more than 8 passengers (including the driver) for compensation; or

3. is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or

4. is used in transporting material found by the secretary of transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the secretary under 49 CFR, subtitle B, chapter I, subchapter C.

#### B. 49 CFR 396.17, Periodic Inspection

1. Every commercial motor vehicle shall be inspected as required by this Section. The inspection shall include, at a minimum, the parts and accessories set forth in LAC 55:III.829. The term *commercial motor vehicle* includes each vehicle in a combination vehicle. For example, for a tractor semitrailer, full trailer combination, the tractor, semi-trailer and the full trailer (including the converter dolly if so equipped) shall be inspected.

2. Except as provided in C.F.R. 396.23, a motor carrier shall inspect or cause to be inspected all motor vehicles subject to its control.

3. A motor carrier shall not use a commercial motor vehicle unless each component identified in LAC 55:III.829 has passed an inspection in accordance with the terms of this Section at least once during the preceding 12 months. The commercial inspection certificate conforms with C.F.R. 396.17-C-2, which waives the requirement that a copy of the commercial annual inspection form be carried in the vehicle.

4. It shall be the responsibility of the motor carrier to ensure that all parts and accessories not meeting the minimum standards set forth in LAC 55:III.829 are repaired promptly.

5. Failure to perform properly the annual inspection set forth in this Section shall cause the motor carrier to be subject to the penalty provisions provided by 49 U.S.C. 521(B).

**C. 49 CFR 396.21 Periodic Inspection/Record-Keeping Requirements**

1. The qualified inspector performing the inspection shall complete the record of annual commercial inspection form (DPSSE 1019) in its entirety.

2. The original or a copy of the inspection report shall also be retained by the motor carrier under whose control the vehicle operates for 30 consecutive days or more, for a period of 14 months. The inspection report shall be retained where the vehicle is either housed or maintained. The original or a copy of the inspection report shall be available for inspection upon demand of an authorized federal, state or local official.

a. A copy shall be kept at the MVI station conducting the inspection for 3 years.

3. A record of annual commercial inspection form will be completed for each unit inspected, i.e., tractor, trailer, converter dolly, etc. When a record of annual commercial inspection form is completed, the regular log report need not be filled out.

4. A rejected vehicle is entitled to one free re-inspection if returned to the same inspection station within thirty days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2437 (December 1999), amended by the Department of Public Safety and Corrections, Office of State Police, LR 38:2558 (October 2012), LR 42:

**§829. Minimum Periodic Inspection Standards**

A. - J.1.b. ...

c. Loose brake components including air chambers, spiders, and cam shaft support brackets.

d. Audible air leak at brake chamber (ex. ruptured diaphragm, loose chamber clamp, etc.).

e. Readjustment Limits

i. The maximum pushrod stroke must not be greater than the values given in the tables below and at 393.47(e). Any brake stroke exceeding the readjustment limit will be rejected. Stroke must be measured with engine off and reservoir pressure of 80 to 90 psi with brakes fully applied. Do not attempt to adjust automatic slack adjusters.

(a). The Maximum Stroke at which Brakes Should be Readjusted

Clamp-Type Brake Chamber Data			
Type	Outside Diameter	Brake Readjustment Limit Standard Stroke Chamber	Brake Readjustment Limit Long Stroke Chamber
6	4 1/2 inch	1 1/4 inch	
9	5 1/4 inch	1 3/8 inch	
12	5 11/16 inch	1 3/8 inch	1 3/4 inch
16	6 3/8 inch	1 3/4	2 inch
20	6 25/32 inch	1 3/4 inch	2 inch 2 1/2 inch (For 3" rated stroke)
24	7 7/32 inch	1 3/4 inch	2 2 1/2 inch (For 3" rated stroke)
30	8 3/32 inch	2 inch	2 1/2 inch
36	9 inch		

Bendix DD-3 Brake Chambers		
Type	Outside Diameter	Maximum Stroke At Which Brakes Should Be Readjusted
30	8 1/2 in.	2 1/4 inch

Bolt Type Brake Chamber Data		
Type	Outside Diameter	Maximum Stroke At Which Brakes Should Be Readjusted
A	6 15/16 inch	1 3/8 inch
B	9 3/16 inch	1 3/4 inch
C	8 1/16 inch	1 3/4 inch
D	5 1/4 inch	1 1/4inch
E	6 3/16 inch	1 3/8 inch
F	11 inch	2 1/4 inch
G	9 7/8 inch	2 inch

Rotochamber Data		
Type	Outside Diameter	Maximum Stroke At Which Brakes Should Be Readjusted
9	4 9/32 inch	1 1/2 inch
12	4 13/16 inch	1 1/2 inch
16	5 13/32 inch	2 inch
20	5 15/16 inch	2 inch
24	6 13/32 inch	2 inch
30	7 1/16 inch	2 1/4 inch
36	7 5/8 inch	2 3/4 inch
50	8 7/8 inch	3 inch

(b). For actuator types not listed in these tables, the pushrod stroke must not be greater than 80 percent of the rated stroke marked on the actuator by the actuator or manufacturer, or greater than the readjustment limit marked on the actuator by the actuator manufacturer.

f. Brake Lining or Pads

i. lining or pad is not firmly attached to the shoe;

ii. saturated with oil, grease or brake fluid;

iii. non-steering axles. Lining with a thickness less than 1/4 inch at the shoe center for air drum brakes, 1/16 inch or less at the shoe center for hydraulic and electric drum brakes, and less than 1/8 inch for air disc brakes;

iv. steering axle. Lining with a thickness less than 1/4 inch at the shoe center from drum brakes, less than 1/8 inch for air disc brakes and 1/16 inch or less for hydraulic disc and electric brakes.

- g. Missing brakes on axle required to have brakes.
- h. Mismatch across any power unit steering axle of:
  - i. air chamber size;
  - ii. slack adjuster length;
  - iii. wedge brake data—movement of the scribe mark on the lining shall not exceed 1/16 inch.

J.2. - M.3. ...

N. Lighting Devices. All lighting devices and reflectors required by 49 CFR part 393 shall be operable.

O. - S.1.h. ...

- i. re-grooved tire except motor vehicles used solely in urban or suburban service [see exception in 49 CFR 393.75(e)];

S.1.j. - X. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2438 (December 1999), amended by the Department of Public Safety and Corrections, Office of State Police, LR 38:2558 (October 2012), LR 42:

**Family Impact Statement**

1. The Effect of this Rule on the Stability of the Family. This Rule should not have any effect on the stability of the family.

2. The Effect of this Rule on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. This Rule should not have any effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect of this Rule on the Functioning of the Family. This Rule should not have any effect on the functioning of the family.

4. The Effect of this Rule on Family Earnings and Family Budget. This Rule should not have any effect on family earnings and family budget.

5. The effect of this Rule on the behavior and personal responsibility of children. This Rule should not have any effect on the behavior and personal responsibility of children.

6. The Effect of this Rule on the Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rule. This Rule should not have any effect on the ability of the family or local government to perform the function as contained in the proposed Rule.

**Poverty Impact Statement**

1. The impact of the proposed Rule on child, individual, or family poverty has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on poverty in relation to individual or community asset development as provided in the R.S. 49:973.

2. The agency has considered economic welfare factors 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 poverty.

**Small Business Statement**

The impact of the proposed Rule on small businesses has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The

agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

**Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

- 1. the staffing level requirements or qualifications required to provide the same level of service;
- 2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
- 3. the overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments to: Paul Schexnayder, Post Office Box 66614, Baton Rouge, LA 70896. Written comments will be accepted through January 15, 2016.

Jill P. Boudreaux  
Undersecretary

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Motor Vehicle Inspections**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will have no impact on state or local government expenditures. The proposed rule clarifies the civil penalty process, revises the license application and renewal process, adds required inspection tools, adds grounds for rejection of an inspector, specifies educational requirements for inspectors, clarifies the procedures for two year certificates, addresses NSF checks, clarifies window tint requirements, specifies requirements for side marker lights and reflectors, clarifies requirements for buses, and specifies inspection requirements for commercial motor vehicles.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Automobile owners may be required to make specific repairs to their automobiles to comply with clarified inspection requirements. Inspection station owners may be required to make minor changes to their procedures such as maintaining records for 36 months as opposed to 24 months.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rules change will affect competition and employment to the extent a mechanical inspector applicant has been convicted of a violent crime or is a registered sex offender.

Jill P. Boudreaux  
Undersecretary  
1512#088

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Transportation and Development  
Professional Engineering and Land Surveying Board**

Examination/Experience Requirements for Professional  
Engineer Licensure and Seal Design Samples  
(LAC 46:LXI.1509 and 2701)

Under the authority of the Louisiana professional engineering and land surveying licensure law, R.S. 37:681 et seq., and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Professional Engineering and Land Surveying Board has initiated procedures to amend its rules contained in LAC 46:LXI.1509 and 2701.

This is a technical revision of existing rules under which LAPELS operates. The revisions include (a) clarification of the Rule regarding the decoupling of the examination and experience requirements for professional engineer licensure for certain applicants and (b) updates to the samples of the seal designs authorized by the board.

**Title 46  
PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part LXI. Professional Engineers and Land Surveyors  
Chapter 15. Experience**

**§1509. Experience at Time of Application**

A. ...

B. For applicants for professional engineer licensure under §903.A.1 of these rules, the “verifiable record of four years or more of progressive experience obtained subsequent to meeting the educational and applicable experience qualifications to be an engineer intern” must be gained by the time of application for licensure. However, for any such applicant who has already been duly certified as an engineer intern by the board and has received approval to take the examination in the principles and practice of engineering under §1305.B of these rules, such experience need not be gained by the time of application for licensure part I, rather such experience need only be gained by the time of application for licensure part II.

C. For applicants for professional land surveyor licensure under §909.A.1 of these rules, the “verifiable record of four years or more of combined office and field experience in land surveying including two years or more of progressive experience on land surveying projects under the supervision of a professional land surveyor” must be gained by the time of application for licensure.

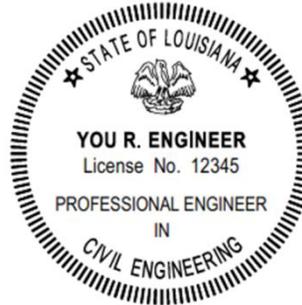
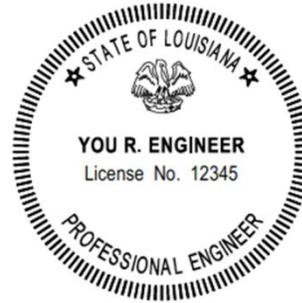
AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1031 (July 2001), amended LR 30:1716 (August 2004), LR 37:2413 (August 2011), LR 38:2565 (October 2012), LR 40:1390 (July 2014), LR 42:

**Chapter 27. Use of Seals**

**§2701. Seal and Signature**

A. - A.2.f. ...



3. - 5.b. ...

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:696.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 8:192 (April 1982), amended LR 12:692 (October 1986), LR 16:774 (September 1990), LR 17:273 (March 1991), LR 19:58 (January 1993), LR 22:287 (April 1996), LR 23:869 (July 1997), amended by the Louisiana Legislature, House Concurrent Resolution Number 2 of the 1998 First Extraordinary Session, LR 24:1207 (June 1998), repromulgated by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 25:1525 (August 1999), amended LR 27:1039 (July 2001), LR 30:1723 (August 2004), LR 33:2789 (December 2007), LR 34:2415 (November 2008), LR 35:1910 (September 2009), LR 38:1418 (June 2012), LR 39:1481 (June 2013), LR 42:

### Family Impact Statement

In accordance with R.S. 49:953(A)(1)(a)(viii) 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. 49:953(A)(1)(a)(ix) 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.

### 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 January 11, 2015 at 4:30 p.m., to Donna D. Sentell, Executive Director, Louisiana Professional Engineering and Land Surveying Board, 9643 Brookline Avenue, Suite 121, Baton Rouge, LA 70809-1433.

Donna D. Sentell  
Executive Director

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Examination/Experience Requirements for Professional Engineer Licensure and Seal Design Samples

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
There are no estimated implementation costs or savings to state or local governmental units resulting from this proposed rule change. The proposed rule change (a) clarifies the rule regarding the decoupling of the examination and experience requirements for professional engineer licensure for certain applicants and (b) updates the samples of the seal designs authorized by the board.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no effect on revenue collections of state or local governmental units as a result of this proposed rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
The proposed rule change will have no impact on costs and/or economic benefits to directly affected persons or non-governmental groups.

## IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition or employment.

Donna D. Sentell  
Executive Director  
1512#053

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT Workforce Commission Plumbing Board

Plumbing (LAC 46:LV.101, Chapter 3 and 1005)

The Louisiana State Plumbing Board (board), pursuant to R.S. 37:1366(I), which authorizes the board to establish and determine by rule minimum requirements relative to continuing professional development for the renewal or reinstatement of any license or special endorsement issued by the board, proposes to amend the plumbing regulations, LAC 46:LV. 101, 301, 303, 304, 305, 306, 307, 310, 312, 313, and 1005, in accordance with the Administrative Procedure Act. The proposed Rule change allows the board to direct individuals to the appropriate industry guidelines indicated for licensing and recertification for medical gas piping installers, medical gas and vacuum systems verifiers and water supply protection specialists, effective upon publication in the Louisiana Register.

### Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LV. Plumbers

NOTE: All references of the "latest edition" to the ASSE and NFPA refer to the latest editions as adopted by the Department of Health and Hospitals, Office of Public Health in LAC 51:XIV.

### §101. Definitions

*Backflow Prevention Device*—an assembly that has been investigated and approved by the American Society of Sanitary Engineering International (ASSE), and, if applicable, by the Louisiana Department of Health and Hospitals.

\* \* \*

*Medical Gas and Vacuum System Verification*—the work or business of testing and verifying medical gas piping installations and systems. Medical gas piping systems include vacuum piping. The medical gas piping systems subject to this definition include facilities and laboratories within the scope of National Fire Protection Association (NFPA) NFPA 99 Health Care Facilities Code, latest edition. It shall include a person's ability to understand and apply NFPA 99, as well as standards listed in Section 1.4 of the Professional Qualifications Standard for Medical Gas Systems Installers, Inspectors and Verifiers, ASSE –Series 6000, Standard 6030, latest edition, and to properly document findings to be kept as a permanent record for

review by the Louisiana State Fire Marshal or other governmental agencies with compliance and enforcement authority.

*Medical Gas and Vacuum Systems Verifier*—a natural person who possesses the necessary qualifications and knowledge to test and verify the operation of medical gas and vacuum piping systems, subject to the professional qualification standards established by the American Society of Sanitary Engineering International (ASSE) Series 6000, Standard 6030, (latest edition), and who is licensed as such by the board.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366.D.

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, Plumbing Board, LR 17:49 (January 1991), amended by the Department of Labor, Plumbing Board, LR 21:1348 (December 1995), LR 26:329 (February 2000), amended Workforce Commission, Plumbing Board, LR 42:

### **§301. Licenses Required**

A. - K. ...

L. Repealed.

M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366.D.

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, Plumbing Board, LR 17:49 (January 1991), amended by the Department of Labor, Plumbing Board LR 19:897 (July 1993), LR 19:1593 (December 1993), LR 21:1348 (December 1995), LR 25:1857 (October 1999), amended Workforce Commission, Plumbing Board, LR 42:

### **§303. Application for License**

A. - D. ...

E. An application for a Water Supply Protection Specialist endorsement to a master or journeyman plumber license shall be completed and sworn to before a notary public by the applicant. The applicant must submit proof that he is licensed by the board at the time of application as a master or journeyman plumber. The applicant must submit proof that he has completed a course of training described in §310.C of these regulations. He must furnish whatever other information relevant to his experience that is requested in the application form or specifically requested by the board.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366.D.

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, Plumbing Board, LR 17:50 (January 1991), amended by the Department of Labor, Plumbing Board, LR 21:1348 (December 1995), LR 26:329 (February 2000), amended Workforce Commission, Plumbing Board, LR 42:

### **§304. Medical Gas Piping Installer License**

A. - B. ...

1. The program is open to those members of the public that meet the requirements of American Society of Sanitary Engineering International (ASSE) Professional Qualifications Standard for Medical Gas Systems Personnel Series 6000, Standard 6010, latest edition.

2. The program meets criteria prescribed by the board and compliant with the guidelines of the ASSE International Series 6000, Standard 6010, latest edition.

a. - q. Repealed.

3. ...

4. The program must be conducted at a facility capable of housing brazing qualification procedures administered to trainees in accordance with either Section IX, "Welding and Brazing Qualifications" of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Code or AWS B2.2, Standard for Brazing Procedure and Performance Qualification, as modified by National Fire Protection Association (NFPA) NFPA 99 Health Care Facilities Code, latest edition. Such brazing training must be performed and qualified on 1/2-inch nominal type "L" copper tubing in compliance with Section IX of the ASME Boiler and Pressure Vessel Code, latest edition, NFPA 99, Health Care Facilities Code, latest edition and ASSE International Series 6000, Standard 6010, latest edition.

5. Courses of instruction defined in §304.B must be provided by a person or persons possessing a current Medical Gas System Instructor Certification compliant with the guidelines of ASSE Series International Series 6000, Standard 6050, latest edition.

C. - E. ...

F. A medical gas piping installer license application must be submitted to the office of the State Plumbing Board of Louisiana not less than 30 days before any scheduled examination. Failure to report for the examination will result in the forfeiture of the applicant's fee. This forfeiture may be reversed by the board upon a showing of good cause by the applicant explaining his failure to attend the scheduled examination.

G. ...

H. The board may accept, in lieu of an examination directly administered by the board to any applicant, the verifiable results of an examination administered by an organization meeting the criteria of ASSE Series 6000, Standard 6010 §10-3.2.3, latest edition and certified pursuant to R.S. 37:1368.G as evidence of successful completion of the examination referred to in R.S. 37:1368.G Any papers from such examinations must be available for inspection and the board may require notarized affidavits from the applicant and the administering organization representative attesting to the accuracy of the examination results and the scope of any such examination, which must minimally include the subject areas of the practical examination described in §304.B.4 of the regulations.

I. ...

J. A medical gas piping installer shall, as a condition of licensing under these regulations, maintain his brazer performance qualification in accordance with NFPA 99 Health Care Facilities Code, latest edition.

K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366.D and R.S. 37:1368.G.

HISTORICAL NOTE: Promulgated by the Department of Labor, State Plumbing Board, LR 21:1349 (December 1995), amended LR 25:1858 (October 1999), amended Workforce Commission, Plumbing Board, LR 42:

**§305. Requirements to Take Exam for Journeyman Plumber's License**

A.1. - 3. ...

4. He shall submit his application and required documents to the office of the State Plumbing Board of Louisiana not less than 30 days before any scheduled examination. The board shall inform all interested persons of the examination schedule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366.A and D.

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated LR 14:440 (July 1988), amended LR 15:1088 (December 1989), amended and repromulgated by the Department of Employment and Training, Plumbing Board, LR 17:51 (January 1991), amended by the Department of Labor, Plumbing Board, LR 24:1948 (October 1998), LR 25:1857 (October 1999), amended Workforce Commission, Plumbing Board, LR 42:

**§306. Requirements to take Exam for Master Plumber License**

A.1. - 4. ...

5. He shall submit his application and required documents to the office of the State Plumbing Board of Louisiana not less than 30 days before any scheduled examination. The board shall inform all interested persons of the examination schedule.

A.6. - G. ...

AUTHORITY NOTE: Adopted in accordance with R.S. 37:1377 and R.S. 37:1366.

HISTORICAL NOTE: Adopted by the Department of Labor, state Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, State Plumbing Board, LR 17:52 (January 1991), amended by the Department of Labor, Plumbing Board, LR 25:1858 (October 1999), amended Workforce Commission, Plumbing Board, LR 42:

**§307. Renewals**

A. - D. ...

E. To be considered timely filed, any renewal application under §307 must actually be received at the office of the State Plumbing Board of Louisiana within the time specified for filing or be sent to that office by first-class mail, postage prepaid, and bearing a postmark showing that the application was mailed on or before the last day for filing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366.D.

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, promulgated LR 2:419 (December 1976), amended LR 7:588 (November 1981), amended by Department of Employment and Training, Plumbing Board, LR 17:52 (January 1991), LR 18:30 (January 1992), amended by the Department of Labor, Plumbing Board, LR 21:1350 (December 1995), LR 26:329 (February 2000), amended Workforce Commission, Plumbing Board, LR 42:

**§310. Water Supply Protection Specialist Endorsement**

A. - B. ...

C. As authorized by R.S. 37:1368.H, the board shall recognize and certify certain programs of education and training of water supply protection offered by private or public organizations or institutions compliant with ASSE International, Cross-Connection Control Professional Qualifications Standard ASSE Series 5000. A journeyman or master plumber licensed by this board who successfully completes any such program shall qualify for admission to an examination offered under §310.A of these regulations.

Any such organization must satisfy the board that its program or programs includes training and testing as specified in the ASSE Series 5000, Standard 5110, Professional Qualifications for Backflow Prevention Assembly Testers.

1. - 15. Repealed.

D. Courses of instruction defined in §310.C must be provided by a person or persons meeting the credentials and requirements of ASSE Series 5000, Standard 5110, Professional Qualifications Standard for Backflow Prevention Assembly Testers and ASSE International Guidelines for Cross-Connection Control Certification.

E. - H. ...

I. A water supply protection specialist endorsement application must be submitted to the office of the State Plumbing Board of Louisiana not less than 30 days before any scheduled examination.

J. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366.D and R.S. 37:1368.H.

HISTORICAL NOTE: Promulgated by the Department of Labor, Plumbing Board, LR 21:1350 (December 1995), amended by the Department of Labor, Plumbing Board, LR 25:1859 (October 1999), amended Workforce Commission, Plumbing Board, LR 42:

**§312. Medical Gas and Vacuum Systems Verifier**

A. - B. ...

1. The program is conducted at a training facility and given to those persons that meet the requirements of American Society of Sanitary Engineering (ASSE) Professional Qualifications Standard for Medical Gas Systems Personnel Series 6000, Standard 6030, latest edition.

2. The program meets criteria prescribed by the board and American Society of Sanitary Engineering (ASSE), Series 6000, Standard 6030, latest edition.

a. - k. Repealed.

3. Courses of instruction defined in §312.B must be provided by a person or persons possessing a current Medical Gas System Instructor Certification in compliance with ASSE Series 6000, Standard 6050, latest edition.

C. - D. ...

E. The board may accept, in lieu of an examination directly administered by the board to any applicant, the verifiable results of an examination administered by an organization meeting the criteria of ASSE Series 6000, Standard 6030, §30-3.2.3, latest edition and certified pursuant to R.S. 37:1368.I, as evidence of successful completion of the examination necessary for the issuance of a license for medical gas and vacuum systems verifier. Any papers from such examinations must be available for inspection and the board may require notarized affidavits from the applicant and the administering organization representative attesting to the accuracy of the examination results and the scope of any such examination, which must minimally include the subject areas described in ASSE Series 6000, Standard 6030, latest edition.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366.D.

HISTORICAL NOTE: Promulgated by the Department of Labor, Plumbing Board, LR 26:329 (February 2000), amended Workforce Commission, Plumbing Board, LR 42:

**§313. Standards for Medical Gas and Vacuum Systems Verifier**

A. - C.2. ...

3. documentation of each board-licensed medical gas piping installer’s braze performance qualification in accordance with NFPA 99, Health Care Facilities Code latest edition;

4 - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1336.D.

HISTORICAL NOTE: Promulgated by the Department of Labor, Plumbing Board, LR 26:330 (February 2000), amended Workforce Commission, Plumbing Board, LR 42:

**§1005. Medical Gas Piping Installers and Medical Gas Verifiers**

A. CPE Requirement

1. Effective January 1, 2016, in addition to the yearly renewal of their license, all persons seeking to renew a medical gas piping installer or medical gas verifier license issued by the Louisiana State Plumbing Board are required to show proof of attendance at a board-approved industry related recertification program, every NFPA 99 code cycle, compliant with the guidelines of the American Society of Sanitary Engineering International (ASSE) Professional Qualification Standards Series 6000/6010 for Medical Gas Systems Installers or 6030 for Medical Gas Systems Verifiers or its equivalent as defined in §304 and §312. Such recertification shall satisfy the endorsee’s obligation to maintain continuing professional education relative to the Medical Gas Systems Installer and Medical Gas Systems Verifier, but shall not diminish or affect licensee’s obligation to fulfill continuing professional education requirements for journeyman or master plumbing licenses or water supply protection specialist endorsement, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(I).

HISTORICAL NOTE: Promulgated by the Department of Labor, State Plumbing Board, LR 30:2074 (September 2004), amended LR 37:905 (March 2011), LR 37:2441 (August 2011), amended Workforce Commission, Plumbing Board, LR 42:

**Family Impact Statement**

1. Estimated effect on the stability of the family? There is no estimated effect on the stability of the family.

2. Estimated effect on the authority and rights of parents regarding the education and supervision of their children? There is no estimated effect on the authority and rights of parents regarding the education and supervision of their children.

3. Estimated effect on the functioning of the family? There is no estimated effect on the functioning of the family.

4. Estimated effect on family earnings and family budget? There is no estimated effect on family earnings and family budget.

5. Estimated effect on the behavior and personal responsibility of children? There is no estimated effect on the behavior and personal responsibility of children.

6. Estimated effect on the ability of the family or a local government to perform the function as contained in the proposed Rule? There is no estimated effect on the ability of the family or a local government to perform the function as contained in the proposed Rule.

**Poverty Impact Statement**

The proposed amended Rule will have no impact on poverty as described in R.S. 49:973.

**Small Business Statement**

The proposed amended Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

**Provider Impact Statement**

The proposed amended Rule is not anticipated to have any impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

**Public Comments**

Any interested person may submit written comments regarding the content of this proposed Rule change to John Barker, Executive Director, 12497 Airline Highway, Baton Rouge, LA, no later than 5 p.m., January 20, 2016.

John Barker  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES  
RULE TITLE: Plumbing**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no implementation costs to State or local governmental units. The proposed amendment seeks to clarify the language regarding licensing and recertification for Medical Gas Piping Installers and Medical Gas Verifiers by referring licensees to the National Fire Protection Association (NFPA) NFPA 99 Health Care Facilities Code, latest edition, and American Society of Sanitary Engineering International (ASSE) Series 6000, latest edition, rather than those of the Louisiana State Plumbing board (LSPB). LSPB has always followed NFPA and ASSE guidelines, only to rewrite and republish the standards when NFPA and ASSE made any alterations. Due to the proposed rule change, rather than consistently republishing alterations, LSPB can direct members to the NFPA and ASSE as their primary sources for information. A Medical Gas Piping Installer and Medical Gas Verifier is the only license that allows for the installation, inspection or verifying of medical gas and vacuum systems. This license is not necessary to obtain a plumbing license in Louisiana.

**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 OR NONGOVERNMENTAL GROUPS (Summary)**

There is no estimated cost or economic benefit for affected persons resulting from the proposed amendment to these rules. It simply clarifies the license, continuing education training, and recertification that will be acceptable for maintaining a medical gas installer and medical gas verifier license.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule will have no effect on competition and employment.

Louis L. Robein  
Board Attorney  
1512#087

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

# Policy and Procedure Memoranda

## POLICY AND PROCEDURE MEMORANDA

Office of the Governor  
 Division of Administration  
 Office of State Procurement

Professional and Social Services Categories  
 PPM Number 55 (LAC 4:V.Chapter 51)

### Title 4

### ADMINISTRATION

### Part V. Policy and Procedure Memoranda

### Chapter 51. Professional and Social Services

### Categories—PPM Number 55

#### §5101. Authority

A. Under R.S. 39:1561 the Commissioner is granted broad authority and responsibility to consider and decide matters of policy under the Procurement Code. Pursuant to R.S. 39:1556(42) the chief procurement officer for the State of Louisiana may add to the enumerated occupations or services under the categories of “professionals.” Under R.S. 39:1619 the enumerated categories of “social services” are not limited, but may be increased.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561, R.S. 39:1556(42), and R.S. 39:1619.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, 41:2762 (December 2015).

#### §5103. Policy

A. To respond to the needs of state agencies, it shall be the policy of the Office of State Procurement to regularly review and to supplement the professions, occupations and services covered under R.S. 39:1556 (Professional Services) and R.S. 39:1619 (Social Services) in order to ensure that needed services are being procured in the most cost effective manner possible. Any addition of professional services or social services under this Chapter shall be added to the Tables Appendix in §5109 of this Chapter and shall be published in the Louisiana Register. Any contract entered into between an agency and a person providing professional or social services listed herein must fully comply with any and all other requirements under the Procurement Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561, R.S. 39:1556(42), and R.S. 39:1619.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, 41:2762 (December 2015).

#### §5105. Procedures

A. Professional Services. An agency head may present a request to the State Chief Procurement Officer to classify an independent contractor who has a professed knowledge of a department of learning or science used by its practical application to the affairs of others or in the practice of an art founded on it, as a professional in addition to those professions listed in R.S. 39:1556(42). Upon a showing that the profession advocated is a vocation founded upon prolonged and specialized intellectual training which enables

a particular service to be rendered, and that such professed attainments in special knowledge are distinguishable from mere skill, the State Chief Procurement Officer may define, classify and add the profession to a table of professions which are exempt from competitive solicitation.

#### B. Social Services

1. An agency head may present a request to the State Chief Procurement Officer to enumerate additional services other than those enumerated in R.S. 39:1619 which shall qualify as services under the following categories:

- a. rehabilitation and health support services;
- b. habilitation and socialization services;
- c. protection for adults and children services;
- d. improvement of living conditions and health services; and

e. evaluation, testing, and remedial educational services (for exceptional nonpublic school students with disabilities).

2. Upon a showing that an additional service is needed, is properly within the scope of an agency’s mission to provide, and is substantially similar, comparable or a logical extension of an enumerated service, the State Chief Procurement Officer may define, classify and add the service to the appropriate category of services enumerated under R.S. 39:1619.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561, R.S. 39:1556(42), and R.S. 39:1619.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, 41:2762 (December 2015).

#### §5107. Removal

A. Once added, nothing in this policy or in these procedures shall prevent the Office of State Procurement from removing a professional or social service from the Tables Appendix if it is deemed in the best interests of the state to do so. Once removed, a professional or social service shall not be restored without following the procedures in §5105 above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561, R.S. 39:1556(42), and R.S. 39:1619.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, 41:2762 (December 2015).

#### §5109. Tables Appendix

##### A. Professional Services

Table of Professional Services		
In addition to those professional services listed in R.S. 39:1556(42), the following professional services providers are exempt from the competitive solicitation process.		
Profession	Requesting Agency	Effective Date

B. Social Services

<b>Table of Social Services</b>		
In addition to those social services listed in R.S. 39:1619 the following social services shall supplement the list.		
<b>Profession</b>	<b>Requesting Agency</b>	<b>Effective Date</b>

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561, R.S. 39:1556(42), and R.S. 39:1619.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:2762 (December 2015).

Jan B. Cassidy  
Assistant Commissioner

1512#001

# Potpourri

## POTPOURRI

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

### State Implementation Plan for Regional Haze Program

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., the secretary gives notice that the Office of Environmental Services, Air Permits Division, will submit to the U.S. Environmental Protection Agency (EPA) a proposed revision to the state implementation plan (SIP) for the Regional Haze Program as required under the Clean Air Act, part C, section 169, and 40 CFR part 51.308. Regional haze is visibility impairment caused by the cumulative air pollutant emissions from numerous sources over a wide geographic area. (1512Pot1)

On July 3, 2012, the EPA made final a partial limited approval and partial disapproval of the original SIP submitted on June 13, 2008. This revision answers the requirements for the four nonelectrical generating unit (nonEGU) facilities that were addressed under the best available retrofit technology (BART) section in the original SIP and that are the subject of the EPA partial disapproval.

All interested persons are invited to submit written comments concerning the SIP revision no later than 4:30 p.m., January 27, 2016, to Vivian H. Aucoin, Office of Environmental Services, P.O. Box 4313, Baton Rouge, LA 70821-4314, fax (225) 219-3156, or e-mail at [vivian.aucoin@la.gov](mailto:vivian.aucoin@la.gov). A public hearing will be held upon request. The deadline for requesting a public hearing is January 4, 2016.

A copy of the proposal may be viewed on the LDEQ website or at LDEQ headquarters at 602 North Fifth Street, Baton Rouge, LA 70802.

Herman Robinson, CPM  
General Counsel

1512#038

## POTPOURRI

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

### State Implementation Plan Revision

Under the authority of the Environmental Quality Act, R.S. 30:2051 et seq., the secretary gives notice that the Office of Environmental Services, Air Permits Division, Manufacturing Section, will submit to the Environmental Protection Agency (EPA) a revision to the state implementation plan (SIP) affecting rule revisions to LAC 33:III.Chapter 2. (1512Pot2)

Louisiana is submitting a complete fee Rule package as a replacement for the currently approved fee permit provisions in the SIP, and is withdrawing all submittals of Chapter 2 and 65 (pre-codification) from 1995 to present that have not already been approved into the SIP. In 1993, the state regulations were recodified and fee provisions were moved from Chapter 65 to Chapter 2.

If any party wishes to have a public hearing on this matter, one will be scheduled and the comments gathered at such hearing will be submitted as an addendum to the original submittal. All interested persons are invited to submit written comments concerning revisions no later than 4:30 p.m., January 29, 2016 to Vivian Aucoin, Office of Environmental Services, P.O. Box 4314, Baton Rouge, LA 70821-4314 or faxed to (225) 219-3240 or emailed to [vivian.aucoin@la.gov](mailto:vivian.aucoin@la.gov).

A copy of the proposal may be viewed on the LDEQ website or at LDEQ headquarters at 602 North Fifth Street, Baton Rouge, LA 70802.

Herman Robinson, CPM  
General Counsel

1512#039

## POTPOURRI

**Office of the Governor  
Coastal Protection and Restoration Authority**

### Public Hearings State Fiscal Year 2017 Draft Annual Plan

The Louisiana Coastal Protection and Restoration Authority (CPRA), will hold the following public hearings to receive comments and recommendations from the public and from elected officials on Louisiana's draft "Fiscal Year 2017 Annual Plan: Integrated Ecosystem Restoration and Hurricane Protection in Coastal Louisiana":

Jan. 12	5:30 PM Open House 6:00 PM Public Meeting	Lake Charles Civic Center Jean Lafitte Room 900 Lakeshore Drive Lake Charles, LA 70601
Jan. 13	5:30 PM Open House 6:00 PM Public Meeting	Port of New Orleans Auditorium 1350 Port of New Orleans Place New Orleans, LA 70130
Jan. 14	5:30 PM Open House 6:00 PM Public Meeting	Warren J. Harang, Jr. Municipal Auditorium Rosella Room 310 North Canal Boulevard Thibodaux, LA 70301

The CPRA will receive written comments and recommendations on the draft annual plan until February 17, 2016. Written comments should be mailed (to arrive no later than February 17, 2016) to the following address:

Coastal Protection & Restoration Authority  
c/o Chuck Perrodin  
P.O. Box 44027  
Baton Rouge, LA 70804-4027

If, because of a disability, you require special assistance to participate, please contact the CPRA Administrative Assistant, at P.O. Box 44027, Baton Rouge, LA 70804-4027 or by telephone at (225) 342-7308, at least five working days prior to the hearing.

Please visit <http://coastal.la.gov/> for more detailed information and copies of the draft Annual Plan which will be posted prior to the public meetings.

For questions regarding the meetings or to record your comments on the draft plan please contact Chuck Perrodin [chuck.perrodin@la.gov](mailto:chuck.perrodin@la.gov) or 225.342.7615.

Kyle Graham  
Executive Director

1512#084

### POTPOURRI

#### Office of the Governor Office of Financial Institutions

##### Judicial Interest Rate for 2016

Pursuant to authority granted by La. R.S. 13:4202(B)(1), as amended, the Louisiana Commissioner of Financial Institutions has determined that the judicial rate of interest for calendar year 2016 will be 4 percent per annum.

John Ducrest, CPA  
Commissioner

1512#002

### POTPOURRI

#### Department of Health and Hospitals Board of Nursing

##### Public Hearing—Substantive Changes to Proposed Rule Advance Practice Registered Nurses (LAC 46:XLVII.4513)

The Louisiana State Board of Nursing (LSBN) intends to incorporate substantive changes to the proposed amendments to the regulations regarding LAC 46:XLVII.4513. The Notice of Intent for Title 46, Professional and Occupational Standards, Part XLVII, Nurses: Practical Nurses and Registered Nurses, Subpart 2, Registered Nurses, Chapter 45, Advanced Practice Registered Nurses, was published in the October 20, 2015 issue of the *Louisiana Register*.

A public hearing was held pursuant to R.S. 49:953(A)(2) on November 30, 2015, and interested persons were invited to provide comment. After a thorough review and careful consideration of the received comments, the board proposed to amend certain portions of the proposed rules:

- amend §4513.D.11.c.i, *Exclusion*, to strike the words “shall be within the scope of practice of CRNAs as delineated by the American Association of Nurse Anesthetists” after the words “Anesthesia care” and before the words “and includes” and insert the words “includes modalities associated with the delivery of anesthesia. Anesthesia care provided by a CRNA shall be in accord with the educational preparation of that CRNA in compliance

with R.S. 37:930(A)(3)” after the words “Anesthesia care” and before the words “and includes”;

- amend §4513.D.11.c.ii, *Exclusion*, to insert the word “shall be in accordance with R.S. 37:930(A)(3)” before the word “CRNAs” and before the words “shall include.”;

- amend §4513.D.11.c.ii.a, *Exclusion*, to insert the words “provided by a CRNA in accord with the educational preparation of that CRNA ” after the word “services” and before the words “nurse shall be” and strike the words “as delineated by the American Association of Nurse Anesthetists in which the individual CRNA possesses the knowledge, skills, and abilities to competently perform”;

- amend §4505, *Specialty* (formally *Subspecialty*), to repeal the definition in its entirety.

No fiscal or economic impact will result from the amendments proposed in this notice.

The substantive changes are available for viewing on the Louisiana state Board of Nursing website under Board Information, Regulatory Progress, at [www.lsbns.state.la.us](http://www.lsbns.state.la.us).

LSBN will facilitate a public hearing for §4513, Advanced Practice, on January 26, 2016 at 1:00 pm. The meeting will take place at the Louisiana State Board of Nursing.

Karen C. Lyon  
Executive Director

1512#028

### POTPOURRI

#### Department of Health and Hospitals Board of Nursing

##### Technical Change to Proposed Rule Advance Practice Registered Nurses (LAC 46:XLVII.4507)

Through the authority granted in R.S. 37:918, the Louisiana State Board of Nursing (LSBN) is amending Chapter 45 of its rules: §4507. Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., to provide for amendment to the proposed Rule. The proposed Rule change will allow the Louisiana State Board of Nursing the ability to provide an opportunity for APRNs that have acquired licensure by alternative methods to go before the board and explain and/or justify why the Louisiana State Board of Nursing should extend licensure opportunities to him/her. The agency published the Notice of Intent on October 20, 2015 with proposed amendments to two Sections of its rules: §4507 and §4513. A public hearing was requested with all comments focused exclusively on §4513 of the rules which was published in conjunction with the changes to §4507. There has been no opposition or comment submitted relative to §4507. No amendments to the language are proposed. This notice serves to provide separate consideration of §4507 from §4513 in order to proceed with rulemaking procedures.

Karen C. Lyon  
Executive Director

1512#029

**POTPOURRI**

**Department of Natural Resources  
Office of Conservation**

**Orphaned Oilfield Sites**

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
Natural Gas & Oil Co	Wildcat-So La Houma Dist	L	Dixie Laforche Club	001	63948
Max Brandt & Leon Hendrick	Caddo Pine Island	S	Berry	001	35039
W. G. Ray Drilling Company	Wildcat-No La Shreveport Dist	S	Noel Est	001	25148
Victor P. Smith	Pendleton-Many	S	H D Wright	001	109083

Operator	Field	District	Well Name	Well Number	Serial Number
Monroe Well Service-Prg	Caddo Pine Island	S	Thigpen-Herold Sp	003	197321
Monroe Well Service-Prg	Caddo Pine Island	S	Thigpen-Herold Sp	004	197322
C. A. Hilburn Et Al	Caddo Pine Island	S	Newton Smith	002	36567
Lewis Oil Corporation	Wildcat-No La Shreveport Dist	S	D H Raines	012	8912
Mutual Oil Co.	Wildcat-No La Shreveport Dist	S	Raines	004	875
Mutual Oil Co.	Wildcat-No La Shreveport Dist	S	G A Raines	003	6676
Mutual Oil Co.	Wildcat-No La Shreveport Dist	S	Raines	018	7920

**James H. Welsh  
Commissioner**

1512#051

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