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This public document was published at a total cost of \$1,750. Two hundred fifty copies of this public document were published in this monthly printing at a cost of \$1,750. The total cost of all printings of this document including reprints is \$1,750. This document was published by Moran Printing, Inc. 5425 Florida Boulevard, Baton Rouge, LA 70806, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-971 and R.S. 49:981-999. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

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Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry
Office of Agriculture and Environmental Sciences

Emerald Ash Borer Quarantine (LAC 7:XV.167)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to the authority of the state entomologist set forth in R.S. 3:1652, and in order to avoid a lapse in coverage until a permanent rule is in effect, notice is hereby given that Department of Agriculture and Forestry is adopting these emergency regulations establishing a quarantine in Bienville, Jackson, Morehouse and Ouachita Parishes for the following pest: Emerald Ash Borer (“EAB”), *Agrilus planipennis* Fairmaire. The state entomologist has determined that EAB has been found in Bienville, Jackson, Morehouse and Ouachita Parishes and may be prevented, controlled, or eradicated by quarantine.

EAB poses an imminent peril to the health and welfare of Louisiana forests, commercial and private forestry/wood product industries, and nursery growers due to its ability to infest ash trees. In 2013, the wholesale value of woody ornamental sales for nursery growers in the state was \$62.6 million, a portion of which is comprised of sales of ash trees (Louisiana State University AgCenter 2013 Louisiana Summary, Agriculture and Natural Resources). Louisiana’s forests and forestry/wood products industries generated an output industry production value of \$10.86 billion in 2012, a portion of which is comprised of ash trees and ash tree products (Louisiana State University AgCenter publication 3367-G, 2015). Sales of ash firewood by retail and wholesale suppliers to private individuals also are important to the state’s economy.

Natural spread of EAB is limited to relatively short distances. However, without restriction, EAB can spread through human-assisted means over long distances via infested ash nursery stock, ash logs/timber and cut firewood. Once an ash tree is infested, it experiences twig dieback and tree decline. Tree death occurs within a few years. Failure to prevent, control, or eradicate this pest threatens to damage Louisiana’s commercial ash tree nursery industry, and over time this pest poses a threat to destroy the majority of ash in our state, both commercial and residential. The loss of the state’s commercial nursery-grown ash trees, forestry/wood ash products and even residential ash trees would be devastating to the state’s economy and to its private citizens. The quarantine established by this emergency regulation is necessary to prevent the spread of EAB to all areas in Louisiana where ash may exist, outside of the current areas where this pest has been found.

For these reasons, the presence of EAB in Louisiana presents an imminent peril to the health, safety and welfare of Louisiana’s citizens and forests, the state’s commercial and private forestry/wood product industries, and nursery growers. As a result of this imminent peril, the Department

of Agriculture and Forestry, Office of Forestry and Office of Agricultural and Environmental Sciences, hereby exercises its full and plenary power pursuant to R.S. 3:1652 to deal with crop and fruit pests and contagious and infectious crop and fruit diseases by imposing the quarantines set out in these emergency regulations.

This Rule shall have the force and effect of law effective June 27, 2018, and will remain in effect 120 days, unless renewed by the commissioner of agriculture and forestry or until permanent rules are promulgated in accordance with law.

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 Bienville, Bossier, Claiborne, Jackson, Morehouse, Lincoln, Ouachita, Union 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 Subsection shall be moved out of any area of this state that is listed in this subsection as a quarantined area for EAB, except as provided in this subsection.

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 subpart and any conditions imposed under this Subpart.

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 subpart or any conditions imposed under this subpart. 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), amended LR 43:245 (February 2017), LR 44:

Mike Strain DVM
Commissioner

1807#020

DECLARATION OF EMERGENCY

Department of Children and Family Services Division of Child Welfare

Criminal Background and State Central Registry Checks;
Risk Assessment Evaluation; State Repository, Central
Registry and Administrative Appeal
(LAC 67:1. 203 and Chapter 3)
(LAC 67:V.Chapter 11)

The Department of Children and Family Services (DCFS) has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 (B) to repromulgate LAC 67:I, Chapter 3; and to amend LAC 67:I, Section 203 and LAC 67:V, Subpart 3, Chapter 11, Sections 1103, 1105, and 1111.

The department adopted a rule which repealed Chapter 3, Sections 301, 303, 305, 307, 309, and 311 effective July 1, 2018 (*Louisiana Register, Volume 44, Number 6*). The department has determined that it is necessary to delay this action. Therefore, effective July 1, 2018, the repeal of Sections 301, 303, 305, 307, 309, and 311 is being delayed until August 1, 2018. This action shall be effective July 1, 2018, and shall remain in effect for a period of 31 days.

Part I, Chapter 2, Section 203 and Part V, Chapter 11 Sections 1103, 1105, and 1111 are being amended to update the effective date for implementation for certain provisions. This action shall be effective July 1, 2018, and shall remain in effect for a period of 120 days.

The department considers emergency action necessary to ensure appropriate decision making with justified (valid) determinations of child abuse and neglect prior to the implementation of Children's Code Article 616.1.1.

Title 67

SOCIAL SERVICES

Part I. General Administration

Chapter 2. Criminal Background and State Central Registry Checks

§203. Conditions of Employment

A. - A.2. ...

3. If the potential employee's name is recorded on the state central registry subsequent to January 1, 2010 and prior to August 1, 2018, they shall not be denied consideration for employment until the potential employee has exhausted their right to an administrative appeal and thereafter the potential employee's name is confirmed to be listed on the state central registry.

4. If the individual's name is recorded on the state central registry as a perpetrator of child abuse or neglect subsequent to August 1, 2018, they shall not be employed or considered for employment by the department in positions whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys.

B. Any current employee of the department whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys and whose name is recorded subsequent to January 1, 2010 and

prior to August 1, 2018, shall not be terminated from their position in the department until the employee has exhausted their right to an administrative appeal and thereafter the employee's name is confirmed to be listed on the state central registry. If the employee's name is recorded on the state central registry subsequent to August 1, 2018, they shall be terminated from their current position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:51.2.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 36:851 (April 2010), amended by the Department of Children and Family Services, Division of Child Welfare, LR 44:997 (June 2018), amended LR 44:

Chapter 3. Risk Assessment Evaluation

§301. Introduction

A. The Department of Children and Family Services (DCFS) maintains a central registry of all justified (valid) reported cases of child abuse and neglect.

B. In accordance with R.S. 46:51.2, no person shall be hired, promoted, or transferred by the department to a position for which duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys until:

1. the department has conducted a search of the state central registry of justified (valid) abuse or neglect and has determined that the individual's name is not recorded therein subsequent to January 1, 2010; or

2. if an individual's name is recorded on the state central registry subsequent to January 1, 2010, a risk evaluation panel has determined in writing that the individual does not pose a risk to children.

C. Any prospective employee or current employee whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys and who discloses or it becomes known that their name was recorded subsequent to January 1, 2010 on the state central registry with a justified (valid) finding of abuse or neglect, may request a risk assessment evaluation in accordance with the following.

1. In accordance with LAC 67:I.305, the prospective employee will have 10 calendar days to make his request for a risk assessment evaluation from the date of receipt of written notification that his name appears on the state central registry and of the risk assessment evaluation process. The application process shall be terminated for a prospective employee and he may not be considered for a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys in the future, unless it is determined that he does not pose a risk to children.

2. In accordance with LAC 67:I.305, a current employee will have 10 calendar days to make a request for a risk assessment evaluation from the date of receipt of written notification that his name appears on the state central

registry and of the risk assessment evaluation process. When the employee fails to make such a request, and:

a. he is currently in a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, performance of licensing surveys, termination proceedings will begin immediately after the 10 calendar days have elapsed; or

b. if he is not currently in a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, performance of licensing surveys but is applying for such a position, he will remain in his current position and shall not be considered for the new position. The provisions in this Chapter pertaining to a prospective employee are applicable to this employee.

3. If a prospective employee requests a risk assessment evaluation within the required time frame and there is a determination that the individual does not pose a risk to children, the prospective employee may reapply for employment and be considered for a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys.

4. If a current employee requests a risk assessment evaluation within the required time frame, as a condition of continued employment in a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys, the current employee shall be directly supervised by another paid employee of the department, who has not disclosed nor has it become known that their name appears with a justified (valid) finding on the state central registry prior to January 1, 2010; or, found not to pose a risk by the risk evaluation panel. Under no circumstances may the employee with the justified finding be left alone and unsupervised with the children pending the disposition of the risk evaluation panel that they do not pose a risk to children.

5. If the risk evaluation panel finds the prospective employee or current employee does pose a risk to children and the prospective employee or current employee chooses not to appeal the finding, the prospective employee may not be considered for a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys, and termination proceedings shall begin on the current employee, unless his current position does not include those duties.

6. If the risk evaluation panel finds the individual does pose a risk to children and the prospective employee appeals the finding within the required timeframe, the prospective employee may not be considered for a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys. If the current employee appeals the finding within the required timeframe he shall continue to have direct supervision in a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys at all times by another paid employee of the

department who has not disclosed nor has it become known that they have a justified (valid) finding on the state central registry prior to January 1, 2010; or found not to pose a risk by the risk evaluation panel, until there is a final ruling rendered by the DCFS appeals unit or the appropriate district court that the current employee does not pose a risk to children. Supervision may end effective with such a final ruling from the DCFS appeals unit and/or the appropriate district court. If the DCFS appeals unit and/or the appropriate district court upholds the risk evaluation panel finding that the individual does pose a risk to children, a prospective employee shall not be considered for a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys and termination proceedings for a current employee in a position with those duties will begin immediately upon the receipt of the notice of this final ruling.

D. No person whose duties include supervisory or disciplinary authority over children or direct care of a child may volunteer or become a service provider as provided in LAC 67:V.1103 for DCFS until:

1. the department has conducted a search of the state central registry of justified (valid) abuse or neglect and has determined that the individual's name is not recorded therein subsequent to January 1, 2010; or

2. if an individual's name is recorded on the state central registry subsequent to January 1, 2010, a risk evaluation panel has, previous to his application to volunteer or become a service provider as provided in LAC 67:V.1103, determined in writing that the individual does not pose a risk to children.

E. In accordance with R.S. 46:1414.1, 15:1110.2 and 17:407.41 any owner, operator, current or prospective employee, or volunteer of an early learning center or juvenile detention facility licensed by the department or an early learning center licensed by the Louisiana Department of Education who discloses that he is currently recorded on the state central registry for a justified (valid) finding of abuse or neglect shall be entitled to a risk evaluation provided by the department to determine whether the individual poses a risk to children.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:51.2, R.S. 46:1414.1, R.S. 15:1110.2 and R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 36:851 (April 2010), amended by the Department of Children and Family Services, Division of Programs, LR 39:3247 (December 2013), LR 42:860 (June 2016), Repealed LR 44:998 (June 2018), effective July 1, 2018, repromulgated LR 44:

§303. Risk Evaluation Panel and/or Risk Evaluation Coordinator

A. A risk evaluation panel (panel) is established to conduct risk assessment evaluations for an individual as listed in LAC 67:I.301.B, C and E whose name appears on the state central registry to determine if that individual poses a risk to children.

B.1. Members of the panel shall be designated pursuant to Paragraph B.2 and consist of:

- a. the risk evaluation panel coordinator;
- b. a child welfare manager responsible for in home services;

- c. a child welfare manager responsible for out of home services;

- d. a regional child welfare administrator;

- e. a child welfare manager responsible for continuous quality improvement, except for panel reviews relating to DCFS prospective or current employees;

- f. a program child welfare manager for licensing for panel reviews relating to owners, operators, current or prospective employees, or volunteers of specialized providers and juvenile detention facilities; and

- g. any others designated as deemed necessary to convene an appropriate panel.

2. The panel members listed in Paragraph B.1 shall be designated by the DCFS secretary, or his designee.

3. The risk evaluation panel coordinator shall be a non-voting member of the panel.

C. The duties of the panel shall include:

1. conducting an assessment of an individual listed in LAC 67:I.301.B, C and E whose name appears on the state central registry and has requested a risk evaluation to determine whether that individual poses a risk to children;

2. providing written notification of the decision to the individual; and

3. retaining all records of decisions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:51.2, R.S. 46:1414.1, R.S. 15:1110.2 and R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 36:851 (April 2010), amended by the Department of Children and Family Services, Division of Programs, LR 39:3248 (December 2013), LR 42:861 (June 2016), Repealed LR 44:998 (June 2018), effective July 1, 2018, repromulgated LR 44:

§305. Risk Assessment Evaluation Process

A. The risk evaluation panel will determine if the individual listed in LAC 67:I.301.B, C and E poses a risk to children based on the information available in the DCFS case record, licensing record if applicable, and any supplemental information provided by the employee.

B. The individual requesting the risk assessment evaluation will not be present for the evaluation.

C. The prospective or current employee of DCFS or any owner, operator, current or prospective employee, or current or prospective volunteer of a specialized provider or juvenile detention facility licensed by the department or an early learning center licensed by the Louisiana Department of Education is responsible for providing the following documentation to the risk evaluation panel to be used in conjunction with the information in the case record in making a risk determination:

1. evidence of a rehabilitation effort since the justified (valid) incident of abuse or neglect such as but not limited to employment, education, or counseling;

2. information about the individual's anticipated job responsibilities or current responsibilities; and

3. evidence of the individual's present fitness to work with children, including three letters of recommendation, one of which must be from a former employer.

D. The prospective or current employee of DCFS or any owner, operator, current or prospective employee, or current or prospective volunteer of a specialized provider or juvenile detention facility licensed by the department or an early

learning center licensed by the Louisiana Department of Education must submit the information within 10 calendar days of the request for a risk evaluation by mailing to:

Louisiana Department of Children and Family Services
Attention: Risk Evaluation Panel
627 North Fourth St., Third Floor
Baton Rouge, LA 70802

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:51.2, R.S. 46:1414.1, R.S. 15:1110.2 and R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 36:852 (April 2010), amended by the Department of Children and Family Services, Division of Programs, LR 39:3248 (December 2013), LR 42:861 (June 2016), Repealed LR 44:998 (June 2018), effective July 1, 2018, repromulgated LR 44:

§307. Risk Determination Criteria

A. A person determined to be a perpetrator of an incident of abuse or neglect may not automatically be denied a position or be allowed to retain a position which allows access to children.

B. The panel shall determine if an individual poses a risk to children based on the information available in the DCFS case record, licensing record if applicable, and any supplemental information provided by the prospective or current employee whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys, or a prospective/current volunteer.

1. The following information shall be used by the panel to make its determination including, but not limited to:

a. the nature of the abuse or neglect with which the individual was identified, including whether the abuse or neglect resulted in serious injury or death to a child or children;

b. the circumstances surrounding the commission of the abuse or neglect, including the age of the perpetrator and the children, that would demonstrate likelihood of repetition;

c. the period of time that has elapsed since the abuse or neglect occurred and whether prior incidents of child abuse or child neglect have been determined justified against the individual;

d. whether the abuse or neglect involved single or multiple child victims or whether there were more multiple allegations over a period of time to indicate a pattern of behavior;

e. the relationship of the incident of child abuse or neglect to the individual's current or conditional job responsibilities within the department or facility;

f. evidence of rehabilitation such as employment, education, or counseling since the justified incident of abuse or neglect; and

g. letters of recommendation one of which must be from a former employer whenever possible.

C. An individual determined to be a risk to children is prohibited from requesting a risk assessment evaluation for 24 months from the date of the original notice of decision issued by the risk evaluation panel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:51.2, R.S. 46:1414.1, R.S. 15:1110.2 and R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 36:852 (April 2010), amended by the Department of Children and Family Services, Division of Programs, LR 39:3248 (December 2013), LR 42:862 (June 2016) Repealed LR 44:998 (June 2018), effective July 1, 2018, repromulgated LR 44:

§309. Appeals Process

A. The risk evaluation panel shall provide the individual who is the subject of the evaluation the decision of the panel in writing.

B. The notice of decision shall contain information regarding the individual's right to appeal and request for a fair hearing.

C. The individual may file a request for an administrative appeal within 30 days of the mailing of the notice of the determination with the DCFS Appeals Unit. Administrative appeals for prospective employees or current employees of DCFS are conducted by the DCFS Appeals Unit. If the request for an administrative appeal is made by a current or prospective owner, employee or volunteer of a specialized provider or juvenile detention facility licensed by the department or an early learning center licensed by the Louisiana Department of Education, within 30 days of the mailing of the notice of the determination, that request shall be sent by the Appeals Unit to the Division of Administrative Law.

D. All decisions rendered by the administrative law judge within the DCFS appeals unit or the division of administrative law are final and such decisions shall exhaust the individual's administrative appeal rights.

E. Within 30 calendar days after the mailing date listed on the notice of the final decision by the DCFS appeals unit or the division of administrative law, or if a rehearing is requested, within 30 calendar days after the date of the decision thereon, the individual may obtain judicial review by filing a petition for review of the decision in the Nineteenth Judicial District Court or the district court of the domicile of the individual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:51.2, R.S. 46:1414.1, R.S. 15:1110.2 and R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 36:852 (April 2010), amended by the Department of Children and Family Services, Repealed LR 44:998 (June 2018), effective July 1, 2018, repromulgated LR 44:

§311. Correction or Expungement of Central Registry Entries

A. Notwithstanding any other provisions, a panel determination shall not be used to prohibit an individual from being considered for employment when the justified (valid) finding that served as the basis for the risk assessment evaluation is:

1. corrected either pursuant to *Children's Code* article 616 or by DCFS; or

2. expunged either pursuant to LAC 67:V.1103 or LAC 67:V.1105.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:51.2, R.S. 46:1414.1, R.S. 15:1110.2 and R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, LR 42:862 (June 2016), Repealed LR 44:998 (June 2018), effective July 1, 2018, repromulgated LR 44:

Part V. Child Welfare

Subpart 3. Child Protective Services

Chapter 11. Administration and Authority

§1103. State Central Registry

A. - B.1.b. ...

2. Individuals who have been placed on the SCR as a perpetrator of abuse or neglect as the result of an

investigation determined to be justified/valid prior to August 1, 2018, will have the right to an administrative appeal pursuant to LAC 67:V.1111. Information on such determinations will not be released until the individual has exhausted their right to an administrative appeal, unless otherwise allowed by law. Once the individual has exhausted their administrative appeal rights, if an SCR clearance has been received by DCFS, the clearance will be completed and information released consistent with the administrative hearing decision and as permitted for the purpose of the clearance request.

C.1. ...

2. Individuals in investigations in families who have been determined to be justified/valid as a perpetrator of child abuse and/or neglect for a tier 1, 2, or 3 finding, as defined in LAC 67:V.1103.A, subsequent to July 1, 2018, shall be provided written notice of the SCR and the rules governing maintenance and release of SCR records. As of August 1, 2018, the written notice shall also inform the individual of their right to an administrative appeal pursuant to LAC 67:V.1111. The individual's name will not be placed on the SCR until the individual has exhausted his right to an administrative appeal. If the individual fails to request an administrative appeal within 30 days of the written notification of the justified/valid finding, withdraws their request for an administrative appeal, or the justified/valid finding is upheld by an administrative law judge, the individual's name will be immediately placed on the SCR.

D. - E. ...

F.1. Any person whose name is included on the SCR subsequent to August 1, 2018, may file a rule to show cause against DCFS in the court exercising juvenile jurisdiction in the parish in which the investigation was conducted to show why the individual's name should not be removed from the SCR. A perpetrator of a tier 1 justified/valid determination cannot be removed through this procedure. This rule to show cause may be filed for a perpetrator of a tier 2 justified/valid determination after nine years from the date of the case closure, or, four years from the date of the case closure for a perpetrator of a tier 3 justified/valid determination with the following circumstances:

- a. there was no child in need of care adjudication related to the justified/valid determination;
- b. no criminal charges are currently pending, associated with the incident, or criminal conviction for any offense listed in R.S. 15:587.1; and
- c. there have been no subsequent justified/valid determinations involving the individual as a perpetrator of child abuse or neglect.

F.2. - G.11....

AUTHORITY NOTE: Promulgated in accordance with the Children's Code, title VI, articles 615 and 616 and title XII, article 1173, R.S. 14:403(H), R.S. 46:51.2(A), R.S. 46:56, R.S. 46:1414.1, 42 USC 15601 et seq., 28 CFR 115.6., and 42 USC 9858f.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 18:79 (January 1992), amended LR 20:198 (February 1994), LR 21:583 (June 1995), LR 23:590 (May 1997), LR 26:790 (April 2000), LR 31:1609 (July 2005), LR 36:838 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Child Welfare Section, LR 42:862 (June 2016), amended

by the Department of Children and Family Services, Division of Child Welfare, LR 44:998 (June 2018), amended LR 44:

§1105. Maintenance and Disclosure of Information on Reports and Investigations on the State Repository

A. - L.7. ...

M. Any person whose name is included on the SCR prior to August 1, 2018 with a justified/valid determination may file a rule to show cause against DCFS in the court exercising juvenile jurisdiction in the parish in which the investigation was conducted to show why the information on file should not be expunged. DCFS will expunge the petitioner's name and other identifying information from the SCR upon receipt of a court order to do so. Any expungement order issued by a court shall not take effect as to non-identifying statistical information on file until the three-year record retention period required by federal law for audit purposes has expired, counting from the month and year of the determination. During the three-year record retention period, such records bearing the non-identifying statistical information shall be sealed and accessible only to the financial auditors.

N. - O. ...

AUTHORITY NOTE: Promulgated in accordance with Louisiana Children's Code Article 616.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 26:96 (January 2000), amended LR 31:1608 (July 2005), LR 36:840 (April 2010), amended by the Department of Children and Family Services, Division of Child Welfare, LR 44:1000 (June 2018) amended LR 44:

§1111. Child Protective Services Administrative Appeal

A. ...

B. Individuals with justified/valid findings in an investigation prior to August 1, 2018, will have the right to an administrative appeal of any/all of their DCFS findings of justified/valid. When a request for an SCR clearance is received by DCFS, or DCFS verifies that an individual has a justified/valid finding, and the individual is listed as a perpetrator with a justified/valid finding of abuse or neglect in an investigation prior to August 1, 2018; the individual will be notified in writing of their right to an administrative appeal. The individual will have 30 calendar days from the date of the written notification to request an appeal through DAL.

C. Any individual notified of a DCFS justified/valid finding in an investigation subsequent to August 1, 2018, will have the right to an administrative appeal of any/all of their DCFS findings of justified/valid. The individual will have 30 calendar days from the date of the written notification to request an appeal through the DAL.

D. - K. ...

AUTHORITY NOTE: Promulgated in accordance with Act 348 of 2017 and Children's Code Article 616.1.1.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Child Welfare, LR 44:1002 (June 2018), amended LR 44:

Marketa Garner Walters
Secretary

1807#025

DECLARATION OF EMERGENCY

Department of Children and Family Services Licensing Section

Residential Home
(LAC 67:V.7109, 7111, and 7119)

Editor's Note: This Emergency Rule was originally promulgated in the June 20, 2018 *Louisiana Register* on pages 994-995 and is being repromulgated to correct typographical errors.

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 71, Sections 7109, 7111, and 7119. This Emergency Rule shall be effective June 1, 2018, and shall remain in effect for a period of 120 days.

The department considers emergency action necessary in order to clarify the intent of existing statute and revise the residential home licensing standards to incorporate regulations to protect the safety and well-being of children residing in residential homes.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 71. Residential Homes, Type IV

§7109. Critical Violations/Fines

A - A.4. ...

5. §7111.D.1.a. if sections noted in §7111.D.7. also cited or §7111.D.1.b.i. if sections noted in §7111.D.7. also cited or §7111.D.2—critical incident reporting; and/or

A.6. - H.4. ...

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 43:258 (February 2017), amended LR 43:1725 (September 2017), LR 44:

§7111. Provider Requirements

A. - B.4.b.iii. ...

iv. notification signed and dated from OJJ indicating youth is appropriate for non secure placement;

v. - xxiii. ...

xxiv. for residents placed from other states, proof of compliance with the Interstate Compact on Juveniles, the Interstate Compact on the Placement of Children, and the Interstate Compact on Mental Health, when indicated. Proof of compliance shall include clearance letters from the compact officers of each state involved;

B.4.c. - C.8. ...

D. Incidents

1. Critical and Other Incidents. The provider shall have and adhere to written policies and procedures for documenting, reporting, investigating, and analyzing all incidents and other situations or circumstances affecting the health, safety, or well-being of a resident or child of a resident.

a. The provider shall submit a written report of the following incidents to the Licensing Section within one calendar day, excluding when the incident occurs on a weekend or state holiday. If the incident occurs on a

weekend or state holiday, provider shall submit a written report on the first working day following the weekend or state holiday.

i. elopement or unexplained absence of a resident or child of a resident;

ii. use of physical restraints

iii. injuries of unknown origin;

iv. evacuation of residents or children of residents

v. attempted suicide;

vi. serious threat or injury to the health, safety, or well-being of the resident or child of a resident;

vii. injury with substantial bodily harm while in seclusion or during use of personal restraint; or

viii. unplanned hospitalizations, emergency room visits, and emergency urgent care visits.

ix. any other unplanned event or series of unplanned events, accidents, incidents and other situations or circumstances affecting the health, safety, or well-being of a resident or child of a resident.

b. The program director or designee shall:

i. immediately verbally notify the legal guardian of any incident noted in Section 7111.D.1.a.i-ix.;

ii. immediately verbally notify the appropriate law enforcement authority in accordance with state law;

iii. if requested, submit a final written report of the incident to the legal guardian as soon as possible, but no later than five working days of the incident;

iv. conduct an analysis of the incident and take appropriate corrective steps to prevent future incidents from occurring;

v. maintain copies of any written reports or notifications in the resident's or child of a resident's record;

vi. ensure that a staff person accompanies residents and children of residents when emergency services are needed.

2. The provider shall verbally notify state office Licensing management staff immediately in the event of a death and follow up with a written report within one calendar day of the verbal report. If the death occurs on a weekend or State holiday, provider shall verbally notify state office Licensing management staff as soon as possible on the first working day following the weekend or State holiday and follow up with a written report the same day as verbal notification. The provider shall immediately verbally notify the legal guardian and law enforcement in the event of a death.

3. - 5.h. ...

i. date and time the legal guardian, licensing, and, if applicable, law enforcement were notified;

j. - k. ...

l. documentation of actions taken by the provider regarding staff involved in the incident to include corrective action.

6. A copy of all written reports shall be maintained in the resident's or child of a resident's record.

7. Critical incidents are noted in §7111.D.1.a.iv-vi and ix and §7111.D.2.

E. - E.2. ...

3. After reporting suspected abuse and/or neglect as required by Louisiana law, provider shall submit a written report to the licensing section immediately or the next

working day if the suspected abuse and/or neglect occurred on a weekend or state holiday. At a minimum the report shall contain:

E.3.a. - J.1. ...

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Service, LR 36:811 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:979, 984 (April 2012), LR 42:221 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 43:261 (February 2017), LR 43:1725 (September 2017), LR 44:

§7119. Physical Environment

A. - A.12. ...

13. No interior or exterior door shall have a lock or fastening device that prevents free egress from the interior.

B. - P.6. ...

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Service, LR 36:828 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:985 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 43:285 (February 2017), LR 44:

Marketa Garner Walters
Secretary

1807#043

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 137—Louisiana Early Learning
Center Licensing Regulations
Child Care Criminal Background Checks
(LAC 28:CLXI.Chapter 18)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CLXI.Chapter 18 in *Bulletin 137—Louisiana Early Learning Center Licensing Regulations*. The revisions pertain to owners, directors and director-designees of type III early learning centers. This Declaration of Emergency, adopted on June 20, 2018, will remain in effect for a period of 120 days from the date of adoption or until it becomes a final Rule.

Title 28

EDUCATION

Part CLXI. Bulletin 137—Louisiana Early Learning Center Licensing Regulations

Chapter 18. Child Care Criminal Background Checks (CCCBC)

§1805. Persons Ineligible for Child Care Purposes

A. - C. ...

D. In addition, for type III centers an owner, director, or director designee shall not have been convicted of, or pled guilty or *nolo contendere* to a felony, within the past 10 years, for any of the following crimes of fraud:

1. 18 U.S.C. 287 and 1341 and R.S. 14:67.11, 14:68.2, 14:70.1, 14:70.4, 14:70.5, 14:70.7, 14:70.8, 14:71, 14:71.1, 14:71.3, 14:72, 14:72.1.1, 14:72.4, 14:73.5, and 14:133.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43 and R.S. 15:587.1 and 407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:252 (February 2018), effective March 1, 2018, amended LR 44:

§1806. Types of CCCBC-based Determinations of Eligibility for Child Care Purposes

A. There are two types of CCCBC-based determinations of eligibility for child care purposes:

1. “owner/director/director designee of type III centers” determinations of eligibility are required for owners, directors and director designees of type III centers; and

2. “child care staff member” determinations of eligibility are required for owners, directors and director designees of type I and type II centers and volunteers, staff, visitors, contractors and other persons providing services in any type of child care centers when children are present.

B. A person with an “owner/director/director designee of type III centers” determination of eligibility also has a “child care staff member” determination of eligibility.

C. A person with a “child care staff member” determination of eligibility does not have an “owner/director/director designee of type III centers” determination of eligibility.

1. For a person with a “child care staff member” determination of eligibility, a type III center must obtain an “owner/director/director designee of type III centers” determination of eligibility before that person can become an owner, director or director designee of the type III center.

2. To obtain an “owner/director/director designee of type III centers” determination of eligibility for a person with a valid “child care staff member” determination of eligibility, the type III center must request the subsequent determination from the department.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:

§1819. Termination of Employment and Removal from Center and Premises

A. - C. ...

D. Exception for Owners, Directors and Director Designees of Type III Centers with Notices of Ineligibility

1. Upon receipt of notice from the department that an owner, director or director designee of a type III center is ineligible for child care purposes based solely on a crime of fraud listed in §1805.D of this Chapter, the owner, director or director designee of the type III center may remain on the premises pending a review of the determination of ineligibility by BESE, provided the owner, director or director designee of the type III center timely submits the following:

a. a written request to BESE staff for a review of the determination of ineligibility pursuant to §1823 of this Chapter within 15 business days of receipt of the notice of ineligibility from the department; and

b. documentation listed in §1823.D and E.2 of this Chapter to BESE staff within 30 business days of receipt of the notice of ineligibility from the department.

2. If the owner, director or director designee of the type III center:

a. fails to timely comply with Paragraph 1 of this Subsection;

b. chooses not to request a records review for the notice of ineligibility; or

c. remains ineligible because BESE declines to conduct a review of the determination, or BESE determines that the owner, director or director designee of the type III center shall remain ineligible, then the requirements in:

i. Subsection A of this Section shall apply to directors and director designees of the type III center who are not also owners, or the director or director designee of the type III center may continue to work as a staff member at the type III center other than the director or director designee, or as any type of staff member at a type I or type II center, including the director or the director designee of the type I or type II center; and

ii. Subsection B of this Section shall apply to all owners of type III centers, whether or not they are directors or director designees of type III centers in that such owners must:

(a). divest ownership of the type III center within 30 calendar days of receipt of the original notice of ineligibility from the department if no records review is requested, or within 30 calendar days of receipt of notice of continuing ineligibility from BESE if a records review is requested. The owner may continue to work at the center as a staff member other than the director or director designee, but may not continue to own the center; or

(b). change license types for the center from a type III to a type I or type II license within 30 calendar days of receipt of the original notice of ineligibility from the department if no records review is requested, or within 30 calendar days of receipt of notice of continuing ineligibility from BESE if a records review is requested and then may continue to own the center.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43 and R.S. 15:587.1 and 407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:255 (February 2018), effective March 1, 2018, amended LR 44:

§1823. Review of Determinations of Ineligibility for Owners, Directors, or Director Designees of Type III Centers

A. A review of a determination of ineligibility for owners, directors or director designees of type III centers shall not be considered if it is based in part on any crime or event listed in §1805.A through C of this Chapter.

B. A review of a determination of ineligibility may only be considered for owners, directors or director designees of type III centers if the determination is based solely on a crime of fraud listed in §1805.D of this Chapter.

C. A review of a determination of ineligibility based solely on a crime of fraud listed in §1805.D of this Chapter shall not be considered until at least five years have lapsed from the date of entry of the final conviction or plea which resulted in the determination of ineligibility.

D. An applicant may apply to the Board of Elementary and Secondary Education (BESE) for a review of his/her determination of ineligibility based solely on a crime of fraud listed in §1805.D of this Chapter after the lapse of time indicated above and under the following conditions:

1. There are no other crimes or events that would render the applicant ineligible to be an owner, director, or director designee of a type III center pursuant to §1805 of this Chapter other than a crime of fraud listed in §1805.D of this Chapter; and

2. There has been successful completion of all conditions/requirements of any parole or probation.

E. The applicant must provide relevant documentation, including:

1. documentation from the department that the determination of ineligibility is based solely on a crime of fraud listed in §1805.D of this Chapter and there are no other crimes or events that would prohibit the applicant from being eligible to be an owner, director, or director designee of a type III center; and

2. relevant documentation of all conditions and requirements of any parole and/or probation.

F. Applicant's responsibilities are as follows:

1. contact the BESE office and submit a written request for a review of records for a determination of ineligibility as an owner, director or director designee of a type III center based on a crime of fraud listed in §1805.D of this Chapter; and

2. provide each applicable item identified in Subsection D of this Section and any evidence of rehabilitation. It is recommended that the applicant provide letters of support from past/present employers, law enforcement officials or other community leaders.

G. BESE's Responsibilities

1. BESE or its designees will consider the request for a review of the determination of ineligibility and the documentation provided. BESE is not required to conduct a review of the determination and may summarily deny a request for review.

2. If BESE or its designees decide to conduct a records review of the determination, BESE staff shall notify the applicant of a date, time, and place when a BESE committee shall consider the applicant's request. Only written documentation provided prior to the records review will be considered.

3. BESE reserves the right to accept or reject any document as evidence of rehabilitation and the right to determine if adequate rehabilitation has occurred and will itself determine if and when an applicant is eligible to be an owner, director or director designee of a type III center pursuant to §1805.D of this Chapter.

4. The BESE committee shall make a recommendation to the full board regarding whether the determination of ineligibility shall be changed to a determination of eligibility. Board staff shall notify the applicant of BESE's action.

5. BESE's action is a final decision and can only be appealed to a court of proper jurisdiction in accordance with law.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:

Shan N. Davis
Executive Director

1807#014

DECLARATION OF EMERGENCY

**Board of Regents
Office of Student Financial Assistance**

Scholarship/Grant Programs—2018 Regular Session of the Louisiana Legislature and TOPS Core Curriculum Equivalents (LAC 28:IV.509, 703, 803, and 2113)

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

This rulemaking implements Act 671 of the 2018 Regular Session of the Louisiana Legislature. In addition, it adds the following TOPS core curriculum equivalents: Statistical Reasoning, Principals of Engineering, Digital Image and Motion Graphics, Digital Storytelling, Engineering Design and Development. It also adds Sound Design as an equivalent to Math to the TOPS Tech core curriculum.

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

This Declaration of Emergency is effective June 20, 2018, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act. (SG18182E)

**Title 28
EDUCATION**

Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs

Chapter 5. Applications, Federal Grant Aid and ACT Test

§509. ACT Testing Deadline

A.1. The student must take the official ACT test (including national, international, military or special test types) on or before the official April test date in the academic year (high school) in which the student graduates or completes a home study program approved by BESE.

2. A student may submit a request for exception to the deadline established in §509.A.1, which will be considered only under the following circumstances:

a. The student was prevented from taking the ACT test on or prior to the official April test date due to circumstances beyond his control and which are attributable to the administration of the test; and

b. The student achieves a qualifying score on or before August 1 of the year of the student’s high school graduation.

c. The award for a student whose request for exception is approved under this Section shall not be reduced as set forth in §509.C.

d. Except for an applicant who has qualified for a TOPS-Tech Award on or prior to the April national ACT test date, an applicant will not be allowed to use a test score obtained after the April national ACT test date to upgrade a TOPS Award.

3. An eligible non-graduate must take the official ACT test (including national, international, military or special test types) before the first day of the semester the student first enrolls in an eligible college or university.

B.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 26:1995 (September 2000), amended LR 26:2000 (September 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), repromulgated LR 27:1847 (November 2001), amended LR 30:1161 (June 2004), LR 31:37 (January 2005), LR 38:3157 (December 2012), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:503 (March 2018), LR 44:

Chapter 7. Taylor Opportunity Program for Students (TOPS) Opportunity, Performance, and Honors Awards

§703. Establishing Eligibility

A. - A.5.a.i.(f). ...

(g). beginning with the graduates of academic year (high school) 2017-2018, at the time of high school graduation, an applicant must have successfully completed 19 units of high school course work that constitutes a core curriculum and is documented on the student's official transcript as approved by the Louisiana Department of Education as follows.

Units	Course
English - 4 Units	
1	English I
1	English II
1	English III, AP English Language Arts and Composition, or IB English III (Language A or Literature and Performance)
1	English IV, AP English Literature and Composition, or IB English IV (Language A or Literature and Performance)
Math - 4 Units	
1	Algebra I
1	Geometry
1	Algebra II
1	One unit from: Algebra III; Advanced Math- Functions and Statistics, Advanced Math-Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL
Science - 4 Units	
1	Biology I
1	Chemistry I

Units	Course
2	Two units from: Earth Science; Environmental Science; Physical Science; Agriscience I and Agriscience II (one unit combined); Chemistry II or AP Chemistry or IB Chemistry II; AP Environmental Science or IB Environmental Systems; Physics I, AP Physics I, AP Physics B, or IB Physics I; AP Physics C: Electricity and Magnetism, AP Physics C: Mechanics, IB Physics II, or AP Physics II; Biology II or AP Biology or IB Biology II
Social Studies - 4 Units	
1	U.S. History or AP U.S. History or IB U.S. History
1	Civics, Government, AP US Government and Politics: Comparative, or AP US Government and Politics: United States
2	Two units from: Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics Economics, AP Macroeconomics AP Microeconomics
Foreign Language - 2 Units	
2	Foreign Language, both units in the same language, which may include: AP Chinese Language and Culture, AP French Language and Culture, AP German Language and Culture, AP Italian Language and Culture, AP Japanese Language and Culture, AP Latin, AP Spanish Language and Culture, French IV IB, French V IB, Spanish IV IB, and Spanish V IB
Art - 1 Unit	
1	One unit of Art from: Performance course in Music, Dance, or Theatre; Fine Arts Survey; Arts I, II, III, and IV; Talented Art I, II, III, and IV; Talented Music I, II, III, and IV; Talented Theater Arts I, II, III, and IV; Speech III and IV (one unit combined); AP Art History; AP Studio Art: 2-D Design; AP Studio Art: 3-D Design; AP Studio Art: Drawing; AP Music Theory; Film Study I IB; Film Study II IB; Music I IB; Music II IB; Art Design III IB; Art Design IV IB; Theatre I IB; or Drafting
NOTE: AP = Advanced Placement IB = International Baccalaureate	

ii.(a). For students graduating in academic year (high school) 2007-2008 and prior, 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	Equivalent (Substitute) Course
Physical Science	General Science, Integrated Science
Algebra I	Algebra I, Parts 1 and 2, Integrated Mathematics I
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Algebra II	Integrated Mathematics II
Geometry	Integrated Mathematics III
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*, Advanced Mathematics I, Advanced Mathematics II
Chemistry	Chemistry Com
Fine Arts Survey	Speech Debate (2 units)
Western Civilization	European History
Civics	AP American Government
*Applied Mathematics III was formerly referred to as Applied Geometry	

(b). For students graduating in academic year (high school) 2006-2007 through the 2008-2009 academic year (high school), 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	Equivalent (Substitute) Course
Physical Science	Integrated Science
Algebra I	Algebra I, Parts 1 and 2, Integrated Mathematics I
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Algebra II	Integrated Mathematics II
Geometry	Integrated Mathematics III
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III* [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]
Chemistry	Chemistry Com
Fine Arts Survey	Speech III and Speech IV (both units)
Western Civilization	European History
World Geography	AP Human Geography
Civics	AP American Government
*Applied Mathematics III was formerly referred to as Applied Geometry	

(c). For students graduating in academic year (high school) 2009-2010, 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	Equivalent (Substitute) Course
Physical Science	Integrated Science
Algebra I	Algebra I, Parts 1 and 2, Integrated Mathematics I, Applied Algebra I
Applied Algebra IA and IB	Applied Mathematics I and II

Core Curriculum Course	Equivalent (Substitute) Course
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Algebra II	Integrated Mathematics II
Geometry	Integrated Mathematics III, Applied Geometry
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*, Advanced Math - Pre-Calculus**, Advanced Math - Functions and Statistics***
Chemistry	Chemistry Com
Fine Arts Survey	Speech III and Speech IV (both units)
Western Civilization	European History
World Geography	AP Human Geography
Civics	AP American Government
*Applied Mathematics III was formerly referred to as Applied Geometry **Advanced Math—Pre-Calculus was formerly referred to as Advanced Mathematics II ***Advanced Math—Functions and Statistics was formerly referred to as Advanced Mathematics II	

(d).i). For students graduating in academic year (high school) 2010-2011 through academic year (high school) 2016-17, 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	Equivalent (Substitute) Course
Physical Science	Integrated Science
Algebra I	Algebra I, Parts 1 and 2, Integrated Mathematics I, Applied Algebra I
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Algebra II	Integrated Mathematics II
Geometry	Integrated Mathematics III, Applied Geometry
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*, Advanced Math - Pre-Calculus**, Advanced Math - Functions and Statistics***
Chemistry	Chemistry Com
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;	Anatomy and Physiology
Fine Arts Survey	Speech III and Speech IV (both units)
Western Civilization	European History
World Geography	AP Human Geography
Civics	AP American Government
*Applied Mathematics III was formerly referred to as Applied Geometry **Advanced Math—Pre-Calculus was formerly referred to as Advanced Mathematics II ***Advanced Math—Functions and Statistics was formerly referred to as Advanced Mathematics II	

(ii). For students graduating in academic year (high school) 2013-2014 only, for purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a, in addition to the equivalent courses identified in §703.A.5.a.ii.(d).i) above, the following course shall be

considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
World History, Western Civilization, World Geography or History of Religion	Law Studies

(iii). For students graduating in academic years (high school) 2013-2014 through 2016-2017, for purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a, in addition to the equivalent courses identified in §703.A.5.a.ii.(d).i) above, the following course shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Algebra III; Advanced Math-Functions and Statistics, Advanced Math-Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL	AP Computer Science A

(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; Digital Image and Motion Graphics; Digital Storytelling; Engineering Design and Development; Sound Design
Algebra III; Advanced Math- Functions and Statistics, Advanced Math-Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL	AP Computer Science A
Probability and Statistics	Statistical Reasoning
Biology II	Human Anatomy and Physiology
Environmental Science	Environmental Awareness
Physical Science	Principles of Engineering

Core Curriculum Course(s)	Equivalent (Substitute) Course
Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics Economics, AP Macroeconomics AP Microeconomics	AP Psychology
World Geography	Physical Geography
Foreign Language, both units in the same language, which may include: AP Chinese Language and Culture, AP French Language and Culture, AP German Language and Culture, AP Italian Language and Culture, AP Japanese Language and Culture, AP Latin, AP Spanish Language and Culture, French IV IB, French V IB, Spanish IV IB, and Spanish V IB	Mandarin Chinese I, II, III, IV Hindi I, II, III, IV Portuguese I, II, III, IV Vietnamese I, II, III, IV
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.

(f). For students graduating in academic year (high school) 2017-2018 and after, the courses listed in the tables below have been approved by the board and BESE to be converted to a 5.00 scale when used to complete the core curriculum, and shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses for purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a.

(i). Advanced Placement Courses

TOPS Core Course	Advanced Placement
Art	AP Art History AP Studio Art: 2-D Design AP Studio Art: 3-D Design AP Studio Art: Drawing
Biology II	AP Biology
Calculus	AP Calculus AB AP Calculus BC
Chemistry II	AP Chemistry
Chinese	AP Chinese Language and Culture
Economics	AP Macroeconomics AP Microeconomics
English III	AP English Language and Composition

TOPS Core Course	Advanced Placement
English IV	AP English Literature and Composition
Environmental Science	AP Environmental Science
European History	AP European History
Fine Arts Survey	AP Music Theory
French	AP French Language and Culture
German	AP German Language and Culture
Italian	AP Italian Language and Culture
Japanese	AP Japanese Language and Culture
Latin	AP Latin
Physics I	AP Physics I: Algebra Based AP Physics II: Algebra Based AP Physics C: Electricity and Magnetism AP Physics C: Mechanics
Probability and Statistics	AP Statistics
Spanish	AP Spanish Language and Culture
US Government or Civics	AP U.S. Government and Politics: Comparative AP U.S. Government and Politics: United States
US History	AP U.S. History
World Geography	AP Human Geography
World History	AP World History

(ii). International Baccalaureate® Courses

TOPS Core Course	International Baccalaureate
Advanced Math–Pre Calculus	IB Math Studies (Math Methods)
Arabic	IB Language ab initio: Arabic IB Language B: Arabic
Art	IB Visual Arts
Biology II	IB Biology I IB Biology II
Calculus	IB Mathematics SL IB Mathematics HL
Chemistry II	IB Chemistry I IB Chemistry II
Chinese	IB Language ab initio: Chinese IB Language B: Chinese
Economics	IB Economics
English III	IB Literature IB Language and Literature IB Literature and Performance
English IV	IB Literature IB Language and Literature IB Literature and Performance
Environmental Science	IB Environmental Systems
French	IB Language ab initio: French IB Language B: French
German	IB Language ab initio: German IB Language B: German
Italian	IB Language ab initio: Italian IB Language B: Italian
Japanese	IB Language ab initio: Japanese IB Language B: Japanese
Latin	IB Classical Language
Music (Performance)	IB Music
Physics I	IB Physics I IB Physics II
Pre-Calculus	IB Math Studies (Math Methods)
Spanish	IB Language ab initio: Spanish IB Language B: Spanish
Theatre (Performance)	IB Film Study IB Theatre IB Dance
US History	IB History of the Americas I
World Geography	IB Geography
World History	IB History of the Americas II

(iii). Gifted and Talented Courses

TOPS Core Course	Gifted and Talented
Art	Art History Talented Visual Arts I Talented Visual Arts II Talented Visual Arts III Talented Visual Arts IV
Biology II	Biology II
Calculus	Calculus I Calculus II
Chemistry I	Chemistry I
Chemistry II	Chemistry II
Chinese	Chinese III Chinese IV
Economics	Economics
English III	English III
English IV	English IV
Environmental Science	Environmental Science
European History	European History
French	French III French IV
German	German III German IV
Italian	Italian III Italian IV
Japanese	Japanese III Japanese IV
Latin	Latin III Latin IV
Music (Performance)	Talented Music I, II, III, IV Small Voice Ensemble II Choir: Intermediate Choir: Advanced Orchestra: Intermediate Orchestra: Advanced
Physics I	Physics
Spanish	Spanish III Spanish IV
Theatre (Performance)	Introduction to Film Studies Talented Theater I, II, III, IV
US Government or Civics	Government
US History	U.S. History
World Geography	World/Human Geography

(iv). Dual Enrollment Courses

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Advanced Math-Pre Calculus	Trigonometry	CMAT 1223
Advanced Math-Functions and Statistics	Introductory Statistics	CMAT 1303
Algebra III	College Algebra	CMAT 1213
Arabic	Elementary Arabic I Elementary Arabic II	CARB 1013/1014 CARB 1023/1024
Art	Art History I or II Art Structure/2-D Design Beginning Drawing	CART 2103/2113 CART 1113 CART 2203
Biology I	General Biology I General Biology I (Science Majors)	CBIO 1013 CBIO 1033

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Biology II	General Biology I General Biology I (Science Majors) General Biology II General Biology II (Science Majors)	CBIO 1013 CBIO 1033 CBIO 1023 CBIO 1043
Calculus	Applied Calculus Calculus I Calculus II	CMAT 2103 CMAT 2113-5 CMAT 2123-5
Chemistry I	General Chemistry Survey I Chemistry I Chemistry I (Science Majors)	CCEM 1013 CCEM 1103 CCEM 1123
Chemistry II	General, Organic and Biochemistry General Chemistry Survey I Chemistry I Chemistry I (Science Majors) Chemistry II Chemistry II (Science Majors)	CCEM 1003 CCEM 1013 CCEM 1103 CCEM 1123 CCEM 1113 CCEM 1133
Earth Science	Physical Geology Historical Geology	CGEO 1103 CGEO 1113
Economics	Economic Principles Macroeconomics Microeconomics	CECN 2113 CECN 2213 CECN 2223
English III	English Composition I English Composition II American Literature I American Literature II Major American Writers	CENL 1013 CENL 1023 CENL 2153 CENL 2163 CENL 2173
English IV	English Composition I English Composition II British Literature I British Literature II Major British Writers World Literature I World Literature II Major World Writers Introduction to Fiction Introduction to Literature Introduction to Poetry and/or Drama	CENL 1013 CENL 1023 CENL 2103 CENL 2113 CENL 2123 CENL 2203 CENL 2213 CENL 2223 CENL 2303 CENL 2323 CENL 2313
Environmental Science	Environmental Science	CEVS 1103
Fine Arts Survey	Exploring the Arts Introduction to Visual Arts Dance Appreciation Music Appreciation	CART 1013 CART 1023 CDNC 1013 CMUS 1013
French	Elementary French I Elementary French II Intermediate French I Intermediate French II	CFRN 1013/1014 CFRN 1023/1024 CFRN 2013/2014 CFRN 2023
German	Elementary German I Elementary German II Intermediate German I Intermediate German II	CGRM 1013/1014 CGRM 1023/1024 CGRM 2013 CGRM 2023
History Of Religion	World Religions	CPHL 2213
Latin	Elementary Latin I Elementary Latin II Intermediate Latin I Intermediate Latin II	CLTN 1013/1014 CLTN 1023/1024 CLTN 2013 CLTN 2023
Physical Science	Physical Science I	CPHY 1023

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Physics I	Physics I (Algebra/Trigonometry Based) Physics I (Lecture and Lab) Physics I (Calculus Based)	CPHY 2113 CPHY 2114 CPHY 2133
Pre-Calculus	Algebra and Trigonometry	CMAT 1233
Probability and Statistics	Introductory Statistics	CMAT 1303
Spanish	Elementary Spanish I Elementary Spanish II Intermediate Spanish I Intermediate Spanish II	CSPN 1013/1014 CSPN 1023/1024 CSPN 2013/2014 CSPN 2023
Theatre (Performance)	Acting I or II Introduction to Theatre	CTHE 2103/2113 CTHE 1013
US Government or Civics	Introduction to American Government Introduction to State and Local Government Introduction to Comparative Government	CPOL 2013 CPOL 2113 CPOL 2213
US History	American History I or II	CHIS 2013/2023
Western Civilization	Western Civilization I or II	CHIS 1013/1023
World Geography	World Regional Geography Physical Geography	CGRG 2113 CGRG 2213
World History	World Civilization I or II	CHIS 1113/1123

A.5.a.iii.(a) - 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 41:657, 664 (April 2015), LR 41:2596, 2599 (Dec. 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1657 (October 2016), LR 42:1882 (November 2016), LR 43:518 (March 2017), LR 44:

Chapter 8. TOPS-Tech Award

§803. Establishing Eligibility

A. - A. 6.a.i. ...

ii. for students graduating in the 2018 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, Physics, 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 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 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

Core Curriculum—TOPS-Tech Award	
Units	Course
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 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.

iv. 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	

Core Curriculum—TOPS-Tech Award	
Units	Course
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.

v. 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 IB (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)

vi. for students graduating in the 2013-2014 school year through the 2016-2017 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

Core Curriculum—TOPS-Tech Award	
Units	Course
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
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.

b.i. for students graduating in academic year (high school) 2008-2009 and after, for purposes of satisfying the requirements of §803.A.6.a above, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses;

Core Curriculum Course	Equivalent (Substitute) Course
Business English	Senior Applications in English
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Math Essentials

ii. for students graduating in academic year (high school) 2018 and after, for purposes of satisfying the requirements of §803.A.6.a above, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses;

Core Curriculum Course	Equivalent (Substitute) Course
Business English	Senior Applications in English

Core Curriculum Course	Equivalent (Substitute) Course
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Math Essentials
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	Probability and Statistics; Transition to College Mathematics; Statistical Reasoning

A.6.c. - 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 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 41:657, 664 (April 2015), LR 41:2596, 2599 (Dec. 2015), LR 42:48 (January 2016), LR 44:

Chapter 21. Miscellaneous Provisions and Exceptions §2113. Revision of the Core Curricula

A. The board is authorized by law, in consultation with BESE, to determine a high school level course to be equivalent to a course described in the core curricula or to authorize the name change of a core curricula course, including necessary changes to equivalencies and course names for advanced placement and International Baccalaureate® courses as prescribed by the College Board or the International Baccalaureate Foundation.

B. The determination of a course as equivalent to a course included in the definition of core curriculum shall be limited to those courses identified in the secondary programs of study contained in the *Louisiana Handbook for School Administrators* (LDE Bulletin 741).

C. Only those recommendations for a name change or for the designation of an equivalent course which have been submitted by a local school board or other equivalent

education agency for private schools will be considered by the board and such recommendations shall be submitted directly to the Louisiana Office of Student Financial Assistance, Attention: Legal Division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:1921 (October 1998), amended LR 27:1220 (August 2001), repromulgated LR 27:1871 (November 2001), amended LR 41:657 (April 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:570 (March 2018), LR 44:

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Senior Attorney

1807#063

DECLARATION OF EMERGENCY

Louisiana Tuition Trust Authority Office of Student Financial Assistance

START Saving Program
(LAC 28:VI.107, 311, and Chapter 7)

The Louisiana Tuition Trust Authority is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend rules of the Student Tuition Assistance and Revenue Trust (START Saving) Program (R.S. 17:3091 et seq.).

This rulemaking implements Act 53 of the 2018 Regular Session of the Legislature. It also adds Chapter 7 to implement HB650 of the 2018 Regular Session of the Louisiana Legislature which creates the START K-12 Program.

The Emergency Rule is necessary to allow the Louisiana Office of Student Financial Assistance and educational institutions to effectively administer these programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. LATTA has determined that these emergency rules are necessary in order to prevent imminent financial peril to the welfare of the affected students.

This Declaration of Emergency is effective June 20, 2018, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act. (ST18183ER)

Title 28

EDUCATION

Part VI. Student Financial Assistance—Higher Education Savings

Chapter 1. General Provisions

Subchapter A. Tuition Trust Authority

§107. Applicable Definitions

A. Words and terms not otherwise defined in these rules 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 Educational Institution—either:

a. a state college or university or a technical college or institute or an independent college or university located in

this state that is approved by the U.S. Secretary of Education to participate in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1088), as amended; or

b. a public or independent college or a university located outside this state that is approved by the U.S. secretary of education to participate in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1088), as amended; or

c. a Louisiana licensed proprietary school, licensed pursuant to R.S. chapter 24-A of title 17, and any subsequent amendments thereto and is eligible to participate in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1088), as amended.

d. beginning in the 2018 academic year, a proprietary school located outside the state of Louisiana that is licensed by an out of state public postsecondary education board, is accredited by a recognized national or regional accrediting body, and is eligible to participate in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1088), as amended.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:712 (June 1997), amended LR 24:1268 (July 1998), LR 25:1794 (October 1999), LR 26:2260 (October 2000), LR 27:37 (January 2001), LR 27:1222 (August 2001), LR 27:1876 (November 2001), LR 28:450 (March 2002), LR 28:777 (April 2002), LR 28:2334 (November 2002), LR 29:556 (April 2003), LR 30:786 (April 2004), LR 30:1169 (June 2004), LR 30:2302 (October 2004), LR 31:639 (March 2005), LR 32:1433 (August 2006), LR 32:2240 (December 2006), LR 33:443 (March 2007), LR 34:1885 (September 2008), LR 35:1491 (August 2009), LR 38:3162 (December 2012), LR 42:1071 (July 2016), LR 44:

Chapter 3. Education Savings Account

§311. Termination, Refund, and Rollovers of an Education Savings Account

A. - A.6. ...

B. Refunds

1. A partial refund of an account may only be made as described in §311.E.3 and 4.

B.2 - D.3. ...

E. Voluntary Termination of an Account

1. Refunds shall be equal to the redemption value of the ESA at the time of the refund, and shall be made to the person designated in the owner's agreement or by rule.

2. The person receiving the refund shall be responsible for any state or federal income tax that may be payable due to the refund.

3. Except for accounts classified in accordance with §711.A.6, accounts may be terminated and fully refunded for the following reasons:

a. the death of the beneficiary in which case the refund shall be equal to the redemption value of the account and shall be made to:

i. the account owner, if the account owner is a natural person; or

ii. the beneficiary's estate, if the account owner is a legal entity;

b. the disability of the beneficiary, in which case the refund shall be equal to the redemption value of the account and shall be made to:

i. the account owner or the beneficiary, as designated in the owner's agreement, if the account owner is a natural person; or

ii. the beneficiary, if the account owner is a legal entity;

c. the beneficiary receives a scholarship, waiver of tuition, or similar subvention that the LATTA determines cannot be converted into money by the beneficiary, to the extent the amount of the refund does not exceed the amount of the scholarship, waiver of tuition, or similar subvention awarded to the beneficiary. In such case, the refund shall be equal to the scholarship, waiver of tuition, or similar subvention that the LATTA determines cannot be converted into money by the beneficiary of the account, or the redemption value, whichever is less, and shall be made to:

i. the account owner or the beneficiary, as designated in the owner's agreement, if the account owner is a natural person; or

ii. the beneficiary, if the account owner is a legal entity.

4. For the 2018 calendar year only, an account owner may request a refund in order to pay the tuition expenses related to the beneficiary's enrollment in kindergarten through twelfth grade in the following circumstances:

a. the account was opened prior to December 31, 2017;

b. the amount requested to be refunded is less than or equal to the balance of the account as of December 31, 2017;

c. the amount requested to be refunded does not exceed \$10,000.

5. Refunds made under §311.E.3 and 4 are currently exempt from additional federal taxes.

F. Effective Date of Account Termination. Account termination shall be effective at midnight on the business day on which the request for account termination and all supporting documents are received. Accounts will be credited with interest earned on principal deposits through the effective date of the closure of the account.

G. Refund Payments. Payment of refunds for voluntary termination under §311.E or partial refunds of accounts pursuant to §311.E.3 shall be made within 30 days of the date on which the account was terminated. The termination refund shall consist of the principal remaining in the account and interest remaining in the account accrued on the principal through the end of the calendar year preceding the year in which the request to terminate an account is made. Interest earned in excess of \$10 during the calendar year of termination will be refunded within 45 days of the date the state treasurer announces the interest rate for the preceding calendar year. Interest earned of \$10 or less during the calendar year of termination will be forfeited to the Louisiana Education and Tuition Savings Fund.

H. Rollovers

1. Rollovers among ESAs of the Same Account Owner

a. Beginning October 1, 2009, an account owner may rollover any part or all of the value of an ESA to another ESA if the beneficiary of the account receiving the funds is a member of the family of the beneficiary of the original account.

b. If the current value of an ESA is transferred, all EEs and earnings thereon shall be included in the transfer.

2. Rollover to another Qualified Tuition Program

a. An account owner may request a rollover of the current value of the account less EEs and earnings thereon to another qualified tuition program.

b. EEs and the earnings thereon allocated to an ESA that is rolled over to another qualified tuition program are forfeited.

3. Rollover to a Qualified ABLÉ Program Account

a. Beginning May 1, 2018, an account owner may rollover any part or all of the value of an ESA to a qualified ABLÉ program account if the beneficiary of the account receiving the funds is a member of the family of the beneficiary of the ESA.

b. EEs and the earnings thereon allocated to an ESA that is transferred to a qualified ABLÉ program are forfeited.

c. A rollover by a Louisiana resident to any qualified able program account will be subject to Louisiana Tax Table Income in accordance with state law.

4. An account owner may not rollover any part or all of the value of an ESA to a START K12 account.

AUTHORITY NOTE: Promulgated in accordance with 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:717 (June 1997), amended LR 24:1273 (July 1998), repromulgated LR 26:2265 (October 2000), amended LR 27:38 (January 2001), LR 27:1882 (November 2001), LR 28:779 (April 2002), LR 30:790 (April 2004), LR 31:639 (March 2005), LR 32:1434 (August 2006), LR 32:2240 (December 2006), LR 33:444 (March 2007), LR 35:236 (February 2009), LR 36:492 (March 2010), LR 36:2551 (November 2010), LR 39:2238 (August 2013), LR 42:1080 (July 2016), LR 44:

Chapter 7. START K12

§701. General Provisions

A. The Student Tuition and Revenue Trust Kindergarten through Twelfth Grade Program (START K12) was enacted in 2018 to implement provisions of the Tax Cuts and Jobs Act which allows Internal Revenue Code Section 529 college savings account funds to be used for tuition expenses related to enrollment in kindergarten through twelfth grade.

B. The purposes of the START K12 are the following:

1. To allow account owners to save for the tuition expenses related to enrollment in kindergarten through twelfth grade; and

2. To comply fully with Internal Revenue Code Section 529.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:

§703. Legislative Authority

A. Act Number 687 of the 2018 Regular Legislative Session, effective May 30, 2018, enacted the Louisiana Student Tuition Assistance and Revenue Trust START Saving Kindergarten Through Twelfth Grade Program (START K12) as chapter 22-B, title 17 of the *Louisiana Revised Statutes* (R.S. 17:3100.1-3100.10).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:

§705. Program Administration

A. The Louisiana Tuition Trust Authority (LATTA) is a statutory authority whose membership consists of the Louisiana Board of Regents, plus one member from the Louisiana Bankers Association, the state treasurer, and one member each from the House of Representatives and Senate.

B. The LATTA administers the START K12 Program through the Louisiana Board of Regents, Office of Student Financial Assistance (LOSFA).

C. LOSFA, a program of the Board of Regents, performs the functions of the state relating to programs of financial assistance and certain scholarship programs for higher education in accordance with directives of its governing bodies and applicable law, and as such is responsible for administering the START K12 Program under the direction of the LATTA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:

§707. Applicable Definitions

A. Words and terms not otherwise defined in these rules 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.

Account Owner—the person(s), organization or group that completes the START K12 Program owner's agreement on behalf of a beneficiary and is the account owner of record of all funds credited to the account.

Beneficiary—the person named by the account owner in the START K12 owner's agreement or the person named by the LATTA when authorized to make such a designation by the owner of an account that is classified under §711.A.5 as the individual entitled to apply the account balance, or portions thereof, toward payment of their qualified education expenses.

Beneficiary's Family—for the purpose of §711.A.5 one of the following persons:

- a. the beneficiary's parent(s) or court ordered custodian; or
- b. a person who claims the beneficiary as a dependent on his or her federal income tax return for the previous year; or
- c. a person who certified that the beneficiary lives with him, that he provides more than 50 percent of the beneficiary's support for the previous year and that he was not required to file an income tax return for the previous year.

Current Value—the value of an education savings account at a given point in time.

a. The current value of fixed earnings investment options includes the accumulated value of the principal deposited and earnings on deposits.

b. The current value of variable earnings investment options includes the number of units in the investment option purchased multiplied by the current value of each unit. This value may be more or less than the amount originally deposited.

Deposits—the actual amount of money received from an account owner for investment in a START K12 account. Deposits do not include earnings on deposits.

Disabled or Disability—an individual who is considered to be disabled because he/she is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. An individual shall not be considered disabled unless he furnishes proof of the existence thereof in such form and manner as the LATTA may require.

Educational Term—a semester, quarter, term, summer session, inter-session, or an equivalent unit.

Eligible Educational Institution—a public or approved nonpublic elementary or secondary school in Louisiana that contains any of the grades kindergarten through twelve.

False or Misleading Information—a statement or response made by a person, which is knowingly false or misleading, and made for the purpose of establishing a program account and/or receiving benefits to which the person would not otherwise be entitled.

Fixed Earnings—the placement of all deposits in a START K12 Account, including the interest earned thereon, in investments that normally provide a fixed rate of return for a specific period of time.

Legal Entity—juridical person including, but not limited to, groups, trusts, estates, associations, organizations, partnerships, and corporations that are incorporated, organized, established, or authorized to conduct business in accordance with the laws of one or more states or territories of the United States. A natural person is not a legal entity.

Louisiana Education Tuition and Savings Fund (the Fund)—is a special permanent fund maintained by the Louisiana state treasurer for the purpose of the START Saving Program and the START K12 Program and is the account into which all initial deposits made to START K12 Program accounts are deposited.

Louisiana Office of Student Financial Assistance (LOSFA)—the agency of state government responsible for administering the START K12 Program under the direction of the Louisiana Tuition Trust Authority.

Louisiana Resident—

a. any person who resided in the state of Louisiana on the date of the application and who has manifested intent to remain in the state by establishing Louisiana as legal domicile, as demonstrated by compliance with all of the following:

- i. if registered to vote, is registered to vote in Louisiana;
- ii. if licensed to drive a motor vehicle, is in possession of a Louisiana driver's license;
- iii. if owning a motor vehicle located within Louisiana, is in possession of a Louisiana registration for that vehicle;
- iv. if earning an income, has complied with state income tax laws and regulations;

b. a member of the Armed Forces stationed outside of Louisiana who claims Louisiana on his/her official DD Form 2058 as his/her legal residence for tax purposes, and is in compliance with state income tax laws and regulations, shall be considered eligible for program participation;

c. a member of the Armed Forces stationed in Louisiana under permanent change of station orders shall be considered eligible for program participation;

d. persons less than 21 years of age are considered Louisiana residents if they reside with and are dependent upon one or more persons who meet the above requirements;

e. a legal entity is considered to be a Louisiana resident if it is incorporated, organized, established or authorized to conduct business in accordance with the laws of Louisiana or registered with the Louisiana Secretary of State to conduct business in Louisiana and has a physical place of business in Louisiana.

Louisiana Tuition Trust Authority (LATTA)—the statutory body responsible for the administration of the START Saving Program.

Maximum Allowable Account Balance—\$180,000.

Member of the Family (with respect to the designated beneficiary)—

a. an individual who bears one of the following relationships to such beneficiary:

i. a son or daughter of the beneficiary, or a descendant of either;

ii. a stepson or stepdaughter of the beneficiary;

iii. a brother, sister, stepbrother, or stepsister of the beneficiary;

iv. the father or mother of the beneficiary, or an ancestor of either;

v. a stepfather or stepmother of the beneficiary;

vi. a son or daughter of a brother or sister of the beneficiary;

vii. a brother or sister of the father or mother of the beneficiary; or

viii. a son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the beneficiary; or

ix. a first cousin of the beneficiary; or

b. the spouse of an individual listed in Clauses a.i-viii.

Natural Person—a human being.

Other Person (with respect to any designated beneficiary)—any person, other than the beneficiary, whether natural or juridical, who is not a member of the family, including but not limited to individuals, groups, trusts, estates, associations, organizations, partnerships, corporations, and custodians under the Uniform Transfer to Minors Act (UTMA).

Owner's Agreement—the agreement for program participation that the account owner completes and signs. It incorporates, by reference, R.S. 17:3100.1 et seq., and the rules promulgated by the LATTA to implement this statutory provision and any other state or federal laws applicable to the agreement and the terms and conditions as set forth therein.

Person—a human being or a juridical entity.

Qualified Education Expenses—expenses for tuition in connection with enrollment or attendance at an elementary or secondary school in grades kindergarten through twelve.

Redemption Value—the cash value of the money in a START K12 Program account invested in a fixed earnings option that are attributable to the sum of the principal deposited and the earnings on principal authorized to be credited to the account by the LATTA, less any disbursements and refunds. The redemption value is not applicable to a START K12 Program account invested in variable earnings.

Refund Recipient—the person designated by the account owner in the START K12 Program owner's agreement or by operation of law to receive refunds from the account. The refund recipient can only be the account owner or the beneficiary.

START K12 Account—a savings account established by a natural person or a legal entity to pay qualified education expenses of the designated beneficiary.

Trade Date—the date that a deposit to an investment option that includes variable earnings is assigned a value in units, the date a disbursement or refund from an investment option that includes variable earnings is assigned a value, or the date of a change in investment options that includes variable earnings is assigned a value, whichever is applicable.

Tuition—the mandatory educational charge required as a condition of enrollment.

Variable Earnings—refers to that portion of funds in a START K12 Program account invested in equities, bonds, short-term fixed income investments or a combination of any of the three.

Variable Earnings Transaction Fund—the subaccount established within the Louisiana Education Tuition and Savings Fund to receive funds as directed by rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:

§709. START K12 Program Accounts

A. A START K12 Program account is established on behalf of a designated beneficiary to provide the funding for tuition necessary for the beneficiary to attend public or private school for any of kindergarten through twelfth grade.

1. The account owner classified under §711.A.1, 2, 3, and 4 shall designate the beneficiary in the owner's agreement.

2. The account owner classified under §711.A.5 may designate the beneficiary in the owner's agreement, provided the beneficiary is not a member of the account owner's family, or authorize the LATTA to select a beneficiary for the account.

3. A beneficiary selected by the LATTA must meet the following criteria:

a. the beneficiary is a Louisiana resident;

b. the federal adjusted income of the beneficiary's family is less than \$30,000 or the beneficiary is eligible for a free lunch under the Richard B. Russell National School Act (42 USC 1751 et seq.);

c. the beneficiary is not a member of the account owner's family nor a member of the family of any member or employee of the authority or LOSFA;

4. Procedure for Selection (Reserved)

B. Program Enrollment Period. An account may be opened and an eligible beneficiary may be enrolled at any time during the calendar year.

C. Completing the Owner's Agreement

1. This agreement must be completed in full by the account owner.

2. The account owner shall designate a beneficiary, except as provided in Paragraph A.2 above.

3. The account owner may designate a limited power of attorney to another person who would be authorized to act

on the account owner's behalf, in the event the account owner becomes incapacitated.

4. Transfer of account ownership is only permitted as set forth in §719.

D. Agreement to Terms. Upon executing an owner's agreement, the account owner agrees to the following statements.

1. Admission to a particular eligible educational institution—that participation in the START K12 Program does not guarantee that a beneficiary will be admitted to the beneficiary's eligible educational institution of choice.

2. Payment of qualified education expenses—that no more than \$10,000 may be withdrawn from a START K12 account annually and that this amount is not guaranteed to pay all qualified education expenses.

3. Maintenance of continuous enrollment—that once admitted to an eligible educational institution, participation in the START K12 Program does not guarantee that the beneficiary will be permitted to remain at the school throughout the beneficiary's kindergarten through twelfth grade education.

4. Guarantee of redemption value—that the LATTA does not guarantee the value of a START K12 Account that is invested in variable earnings.

5. Conditions for payment of qualified education expenses—that payments for qualified education expenses under the START K12 Program are conditional upon the beneficiary's enrollment at an eligible educational institution.

6. Fees

a. That fees imposed by investment institutions for opening or maintenance of variable earnings accounts may be charged to the account owner.

b. That financial and investment institutions may be authorized by the LATTA to offer prospective owners information and assistance in opening a START K12 account.

7. That an account whose owner is a legal entity or is classified under §711.A.5. cannot be terminated and the funds deposited in the account will not be refunded to the account owner.

8. That an account owner who is a legal entity or is classified under §711.A.5, can change the beneficiary of an account to one or more persons who are not members of the family of the beneficiary in accordance with §719.A.3.b, however, in such case:

a. these transfers may be treated as refunds under federal and state tax laws in which case the account owner will be subject to any associated tax consequences; and

b. the provisions of §709.A.2 shall apply to account owners classified in accordance with §711.A.5.

9. Only the account owner or the beneficiary may be designated to receive refunds from the account owned by an account owner who is a natural person other than a natural person classified as an account owner under §711.A.5. In the event of the death of the account owner when the account owner is designated to receive the refund and there is no substitute account owner named, the refund shall be made to the account owner's estate.

10. That in the event an account owner who is a legal entity classified as an account owner under §711.A.3 or 4 is dissolved, the beneficiary will become the owner of the account.

11. No refunds shall be paid to account owner classified under §711.A.5. If such an account is terminated by the LATTA in accordance with §717.E, the beneficiary shall become the owner of the account, provided that, all the rights and restrictions provided in law and these rules regarding account owners classified under §711.A.5, including, but not limited to, use of the funds, refunds, terminations, designation of beneficiary, etc., shall be applicable to the beneficiary that becomes the owner of such an account. If an account owner classified under §711.A.5 dies or is dissolved and the beneficiary has died or failed to graduate high school by age 21, and no substitute beneficiary has been designated by the account owner, the authority shall designate a new beneficiary who must meet the requirements of §709.A.3 and §711.A.5.

E. Acceptance of the Owner's Agreement

1. A properly completed and submitted owner's agreement will be accepted upon receipt.

2. Upon acceptance of the owner's agreement, the LATTA will establish the account of the named beneficiary.

F. Citizenship Requirements. Both an account owner who is not a legal entity and the beneficiary must meet the following citizenship requirements:

1. be a United States citizen; or

2. be a permanent resident of the United States as defined by the U.S. Citizenship and Immigration Services (USCIS) or its successor and provide copies of USCIS documentation with the submission of the owner's agreement; or

3. be lawfully residing in the United States and have a valid Social Security number.

G. Residency Requirements

1. On the date an account is opened, either the account owner or his designated beneficiary must be a *Louisiana resident*, as defined in §707 of these rules.

2. The LATTA may request documentation to clarify circumstances and formulate a decision that considers all facts relevant to residency.

H. Providing Personal Information

1. The account owner is required to disclose personal information in the owner's agreement, including:

a. his Social Security number;

b. the designated beneficiary's Social Security number;

c. the beneficiary's date of birth;

d. the familial relationship between the account owner and the designated beneficiary, if any;

e. the account owner's prior year's federal adjusted gross income as reported to the Internal Revenue Service; and

f. in the case of an account owner classified under §711.A.5:

i. the Social Security number of the beneficiary's family and authorization from that person for the LATTA to access his annual tax records through the Louisiana Department of Revenue, for the purpose of verifying federal adjusted gross income; and

ii. if applicable, proof that the beneficiary is a ward of the court; or

iii. if applicable, proof the beneficiary is eligible for a free lunch under the Richard B. Russell National School Act (42 USC 1751 et seq.).

2. By signing the owner's agreement, the account owner who is classified under §711.A.1 or 2 (does not include legal entities or other persons classified as account owners under §711.A.5) provides written authorization for the LATTA to access his annual tax records through the Louisiana Department of Revenue, for the purposes of verifying federal adjusted gross income.

3. By signing the owner's agreement:

a. the account owner who is a natural person, other than a natural person classified as an account owner under §711.A.5, certifies that:

i. both account owner and beneficiary are United States citizens or permanent residents of the United States as defined by the U.S. Citizenship and Immigration Services (USCIS) or its successor or be lawfully residing in the United States and have a valid Social Security number; and

(a). if permanent residents have provided copies of USCIS documentation with the submission of the application and owner's agreement; or

(b). if in the United States lawfully with a valid Social Security number have provided the visa or other document(s) from the USCIS evidencing lawful residency and a copy of the Social Security card from the Social Security Administration; and

ii. the information provided in the application is true and correct;

b. the person signing on behalf of an account owner who is a legal entity certifies that:

i. the account owner is a *legal entity* as defined in rule and the application;

ii. he or she is the designated agent of the legal entity;

iii. he or she is authorized to take any action permitted the account owner;

iv. the account owner acknowledges and agrees that once funds are deposited in a START account, neither the deposits nor the interest earned thereon can be refunded to the account owner;

v. the information provided in the application is true and correct; and

vi. if the beneficiary is not a Louisiana resident, the legal entity fulfills the definition of *Louisiana resident* as found in rule and the application;

c. the natural person classified as an account owner under §711.A.5 certifies that:

i. the beneficiary is a Louisiana resident;

ii. the federal adjusted income of the beneficiary's family is less than \$30,000 or the beneficiary is eligible for a free lunch under the Richard B. Russell National School Act (42 USC 1751 et seq.);

iii. the beneficiary is not a member of the account owner's family nor a member of the family of any member or employee of the authority or LOSFA;

iv. the account owner acknowledges and agrees that once funds are deposited in a START account, neither the deposits nor the interest earned thereon can be refunded to the account owner; and

v. the information provided in the application is true and correct.

4. Social Security numbers and federal and state employer identification numbers will be used for purposes of federal and state income tax reporting and to access

individual account information for administrative purposes (see §721).

I. Number of Accounts for a Beneficiary. There is no limit on the number of START K12 accounts that may be opened for one beneficiary by different account owners; however, the cumulative credits in all accounts for the same beneficiary may not exceed the maximum allowable account balance for that beneficiary and the cumulative credits in all START K12 accounts for the same beneficiary will be used to determine when these accounts are fully funded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:

§711. Account Owner Classifications

A. An account owner shall be classified by the authority under one of the following classifications:

1. a person or persons determined by the authority to be the parent, grandparent, or court ordered custodian of the person being designated as beneficiary of the account or who claim the person being designated as beneficiary as a dependent on their federal income tax return, and, at the time of the initiation of the agreement, the person or beneficiary is a resident of the state; or

2. a person determined by the authority to be a member of the family of the beneficiary and, at the time of the initiation of the agreement, the person or the beneficiary is a resident of the state; or

3. any other person and, at the time of the initiation of the agreement, the beneficiary is a resident of the state; or

4. any other person who, at the time of the initiation of the agreement, is a resident of the state and the beneficiary is not a resident of the state;

5. any other person or any government entity, and at the time of the initiation of the agreement:

a. the beneficiary is a resident of the state;

b. the federal adjusted income of the beneficiary's family is less than \$30,000 or the beneficiary must be eligible for a free lunch under the Richard B. Russell National School Act (42 USC 1751 et seq.);

c. the beneficiary is not a member of the account owner's family nor a member of the family of any member or employee of the authority or LOSFA;

d. the deposits to the account are an irrevocable donation by the owner.

B. In order to qualify as an account owner in any classification, a natural person, to include an independent student, must be of the age of majority under Louisiana law.

C. Account owner classification is made at the time of the initiation of the agreement. Changes in the residency of the account owner or beneficiary after the initiation of the agreement do not change the account owner's classification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:

§713. Deposits to Education Savings Accounts

A. Application Fee and Initial Deposit Amount

1. No application fee will be charged to participants applying for a START K12 account directly to the LATTA.

2. Financial and investment institutions may be authorized by the LATTA to offer assistance in establishing a START K12 account. (See *fees* in §709.D.6.)

3. An initial deposit is not required to open an START K12 account; however, a deposit of at least \$10 must be made within 180 days from the date on the letter of notification of approval of the account.

4. A lump sum deposit may not exceed the maximum allowable account balance (see §707).

B. Deposit Options

1. The account owner shall select one of the following deposit options during the completion of the owner's agreement; however, the account owner may change the monthly deposit amount at any time and the payment method by notifying the LATTA:

a. occasional lump sum payment(s) made directly to the LATTA or to a LATTA-approved investment institution;

b. monthly payments made directly to the LATTA or to a LATTA-approved financial or investment institution;

c. automatic account debit, direct monthly transfer from the account owner's checking or savings account to the LATTA or a LATTA-approved investment institution;

d. payroll deduction, if available through the account owner's employer.

2. Account owners are encouraged to maintain a schedule of regular monthly deposits.

C. Limitations on Deposits

1. All deposits must be rendered in amounts of at least \$10 and must be made in cash, check, money order, automatic account debit or payroll deduction, defined as any of the deposit options listed in §713.B.1.

2. Once the cumulative contributions and earnings on contributions has reached or exceeded the maximum allowable account balance (see §707), principal deposits will no longer be accepted to the account until a qualified distribution is made which reduces the account balance below the maximum allowable account balance.

D. Investment Options

1. The state treasurer shall select fixed earnings and variable earnings investment options.

2. The authority shall furnish each account owner with information that discloses each of the investment options offered by the program.

3. The account owner shall select the investment options in completing the owner's agreement, and

4. The investment option may be changed two times each calendar year.

5. Once a selection is made, all deposits shall be directed to the last investment option selected.

E. Effective Date of Deposits

1. Deposits for investment options that are limited to fixed earnings will be considered to have been deposited on the date of receipt.

2. Deposits for investment options that include variable earnings will be assigned a trade date based on the method of deposit and the date of receipt.

a. Deposits by check will be assigned a trade date three business days after the business day during which they were received.

b. Deposits made by electronic funds transfer through the Automated Clearing House (ACH) Network, or its successor, will be assigned a trade date of three business days after the business day during which they were received.

c. Deposits made by all other means of electronic funds transfer, including deposits made by transferring funds from a variable earnings option in which they are currently deposited to another option, will be assigned a trade date of one business day after the business day during which they were received.

3. Deposits for investment options that include variable earnings which are received via check or electronic funds transfer through the Automated Clearing House Network will be deposited into the fixed earnings option until the trade date. Earnings accrued on these deposits prior to the trade date shall be deposited in the Variable Earnings Transaction Fund.

4. Deposits received on weekends and holidays will be considered received on the next business day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:

§715. Disbursement of Account Funds for Payment of Qualified Education Expenses of a Beneficiary

A. Request for Disbursement

1. For each term the account owner intends to fund the beneficiary's qualified education expenses, the account owner shall submit a request for disbursement.

2. The request for disbursement must include:

a. the START K12 account number;

b. the account owner's name, address, Social Security number and signature (may be electronic);

c. the beneficiary's name, address, and Social Security number;

d. the amount to be disbursed and to whom; and

e. the name and address of the eligible educational institution.

3. In the event funds are invested in more than one investment option, the disbursement shall be made proportionally from each investment option in the account.

4. If there is more than one account with the same beneficiary, each account owner requesting a disbursement must complete a request for disbursement and the disbursements shall be made from each account, in turn, in the order the disbursement requests were received.

B. Disbursements from all accounts with the same beneficiary shall not exceed \$10,000 in one calendar year.

C. Disbursements shall be made to the account owner. If LOSFA determines that the beneficiary is not enrolled in an eligible educational institution during the semester or term for which the disbursement was intended, LOSFA shall notify the account owner that the disbursement will constitute a refund for state and federal income tax purposes unless returned to the START K12 account. If the disbursement is not returned to the account within 60 days of the original notice, LOSFA, in the authority's sole discretion, may refund any balance remaining thereafter and close the account.

7. Disbursements from investment options with variable earnings shall be assigned a trade date of one business day after the business day of receipt of the transfer request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:

§717. Termination, Refund, and Rollovers of a START K12 Account

A. Account Termination

1. The account owner who is a natural person, other than a natural person classified as an account owner under §711.A.5, may terminate an account at any time.

2. The LATTA may terminate an account in accordance with this Subsection, §717.D or §717.E.

3. The LATTA may terminate an account if no deposit of at least \$10 has been made within 180 days from the date on the letter of notification of approval of the account.

4. The LATTA may terminate an account if the beneficiary dies and a new beneficiary is not named within 60 days of the death.

5. The LATTA may terminate an account if the beneficiary becomes disabled and a new beneficiary is not named by the time the beneficiary who has become disabled reaches age 21.

6. The account owner who is a legal entity or is classified under §711.A.5, may not terminate an account; however, the account owner who is a legal entity or is classified under §711.A.5 may designate a substitute beneficiary in accordance with §719.A.3.b.

B. Refunds

1. A partial refund of an account may only be made as described in §717.E.3.

2. All other requests for refund may result in the termination of the account and in the refund of:

a. the deposits invested in fixed earnings, if the account has been open for less than 12 months;

b. the redemption value, if the account has been open for 12 or more months;

c. the deposits to or the current value of an account invested in a variable earnings option, whichever is less. Any increase in the value of an account invested in a variable earnings option over the amount deposited shall be forfeited by the account owner and deposited in the Variable Earnings Transaction Fund, if the account was invested in a variable earnings option and terminated within 12 months of the date the account was opened;

d. the current value of an account invested in variable earnings, if the account has been open for 12 or more months.

3. No refunds shall be made to an account owner who is a legal entity classified under §711.A.3 or 4. If an account owned by a legal entity classified as an account owner under §711.A.3 or 4 is terminated by the LATTA or by the account owner in accordance with §717.D or E, the refund will be made to the beneficiary or to the estate of the beneficiary if no substitute beneficiary has been designated by the account owner.

4. No refunds shall be paid to account owner classified under §711.A.5. If such an account is terminated by the LATTA in accordance with §717.E, the beneficiary shall become the owner of the account, provided that, all the rights and restrictions provided in law and these rules regarding account owners classified under §711.A.5, including, but not limited to, use of the funds, refunds, terminations, designation of beneficiary, etc., shall be applicable to the beneficiary that becomes the owner of such

an account. If an account owner classified under §711.A.5 dies or is dissolved and the beneficiary has died or failed to graduate high school by age 21, and no substitute beneficiary has been designated by the account owner, the authority shall designate a new beneficiary who must meet the requirements of §709.A.3 and §711.A.5.

5. Refunds from investment options with variable earnings shall be assigned a trade date of one business day after the business day of receipt.

C. Designation of a Refund Recipient

1. In the owner's agreement, the account owner who is a natural person, except one who is classified under §711.A.5, may designate himself or the beneficiary to receive refunds from the account.

2. Refunds of interest earnings will be reported as income to the individual receiving the refund for both federal and state tax purposes.

3. The beneficiary of an account owned by a legal entity classified as an account owner under §711.A.3 or 4 is automatically designated as the refund recipient.

5. Funds in an account classified under §711.A.5 shall not be refunded.

D. Involuntary Termination of an Account with Penalty

1. The LATTA may terminate an owner's agreement if it finds that the account owner provided false or misleading information (see §707).

2. If the LATTA terminates an owner's agreement under this Section, all interest earnings on principal deposits may be withheld and forfeited, with only principal being refunded.

3. An individual who obtains program benefits by providing false or misleading information will be prosecuted to the full extent of the law.

E. Voluntary Termination of an Account

1. Refunds shall be equal to the redemption value of the START K12 account at the time of the refund, and shall be made to the person designated in the owner's agreement or by rule.

2. The person receiving the refund shall be responsible for any state or federal income tax that may be payable due to the refund.

3. Except for accounts classified in accordance with §711.A.5, accounts may be terminated and fully refunded for the following reasons:

a. the death of the beneficiary in which case the refund shall be equal to the redemption value of the account and shall be made to:

i. the account owner, if the account owner is a natural person; or

ii. the beneficiary's estate, if the account owner is a legal entity;

b. the disability of the beneficiary, in which case the refund shall be equal to the redemption value of the account and shall be made to:

i. the account owner or the beneficiary, as designated in the owner's agreement, if the account owner is a natural person; or

ii. the beneficiary, if the account owner is a legal entity;

c. the beneficiary receives a scholarship, waiver of tuition, or similar subvention that the LATTA determines cannot be converted into money by the beneficiary, to the

extent the amount of the refund does not exceed the amount of the scholarship, waiver of tuition, or similar subvention awarded to the beneficiary. In such case, the refund shall be equal to the scholarship, waiver of tuition, or similar subvention that the LATTA determines cannot be converted into money by the beneficiary, or the redemption value, whichever is less, and shall be made to:

i. the account owner or the beneficiary, as designated in the owner's agreement, if the account owner is a natural person; or

ii. the beneficiary, if the account owner is a legal entity.

4. Refunds made under this §717.E.3 are currently exempt from additional federal taxes.

F. Effective Date of Account Termination. Account termination shall be effective at midnight on the business day on which the request for account termination and all supporting documents are received. Accounts will be credited with interest earned on principal deposits through the effective date of the closure of the account.

G. Refund Payments. Payment of refunds for voluntary termination under §717.E or partial refunds of accounts pursuant to §717.E.3 shall be made within 30 days of the date on which the account was terminated. The termination refund shall consist of the principal remaining in the account and interest remaining in the account accrued on the principal through the end of the calendar year preceding the year in which the request to terminate an account is made. Interest earned in excess of \$10 during the calendar year of termination will be refunded within 45 days of the date the state treasurer announces the interest rate for the preceding calendar year. Interest earned of \$10 or less during the calendar year of termination will be forfeited to the Louisiana Education and Tuition Savings Fund.

H. Rollovers

1. Rollovers among START K12 Accounts of the Same Account Owner. An account owner may rollover any part or all of the value of an START K12 account to another START K12 account if the beneficiary of the account receiving the funds is a member of the family of the beneficiary of the original account.

2. Rollover to a START Saving Program Account. In the event funds remain in a START K12 account after all qualified education expenses for enrollment in kindergarten through twelfth grade have been paid, an account owner classified under §711.A.1, 2, 3, 4, or 5 may rollover any remaining funds to a START Saving Program Education Savings Account (ESA) for use by the beneficiary in an eligible postsecondary institution.

3. Rollover to another Qualified Tuition Program. An account owner may request a rollover of the current value of the account to another qualified tuition program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:

§719. Substitution, Assignment, and Transfer

A. Substitute Beneficiary. The beneficiary of a START K12 account may be changed to a substitute beneficiary provided the account owner completes a beneficiary substitution form and the following requirements are met:

1. the substitute beneficiary is a member of the family as defined under §707;

2. the substitute beneficiary meets the citizen/resident alien requirements of §709.F, and, if the account owner is a nonresident of the state of Louisiana, the substitute beneficiary meets the applicable residency requirements (see §709.G);

3. if the substitute beneficiary is not a member of the family of the previous beneficiary:

a. and the account owner is a natural person classified under §711.A.1-4, the account must be refunded to the account owner and a new account must be opened;

b. and the account owner is a legal entity classified under §711.A.3 or 4, a new account shall be opened in the name of the new beneficiary. These transfers may be treated as refunds under federal and state tax laws in which case the account owner will be subject to any associated tax consequences; and

c. and the account owner is classified under §711.A.5, a new account shall be opened in the name of the new beneficiary only if the beneficiary meets all the requirements of §711.A.5; and

i. these transfers may be treated as refunds under federal and state tax laws in which case the account owner will be subject to any associated tax consequences; and

ii. the provisions of §709.A.2 shall apply to account owners classified in accordance with §711.A.5.

B. Substitution/Transfer of Account Ownership. The ownership of an START K12 account is transferable only with the written approval of the LATTA and only as follows.

1. The account owner who is a natural person, other than a natural person classified as an account owner under §711.A.5, may designate a person who will become the substitute account owner in the event of the original account owner's death.

2. In the event of the death of an account owner who is a natural person, other than a natural person classified as an account owner under §711.A.5, who has not named a substitute account owner, the account shall be terminated and the account shall be refunded to the beneficiary, if designated to receive the refund by the account owner, or the account owner's estate.

3. An account owner who is a legal entity classified under §711.A.3 or 4 may indicate in the owner's agreement that upon the beneficiary's graduation from high school, the account shall be rolled over into a START Saving ESA and ownership of the ESA shall be transferred to the beneficiary of the account upon his 18th birthday, or upon his enrollment in an eligible postsecondary institution full time, whichever is later. If the account owner transfers the account in accordance with this section, disbursements may only be made for payment of the qualified higher education expenses of the beneficiary.

4. In the event of the dissolution of an account owner who is a legal entity classified as an account owner under §711.A.3 or 4, the beneficiary shall become the substitute account owner. If the account owner who is a legal entity classified as an account owner under §711.A.3 or 4 is dissolved, the beneficiary designated to receive the refund has died, and there is no substitute beneficiary named, the refund shall be made to the beneficiary's estate.

5. No refunds shall be paid to account owner classified under §711.A.5. If such an account is terminated by the LATTA in accordance with §717.E, the beneficiary

shall become the owner of the account, provided that, all the rights and restrictions provided in law and these rules regarding account owners classified under §711.A.5, including, but not limited to, use of the funds, refunds, terminations, designation of beneficiary, etc., shall be applicable to the beneficiary that becomes the owner of such an account. If an account owner classified under §711.A.5 dies or is dissolved and the beneficiary has died or failed to graduate high school by age 21, and no substitute beneficiary has been designated by the account owner, the authority shall designate a new beneficiary who must meet the requirements of §709.A.3 and §711.A.5..

C. Assignment of Account Ownership. Ownership of an START K12 account cannot be assigned.

D. Changes to the Owner's Agreement

1. The account owner may request changes to the owner's agreement.

2. Changes must be requested in writing and be signed by the account owner.

3. Changes, if accepted, will take effect as of the date the notice is received by the LATTA.

4. The LATTA shall not be liable for acting upon inaccurate or invalid data which was submitted by the account owner.

5. The account owner will be notified by the LATTA in writing of any changes affecting the owner's agreement which result from changes in applicable federal and state statutes and rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:

§721. Miscellaneous Provisions

A. Account Statements and Reports

1. The LATTA will forward to each account owner an annual statement of account which itemizes the:

a. date and amount of deposits and interest earned during the prior year; and

b. total principal and interest accrued to the statement date; and

2. The account owner must report errors on the annual statement of account to the LATTA within 60 days from the date on the account statement or the statement will be deemed correct.

B. Earned Interest

1. Interest earned on principal deposits during a calendar year will be credited to accounts and reported to account owners after the conclusion of the calendar year in which the interest was earned.

2. The rate of interest earned shall be the rate of return earned on the fund as reported by the state treasurer and approved by the LATTA.

C. Refunded Amounts

1. Interest earned on a START K12 account which is refunded to the account owner or beneficiary will be taxable for state and federal income tax purposes.

2. No later than January 31 of the year following the year of the refund, the LATTA will furnish the State Department of Revenue, the Internal Revenue Service and the recipient of the refund an Internal Revenue Service Form 1099, or whatever form is appropriate according to applicable tax codes.

D. Rule Changes. The LATTA reserves the right to amend the rules regulating the START K12 Program's policies and procedures; however, any amendments to rules affecting participants will be published in accordance with the Administrative Procedure Act.

E. Determination of Facts. The LATTA shall have sole discretion in making a determination of fact regarding the application of these rules.

F. Individual Accounts. The LATTA will maintain an individual account for each beneficiary, showing the redemption value of the account.

G. Confidentiality of Records. All records of the LATTA identifying account owners and designated beneficiaries of START K12 accounts, amounts deposited, expended or refunded, are confidential and are not public records.

H. No Investment Direction. No account owner or beneficiary of a START K12 account may direct the investment of funds credited to an account, except to make an annual election among investment options that offer fixed earnings, variable earnings or both. Deposits will be invested on behalf of the START K12 Program by the state treasurer.

I. No Pledging of Interest as Security. No interest in an START K12 account may be pledged as security for a loan.

J. Excess Funds

1. Principal deposits to an START K12 account are no longer accepted once the account total reaches the maximum allowable account balance (see §713.C); however, the principal and interest earned thereon may continue to earn interest.

2. Funds in excess of the maximum allowable account balance may remain in the account and continue to accrue interest and may be disbursed in accordance with §715, or will be refunded in accordance with §717 upon termination of the account.

K. Withdrawal of Funds. Funds may not be withdrawn from an START K12 ACCOUNT except as set forth in §715 and §717.

L. NSF Procedure

1. A check received for deposit to an START K12 ACCOUNT which is returned due to insufficient funds in the owner's account on which the check is drawn, will be redeposited and processed a second time by the START K12 Program's financial institution.

2. If the check is returned due to insufficient funds a second time, the check will be returned to the depositor.

3. Earnings reported by the state treasurer on deposits made by check or an ACH transfer which is not honored by the financial institution on which it was drawn subsequent to the trade date shall be forfeited by the account owner and deposited into the Variable Earnings Transaction Fund.

M. Effect of a Change in Residency. On the date an account is opened, either the account owner or beneficiary must be a resident of the state of Louisiana (see §709.G); however, if the account owner or beneficiary, or both, temporarily or permanently move to another state after the account is opened, they may continue participation in the program in accordance with the terms of the owner's agreement.

N. Abandoned Accounts. Abandoned accounts will be defined and treated in accordance with R.S. 9:151 et seq., as amended, the Louisiana Uniform Unclaimed Property Act.

O. Investment in Variable Earnings. When an account owner selects a variable earnings account, up to 100 percent of the deposits may be invested in equity securities.

P. Variable Earnings Transaction Fund

1. Monies in the Variable Earnings Transaction Fund shall be used to pay any charges assessed to the START K12 Program by a financial institution and to pay any loss of value between the purchase and redemption of units in a variable earnings option that are incurred when a check or ACH transfer is dishonored after the trade date by the financial institution on which it was drawn.

2. After the payment of expenses as provided in Paragraph 1, above, the LATTA may declare monies remaining in the Variable Earnings Transaction Fund as surplus..

AUTHORITY NOTE: Promulgated in accordance with 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:

Robyn Rhea Lively
Senior Attorney

1807#007

DECLARATION OF EMERGENCY

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

**Disproportionate Share Hospital Payments
Major Medical Centers
Specialized Burn Care Units
(LAC 50:V.2717)**

The Department of Health, Bureau of Health Services Financing adopts LAC 50:V.2717 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.

The Department of Health, Bureau of Health Services Financing has determined that it is necessary to amend the provisions governing disproportionate share hospital (DSH) payments for major medical centers in order to establish qualification criteria and a DSH payment methodology for large private hospitals located in the southwestern area of the state (LDH Region 4) which provide specialized intensive care burn units. This action is being taken to promote the health and welfare of Medicaid recipients by maintaining recipient access to intensive burn care and other tertiary inpatient and outpatient services. It is estimated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by approximately \$12,110,817 for state fiscal year 2017-2018.

Effective June 30, 2018, the Department of Health, Bureau of Health Services Financing amends the provisions governing DSH payments to major medical centers in southwest Louisiana.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 3. Disproportionate Share Hospital Payments

Chapter 27. Qualifying Hospitals

§2717. Major Medical Centers with Specialized Burn Care Units Located in Southwestern Area of the State

A. Effective for dates of service on or after June 30, 2018, hospitals qualifying for payments as major medical centers located in the southwestern area of the state shall meet the following criteria:

1. be a private, non-rural hospital located in Department of Health administrative region 4;

2. have at least 175 inpatient beds as reported on the Medicare/Medicaid cost report, Worksheet S-3, column 2, lines 1-18, for the state fiscal year ending June 30, 2017. For qualification purposes, inpatient beds shall exclude nursery and Medicare-designated distinct part psychiatric unit beds;

3. have a burn intensive care unit that is reported on Medicare/Medicaid cost report, Worksheet S-3, line 10, columns 1-8, for the state fiscal year ending June 30, 2017;

4. does not qualify as a Louisiana low-income academic hospital under the provisions of §3101; and

5. does not qualify as a party to a low income and needy care collaboration agreement with the Department of Health under the provisions of §2713.

B. Payment Methodology. Effective for dates of service on or after June 30, 2018, each qualifying hospital shall be paid a DSH adjustment payment which is the pro rata amount calculated by dividing their hospital specific allowable uncompensated care costs by the total allowable uncompensated care costs for all hospitals qualifying under this category and multiplying by the funding appropriated by the Louisiana Legislature in the applicable state fiscal year for this category of hospitals.

1. Costs, patient specific data and documentation that qualifying criteria is met shall be submitted in a format specified by the department.

2. Costs and lengths of stay shall be reviewed by the department for reasonableness before payments are made.

3. Aggregate DSH payments for hospitals that receive payment from this category, and any other DSH category, shall not exceed the hospital's specific DSH limit. If payments calculated under this methodology would cause a hospital's aggregate DSH payment to exceed the limit, the payment from this category shall be capped at the hospital's specific DSH limit.

4. A pro rata decrease, necessitated by conditions specified in §2501.B.1 above for hospitals described in this Section, will be calculated based on the ratio determined by dividing the hospital's uncompensated costs by the uncompensated costs for all of the qualifying hospitals described in this Section, then multiplying by the amount of disproportionate share payments calculated in excess of the federal DSH allotment.

a. Additional payments shall only be made after finalization of the Centers for Medicare and Medicaid Services' (CMS) mandated DSH audit for the state fiscal year.

b. Payments shall be limited to the aggregate amount recouped from the qualifying hospitals described in this Section, based on the reported DSH audit results.

c. If the hospitals' aggregate amount of underpayments reported per the audit results exceeds the aggregate amount overpaid, the payment redistribution to underpaid hospitals shall be paid on a pro rata basis calculated using each hospital's amount underpaid, divided by the sum of underpayments for all of the hospitals described in this Section.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 44:

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 Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele 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.

Rebekah E. Gee MD, MPH
Secretary

1807#010

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Healthcare Services Provider Fees Emergency Ground Ambulance and Hospital Provider Fees (LAC 48:I.4001)

The Department of Health, Bureau of Health Services Financing amends LAC 48:I.4001 in the Medical Assistance Program as authorized by R.S. 36:254 and R.S. 46:2625. 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.

House Concurrent Resolution (HCR) 6 of the 2018 Regular Session of the Louisiana Legislature enacted an annual hospital stabilization formula and directed the Department of Health, Bureau of Health Services Financing to calculate, levy and collect an assessment for each assessed hospital, with the exception of facilities prohibited from participating in the Medicare Program. In addition, Act 272 of the 2018 Regular Session of the Louisiana Legislature directed the department to increase provider fees for emergency ground ambulance service providers. This Emergency Rule is being promulgated to amend the provisions governing provider fees for emergency ground ambulance and hospital services providers in order to comply with HCR 6 and Act 272.

This action is being taken to avoid a budget deficit in the Medical Assistance Program. It is estimated that implementation of this Emergency Rule will increase collections by the department by approximately \$6,146,480 for state fiscal year 2018-2019.

Effective July 1, 2018, the Department of Health, Bureau of Health Services Financing amends the provisions governing provider fees for emergency ground ambulance and hospital services providers.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 1. General

Chapter 40. Provider Fees

§4001. Specific Fees

A. - D. ...

E. Emergency Ground Ambulance Services. Effective August 1, 2016, a fee shall be imposed on emergency ground ambulance service providers in accordance with R.S. 46:2626.

1. - 3. ...

a. the maximum fee allowable in any year shall not exceed the percentage of net patient service revenues permitted by federal regulation pursuant to 42 CFR 433.68 as determined by the department, as reported by the provider and subject to audit for the previous fiscal year of the provider. The department will arrive at net patient services revenue by using net operating revenue as defined in R.S. 46:2626.

4. ...

F. Hospital Services

1. - 4. ...

5. No licensed facility which is prohibited from participating in the Medicare Program set forth in 42 U.S.C. 1396, shall be assessed or levied any fee for the hospital stabilization authorized in Article VII, Section 10.13 of the Constitution of Louisiana. This provision is specifically subject to the approval of any waiver required by the Centers for Medicare and Medicaid Services and approval by the Louisiana Department of Health.

AUTHORITY NOTE: Promulgated in accordance with Chapter 45 of Title 46 as enacted in 1992, 46:2601-2605, redesignated as Chapter 47 of Title 46, containing R.S. 46:2621 to 46:2625 and P.L. 102-234.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 19:347 (March 1993), amended LR 20:51 (January 1994), LR 26:1478 (July 2000), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:100 (January 2007), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1887, 1888 (November 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 43:73 (January 2017), repromulgated LR 43:323 (February 2017), amended LR 44:1015 (June 2018), LR 44:

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 Jen Steele, Bureau of Health Services Financing, P.O. Box

91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele 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.

Rebekah E. Gee MD, MPH
Secretary

1807#009

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Medicaid Program Repeal of Reimbursement Rate Reductions and Program and Services Terminations

The Department of Health, Bureau of Health Services Financing hereby rescinds the July 1, 2018 Emergency Rules implementing reimbursement rate reductions and program and services terminations in the Medical Assistance Program as authorized by R.S. 36:254. These Emergency Rules were adopted on May 7, 2018, published in the major daily newspapers and the May 20, 2018 edition of the *Louisiana Register*. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, the Office for Citizens with Developmental Disabilities, and the Office of Behavioral Health adopted provisions which reduced the reimbursement rates for designated services and terminated certain programs and services covered in the Medicaid Program (*Louisiana Register*, Volume 44, Number 5). The department has now determined that it is necessary to rescind all of the July 1, 2018 Emergency Rules which reduced the Medicaid reimbursement rates for designated services and terminated certain programs and services. Effective immediately, upon adoption of this Emergency Rule, the department shall return to the provisions in place governing these services and programs in the *Louisiana Administrative Code*.

Effective June 16, 2018, the Department of Health, Bureau of Health Services Financing rescinds the following Emergency Rules which were published in the May 20, 2018 edition of the *Louisiana Register* on pages 895-904:

1. Adult Behavioral Health Services—Termination of Community Psychiatric Support and Treatment Services and Psychosocial Rehabilitation Services (LAC 50:XXXIII.Chapters 63 and 65);
2. Ambulatory Surgical Centers (LAC 50:XI.Chapter 75);
3. Behavioral Health Services—Elimination of Outpatient Substance Use Disorders Services (LAC 50:XXXIII.14101, 14303 and 14501);
4. Disproportionate Share Hospital Payments (LAC 50:V.2707 and 3103);
5. Medicaid Eligibility—Medically Needy Program Termination (LAC 50:III.939 and 2313);

6. Medicaid Eligibility—Provisional Medicaid Program Termination (LAC 50:III.2305);

7. Medicaid Eligibility—Special Income Level Eligibility Termination;

8. Nursing Facilities—Reimbursement Methodology (LAC 50:II.20001);

9. Nursing Facilities—Reimbursement Methodology - Leave of Absence Days (LAC 50:II.10147 and 20021); and

10. Pediatric Day Health Care Program Termination (LAC 50:XV.Chapters 275-281).

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

Rebekah E. Gee MD, MPH
Secretary

1807#001

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Nursing Facilities—Reimbursement Methodology Transition of Private Facilities to State-Owned or Operated Facilities through Change of Ownership (LAC 50:II.20023 and 20024)

The Department of Health, Bureau of Health Services Financing amends LAC 50:II.20023 and adopts LAC 50:II.20024 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.

In compliance with the directives of Act 933 of the 2010 Regular Session of the Louisiana Legislature, the Department of Health, Bureau of Health Services Financing currently provides reimbursement for the transition of a state-owned or operated nursing facility to a private nursing facility.

As a result of a budgetary shortfall in state fiscal year 2018-2019, the department has now determined that it is necessary to amend the provisions governing the reimbursement methodology for nursing facilities in order to adopt provisions governing the transition of a private nursing facility to a state-owned or operated nursing facility through a change of ownership. This action is being taken to avoid a budget deficit in the Medical Assistance Program. It is estimated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by approximately \$793,946 initially, but will result in a net cost avoidance for state fiscal year 2018-2019 which will be realized in state fiscal year 2019-2020.

Effective July 5, 2018, the Department of Health, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for nursing facilities.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part II. Nursing Facilities
Subpart 5. Reimbursement
Chapter 200. Reimbursement Methodology
§20023. Transition of State-Owned or Operated Nursing Facility to a Private Facility

A. - D.7. ...

E. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:903 (March 2011), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§20024. Transition of Private Nursing Facility to a State-Owned or Operated Nursing Facility through a Change of Ownership

A. Any private nursing facility that undergoes a change of ownership (CHOW) to a state-owned or operated nursing facility will be exempt from the prospective reimbursement system for public nursing facilities during the transitional period.

1. The transitional period will be effective from the date of the CHOW until the July 1 rate setting period following when the state-owned or operated nursing facility has an audited or reviewed 12 month or greater cost reporting period available for use in rate setting.

2. After the transitional period, the nursing facility will be reimbursed pursuant to the requirements of the prospective reimbursement system for public nursing facilities.

B. Effective for dates of service on or after July 5, 2018, the reimbursement amount paid to a public nursing facility during the transitional period shall be as follows:

1. Public nursing facilities transitioning from private ownership shall receive a monthly interim payment based on occupancy, which shall be a per diem rate of \$365.68.

2. For each cost reporting period ending during the transitional period a cost settlement process shall be performed. The cost settlement process shall ensure that Medicaid reimbursement for each public nursing facility transitioning from private ownership is equal to 100 percent of the nursing facility's Medicaid allowable cost for the applicable cost reporting period.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 44:

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.

Public Comments

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

Rebekah E. Gee MD, MPH
Secretary

1807#019

DECLARATION OF EMERGENCY

**Department of Health
Office of Public Health**

Added Controlled Dangerous Substances
(LAC 46:LIII.2704)

The Department of Health, Office of Public Health (LDH/OPH), pursuant to the rulemaking authority granted to the Secretary of LDH by R.S. 40:962(C) and (H), hereby adopts the following Emergency Rule for the protection of public health. This Rule is being promulgated in accordance with the Administrative Procedure Act (R.S. 49:950, et seq.), effective June 27, 2018, and shall remain in effect for the maximum period allowed under the Act or until adoption of a final Rule, whichever occurs first.

Based on the criteria, factors, and guidance set forth in R.S. 40:962(C) and 40:963, the Secretary, under this rulemaking, has determined that the below listed substances have a high potential for abuse and should be scheduled as controlled dangerous substances to avoid an imminent peril to the public health, safety, or welfare. In reaching the decision to designate the below listed substances as controlled dangerous substances under Schedule I, the secretary has considered the criteria provided under R.S. 40:963 and the specific factors listed under R.S. 40:962(C). The secretary has determined that Schedule I is the most appropriate due to her findings that the substances added herein have a high potential for abuse, the substances have no currently accepted medical use for treatment in the United States, and there is a lack of accepted safety for use of the substances under medical supervision.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

Chapter 27. Controlled Dangerous Substances

Subchapter A. General Provisions

§2704. Added Controlled Dangerous Substances

A. The following drugs or substances are added to Schedule I of the Louisiana Uniform Controlled Dangerous Substances Law, R.S. 40:961 et seq.:

1. methoxyacetylfentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);
2. para-fluorobutrylfentanyl (N-(4-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]butanamide);
3. tetrahydrofuranylfentanyl (N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]tetrahydrofuran-2-carboxamide);
4. deschloro-N-Ethyl-ketamine (2-(ethylamino)-2-phenyl-cyclohexanone);
5. U-49900 (3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methyl-benzamide);

6. U-51754 (3,4-dichloro-N-[2-(dimethylamino) cyclohexyl]-N-methyl-benzeneacetamide);

7. U-48800 (2,4-dichloro-N-[2-(dimethylamino) cyclohexyl]-N-methyl-benzeneacetamide).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:962, R.S. 40:963, and R.S. 49:953(B).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:

Rebekah E. Gee MD, MPH
Secretary

1807#021

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Closure of Spring Inshore Shrimp Season in a Portion of Zone 1 and Zone 2

The secretary of the Department of Wildlife and Fisheries has been notified that the total number, geographic distribution and percentage of small juvenile white shrimp collected in biological samples within a portion of Zone 1 and in Zone 2 have rapidly increased in recent weeks. Closing these waters would protect developing white shrimp.

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and a Declaration of Emergency adopted by the Wildlife and Fisheries Commission on May 3, 2018 which authorized the secretary of the Department of Wildlife and Fisheries to close the 2018 spring inshore shrimp season in any portion of Louisiana's inside waters to protect small white shrimp if biological and technical data indicate the need to do so, or enforcement problems develop, the secretary hereby declares:

That portion of Shrimp Management Zone 1 in state inside waters from the Mississippi/Louisiana state line to the eastern shore of South Pass of the Mississippi River to close at 6 p.m. June 27, 2018 except for the following waters: Lake Pontchartrain, Chef Menteur and Rigolets Passes, Lake Borgne, the Louisiana portion of Mississippi Sound, and the open waters of Breton and Chandeleur Sounds as bounded by the double-rig line described in R.S. 56:495.1(A)2.

That portion of Shrimp Management Zone 2 in state inside waters from the eastern shore of South Pass of the Mississippi River westward to the western shore of Freshwater Bayou Canal to close at 6:00 pm June 27, 2018.

All state outside waters seaward of the Inside/Outside Shrimp Line, as described in R.S. 56:495 will remain open to shrimping until further notice.

Jack Montoucet
Secretary

1807#005

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Closure of Spring Inshore Shrimp Season in a Portion of Zone 1 and Zone 3

The secretary of the Department of Wildlife and Fisheries has been notified that the total number, geographic distribution and percentage of small juvenile white shrimp collected in biological samples within a portion of Zone 1 and in Zone 3 have rapidly increased in recent weeks. Closing these waters would protect developing white shrimp.

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and a Declaration of Emergency adopted by the Wildlife and Fisheries Commission on May 3, 2018 which authorized the Secretary of the Department of Wildlife and Fisheries to close the 2018 spring inshore shrimp season in any portion of Louisiana's inside waters to protect small white shrimp if biological and technical data indicate the need to do so, or enforcement problems develop, the Secretary hereby declares:

That portion of Shrimp Management Zone 1 in state inside waters of Lake Pontchartrain, Chef Menteur and Rigolets Passes, Lake Borgne, and the Louisiana portion of Mississippi Sound shall close on Monday, July 2, 2018, at 6:00 p.m.

That portion of Shrimp Management Zone 3 in state inside waters from the western shore of Freshwater Bayou Canal westward to the Louisiana/Texas state line shall close on Monday, July 2, 2018, at 6:00 p.m.

The open waters of Breton and Chandeleur Sounds as bounded by the double-rig line described in R.S. 56:495.1(A)2 shall remain open to shrimping until further notice.

All state outside waters seaward of the Inside/Outside Shrimp Line, as described in R.S. 56:495 shall remain open to shrimping until further notice.

Jack Montoucet
Secretary

1807#022

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Modification of the 2018 Private Recreational Red Snapper Season

Louisiana's private recreational red snapper season was previously set by the Wildlife and Fisheries Commission at its regular meeting on May 3, 2018 to be open daily

beginning on May 25, 2018. LA creel data indicate that harvest rates are such that the state recreational allocation will be met soon without action to modify the current structure of the recreational season. One method to extend that season is to limit fishing to weekends only.

In accordance with the emergency provisions of R.S. 49:953, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency rules to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and in accordance with the Declaration of Emergency passed by the commission on May 3, 2018 which set the private recreational red snapper season, the Commission hereby declares:

The season for the recreational harvest of red snapper in Louisiana state waters shall close at 11:59 p.m. on Sunday, July 8, 2018, and re-open thereafter as follows:

The recreational harvest of red snapper in Louisiana state waters shall be for weekends only (Friday, Saturday, and Sunday) on the first weekend of every month beginning with August 3, 2018. Size and bag limits shall remain at the currently established limits in LAC 76:VII.335 of 16 inches total length and 2 fish per person per day. This season will be in accordance with the provisions of the Louisiana EFP that allows for take within State and Federal waters out to 200 nautical miles.

The commission further authorizes the Secretary of the Department of Wildlife and Fisheries, upon notification of the Chairman of the Commission, to modify the recreational season for the harvest of red snapper in accordance with the provisions of the Louisiana EFP when LA Creel data warrant a season modification to ensure compliance with the allocation of red snapper indicated in the Louisiana EFP.

Any such closure shall prohibit the possession and/or landing of red snapper in state waters, except for federally permitted charter boats or commercial Individual Fishing Quota holders operating under federal law during federally established seasons and rules for those vessels.

Robert J. Samanie, III
Chairman

1807#011

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Modification of the 2018 Private Recreational Red Snapper Season

Louisiana's private recreational red snapper season was previously set by the Wildlife and Fisheries Commission at its regular meeting on May 3, 2018 to be open daily beginning on May 25, 2018. The daily season was further modified at a June 26, 2018 special meeting to be closed on July 8, 2018 and re-open, for weekends only (Friday, Saturday, and Sunday) on the first weekend of every month beginning August 3, 2018. LA Creel data indicate that harvest rates are such that the state recreational allocation may not be met as soon as anticipated and more opportunity may be available for Louisiana anglers by extending the season.

In accordance with the emergency provisions of R.S. 49:953, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency rules to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, the Commission hereby declares:

The season for the recreational harvest of red snapper in Louisiana state waters shall close at 11:59 p.m. on Sunday, July 8, 2018, and re-open thereafter as follows:

The recreational harvest of red snapper in Louisiana state waters shall be for weekends only (Friday, Saturday, and Sunday, including the Monday of Labor Day) beginning at 12:01 a.m. on Friday, July 13, 2018, until further notice. Size and bag limits shall remain at the currently established limits in LAC 76:VII.335 of 16 inches total length and 2 fish per person per day. This season will be in accordance with the provisions of the Louisiana EFP that allows for take within State and Federal waters out to 200 nautical miles.

The commission further authorizes the Secretary of LDWF, upon notification of the Chairman of the Commission, to modify the recreational season for the harvest of red snapper as he deems appropriate.

Any closure shall prohibit the possession and/or landing of red snapper in state waters, except for federally permitted charter boats or commercial Individual Fishing Quota holders operating under federal law during federally established seasons and rules for those vessels.

Robert J. Samanie, III
Chairman

1807#024

DECLARATION OF EMERGENCY

Workforce Commission Plumbing Board

Plumbers—Introductory Information; Licenses
(LAC 46:LV.101)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:953, the Louisiana State Plumbing Board (board), hereby determines that the adoption of an Emergency Rule for the implementation of an amendment to LAC 46:LV.101 is necessary to be in compliance with recent legislative changes designated as Act No. 253 of 2018. The proposed Rule change clarifies applicable law to specify what "works or business" is excluded from the statutory definition of "gas fitting", R.S. 37:1377(K). This adjustment will be effective upon final publication in the *Louisiana Register*.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LV. Plumbers Chapter 1. Introductory Information §101. Definitions

* * *

Gas Fitting—the work or business of installing, repairing, improving, altering, or removing natural gas piping, fittings, valves, or tanks used for conveying fuel gas for appliances

on or in premises or in buildings annexed to immovable property. For purposes of this Chapter, gas fitting does not include the following:

1. the installation or maintenance of piping by any entity of a municipal or gas district system that is subject to the regulatory authority of the Public Service Commission, the New Orleans City Council, or the Office of Pipeline Safety in the Department of Natural Resources;

2. any work done by a person who is licensed by the Louisiana Liquefied Petroleum Gas Commission or any other services performed pursuant to such a license.

3.a. piping connection, disconnection, or reconnection from the outlet side of the appliance shutoff valve to the appliance inlet;

b. the following persons or entities shall not be construed as a gas fitter or master gas fitter for any purpose of this Chapter solely due to the performance of services described in 3.a.:

i. any person or business entity licensed by the State Licensing Board for Contractors as a mechanical contractor.

ii. any person or business entity classified under the heating, air conditioning, ventilation, duct work, and refrigeration subclassification of mechanical contractors pursuant to R.S. 37:2156.2.

* * *

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 by the Workforce Commission, Plumbing Board, LR 42:575 (April 2016), LR 43:541 (March 2017), LR 43:972 (May 2017, LR 44:633 (March 2018), amended by the Workforce Commission, Plumbing Board, LR 44:

All currently stated rules of the board, unless amended herein, shall remain in full force and effect.

Ashley Jones Tullier
Executive Director

1807#027

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Abortion Facilities
Licensing Standards
(LAC 48:I.4431)

The Department of Health, Bureau of Health Services Financing amends LAC 48:I.4431 in the Medical Assistance Program as authorized by R.S. 36:254 and R.S. 40:2175.1 et seq. 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 repealed and replaced the provisions governing the licensing standards for abortion

facilities in order to incorporate the changes imposed by legislation, and further revise and clarify those provisions (*Louisiana Register*, Volume 41, Number 4).

Act 97 of the 2016 Regular Session of the Louisiana Legislature increased the time period required for certain pre-operative services. Act 563 of the 2016 Regular Session of the Louisiana Legislature provides that at least 72 hours before the abortion, the pregnant woman seeking an abortion shall be given a copy of certain printed information, including resources, programs and services for pregnant women who have a diagnosis of fetal genetic abnormality, and given printed information about resources, programs and services for infants and children born with disabilities, as well as other related matters. Act 593 of the 2016 Regular Session of the Louisiana Legislature provides for the disposal, by interment or cremation, of fetal remains and designates procedures for giving patients options for arrangements. The department promulgated an Emergency Rule which amended the provisions governing outpatient abortion clinics in order to comply with the provisions of Acts 97, 563 and 593 (*Louisiana Register*, Volume 42, Number 12).

This Emergency Rule is being promulgated in order to continue the provisions of the December 3, 2016 Emergency Rule. This action is being taken to protect the health and welfare of Louisiana citizens by assuring the health and safety of women seeking health care services at licensed abortion facilities.

Effective July 31, 2018, the Department of Health, Bureau of Health Services Financing amends the provisions governing the licensing standards for abortion facilities.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 44. Abortion Facilities

Subchapter C. Pre-operative, Intra-operative, and Post-Operative Procedures

§4431. Screening and Pre-Operative Services

A. - E.1. ...

2. Requirements

a. Except as provided in Subparagraph b below, at least 72 hours prior to the pregnant woman having any part of an abortion performed or induced, and prior to the administration of any anesthesia or medication in preparation for the abortion on the pregnant woman, the physician who is to perform the abortion or a qualified person who is the physician's agent shall comply with all of the following requirements:

i. perform an obstetric ultrasound on the pregnant woman, offer to simultaneously display the screen which depicts the active ultrasound images so that the pregnant woman may view them and make audible the fetal heartbeat, if present, in a quality consistent with current medical practice. Nothing in this Section shall be construed to prevent the pregnant woman from not listening to the sounds detected by the fetal heart monitor, or from not viewing the images displayed on the ultrasound screen;

ii. provide a simultaneous and objectively accurate oral explanation of what the ultrasound is depicting, in a manner understandable to a layperson, which shall include the presence and location of the unborn child within

the uterus and the number of unborn children depicted, the dimensions of the unborn child, and the presence of cardiac activity if present and viewable, along with the opportunity for the pregnant woman to ask questions;

iii. offer the pregnant woman the option of requesting an ultrasound photograph or print of her unborn child of a quality consistent with current standard medical practice that accurately portrays, to the extent feasible, the body of the unborn child including limbs, if present and viewable;

iv. from a form that shall be produced and made available by the department, staff will orally read the statement on the form to the pregnant woman in the ultrasound examination room prior to beginning the ultrasound examination, and obtain from the pregnant woman a copy of a completed, signed, and dated form; and

v. retain copies of the election form and certification prescribed above. The certification shall be placed in the medical file of the woman and shall be kept by the outpatient abortion facility for a period of not less than seven years. If the woman is a minor, the certification shall be placed in the medical file of the minor and kept for at least ten years from the time the minor reaches the age of majority. The woman's medical files shall be kept confidential as provided by law.

b. If the pregnant woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, then the physician who is to perform the abortion or a qualified person who is the physician's agent shall comply with all of the requirements of §4431.E.2.a at least 24 hours prior to the woman having any part of an abortion performed or induced.

c. - e. Repealed.

E.3. - G.1. ...

a. Except as provided in Subparagraph b below, at least 72 hours before the abortion the physician who is to perform the abortion or the referring physician shall provide informed consent to the pregnant woman seeking an abortion, pursuant to all laws, rules and regulations regarding informed consent. The informed consent shall be communicated both orally and in-person, and in writing, and shall be provided in a private room. Documentation of all such informed consent provided shall be maintained in the patient's medical record.

b. If the woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, then the physician who is to perform the abortion or the referring physician shall comply with all of the requirements of §4431.G.1 at least 24 hours prior to the abortion.

1.c. - 3....

a. Except as provided in Subparagraph b below, at least 72 hours before a scheduled abortion the physician who is to perform the abortion, the referring physician, or a qualified person shall inform the pregnant woman seeking an abortion, orally and in-person that:

i. - iv. ...

b. If the woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, then the physician who is to perform the abortion the referring physician, or a qualified person shall comply with all of the requirements of §4431.G.3 at least 24 hours prior to the abortion.

4. ...

a. At least 72 hours before the abortion, the pregnant woman seeking an abortion shall be given a copy of the printed materials, pursuant to any applicable state laws, rules, and regulations, by the physician who is to perform the abortion, the referring physician, or a qualified person. These printed materials shall include any printed materials necessary for a voluntary and informed consent, pursuant to R.S. 40:1061.17. However, if the pregnant woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, she shall be given a copy of the printed materials at least 24 hours prior to an elective abortion procedure by the physician who is to perform the abortion or a qualified person as defined in R.S. 40:1061.17(B)(4)(c).

i. - NOTE. Repealed.

b. At least 72 hours before the abortion, the pregnant woman or minor female considering an abortion shall be given a copy of the department's *Point of Rescue* pamphlet and any other materials described in R.S. 40:1061.16 by the physician who is to perform the abortion or a qualified person as defined in R.S. 40:1061.17(B)(4)(c), except in the case of medical emergency defined by applicable state laws. However, if the pregnant woman or minor female considering an abortion certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, she shall be given a copy of these printed materials at least 72 hours prior to an elective abortion procedure by the physician who is to perform the abortion or a qualified person as defined in R.S. 40:1061.17(B)(4)(c), except in the case of medical emergency defined by applicable state laws.

i. The physician or qualified person shall provide to the woman, or minor female seeking an abortion, such printed materials individually and in a private room for the purpose of ensuring that she has an adequate opportunity to ask questions and discuss her individual circumstances.

ii. The physician or qualified person shall obtain the signature of the woman or minor female seeking an abortion on a form certifying that the printed materials were given to the woman or minor female.

iii. In the case of a minor female considering an abortion, if a parent accompanies the minor female to the appointment, the physician or qualified person shall provide to the parent copies of the same materials given to the female.

iv. The signed certification form shall be kept within the medical record of the woman or minor female for a period of at least seven years.

c. At least 72 hours before the abortion, the pregnant woman seeking an abortion shall be given a copy of a printed informational document including resources, programs and services for pregnant women who have a diagnosis of fetal genetic abnormality and resources, programs and services for infants and children born with disabilities. However, if the pregnant woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, she shall be given a copy of these printed materials at least 24 hours prior to an elective abortion procedure by the physician who is to perform the abortion or a qualified person as defined in R.S. 40:1061.17(B)(4)(c).

d. If the pregnant woman seeking an abortion is unable to read the materials, the materials shall be read to her. If the pregnant woman seeking an abortion asks questions concerning any of the information or materials, answers shall be provided to her in her own language.

NOTE: The provisions of this Section requiring a physician or qualified person to provide required printed materials to a woman considering an abortion shall become effective 30 days after the department publishes a notice of the availability of such materials.

5. ...

a. Prior to the abortion, the outpatient abortion facility shall ensure the pregnant woman seeking an abortion has certified, in writing on a form provided by the department that the information and materials required were provided at least 72 hours prior to the abortion, or at least 24 hours prior to the abortion in the case of a woman who has given prior certification in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy. This form shall be maintained in the woman's medical record.

b. ...

c. The pregnant woman seeking an abortion is not required to pay any amount for the abortion procedures until the 72-hour period has expired, or until expiration of the 24-hour period applicable in the case of a woman who has given prior certification in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy.

6. - 7.b....

8. Disposition of Fetal Remains

a. Each physician who performs or induces an abortion which does not result in a live birth shall ensure that the remains of the fetus are disposed of by interment or cremation, in accordance with the provisions of R.S. 8:651 et seq., and the provisions of LAC 51:XXVI.102 of the *Sanitary Code*.

b. Prior to an abortion, the physician shall orally and in writing inform the pregnant woman seeking an abortion in the licensed abortion facility that the pregnant woman has the following options:

i. the option to make arrangements for the disposition and/or disposal of fetal remains by interment or cremation, in accordance with the provisions of R.S. 8:651 et seq.; or

ii. the option to have the outpatient abortion facility/physician make the arrangements for the disposition and/or disposal of fetal remains by interment or cremation, in accordance with the provisions of R.S. 8:651 et seq.

c. The pregnant woman shall sign a consent form attesting that she has been informed of these options, and shall indicate on the form whether she wants to make arrangements for the disposition of fetal remains or whether she wants the facility to make arrangements for the disposition and/or disposal of fetal remains.

d. the requirements of §4431.G.8 regarding dispositions of fetal remains, shall not apply to abortions induced by the administration of medications when the evacuation of any human remains occurs at a later time and not in the presence of the inducing physician or at the facility in which the physician administered the inducing medications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2175.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:700 (April 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

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.

Rebekah E. Gee MD, MPH
Secretary

1807#049

Rules

RULE

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

Structural Pest Control (LAC 7:XXV.Chapter 1)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority set forth in R.S. 3:1652, the Department of Agriculture and Forestry (department), through the Office of Agricultural and Environmental Sciences and Structural Pest Control Commission, has amended the rules set forth herein. The amendments to §101 define and clarify regulated terms used by the structural pest control industry. The amendments to §107 add the following requirements for those applying to become a structural pest control licensee: that the required four years of work experience shall be within the past six years, applicants for structural fumigation shall have completed a minimum of 30 jobs before applying, and applicants for ship fumigation shall have completed a minimum of 200 jobs before applying. The amendments to §113 change the time period for registered technicians to complete their continuing education requirements from July 1-June 30 to January 1-December 31. The amendments to §117 clarify the timeframe in which licensees shall make records available to LDAF employees and the requirements for fumigation records. The amendments to §147 clarifies requirements for fumigation equipment calibration. This Rule is hereby adopted on the day of promulgation.

Title 7

AGRICULTURE AND ANIMALS

Part XXV. Structural Pest Control

Chapter 1. Structural Pest Control Commission

§101. Definitions

A. The definitions in R.S. 3:3362 are applicable to this Part.

B. The following words and terms are defined for the purposes of this Part.

* * *

Termites—all species of the order *Isoptera* which infest timbers and/or other materials containing cellulose in buildings and/or contents thereof, subdivided into two groups according to their habits, as follows.

a. *Subterranean Termites*—all species of termites which make tubes, but not pellets, and normally require contact with soil; especially species of the genera *Reticulitermes* and *Coptotermes*.

b. *Dry-Wood Termites*—any of various termites that live and feed in dry wood without a soil connection and includes some which are destructive pests in domestic constructions, of the genera *Kaloterms*, *Cryptotermes* and *Incisitermes*.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3362 and R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:954 (November 1989), 17:251 (March 1991), LR 23:855 (July 1997), LR 30:1143 (June 2004), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 31:26 (January 2005), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 32:796 (May 2006), repromulgated LR 32:1015 (June 2006), amended LR 33:39 (January 2007), LR 35:204 (February 2009), LR 35:1468 (August 2009), LR 37:272 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, Structural Pest Control Commission, LR 39:300 (February 2013), LR 41:333 (February 2015), LR 42:213 (February 2016), LR 44:1235 (July 2018).

§107. License to Engage in Structural Pest Control Work Required

A. No person shall perform structural pest control work until licensed and permitted to do so by the commission.

B. Each applicant for license shall possess one of the following qualifications in order to take the examination(s):

1. general pest control commercial vertebrate control and commodity fumigation:

a. a degree from an accredited four-year college or university with a major in entomology; or

b. a degree from an accredited four-year college or university with at least 12 semester hours or the equivalent in quarter hours of course work in entomology and at least one year of experience within the last six years as a registered technician under the supervision of a licensee in the licensee phase for which the applicant desires to take the examination; or

c. four years of experience within the last six years as a registered technician under the supervision of a licensee in the licensee phase for which the applicant desires to take the examination; or

d. four years of experience within the last six years as a technician under the supervision of a structural pest control operator in another state in the licensee phase for which the individual desires to take the examinations. Experience with an out-of-state structural pest control operator shall be substantiated by evidence acceptable to the commission;

2. termite control:

a. a degree from an accredited four-year college or university with a major in entomology and complete a commission approved comprehensive termite program; or

b. a degree from an accredited four-year college or university with at least 12 semester hours or the equivalent in quarter hours of course work in entomology and at least one year of experience within the last six years as a registered technician under the supervision of a licensee in the licensee phase for which the applicant desires to take the examination and complete a commission approved comprehensive termite program; or

c. four years of experience within the last six years as a registered technician under the supervision of a licensee

in the licensee phase for which the applicant desires to take the examination and complete a commission approved comprehensive termite program; or

d. four years of experience within the last six years as a technician under the supervision of a structural pest control operator in another state in the licensee phase for which the individual desires to take the examinations and complete a commission approved comprehensive termite program. Experience with an out-of-state structural pest control operator shall be substantiated by evidence acceptable to the commission;

3. structural fumigation:

a. a degree from an accredited four-year college or university with a major in entomology and having completed 30 jobs in structural fumigation within the last six years, as a registered technician under the supervision of a licensee in structural fumigation; or

b. a degree from an accredited four-year college or university with at least 12 semester hours or the equivalent in quarter hours of course work in entomology and at least one year of experience within the last six years, having completed 30 jobs in structural fumigation as a registered technician under the supervision of a licensee in structural fumigation; or

c. four years of experience within the last six years, having completed 30 jobs in structural fumigation as a registered technician under the supervision of a licensee in structural fumigation; or

d. four years of experience within the last six years, having completed 30 jobs in structural fumigation as a technician under the supervision of a structural pest control operator in another state in the licensee phase for which the individual desires to take the examinations. Experience with an out-of-state structural pest control operator shall be substantiated by evidence acceptable to the commission.

C. Each applicant for a ship fumigation license shall possess one of the following qualifications in order to take the examination:

1. a degree from an accredited four-year college or university with a major in entomology and having completed 200 jobs in ship fumigation working under the supervision of a licensee in ship fumigation; or

2. a degree from an accredited four-year college or university with at least 12 semester hours or the equivalent in quarter hours of course work in entomology and at least one year of experience, having completed 200 jobs in ship fumigation within the last six years as a registered technician under the supervision of a licensee in ship fumigation; or

3. experience as a registered technician having completed 200 jobs in ship fumigation, working under the supervision of a licensee in ship fumigation, during a two-year period within the last six years;

4. four years of experience, having completed 200 jobs in ship fumigation within the last six years as a technician under the supervision of a structural pest control operator in another state in ship fumigation. Experience with an out-of-state structural pest control operator shall be substantiated by evidence acceptable to the commission.

D. - F.3. ...

G. Out-of-state applicants for licensure shall meet the educational requirements shown in Paragraph B.1 of this Section or produce evidence satisfactory to the commission of four years of experience within the last six years, under the supervision of a recognized and reputable pest control operator. Experience in pest control work in another state will be verified with the appropriate regulatory agency of the other state before out-of-state applicant will be allowed to take the examination for licensure in Louisiana.

H. - R. ...

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:326 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:955 (November 1989), LR 19:1009 (August 1993), LR 23:855 (July 1997), LR 23:1493 (November 1997), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 31:2761 (November 2005), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 32:796 (May 2006), repromulgated LR 32:1016 (June 2006), amended LR 37:276 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 42:213 (February 2016), LR 44:1235 (July 2018).

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

A. - O. ...

P. Each registered technician shall participate in an entire continuing education program as a condition of maintaining his or her status as a registered technician at least once annually (January 1 to December 31).

1. - 3. ...

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

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

§117. Obligations of the Licensee/Permittee

A. - G. ...

H. Any person applying pesticides for a fee and the permittee or the primary licensee shall maintain records according to LAC 7:XXV.117.H, at the physical address listed on the place of business permit of all applications of pesticides on a record keeping form or in a format approved by the director of Pesticide and Environmental Programs of the department. These records shall be retained for a period of two years after the date of the pesticide application for ship and commodity fumigation, general pest control and commercial vertebrate control and a period of two years after the expiration of applicable contracts for termite and other wood destroying insect control. The licensee shall

make a copy of these records available to any employee of the department for inspection during normal working hours within 48 hours upon notification, excluding legal holidays.

l. - 3.m. ...

* * *

n. applicator, department I.D. number; and

o. fumigation instrument calibration.

H.4. - Q. ...

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:327 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR15:956 (November 1989), LR 21:930 (September 1985), :R 23:855 (July 1997), LR 26:2437 (November 2000), LR 29:1062 (July 2003), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 30:196 (February 2004), LR 31:2761 (November 2005), LR 35:1468 (August 2009), LR 37:280 (January 2011), LR 39:301 (February 2013), LR 42:214 (February 2016), LR 44:1236 (July 2018).

§147. Fumigation

A. - A.6. ...

7. The licensee shall have all gas detection/monitoring instruments for the fumigant being used properly calibrated to meet manufacturer standards prior to the application of the fumigant.

B. - D.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 11:332 (April 1985), amended LR 17:251 (March 1991), LR 37:293 (January 2011), LR 44:1237 (July 2018).

Mike Strain, DVM
Commissioner

1807#047

RULE

**Department of Civil Service
Board of Ethics**

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

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Civil Service, Louisiana Board of Ethics, has amended the rules for the Board of Ethics to bring the rules into compliance with current statutory provisions and section 1115.1C of the *Code of Governmental Ethics*. This Rule is hereby adopted on the day of promulgation.

**Title 52
ETHICS**

Part I. Board of Ethics

Chapter 17. Code of Governmental Ethics

§1703. Food and Drink Limit

A. In accordance with R.S. 42:1115.1(C), beginning on July 1, 2018, the limit for food, drink or refreshments provided in R.S. 42:1115.1(A) and (B) is \$61.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 36:304 (February 2010), amended LR 36:1466 (July 2010), LR 38:1951 (August 2012), LR 39:3062 (November 2013) LR 40:1678 (September 2014), LR 41:1262 (July 2015), LR 44:1237 (July 2018).

Kathleen M. Allen
Ethics Administrator

1807#032

RULE

Board of Elementary and Secondary Education

**Bulletin 118—Statewide Assessment
Standards and Practices (LAC 28:XI.6913)**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education (BESE) has amended *Bulletin 118—Statewide Assessment Standards and Practices*: §6913, Performance Standards, regarding LEAP connect scaled score ranges. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part XI. Accountability/Testing

**Subpart 3. Bulletin 118—Statewide Assessment
Standards and Practices**

**Chapter 69. LEAP Alternate Assessment, Level 1
Subchapter D. Alternate Achievement Levels and
Performance Standards**

§6913. Performance Standards

[Formerly LAC 28:CXL1913]

A. ...

B. LAA 1 Alternate Achievement Levels and Scaled-Score Growth Ranges

1. English Language Arts and Mathematics Scaled Score Ranges

a. English Language Arts

Performance Level	English Language Arts						
	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 11
Level 4	1251-1290	1258-1290	1256-1290	1253-1290	1255-1290	1250-1290	1255-1290
Level 3	1240-1250	1240-1257	1240-1255	1240-1252	1240-1254	1240-1249	1240-1254
Level 2	1234-1239	1234-1239	1232-1239	1231-1239	1236-1239	1230-1239	1236-1239
Level 1	1200-1233	1200-1233	1200-1231	1200-1230	1200-1235	1200-1229	1200-1235

b. Mathematics

Performance Level	Mathematics						
	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 11
Level 4	1254-1290	1251-1290	1255-1290	1249-1290	1254-1290	1249-1290	1249-1290
Level 3	1240-1253	1240-1250	1240-1254	1240-1248	1240-1253	1240-1248	1240-1248
Level 2	1236-1239	1233-1239	1231-1239	1234-1239	1232-1239	1234-1239	1234-1239
Level 1	1200-1235	1200-1232	1200-1230	1200-1233	1200-1231	1200-1233	1200-1233

2. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(F)(3) and R.S. 17:183.1-17:183.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:426 (March 2007), amended LR 35:209 (February 2009), amended by the Board of Elementary and Secondary Education, LR 44:472 (March 2018), LR 44:1237 (July 2018).

Shan N. Davis
Executive Director

1807#023

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs and Criminal Investigations Division

Fee Increase (LAC 33:I.1203 and 1911; III.211, 223, 307, 309, and 319; V.5123 and 5139; and IX.1309)(MM020)

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 nonapplicable regulations, LAC 33:I.1203 and 1911; III.211, 223, 307, 309, and 319; V.5123 and 5139; and IX.1309 (MM020).

This Rule provides for miscellaneous amendments and corrections necessary for fee changes authorized by Act 451 of the 2016 Regular Legislative Session. This Act authorized certain fee increases, new fees and other changes to the regulations pertaining to fees. This Rule is required to correct errors found during the implementation of MM018, the original fee increase Rule. The basis and rationale for this Rule are to implement the fee changes authorized in Act 451 of the 2016 Regular Legislative Session. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 1. Departmental Administrative Procedures

Chapter 12. Requests for Review of Environmental Conditions

§1203. Procedure for Submittal of Request

A. All requests for reviews by the department of reports of environmental conditions shall be accompanied by an initial \$1,650 minimum fee.

A.1. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and specifically 2011(D)(25), and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:447 (March 2007), amended LR 33:2079 (October 2007), LR 35:2178 (October 2009), amended by the Office of the Secretary, Legal Division, LR 38:2749 (November 2012), amended

by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR43:2136 (November 2017), LR 44:1238 (July 2018).

Chapter 19. Facility Name and Ownership/Operator Changes Process

§1911. Fees for Name and Ownership/Operator Changes

A. Notifications of name or ownership/operator changes at a facility shall be submitted by the new owner or operator with the appropriate fees. The fees listed below cover the cost of reviewing, evaluating, and processing a name or ownership/operator change that has occurred at the facility.

Name and Ownership/Operator Change Fees	
Program	LAC Citation for Fee
Air	LAC 33:III.223, Fee Number 2000
Solid Waste: Type I, I-A, II, and II-A Facilities	LAC 33.VII.1501.C (N/A for name change alone)
Solid Waste: Type III Facilities or Beneficial Use Facilities	LAC 33.VII.1501.D (N/A for name change alone)
LPDES	LAC 33:IX.1309.D.4 (N/A for name change alone)

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2429 (October 2005), amended LR 35:2178 (October 2009), LR 36:2552 (November 2010), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:1238 (July 2018).

Part III. Air

Chapter 2. Rules and Regulations for the Fee System of the Air Quality Control Programs

§211. Methodology

A. - B.13.d. ...

i. if the minor modification fee is greater than \$2,000, then the minimum minor modification fee is equal to 25 percent of the minor modification fee; and

ii. if the minor modification fee is \$500 to \$2,000, then the minimum minor modification fee is \$500.

13.e. - 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 14:611 (September 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), LR 18:706 (July 1992), LR 19:1419 (November 1993), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:17 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:264 (February 2000), LR 26:2444 (November 2000), LR 29:2776 (December 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2435 (October 2005), LR 33:2082 (October 2007), LR 33:2620 (December 2007), LR 37:1145 (April 2011), amended by the Office of the Secretary, Legal Division, LR 43:935 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:1238 (July 2018).

§223. Fee Schedule Listing

A. Table 1—Fee Schedule Listing

Table 1 Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor

0050	Natural Gas Liquids per Unit	1321 MIN.	\$417.00	\$2,082.00	\$1,248.00	\$417.00 \$500.00

0410	Commercial Printing: Color per Press	2752 MIN.	\$416.00 \$2,053.00	\$2,079.00 \$10,274.00	\$1,249.00 \$6,164.00	\$416.00 \$2,053.00

0590	Charcoal per Oven	2861 MIN.	\$417.00	\$2,082.00	\$1,248.00	\$417.00 \$500.00

0775	Plastics Injection Moulding and Extrusion per Line	3079 MIN.	\$417.00	\$2,082.00	\$1,248.00	\$417.00 \$500.00

0990	Secondary Smelting of Non-Ferrous Metals per Furnace	3341 MIN.	\$1,248.00 \$2,569.00	\$6,241.00 \$12,843.00	\$3,745.00 \$7,706.00	\$1,248.00 \$2,569.00

1010	Aluminum Foundries (Castings) per Unit	3361 MIN.	\$332.00	\$1,665.00	\$997.00	\$332.00 \$500.00
1020	Brass/Bronze/Copper-Based Alloy Foundry per Furnace	3362 MIN.	\$417.00	\$2,082.00	\$1,248.00	\$417.00 \$500.00

1130	Painting Topcoat per Line	3479 MIN.	\$417.00	\$2,082.00	\$1,248.00	\$417.00 \$500.00
1140	Potting per Line	3479 MIN.	\$250.00	\$1,248.00	\$748.00	\$250.00 \$500.00
1150	Soldering per Line	3479 MIN.	\$250.00	\$1,248.00	\$748.00	\$250.00 \$500.00

1430 *Note 11*	Natural Gas Comp per 100 H.P. (Turbines)	4922 MIN.	\$8.29 \$250.00	\$41.58 \$500.00	\$24.95 \$500.00	\$8.29 \$500.00

1500 *Note 10*	Coal Gassification per \$100,000 Capital Cost	4925 MIN. MAX.	\$8.29 \$1,317.00 \$66,614.00	\$41.58 \$6,587.00 \$333,067.00	\$24.95 \$3,952.00 \$199,840.00	\$8.29 \$1,317.00 \$66,614.00
1510 *Note 10*	Co-Generation per \$100,000 Capital Cost	4939 MIN. MAX.	\$8.29 \$1,317.00 \$41,612.00	\$41.58 \$6,587.00 \$208,060.00	\$24.95 \$3,952.00 \$124,836.00	\$8.29 \$1,317.00 \$41,612.00
1520	Incinerators: A) 1,000 Lb/Hr and Greater Capacity	4953	\$526.00	\$2,634.00	\$1,580.00	\$526.00

1525	Sanitary Landfill per Million Mg of Planned Capacity	4953 MIN.	\$146.00 \$291.00	\$726.00 \$1,452.00	\$436.00 \$872.00	\$146.00 \$500.00

1540	Steam Gen. Units per 1000 Lb/Hr Steam Cap: Natural Gas or Comb Non-Fossil Fuels	4961 MIN.	\$2.06 \$341.00	\$10.41 \$1,712.00	\$6.22 \$1,027.00	\$2.06 \$500.00

B. Table 2—Additional Fees

Table 2 Additional Fees		
Fee Number	Fee Description	Amount
2000 *Note 22*	Name and Company Ownership/Operator Changes under LAC 33:I.Chapter 19	\$500.00
2010	The Issuance or Denial of Variances, and Permit Exemptions. The fee for a variance shall be waived for sources operating under an air permit.	\$500.00

Table 2 Additional Fees		
Fee Number	Fee Description	Amount
2300 *Note 14*	Criteria Pollutant Annual Fee per Ton Emitted on an Annual Basis (Non-Title V Facility): Nitrogen oxides (NOx) Sulfur dioxide (SO2) Non-toxic organic (VOC) Particulate (PM10)	\$14.11/ton
2310 *Note 14*	Criteria Pollutant Annual Fee per Ton Emitted on an Annual Basis (Title V Facility): Nitrogen oxides (NOx) Sulfur dioxide (SO2) Non-toxic organic (VOC) Particulate (PM10)	\$14.11/ton
* * *		

NOTE: Explanatory Notes for Fee Schedule

NOTE 1. - NOTE 22. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, 2341, and 2351 et seq.

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 14:613 (September 1988), LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), repromulgated LR 18:31 (January 1992), amended LR 18:706 (July 1992), LR 18:1256 Section 223 Section 223 Title 33, Part III 32 October 2017 Environmental Regulatory Code (November 1992), LR 19:1373 (October 1993), LR 19:1420 (November 1993), LR 19:1564 (December 1993), LR 20:421 (April 1994), LR 20:1263 (November 1994), LR 21:22 (January 1995), LR 21:782 (August 1995), LR 21:942 (September 1995), repromulgated LR 21:1080 (October 1995), amended LR 21:1236 (November 1995), LR 23:1496, 1499 (November 1997), LR 23:1662 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:267 (February 2000), LR 26:485 (March 2000), LR 26:1606 (August 2000), repromulgated LR 27:192 (February 2001), amended LR 29:672 (May 2003), LR 29:2042 (October 2003), LR 30:1475 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2620 (December 2007), LR 34:2560 (December 2008), LR 37:1145 (April 2011), amended by the Office of the Secretary, Legal Division, LR 43:936 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:1239 (July 2018).

Chapter 3. Regulatory Permits

§307. Regulatory Permit for Oil and Gas Well Testing

A. - F.3. ...

G. In accordance with LAC 33:III.Chapter 2, the fee for this regulatory permit shall be \$500. There shall be no annual maintenance fee associated with this regulatory permit.

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 35:457 (March 2009), amended by the Office of the Secretary, Legal Division, LR 43:942 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:1898 (October 2017), LR 44:1240 (July 2018).

§309. Regulatory Permit for Release of Natural Gas from Pipelines and Associated Equipment

A. - H.3. ...

I. In accordance with LAC 33:III.Chapter 2, the fee for this regulatory permit shall be \$500. There shall be no annual maintenance fee associated with this regulatory permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 35:458 (March 2009), amended by the Office of the Secretary, Legal Division, LR 43:942 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:1240 (July 2018).

§319. Regulatory Permit for Flaring of Materials Other than Natural Gas

A. - H.2.c. ...

I. In accordance with LAC 33:III.223, Table 1, the fee for this regulatory permit shall be \$500. There shall be no annual maintenance fee associated with this regulatory permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 39:1039 (April 2013), LR 43:942 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:1240 (July 2018).

Part V. Hazardous Waste and Hazardous Materials Subpart 1. Department of Environmental Quality— Hazardous Waste

Chapter 51. Fee Schedules

§5111. Treaters, Storers, and/or Disposers Application Fees

A. The applicant is required to calculate the appropriate application fee and, if applicable, siting fee according to the schedule included in the permit application form. Payment shall be made in accordance with the requirements of LAC 33:V.5127.

B. Application Fee Schedule

Item	Fee
Site Analysis—per acre site size	\$413 ¹
Process and Plan Analysis	\$1,650
Facility Analysis—per unit ²	\$825
Management/Financial Analysis	\$1,650

[Note: Fee equals total of the four items.]

¹ Up to 100 acres, no additional fee thereafter.

² Incinerator, land farm, treatment pond, etc., each counted as a unit.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

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 11:533 (May 1985), LR 12:318 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 18:724 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:288 (March 2001), LR 29:685 (May 2003), LR 29:2048 (October 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 35:2179 (October 2009), amended by the Office of the Secretary, Legal Division, LR 43:943 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:1240 (July 2018).

§5119. Treaters, Storers, and/or Disposers Annual Maintenance Fees

A. Fee per Facility

Off-Site Disposer (Commercial)	\$131,670
Reclaimer (compensated for waste removed)	\$57,750
Reclaimer (uncompensated for waste removed or pays for waste removed)	\$41,250
Off-Site Disposer (Noncommercial)	\$33,000
On-Site Disposer	\$16,500

NOTE: The higher fee for off-site disposal is due to the cost of the manifest system and emergency response to transport spills (neither cost is applicable to on-site disposers)

B. Fee per Hazardous Waste Unit Type

Unit Type	Fee
Storage:	
Container/Tank/Waste Pile/etc.	\$5,400
Treatment:	
Incinerator/Boiler/Industrial Furnace/Filtration Unit/etc.	\$8,695
Disposal:	
Landfill/Miscellaneous Unit/etc.	\$13,645

C. - H.2. ...

I. Formula to Apportion Fees

Annual Maintenance Fee = Fee per Facility + Fee per Unit + Fee based on Volume + Administrative Cost Fee + Land Disposal Prohibitions Fee + Groundwater Protection Annual Fee + Incineration Inspection and Monitoring Fee + Boiler/Industrial Furnace Inspection and Monitoring Fee + Annual Landfill Inspection and Monitoring Fee + Annual Land Treatment Unsaturated Zone Monitoring Inspection Fee

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 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 11:533 (May 1985), LR 12:318 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 15:378 (May 1989), LR 16:684 (August 1990), LR 16:1057 (December 1990), LR 18:723 (July 1992), LR 18:1375 (December 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:685 (May 2003), LR 29:2049 (October 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 35:2179 (October 2009), amended by the Office of the Secretary, Legal Division, LR 43:943 (May 2017), amended by the Office of the

Secretary, Legal Affairs and Criminal Investigations Division, LR 44:1241 (July 2018).

§5123. Annual Fee for Facilities with Closed Hazardous Waste Units in Post Closure

A. Post Closure Annual Fee. This is an annual fee applied to defray the cost of annually inspecting the facilities with closed hazardous waste units in post-closure care and with no operating unit/permit. This fee shall be \$4,125 annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 43:945 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:1241 (July 2018).

§5139. Groundwater Protection Permit Review Fee

A. ...

B. Oversight of Abandonment Procedures. This fee covers the cost of reviewing plans to plug and abandon all permitted groundwater monitoring systems (monitoring wells, piezometers, observations wells, and recovery wells) to ensure that they do not pose a potential threat to groundwater:

1. casing pulled—\$146 each;
2. casing reamed out—\$291 each;
3. casing left in place—\$726 each.

AUTHORITY NOTE: Promulgated in accordance with 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Groundwater Division, LR 14:621 (September 1988), amended LR 16:685 (August 1990), amended by the Hazardous Waste Division, LR 18:725 (July 1992), LR 18:1256 (November 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:687 (May 2003), LR 29:2050 (October 2003), amended by the Office of the Secretary, Legal Division, LR 43:945 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:1241 (July 2018).

Part IX. Water Quality

Subpart 1. Water Pollution Control

Chapter 13. Louisiana Water Pollution Control Fee System Regulation

§1309. Fee System

A. - M.3. ...

N. Other Fees

Permit Type	Amount
Gen-LAG 03-Barge Cleaner	I: \$380
	II: \$2,750
	III: \$5,500
	IV: \$11,000

Gen-LAR10-Construction	\$291

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B), and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 14:626 (September 1988), LR 18:731

(July 1992), LR 21:798 (August 1995), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), amended by the Office of Water Resources, LR 24:326 (February 1998), amended by the Office of Management and Finance, Fiscal Services Division, LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:689 (May 2003), LR 29:2052 (October 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 35:1493 (August 2009), LR 35:2181 (October 2009), amended by the Office of the Secretary, Legal Division, LR 43:948 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:1241 (July 2018).

Herman Robinson
General Counsel

1807#017

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs and Criminal Investigations Division

Stage II Vapor Recovery Systems Decommissioning Vapor Recovery Equipment (LAC 33:III.2132)(AQ377)

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.2132 (AQ377).

Previously, LAC 33:III.2132 stage II required certain motor vehicle fuel dispensing facilities (MVDF) to install vapor recovery equipment as required by section 202(a)(6) of the Clean Air Act. The U.S. Environmental Protection Agency (EPA) determined that the systems used at gas station pumps to capture gasoline vapors while refueling cars could be phased out. Modern vehicles are equipped to capture those emissions with onboard refueling vapor recovery (ORVR) technologies.

This Rule amends §2132 to:

(1) terminate the requirement to install stage II vapor recovery systems at new MVDF;

(2) provide standards and requirements for decommissioning existing stage II equipment at MVDF; and

(3) require the decommissioning of existing stage II equipment within 18 months of final approval of a SIP revision by the U.S. EPA to eliminate stage II requirements.

The basis and rationale are to update the regulations to reflect the EPA determination that stage II vapor recovery equipment can be phased out. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

Title 33 ENVIRONMENTAL QUALITY Part III. Air

Chapter 21. Control of Emission of Organic Compounds

Subchapter F. Gasoline Handling

§2132. Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities

A. - B.1. ...

2. Except as provided in Subsection J of this Section, new facilities constructed after promulgation of this regulation shall comply with the requirements of this regulation upon start-up of the facility.

3. Except as provided in Subsection J of this Section, all facilities existing when these rules are promulgated that dispense greater than 10,000 gallons of gasoline per month (50,000 gallons of gasoline per month in the case of an independent small business marketer of gasoline) are subject to this regulation and shall demonstrate to the administrative authority their average monthly volume of motor vehicle fuel dispensed. This information shall be submitted to the administrative authority no later than 90 days after promulgation of this regulation. The criteria that mandate the installation of gasoline vapor recovery equipment are determined by calculating the average volume of motor vehicle fuel dispensed per month, without facility shutdown, for the most recent two-year period, and shall be calculated monthly. If data for two years is not available, this calculation shall be based on the monthly average for the most recent 12 calendar months, including only those months for which the facility was operating.

4. Except as provided in Subsection J of this Section, facilities subject to the provisions of this Section shall demonstrate compliance according to the following schedule:

a. - d. ...

5. Except as provided in Subsection J of this Section, no owner or operator as described in Paragraphs B.1, 2, and 3 of this Section shall cause or allow the dispensing of motor vehicle fuel at any time unless all fuel dispensing operations are equipped with and utilize a stage II vapor recovery system certified by CARB on or before March 31, 2001, that is properly installed and operated in accordance with the corresponding CARB executive order. The vapor recovery equipment must also be installed and operated within the guidelines of the National Fire Protection Association (NFPA) 30. The vapor recovery equipment utilized shall be certified by CARB or equivalent certification authority approved by the administrative authority* to attain a minimum of 95 percent gasoline vapor control efficiency. This certified equipment shall have coaxial hoses and shall not contain remote check valves. In addition, only CARB or equivalent approved aftermarket parts and CARB or equivalent approved rebuilt parts shall be used for installation or replacement use. CARB certified enhanced

vapor recovery systems and/or individual parts are approvable by the administrative authority* as equivalent alternatives.

6. Except as provided in Subsection J of this Section, the regulated facility shall submit the following application information to the Office of Environmental Assessment prior to installation of the stage II vapor recovery system:

a. - c.iv. ...

7. Once a facility becomes subject to this regulation, that facility shall continue to be subject to this regulation even if throughput drops back below the throughput exemption level until the facility decommissions its stage II equipment in accordance with Paragraph J.4 of this Section.

8. - 9. ...

C. Training

1. Except as provided in Subsection J of this Section, at least one owner/operator/employee from each facility shall receive training in the categories listed in this Section. For each person who successfully completes training, a certificate or other proof of training shall be required. The required training shall be completed prior to the initiation of operation of a facility's stage II vapor recovery equipment. Training shall include the following areas:

1.a. - 2. ...

D. Testing

1. Except as provided in Subsection J of this Section, the owner/operator of the facility shall have the installed vapor recovery equipment tested prior to the start-up of the facility. The owner or operator shall notify the Office of Environmental Assessment at least five calendar days in advance of the scheduled date of testing. Testing must be performed by a contractor that is certified with the Department of Environmental Quality. Compliance with the emission specification for stage II equipment shall be demonstrated by passing the following required tests or equivalent for each type of system:

1.a. - 3. ...

E. Labeling. Except as provided in Subsection J of this Section, the facility owner/operator shall post operating instructions conspicuously on the front of each gasoline dispensing pump using a stage II vapor recovery system. The instructions shall include:

1. - 3. ...

F. Inspection

1. Until the stage II equipment is decommissioned in accordance with Paragraph J.4 of this Section, the facility owner or operator shall maintain the stage II vapor recovery system in proper operating condition as specified by the manufacturer and free of defects that could impair the effectiveness of the system, including but not limited to:

F.1.a. - H.2.b. ...

I. Fees. The fees are defined in LAC 33:III.223.

J. Termination of Stage II Program

1. The provisions of this Subsection shall be effective upon the effective date of final approval by the EPA of a revision to the state implementation plan (SIP) to incorporate this Subsection.

2. Notwithstanding any other provision, a new facility constructed after EPA approval of the SIP revision in Paragraph J.1 of this Section is exempt from requirements of this Section.

3. An existing facility with stage II vapor recovery equipment shall complete decommissioning of the stage II equipment no later than 18 months from EPA approval of the SIP revision in Paragraph 1 of this Subsection. The failure to properly and timely decommission a stage II vapor recovery system in accordance with this Subsection shall be a violation of the Act and these regulations and subject to an enforcement action, which may include requiring decommissioning of the stage II vapor recovery system and/or the prohibition of the sale/dispensing of gasoline at the facility. Once the decommissioning of the stage II vapor recovery system has been completed in accordance with this Subsection, the facility is no longer subject to the requirements of this Section, except to comply with notifications, procedures, and recordkeeping associated with decommissioning.

4. Decommissioning

a. All decommissioning shall be performed in accordance with this Paragraph.

i. Notice

(a). The owner or operator of a facility shall submit written notification of intent to decommission the stage II vapor recovery equipment at least 30 calendar days prior to the beginning of any decommissioning activity to the Louisiana Department Environmental Quality. The notice of intent shall include:

- (i). gasoline dispensing facility name and location address;
- (ii). owner name, address, and phone number;
- (iii). operator name, address, and phone number;
- (iv). on-site supervisor/contractor name, address, and phone number; and
- (v). planned decommissioning start date.

(b). If decommissioning activities are not initiated within 180 calendar days after the date the notice of intent to decommission is received by the department, the owner or operator of the gasoline dispensing facility shall refile the notice of intent to decommission for the gasoline dispensing facility location.

(c). The owner or operator of the gasoline dispensing facility shall notify the department in writing no later than 10 calendar days after completion of all decommissioning activity at the gasoline dispensing facility.

b. Required Decommissioning Activities

i. Only technicians who have received appropriate training, have all of the required tools, and possess the required regulatory and equipment-manufacturer certifications shall perform the stage II decommissioning procedure.

ii. The owner or operator of the gasoline dispensing facility shall perform and complete all of the following decommissioning activities, as applicable, in a manner consistent with the 2009 *Petroleum Equipment Institute Recommended Practices* 300-09 (PEI/RP 300-09), section 14 for the particular stage II vapor recovery system equipment installed at the gasoline dispensing facility, including:

(a). initiate safety procedures appropriate to the facility;

(b). relieve pressure in the tank ullage by removing all pressure/vacuum vent valves;

(c). drain all liquid collection points and vapor pumps for individual dispensers;

(d). remove all centrally located vapor pumps;

(e). disconnect all electrical components of the stage II system so that no electrical hazards are created (e.g., all vapor pumping or processing units and dispenser electronics);

(f). reprogram the dispenser electronics to reflect that stage II vapor recovery is no longer in service;

(g). securely seal the below-grade vapor piping at a height below the level of the base of the dispenser using only threaded plugs, threaded caps, or glued fittings;

(h). disconnect and seal off the vapor piping at the tank top if this can be done without excavation and without interfering with the vent line using only threaded plugs, threaded caps, or glue fittings;

(i). securely seal the lower end of the vapor piping inside the dispenser cabinet using only threaded plugs, threaded caps, or glue fittings;

(j). replace the stage II hanging hardware including hoses, nozzles, swivels, and breakaway components with conventional, industry-standard hanging hardware;

(k). install appropriate pressure/vacuum vent valve(s);

(l). remove any stage II instructions from the dispenser cabinet;

(m). conduct a visual check to verify that the visible components of the storage system are left in a condition that will reliably prevent the release of any vapors or liquids from any components of the storage system;

(n). conduct a pressure decay test;

(o). disconnect the central vacuum motor if present on the stage II system and seal piping using only threaded plugs, threaded caps, or glue fittings;

(p). provide written documentation, as provided on the department website, including the stage II decommissioning checklist and any contracts, work orders, certifications, or other appropriate record that the appropriate work to decommission Stage II equipment was performed; and

(q). complete all decommissioning activity at a gasoline dispensing facility location within 30 calendar days after the date decommissioning activity was initiated.

iii. Stage II dispensers may be removed and replaced with conventional dispensers, provided any applicable procedures in Clause ii of this Subparagraph are performed in a manner consistent with the *Petroleum Equipment Institute Recommended Practices* 300-09 (PEI/RP 300-09), section 14 for the particular stage II vapor recovery system equipment installed at the gasoline dispensing facility.

c. Decommissioning Completion Notice

i. The owner or operator of the gasoline dispensing facility shall notify, in writing, the department no later than 10 calendar days after completion of all decommissioning activity at the gasoline dispensing facility. Notification shall include:

(a). gasoline dispensing facility name and location address;

(b). owner name, address, and telephone number;

(c). operator name, address, and telephone number; and

(d). provide a copy of the documentation, including the checklist, demonstrating the appropriate actions for decommissioning of stage II equipment.

d. The stage II equipment shall be considered as decommissioned upon receipt of the decommissioning completion notice by the department.

e. The facility owner/operator shall maintain all documents related to decommissioning activities for at least four years and present them to an authorized representative of the department upon request. These documents may include:

i. checklists, contracts and invoices associated with decommissioning of the stage II vapor recovery system; and

ii. contracts, invoices, check lists, and results for required testing for decommissioning of the stage II vapor recovery system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:1254 (November 1992), repromulgated LR 19:46 (January 1993), amended LR 23:1682 (December 1997), LR 24:25 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 29:558 (April 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 34:1890 (September 2008), LR 34:2397 (November 2008), LR 37:1147 (April 2011), amended by the Office of the Secretary, Legal Division, LR 38:2752 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2138 (November 2017), LR 44:1242 (July 2018).

Herman Robinson
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1807#016

RULE

**Department of Health
Board of Optometry Examiners**

Optometry

(LAC 46:LI.Chapter 1, 301, 501, 503, 701, and 801)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana State Board of Optometry Examiners, pursuant to authority vested in the Louisiana State Board of Optometry Examiners by the Optometry Practice Act, R.S. 37:1041-1068, has amended Title 46, Part LI by adopting the following amendments to the rules set forth below. This Rule is hereby adopted on the day of promulgation.

A preamble which explains the basis and rationale for the action, and summarizing the information and data supporting the action has not been prepared. A description of the subjects and issues involved is as follows:

Section 107(B)(3)(i) adds schedule II of the uniform controlled dangerous substances law to this list of schedules

which may be prescribed by a licensed optometrist within the limitations provided therein.

Section 107(B)(3)(i) changes the length of time a licensed optometrist may prescribe a diagnostic and therapeutic pharmaceutical agent listed in schedule I, II, IV and V of the uniform controlled dangerous substances law from 48 hours to seven days.

Section 107(B)(3)(ii) removes Schedule II of the uniform controlled dangerous substances law provided in Louisiana Revised Statute 40:963 from the list of substances which shall be prohibited from use by a licensed optometrist.

Section 107(B)(3)(iii) allows a licensed optometrist to prescribe one additional seven day prescription if warranted by a follow-up exam, whereas the old rule only allowed a licensed optometrist to prescribe one additional 48 hour prescription.

Section 109(A) subsections (4), (5), (6) and (7) allow an optometrist to accept employment from a licensed hospital or hospital affiliate, a licensed ambulatory surgical treatment center owned in full or in part by Louisiana-licensed physicians or optometrists, a government sponsored healthcare program or facility and an entity which is a combination or joint venture of any entity authorized under Rule 109(A).

Section 109(B) is deleted and replaced with new §112 dealing with Controlling Professional Judgment of Optometrists.

Section 109(C) is deleted.

Section 111(A) adds multiple exceptions to the prohibition against splitting fees with persons and entities which are not licensed to practice optometry in the state of Louisiana by allowing an optometrist to split fees with (a) a professional optometric corporation or professional medical corporation organized pursuant to Title 12 of the Louisiana Revised Statutes and domiciled in the state of Louisiana; (b) a partnership or limited liability company domiciled in the state of Louisiana and for whom each partner or member is either an optometrist or physician duly licensed in the state of Louisiana or a professional optometric or medical corporation; (c) an optometrist or physician licensed in the State of Louisiana; (d) a licensed hospital or hospital affiliate; (e) a licensed ambulatory surgical center owned in full or in part by Louisiana-licensed physicians or optometrists; (f) a government sponsored healthcare program or facility; (g) an entity that is a combination or joint venture any and of the foregoing entities.

Section 111(B) allows an optometrist to (a) pay an employee in the regular course of employment and (b) pay a fair market value fee to a person or entity organized or operating for the primary purpose of providing billing services, collection services, administrative preparation, practice management, marketing materials, cooperative buying and/or group purchasing options for or on behalf of an entity listed in Section 111(A) based upon a percentage of professional service fees billed or collected, a flat fee or any other arrangement that directly or indirectly divides professional fees, so long as (a) the optometrist at all times controls the amount of the fees charged and collected for professional services; (b) the fee paid to the service provider is not for the solicitation or referral of a patient; and (c) no significant function of the service provider involves activities other than the provision of billing services,

collection services, administrative preparation, practice management, marketing materials, cooperative buying and/or group purchasing options.

Section 111(C) makes it clear that the prohibitions in Rule 111 do not prohibit a licensed optometrist from participating in a government-approved shared savings or alternative payment model such as an accountable care organization, physician specialty model or Medicare Advantage Innovation model.

Section 111(D) makes any violation of Rule 111 a violation of Louisiana Revised Statute 37:1061.

Section 115(F) makes it a violation for an optometrist to falsely create or alter a medical record or destroy a medical record except as authorized by law.

Section 301(A)(2)(c) removes certain organizations from the list of entities from which optometrists may use to obtain the required hours of continuing education relating to ocular and systematic pharmacology and/or current diagnosis and treatment of ocular disease.

Section 501 adds several new actions which constitute a failure to abide by the minimal standards of acceptable and prevailing optometry practice, including, (1) interdiction or commitment by due process of law; (2) sexual misconduct, including, but not limited to, any improper act of sexual intimacy, contact, exposure, gratification, abuse, exploitation or other sexual behavior with or in the presence of a patient or any other individual related to the practice of optometry; (3) the practice of optometry while under the influence of a mood-altering substance that compromises or has the potential to compromise an optometrist's medical judgment or practice, irrespective of whether or not prescribed by an optometrist or authorized practitioner; (4) using the term "board certified" or "Board Certified" in connection with their title, name, business or practice except to reference certification by organizations approved by the Louisiana State Board of Optometry Examiners.

Section 503(F)(1) adds a requirement that if a doctor maintains a current certificate to treat ocular pathology, that doctor must complete 16 hours of continuing education on an annual basis.

Old §503(G) relating to Certification to Use Diagnostic and Therapeutic Drugs to Treat Ocular Pathology has been deleted.

New §503(G) makes certain changes to the list of course topics which may be taken in order to be credentialed to use and perform authorized ophthalmic surgery procedures. The changes are as follows: (1) "laser application on clinical optometry" has been changed to "laser application;" (2) "common complications: lids, lashes, lacrimal system" has been changed to "common complications;" (3) "medicolegal aspects of anterior segment procedures" has been changed to "medicolegal aspects of procedures;" (4) "surgery anatomy of the eyelids" has been changed to "relevant surgery anatomy;" and (5) "epiluminescence microscopy" has been removed from the list.

New §503(K) has been added regarding the placement of a licensed optometrist on inactive status. This provision allows a licensed optometrist to make a request to the Louisiana State Board of Optometry Examiners for their license to be placed on inactive status. An optometrist may subsequently have his or her license placed on active status so long as the reinstatement fee is paid, any applicable

license renewal fees are paid and 16 hours of board approved continuing education classes must be taken for each year the license was on inactive status. If an inactive license holder fails to practice optometry in any state for greater than five consecutive years from the date the license was granted, the applicant may be required to take an examination acceptable to the Louisiana State Board of Optometry Examiners.

Old §701 will be replaced by new Rule 701 in its entirety. New Rule 701 adds the following pre-examination requirements: (1) be of good moral character; (2) have graduated from an approved high school or school maintaining a similar standard; (3) have graduated from a school or college of optometry approved by the board and hold the graduate level Doctor of Optometry degree; (4) file with the secretary of the board upon the form furnished an application under oath stating that he fulfills each requirement of this section and include with the application the papers required by R.S. 37:1050; (5) have reached the required level of performance on those parts of the examination administered by the National Board of Examiners in Optometry required by the board and cause to be furnished to the secretary of the board a true written copy of the score report of such national board examination; (6) have demonstrated that they have reached the qualification level necessary to become certified to treat abnormal conditions and pathology of the human eye and its adnexa as set forth in R.S. 37:1051, and the rules and regulations established, published and administered by the board; and (7) meet the credentialing requirements of the board to perform authorized ophthalmic surgery procedures.

New §701(B) gives discretion to the board to “allow an applicant to take the examination required by R.S. 37:1051 prior to having satisfied the requirements of Section 701.A for circumstances beyond the control of the applicant.”

Section 801 changes some of the required fees. These new fees are as follows: (1) fee for application for examination changed from \$100 to \$500; (2) annual license renewal fee changed from \$100 to \$200; (3) license delinquency fee changed from \$150 to \$300; (4) license reinstatement fee changed from \$150 to \$300; and (5) a new inactive license annual renewal fee set at \$100. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LI. Optometrists

Chapter 1. General Provisions

§107. Organization of the Board

A. ...

B. Definitions

1. As used in this Part, the following terms have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise.

2. Masculine terms shall include the feminine and, when the context requires, shall include partnership and/or professional corporations.

3. Where the context requires, singular shall include the plural or plural shall include the singular.

Act—the Optometry Practice Act, R.S. 37:1041 et seq.

Board—the Louisiana State Board of Optometry Examiners.

Diagnostic and Therapeutic Pharmaceutical Agent—any prescription or nonprescription drug delivered by any route of administration, used or prescribed for the diagnosis, prevention, treatment, or mitigation of abnormal conditions and pathology of the human eye and its adnexa, or those which may be used for such purposes, and certain approved narcotics, only when used in treatment of disorders or diseases of the eye and its adnexa. Licensed pharmacists of this state shall fill prescriptions for such pharmaceutical agents of licensed optometrists certified by the board to use such pharmaceutical agents.

i. Any *diagnostic and therapeutic pharmaceutical agent* as defined above listed in schedules II, III, IV and V of the uniform controlled dangerous substances law shall be limited to use or to be prescribed by a licensed optometrist for a maximum of seven days when used in treatment or disorders or diseases of the eye and its adnexa.

ii. *Diagnostic and therapeutic pharmaceutical agent* shall not include any drug or other substances listed in Schedule I of the uniform controlled dangerous substances law provided in R.S. 40:963 and 964 which shall be prohibited from use by a licensed optometrist.

iii. A licensed optometrist may prescribe one additional seven day prescription only if warranted by a follow-up exam.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:629 (April 2006), amended LR 34:872 (May 2008), LR 40:2249 (November 2014), repromulgated LR 40:2578 (December 2014), amended by the Department of Health, Board of Optometry Examiners, LR 44:1246 (July 2018).

§109. Employment Restrictions

A. - A.3. ...

B. Notwithstanding the provisions of Paragraph A of Section 109, an optometrist, duly licensed under the provisions of the Louisiana Optometry Law as set forth in R.S. 37:1041 et seq., may accept employment from:

1. a licensed hospital or hospital affiliate;

2. a licensed ambulatory surgical treatment center owned in full or in part by Louisiana-licensed physicians or optometrists;

3. government sponsored healthcare programs or facilities; or

4. the entity is a combination or joint venture of the entities authorized under this §109.A.

C. Violation of the provisions of this §109 by an optometrist shall be considered a violation of provisions of R.S. 37:1061, and as such the board may refuse to renew the license of any such optometrist on its annual renewal date of March 1 of each year (R.S. 37:1056) and/or subject such optometrist to suspension or revocation of his or her license to practice optometry upon due notice and hearing as provided in R.S. 37:1062.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:630 (April 2006), amended LR 35:1111 (June 2009), amended by the Department of Health, Board of Optometry Examiners, LR 44:1246 (July 2018).

§111. Prohibition of Fee Splitting

A. An optometrist, duly licensed under the provisions of the Louisiana optometry law as set forth in R.S. 37:1041 et seq. shall not divide, share, split, or allocate, either directly or indirectly, any fee for optometric services or materials with any person, corporation, partnership, or other entity, other than through an affiliation with:

1. a professional optometric corporation or professional medical corporation organized pursuant to title 12 of the *Louisiana Revised Statutes* and domiciled in the state of Louisiana;

2. a partnership or limited liability company domiciled in the state of Louisiana and for whom each partner or member, as the case may be, is:

a. an optometrist or physician duly licensed as an optometrist or physician in the state of Louisiana; or

b. a professional optometric corporation or professional medical corporation described above in Paragraph A.1 of this Section;

3. an optometrist or physician duly licensed as an optometrist or physician in the state of Louisiana;

4. a licensed hospital or hospital affiliate;

5. a licensed ambulatory surgical center owned in full or in part by Louisiana-licensed physicians or optometrists;

6. a government sponsored healthcare program or facility;

7. an entity that is a combination or joint venture of the entities authorized under this §111.A.

B. Nothing contained in this Section prohibits an optometrist from paying:

1. an employee in the regular course of employment; or

2. a fair market value fee to a person or entity organized and operated for the primary purpose of providing billing services, collection services, administrative preparation, practice management, marketing materials, cooperative buying and/or group purchasing options for or on behalf of an optometrist or entity described above in §111.A based upon a percentage of professional service fees billed or collected, a flat fee, or any other arrangement that directly or indirectly divides professional fees, so long as:

a. the optometrist at all times controls the amount of the fees charged and collected for professional services;

b. the fee paid to the service provider is not for the solicitation or referral of a patient; and

c. no significant function of the service provider involves activities other than the provision of billing services, collection services, administrative preparation, practice management, marketing materials, cooperative buying and/or group purchasing options.

C. Nothing in this Section shall be construed as to prohibit a licensed optometrist from participating in a government-approved shared savings or alternative payment model such as an accountable care organization, physician specialty model, or Medicare Advantage innovation model.

D. Violation of the provisions of this §111 by an optometrist shall be considered a violation of provisions of R.S. 37:1061, and as such the board may refuse to renew the license of any such optometrist on its annual renewal date of

March 1 of each year (R.S. 37:1056) and/or subject such optometrist to suspension or revocation of his or her license to practice optometry upon due notice and hearing as provided in R.S. 37:1062.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:630 (April 2006), amended by the Department of Health, Board of Optometry Examiners, LR 44:1247 (July 2018).

§112. Controlling Professional Judgment of Optometrist

A. Notwithstanding §§109 or 111 of this Part, it shall be unlawful and constitute a violation of this Section for any optometrist to enter into any contract, agreement or other arrangement that allows any person, corporation, partnership, or other entity, to control or attempt to control the professional judgment, the manner of practice, or the practice of an optometrist. For purposes of this Section, “control or attempt to control the professional judgment, the manner of practice, or the practice of an optometrist” shall include, but not be limited to:

1. setting, dictating or attempting to influence the professional fees charged for patient care, other than through a contract, agreement or other arrangement with a person or entity described in §111.A;

2. exerting or attempting to influence independent professional judgment, patient care, or any matter affecting the health and well-being of a patient, or the ability of an optometrist to provide such care;

3. restricting or attempting to restrict an optometrist’s freedom to see patients on an appointment basis;

4. terminating or threatening to terminate any lease, agreement, or other relationship in an effort to control the professional judgment and/or manner of practice of an optometrist;

5. making or guaranteeing a loan to an optometrist in excess of the value of the collateral securing the loan;

6. regulation of the optometrist’s business hours, other than through a contract, agreement or other arrangement with a person or entity described in §111.A;

7. taking custody or control of the optometrist’s business and patient records; or

8. the specification of particular treatments, drugs, products, services, procedures, or optical goods to be dispensed or prescribed for a patient.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Optometry Examiners, LR 44:1245 (July 2018).

§115. Patient Records

A. - E. ...

F. An optometrist shall not falsely create or alter a medical record or destroy a medical record except as authorized by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:630 (April 2006), amended by the Department of Health, Board of Optometry Examiners, LR 44:1247 (July 2018).

Chapter 3. License

§301. Continuing Education

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

c. Great Western Council of Optometry, Mountain West Council of Optometrists, North Central States Optometric Council, and Southern Council of Optometrists;

2.d - 4.a.

b. On or before July 1 shall be cause for the temporary suspension of a Louisiana optometry license as provided below and shall require payment of both the delinquency fee and reinstatement fee, in addition to the applicable annual renewal fee, as set forth in §801. Payment of the renewal fee, delinquency fee and reinstatement fee where the license has been suspended shall be accompanied by any costs or expenses, including attorney fees, which may be caused by the need for the institution of disciplinary or other proceedings, fines imposed in disciplinary or other proceedings, and all other applicable fees; and

4.c. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:630 (April 2006), amended LR 35:1111 (June 2009), LR 38:1590 (July 2012), amended by the Department of Health, Board of Optometry Examiners, LR 44:1248 (July 2018).

Chapter 5. Practicing Optometry

§501. Professional Conduct

A. The following acts or omissions constitute a failure by the optometrist to abide by the minimal standards of acceptable and prevailing optometry practice, as set forth in R.S. 37:1061(10).

1. Failure to keep the visual welfare of the patient uppermost at all times, promote the best care of the visual needs of mankind, strive continuously to develop educational, professional, clinical and technical proficiency and keep informed as to the new developments within his profession.

2. Failure to conduct his or her practice in a decorous, dignified and professional manner and in keeping with the rules, regulations and ethics as promulgated by this board.

3. Engaging in conduct which endangers the public health or renders the licensee unable to practice optometry with safety to the public, including inability to practice optometry with reasonable skill or safety to patients because of mental illness, interdiction or commitment by due process of law, or deficiency or physical illness, including but not limited to deterioration through the aging process or loss of motor skills, shall be grounds for suspension or revocation of any optometry license.

4. Sexual misconduct, including, but not limited to, any improper act of sexual intimacy, contact, exposure, gratification, abuse, exploitation or other sexual behavior with or in the presence of a patient or any other individual related to the practice of optometry.

5. Engaging in the practice of optometry while under the influence of a mood-altering substance that compromises or has the potential to compromise an optometrist's medical judgment or practice, irrespective of whether or not prescribed by an optometrist or authorized practitioner.

6. Using the term "board certified" or "Board Certified" in connection with their title, name, business or practice except to reference certification by organizations

approved by the Louisiana State Board of Optometry Examiners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:630 (April 2006), amended LR 35:1111 (June 2009), amended by the Department of Health, Board of Optometry Examiners, LR 44:1248 (July 2018).

§503. License to Practice Optometry

A. - E. ...

F. Continuing Education. In order to qualify for the annual license renewal required by R.S. 37:1057, the following information shall be presented to the secretary of the board:

1. Written certification that the doctor requesting license renewal has completed 12 hours of continuing education, or 16 hours of continuing education if the doctor maintains a current certificate to treat ocular pathology, between January 1 and December 31 of each year immediately preceding the March 1 renewal date set forth in R.S. 37:1057 by attendance and completion of courses approved by the Louisiana State Board of Optometry Examiners

2 - 5. ...

G. Qualifications for a Louisiana Licensed Optometrist to be Credentialed to Utilize and Perform Authorized Ophthalmic Surgery Procedures

1. Louisiana licensed optometrists shall be credentialed to perform authorized ophthalmic surgery procedures if:

a. the applicant provides proof of holding a Louisiana license to practice therapeutic optometry and is in good standing, or in the case of a new applicant for licensure, has satisfied the requirements of R.S. 37:1049(1)-(8); and

b. the applicant provides proof of satisfactory completion of a course of instruction approved by the board that may include:

i. the following didactic classroom instructions:

(a). laser physics, hazards, and safety;

(b). biophysics of lasers;

(c). laser application;

(d). laser tissue interactions;

(e). laser indications, contraindications, and potential complications;

(f). gonioscopy;

(g). laser therapy for open angle glaucoma;

(h). laser therapy for angle closure glaucoma;

(i). posterior capsulotomy;

(j). common complications, lids, lashes, lacrimal system;

(k). medicolegal aspects of procedures;

(l). peripheral iridotomy;

(m). laser trabeculoplasty;

(n). minor surgical procedures;

(o). overview of surgical instruments, asepsis, and O.S.H.A.;

(p). relevant surgical anatomy;

(q). emergency surgical procedures;

(r). chalazion management;

(s). local anesthesia: techniques and complications;

(t). anaphalaxis and other office emergencies;
(u). radiofrequency surgery;
(v). post-operative wound care; and
c. the applicant satisfactorily completes a written test approved by the board on aspects of the Louisiana Optometry Practice Act pertaining to authorized ophthalmic surgery procedures.

2. A board-approved course of instruction shall be:
a. provided by an accredited optometry, osteopathy or medical school;
b. a minimum of 32 clock hours in length; and
c. sponsored by an organization approved by the board.

3. Prohibitions and Referrals
a. Performing authorized ophthalmic surgery procedures without credentialing based upon the education requirements outlined in this administrative regulation shall be grounds for suspension or revocation of an optometry license and/or credentialing to perform authorized ophthalmic surgery procedures as per section 1061 of the Optometry Practice Act.

4. Outcomes Reporting
a. Every optometrist who has met the requirements for certification to perform authorized ophthalmic surgery procedures shall report to the board the outcome of authorized ophthalmic surgery procedures performed in such form as required or directed by the board.

5. Beginning with the graduating class of 2015 any optometrist who provides proof that he/she graduated from an optometry school whose program includes all of the training and testing requirements established by the board may be deemed to have met the requirements for certification to perform authorized ophthalmic surgery procedures.

6. Performance of authorized ophthalmic surgery procedures by any person without a valid and current certificate issued by the board to perform such procedures shall be considered a violation of section 1061(A)(1) of the Optometry Practice Act.

H. Prescriptions for Eyeglasses or Contact Lenses

1. Every written prescription shall contain an expiration date and the signature of the optometrist issuing the prescription. The expiration date may not exceed 18 months, unless the optometrist documents a valid medical reason in the chart for doing so.

2. Contact lenses may not be sold or dispensed without a written, signed, unexpired prescription. Every contact lens prescription shall contain information specifying the curvature, diameters, refractive power, pertinent measurement, and the number of lenses to be dispensed. An optometrist, when issuing a prescription for contact lenses, shall issue to the patient a notice that states the number of refills allowed and the expiration date of the prescription.

3. An optometrist, when filling a prescription for eyeglasses or contact lenses, shall be required to keep the original prescription. An optometrist may not refuse to release to a patient a copy of the patient's prescription if requested by the patient; provided, however, an optometrist shall not be required to release a prescription that has expired.

4. A spectacle prescription shall not be construed to be or substituted for a contact lens prescription nor shall a contact lens prescription be construed to be or substituted for a spectacle prescription.

I. Participation in Student Extern Program. An optometrist may participate in student extern programs in accordance with rules and regulations promulgated from time to time by the board.

1. The level of responsibility assigned to a student extern shall be at the discretion of the supervising optometrist who shall be ultimately responsible for the duties, actions or work performed by such student extern.

2. The duties, actions and work performed by a student extern in accordance with the provisions of this §503 and §603 shall not be considered the practice of optometry without a license as set forth in R.S. 37:1061(14).

J. Retirement of License. A duly licensed optometrist who is in good standing and no longer desires to practice in Louisiana may choose to retire their license rather have it revoked for failure to complete the renewal requirements. Notice of retirement of an optometrist shall be in writing and effective upon delivery to the board. In the event that a retired optometrist wishes to practice, the optometrist must apply for and complete the requirements for initial licensure in order to again become licensed to practice in Louisiana.

K. Inactive Status

1. Upon request by a duly licensed Optometrist whose license is in good standing, the board by rule may provide for a license holder's license to be placed on inactive status. The request to have a license be considered inactive must be in writing and delivered to the board. The request for inactive status will be placed on the board agenda for consideration at the next scheduled board meeting and the effective date of inactive status determined by the board will be set and may be retroactive. A person who holds an inactive license may not practice optometry in any manner in Louisiana until such time the license is reactivated and current. A person holding an inactive license is exempt from the continuing education requirements of Section 301. A violation of this section has the same effect as, and is subject to the penalties for, practicing optometry without holding a license. The holder of an inactive license must renew the inactive license annually and pay appropriate renewals fees to avoid revocation.

2. Re-Activation of Inactive License. For an inactive license to be re-activated, the license holder must pay the reinstatement fee set forth in §801.A.6 plus any and all license renewal fee(s) and comply with all continuing education requirements. To re-activate an inactive license the license holder must show 16 hours of board approved continuing education for each year of inactive license status. The required continuing education may be obtained at any time during the inactive status period. If the inactive license holder fails to practice optometry in any state for greater than five consecutive years from the date the license was granted inactive status, an examination acceptable to the board may be required to re-activate the original license. For holders of an inactive license with authorized ophthalmic surgery procedures, if the inactive license holder fails to practice authorized ophthalmic surgery procedures in any state for greater than five consecutive years from the date the

license was granted inactive status, a recertification of advanced procedure proficiency and examination acceptable to the board may be required to re-activate the original license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:632 (April 2006), amended LR 34:873 (May 2008), LR 38:1590 (July 2012), LR 40:2250 (November 2014), repromulgated LR 40:2580 (December 2014, amended by the Department of Health, Board of Optometry Examiners, LR 44:1248 (July 2018).

Chapter 7. Examination

§701. Examination Requirements

A. In order to take the examination required by R.S. 37:1051, an applicant must satisfy the following licensing requirements set forth in R.S. 37:1049:

1. be of good moral character;
2. have graduated from an approved high school or school maintaining a similar standard;
3. have graduated from a school or college of optometry approved by the board and hold the graduate level doctor of optometry degree;
4. file with the secretary of the board upon the form furnished an application under oath stating that he fulfills each requirement of this Section and include with the application the papers required by R.S. 37:1050;
5. have reached the required level of performance on those parts of the examination administered by the National Board of Examiners in Optometry required by the board and cause to be furnished to the secretary of the board a true written copy of the score report of such national board examination;
6. have demonstrated that they have reached the qualification level necessary to become certified to treat abnormal conditions and pathology of the human eye and its adnexa as set forth in R.S. 37:1051, and the rules and regulations established, published, and administered by the board; and
7. meet the credentialing requirements of the board to perform authorized ophthalmic surgery procedures.

B. The Louisiana State Board of Optometry Examiners shall have the discretion to allow an applicant to take the examination required by R.S. 37:1051 prior to having satisfied the requirements of §701.A for circumstances beyond the control of the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:635 (April 2006), amended by the Department of Health, Board of Optometry Examiners, LR 44:1250 (July 2018).

Chapter 8. Fees and Expenses

§801. Fees

A. The board shall charge and collect the following fees, consistent with R.S. 37:1058:

1. application for examination—\$500;
2. original license fee—\$300;
3. duplicate license fee—\$50;
4. annual license renewal fee—\$200;
5. license delinquency fee—\$300;
6. license reinstatement fee—\$300;
7. original authorized ophthalmic surgery procedure certificate—\$50;

8. inactive license annual renewal fee—\$100.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:635 (April 2006), amended LR 40:2252 (November 2014), repromulgated LR 40:2580 (December 2014), amended by the Department of Health, Board of Optometry Examiners, LR 44:1250 (July 2018).

Dr. James Sandefur, O.D.
Secretary

1807#008

RULE

Department of Health Office of Public Health

Water Supplies (LAC 51:XII.101, 105, 302, 319, and 355)

Under the authority of R.S. 40:4, 40:4.13, and 40:5 and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH-OPH), has amended Part XII (Water Supplies) of the Louisiana state *Sanitary Code* (LAC 51). When effective, the amendments to Part XII assist LDH-OPH in ensuring the continued protection of public health from contaminated drinking water. The amendments added four requirements to the list of significant deficiencies (see §319) as approved by the Water Committee on March 8, 2018. Public water systems are required to correct significant deficiencies identified by LDH-OPH personnel during a sanitary survey. Sanitary surveys (onsite inspections) are required by federal regulations to be conducted every 3 to 5 years depending on the water system type, and therefore the compliance deadline for the new requirements will vary by water system and may be extended on an as needed basis. The §302 amendments clarify that the new design standards in Chapter 1 and 2 as published in the February 20, 2018 *Louisiana Register* supersede Chapter 3 design standards for new public water systems or any proposed new construction or modification to an existing public water system. The remaining amendments are just clarifications and do not impose any new requirements. The effective date of the below amendments is planned to be on August 1, 2018 to coincide with the effective date of the previously mentioned new design standards. For these reasons set forth above, Part XII (Water Supplies) of the Louisiana state *Sanitary Code* (LAC 51:XII) is amended as follows. This Rule is hereby adopted on the day of promulgation.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part XII. Water Supplies

Chapter 1. General

§101. Definitions

[formerly paragraph 12:001]

A. Unless otherwise specifically provided herein, the following words and terms used in this Part of the *Sanitary Code*, and all other Parts which are adopted or may be adopted, are defined for the purposes thereof as follows.

Critical Component—a component is considered critical if failure is expected to result in a quality or quantity of finished water that fails to meet the requirements of this Part.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:258(B), R.S. 36:254(B)(7), R.S. 40:4(A)(8), R.S. 40:4.13(D)(1)(2), R.S. 40:5(A) (2)(3)(5)(6)(17)(20), and R.S. 40:1148.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1318 (June 2002), amended LR 28:2513 (December 2002), LR 30:1194 (June 2004), LR 30:2326 (October 2004), LR 35:484 (March 2009), LR 35:1240 (July 2009), LR 38:2375 (September 2012), LR 38:2793 (November 2012), LR 38:3232 (December 2012), amended by the Department of Health, Office of Public Health, LR 43:84 (January 2017), LR 44:1248 (July 2018).296 (February 2018), effective August 1, 2018, LR 44:1251 (July 2018).

§105. Permit Requirements for a Potable Water Supply **[formerly paragraph 12:002-2]**

A. - B. ...

C. Submission of plans for maintenance and replacement of existing facilities in-kind shall not be required.

1. Interior coating of potable water storage tanks is not considered maintenance and shall be submitted to the state health officer for approval. Submission for pre-approval of materials for minor repairs is allowable.

D. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8), 40:4.13(D)(1)(2) and R.S. 40:5(A)(2)(3)(5)(6)(7)(17)(19).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1320 (June 2002), amended LR 38:2376 (September 2012), amended by the Department of Health, Office of Public Health, LR 44:297 (July (February 2018), effective August 1, 2018, LR 44:1251 (July 2018).

Chapter 3. Water Quality Standards

§302. Relationship with this Part

A. Effective August 1, 2018, LAC 51:XII.111-191 and §§201-277 of this Part supersede, for any new public water system or any proposed new construction or modification to an existing public water system, any other design provisions in this Chapter.

B. Nothing in this Section shall be construed to allow any exception to compliance with the significant deficiency requirements of §319 of this Part, which is applicable to all public water systems, irrespective of construction date.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(8), 40:4.13(D)(1)(2) and 40:5(A)(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:1251 (July 2018).

§319. Significant Deficiencies Identified in Sanitary Surveys

A. - C. ...

D. For all public water systems, except as otherwise specified in this Part, failure to comply with any of the following requirements has been determined by the state health officer to be a significant deficiency and shall be corrected in accordance with §319.B of this Part:

1. §§105.A, 105.B or 105.D of this Part;
2. §135.A of this Part [standby power] for any community water supply and non-community water supply serving a hospital. A standby power supply shall be provided

through a dedicated portable or in-place auxiliary power of adequate supply and connectivity;

3. §161.A of this Part [flood protection] for any community water supply. Use of a levee system or flood walls are acceptable for meeting §161.A of this Part;

4. §169.B.2 of this Part [secondary source] for any community water supply and non-community water supply serving a hospital. Connection to another public water supply of sufficient capacity or providing an LDH-approved annual public notice to customers may be considered in lieu of meeting §169.B.2 of this Part;

5. §237.A of this Part [minimum system pressure of 20 psig];

6. §309.A of this Part;

7. there shall be no pathway for contamination into the well casing or discharge piping. The well site grading, the well slab and all well appurtenances including casing, sanitary seal, vent, and drawdown tube shall be maintained to prevent the introduction of contamination into the well casing and discharge piping;

8. every potable water well, and the immediate appurtenances thereto that comprise the well, shall be located at a safe distance from all possible sources of contamination. The state health officer has deemed that due to the horizontal distance to a possible source of pollution that is currently causing, or may reasonably be expected to cause contamination to be introduced into the water being delivered to consumers, action is necessary to eliminate or mitigate this potential source of contamination;

9. §315.A of this Part;

10. §325.A of this Part;

11. §327.A.15 of this Part;

12. §329.A.6 of this Part;

13. §331.A of this Part;

14. §337.C of this Part;

15. §343.A of this Part;

16. §344.A of this Part;

17. general equipment design shall be such that feeders will be able to supply, at all times, the necessary amounts of chemicals at an accurate rate throughout the range of feed;

18. for fluoride only, day tanks shall be provided where bulk storage of liquid chemical is provided, meet all the requirements of §203.J, hold no more than a 30-hour supply, and be scale mounted or have a calibrated gauge painted or mounted on the side if liquid levels can be observed in a gauge tube or through translucent sidewalls of the tank. In opaque tanks, a gauge rod extending above a reference point at the top of the tank, attached to a float can be used. The ratio of the area of the tank to its height shall be such that unit readings are meaningful in relation to the total amount of chemical fed during a day;

19. no drain on a water storage structure shall have a direct connection to a sewer or storm drain. The design shall allow draining the storage facility for cleaning or maintenance without causing loss of pressure in the distribution system;

20. system shall have a monitoring plan that includes a list of all routine compliance samples required on a daily, weekly, monthly, quarterly, and annual basis and identify the sampling location where samples are to be collected. The public water system shall revise and re-submit its monitoring plan if changes to a plant or distribution system require

changes to the sampling locations or if any significant changes to the disinfection methods are made. In addition, the public water system shall update and re-submit its monitoring plan when the system's sampling requirements or protocols change;

21. §1503.A.1 of this Part;

22. §1503.C of this Part;

23. storage tanks and pipelines for liquid chemicals shall be specified for use with individual chemicals and shall not be used for different chemicals. Offloading areas shall be clearly labeled to prevent accidental cross-contamination;

24. system shall ensure that no critical water system component is in poor condition or defective;

25. all potable water systems shall be designed, constructed, and maintained so as to prevent leakage of water due to defective materials, improper jointing, corrosion, settling, impacts, freezing, or other causes. Valves and blow-offs shall be provided so that necessary repairs can be made with a minimum interruption of service; and

26. other condition which is deemed by the state health officer to be a significant deficiency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8), 40:13(D)(1)(2) and R.S. 40:5(A)(2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 43:85 (January 2017), amended LR 44:1249 (July 2018), 345 (February 2018), effective August 1, 2018, LR 44:1251 (July 2018).

§355. Mandatory Disinfection

[formerly paragraph 12:021-1]

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

B. All new groundwater systems installed after July 1, 1996 shall provide at least 30 minutes contact time prior to the first customer. It is recommended that all existing systems provide the 30 minutes contact time prior to the first customer. Additions to or extensions of existing systems are exempt from the 30 minutes contact time.

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 42:408 (March 2016), amended by the Department of Health, Office of Public Health, LR 44:1252 (July 2018).

Jimmy Guidry, MD
State Health Officer
and
Rebekah E. Gee, MD, MPH,
Secretary

1807#030

RULE

Department of Health Bureau of Health Services Financing

Adult Residential Care Providers
Licensing Standards
Involuntary Termination of Residency Agreement
(LAC 48:I.6837)

The Department of Health, Bureau of Health Services Financing has amended LAC 48:I.6837 governing the licensing standards for adult residential care providers as authorized by R.S. 36:254 and R.S. 40:2166.1-2166.8 et seq. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 68. Adult Residential Care Providers

Subchapter C. Residency Criteria, Person-Centered

Service Plans, and Residency Agreements

§6837. Termination of Residency Agreements

A. - B.2.d.iii. ...

3. The resident and/or the resident's representative, if applicable, shall have the right to dispute any involuntary termination of the residency agreement in accordance with §6833.G.6-7.

B.4. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1097 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:1252 (July 2018).

Rebekah E. Gee MD, MPH
Secretary

1807#057

RULE

Department of Health Bureau of Health Services Financing

Federally-Qualified Health Centers
Reimbursement Methodology—Cost Reporting
(LAC 50:XI.10503 and 10701)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XI.10503 and 10701 in the Medical Assistance Program as authorized by R.S. 36:254

and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XI. Clinic Services
Subpart 13. Federally-Qualified Health Centers
Chapter 105. Provider Participation

§10503. Standards for Participation
[Formerly §10303]

- A. - D. ...
1. Each member of the instructional team must:
 - a. be a certified diabetes educator certified by the National Certification Board for Diabetes Educators; or
 - b. ...
 2. At a minimum, the instructional team must consist of one of the following professionals who is a certified diabetes educator:

2.a. - 3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:2328 (October 2004), repromulgated LR 30:2488 (November 2004), amended LR 32:1901 (October 2006), amended LR 37:2630 (September 2011), amended by the Department of Health, Bureau of Health Services Financing, LR 44:1253 (July 2018).

Chapter 107. Reimbursement Methodology

§10701. Prospective Payment System

- A. - F. ...
- G. Cost Reports. FQHCs shall submit cost reports when there is an increase or decrease in their scope of services.

1. *Change in Scope of Services*—an addition, removal or relocation of services sites, and the addition or deletion of specialty and non-primary care services that were not included in the base line rate calculation.

2. The final PPS rate shall be calculated using the first two years of audited Medicaid cost reports, which shall include documentation of the change in scope.

3. Cost reports shall not be accepted for rate changes without a change in the scope of service.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1902 (October 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2630 (September 2011), LR 39:3076 (November 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 44:1253 (July 2018).

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.

Rebekah E. Gee MD, MPH
Secretary

1807#058

RULE

Department of Health
Bureau of Health Services Financing

Managed Care for Physical and Behavioral Health
Applied Behavior Analysis-Based Therapy Services
(LAC 50:I.3103 and 3507)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:I.3103 and §3507 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

**Subpart 3. Managed Care for Physical
and Behavioral Health**

Chapter 31. General Provisions

§3103. Recipient Participation

A. - A.1.k. ...

B. Mandatory, Voluntary Opt-In Participants

1. Participation in an MCO for the following participants is mandatory for specialized behavioral health, applied behavior analysis (ABA)-based therapy and non-emergency medical transportation (NEMT) services (ambulance and non-ambulance) only, and is voluntary for physical health services:

B.1.a. - I. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1573 (June 2011), amended LR 40:310 (February 2014), LR 40:1096 (June 2014), LR 40:2258 (November 2014), LR 41:929 (May 2015), LR 41:2363 (November 2015), LR 42:754 (May 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1522 (September 2016), LR 43:663 (April 2017), LR 43:1553 (August 2017), LR 44:1253 (July 2018).

**Chapter 35. Managed Care Organization
Participation Criteria**

§3507. Benefits and Services

A. - C.4. ...

D. The following is a summary listing of the core benefits and services that an MCO is required to provide:

1. - 5. ...

6. EPSDT/well child visits, excluding dental services;

D.7. - H.5. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1585 (June 2011), amended LR 39:92 (January 2013), repromulgated LR 39:318 (February 2013), LR 41:936 (May 2015), LR 41:2367 (November 2015), LR 42:755 (May 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 44:61 (January 2018), LR 44:1253 (July 2018).

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.

Rebekah E. Gee MD, MPH
Secretary

1807#059

RULE

Department of Public Safety and Corrections Office of State Fire Marshal

Amusement Attractions and Ride Safety
(LAC 55:V.Chapter 25)

Under the authority of R.S. 40:1484.2(B) et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public Safety, Public Safety Services, Office of State Fire Marshal, has repealed §§2501 through 2059 in their entirety and has adopted §§2501 through 2593. Act 462 of the 2016 Regular Session created a new regulatory scheme for the testing, inspection, and operation of inflatable amusement devices, amusement attractions, and amusement rides, including the registering of all inflatable amusement devices, amusement attractions, and amusement rides being operated in the state of Louisiana. These regulations set forth the procedures and requirements for becoming licensed to perform testing, inspections, and the operation of inflatable amusement devices, amusement attractions, and amusement rides and a fine schedule for any violation of the statute or regulation. These regulations also provide basic safety measures for certain inflatable amusement devices, amusement attractions, and amusement rides and a mechanism for reporting accidents resulting in injury or death. This Rule is hereby adopted on the day of promulgation.

Title 55

PUBLIC SAFETY

Part V. Fire Protection

Chapter 25. Amusement Attractions and Rides

§2501. Purpose

A. The purpose of these rules is to regulate the activity of firms, employees of firms, and individuals who own, operate, set-up, and/or inspect inflatable amusement devices, amusement attractions, or amusement rides in the interest of protecting and preserving human lives pursuant to the authority of R.S. 40:1484.1 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1254 (July 2018).

§2503. Administration

A. The Office of State Fire Marshal, which administers the provisions of R.S. 40:1484.1 et seq., relating to the amusement rides safety law, is located at 8181 Independence Blvd., Baton Rouge, LA 70806.

B. The following nationally recognized standards are to be used in the formulation and enforcement of these rules and regulations. Should there arise a conflict between these standards and R.S. 40:1484.1 et seq., or the rules and

regulations, the provisions of R.S. 40:1484.1 et seq., and/or these rules shall apply:

1. ASTM F2374-10, *Standard Practice for Design, Manufacture, Operation, and Maintenance of Inflatable Amusement Devices*; (approved Feb. 1, 2010; published March 2010);

2. ASTM F1159-15b, *Standard Practice for Design of Amusement Rides and Devices that are Outside the Purview of Other F24 Design Standards*; (approved Nov. 1, 2015; published November 2015);

3. ASTM F1193-16, *Standard Practice for Quality, Manufacture, and Construction of Amusement Rides and Devices*; (approved Feb. 15, 2016; published March 2016);

4. ASTM F2959-16, *Standard Practice for Aerial Adventure Courses*; (approved May 1, 2016; published May 2016);

5. ASTM F2970-15, *Standard Practice for Design, Manufacture, Installation, Operation, Maintenance, Inspection and Major Modification of Trampoline Courts*; (approved Feb. 15, 2015; published April 2015);

6. ASTM F2291-15, *Standard Practice for Design of Amusement Rides and Devices*; (approved Aug. 1, 2015; published October 2015);

7. ASTM F2375-09, *Standard Practice for Design, Manufacture, Installation and Testing of Climbing Nets and Netting/Mesh used in Amusement Rides, Devices, Play Areas and Attractions*; (approved March 1, 2009; published April 2009);

8. ASTM F2974-15, *Standard Guide for Auditing Amusement Rides and Devices*; (edition approved Sept. 1, 2015; published December 2015);

9. ASTM F3099-14, *Standard Practices for Parasailing*; (edition approved Sept. 1, 2014; published September 2014);

10. ASTM F770-15, *Standard Practice for Ownership, Operation, Maintenance, and Inspection of Amusement Rides and Devices*; (edition approved May 1, 2015; published May 2015);

11. ASTM F2007-12, *Standard Practice for Design, Manufacture, and Operation of Concession Go-Karts and Facilities*; (approved March 1, 2012; published March 2012);

12. ASTM F2460-11, *Standard Practice for Special Requirements for Bumper Boats*; (edition approved March 1, 2011; published April 2011);

13. ASTM F2960-16, *Standard Practice for Permanent Amusement Railway Ride Tracks and Related Devices*; (edition approved Nov. 1, 2016; published November 2016);

14. ASTM F3054-15, *Standard Practice for Operations of Amusement Railway Rides, Devices, and Facilities*; (edition approved Dec. 1, 2015; published January 2016);

15. ASTM F747-15, *Standard Terminology Relating to Amusement Rides and Devices*; (edition approved Oct. 1, 2015; published November 2015);

16. ASTM F1957-99 (Reapproved 2011), *Standard Test Method for Composite Foam Hardness-Durometer Hardness*; (edition approved Jan. 15, 2011; published June 2011);

17. ASTM F2137-16, *Standard Practice for Measuring the Dynamic Characteristics of Amusement Rides and Devices*; (edition approved Oct. 15, 2016; published November 2016);

18. ASTM F2376-13, *Standard Practice for Classification, Design, Manufacture, Construction, and Operation of Water Slide Systems*; (edition approved June 1, 2013; published May 2014);

19. ASTM F2461-09, *Standard Practice for Manufacture, Construction, Operation, and Maintenance of Aquatic Play Equipment*; (edition approved March 15, 2009; published May 2009);

20. ASTM F1957-99 (Reapproved 2011), *Standard Test Method for Composite Foam Hardness-Durometer Hardness*; (edition approved Jan. 15, 2011; Published June 2011);

21. NFPA 101 (2015 edition), *Life Safety Code*; and

22. NFPA 70 (2014 edition), *National Electrical Code*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1254 (July 2018).

§2505. Applicability of Rules

A. These rules shall apply to all firms and persons engaged in the activity of owning, operating, setting up of, and/or inspecting inflatable amusement devices, amusement attractions, or amusement rides.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1255 (July 2018).

§2507. Notices of Violations and Penalties; Cease and Desist Orders

A. Any notice required to be given by the state fire marshal or his designee to any firm, owner, or operator found to have violated the provisions of R.S. 40:1484 et seq., or these rules shall include any proposed penalty and may be provided in the following manner:

1. by personal service, to include hand delivery to the firm, owner, operator, employee, or individual;

2. by domiciliary service, to include hand delivery to a person of suitable age and discretion who resides with the owner, operator, employee, or individual;

3. when mailed, postage prepaid, to the subject person's residence or entity address as it appears in the records in the Office of State Fire Marshal;

4. by electronic transmission or electronic mail (email) if the electronic transmission or email is retrievable in a perceivable form and the Office of State Fire Marshal and the recipient have consented in writing to the use of such form of electronic transmission or email for purposes of notice or communication between the parties; or

5. on the seventh calendar day after it is mailed with correct postage to the most recent address of the firm, owner, operator, employee, or individual furnished in writing or electronically to the Office of State Fire Marshal.

B. It is the responsibility of the person or entity involved to ensure that the office has a correct email address or electronic notification information for the person or firm. It is the responsibility of the person or entity involved to ensure that the office has a correct address for the person or firm.

C. Any cease and desist order issued by the Office of State Fire Marshal in accordance to R.S. 40:1484.1 et seq., or these rules must be given in the following manners:

1. personal service; or

2. mail, certified return receipt.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1255 (July 2018).

§2509. Definitions

A. As used in this Part, the following terms have the meanings specified in this Section, except where the context expressly indicates otherwise.

AIMS—the Amusement Industry Manufacturers and Suppliers association.

ANSI—the American National Standards Institute.

ASTM—the American Society of the International Association for Testing and Materials.

Certificate of Licensure—that document issued by the Office of State Fire Marshal to a firm or individual authorizing it or him to engage in such activities as defined in R.S. 40:1484.1 et seq., and these rules.

Employee—a person who works for a "firm" as defined by R.S. 40:1484.1 et seq., in return for financial or other compensation.

a. For the purposes of the licensing requirements, contained in R.S. 40:1484.1 et seq., employees shall not include secretaries, drivers, accounting, or other administrative personnel.

b. For the purposes of licensing requirements, the firm owner or owners shall be considered an "employee" if he or she is or will be inspecting or operating an inflatable amusement device, amusement attraction, or amusement ride.

Endorsement—a category of license authorizing its holder to operate, and/or perform inspections of inflatable amusement devices, amusement attractions, or amusement rides.

Event Foreman—that employee at least 18 years of age or older designated by an inflatable amusement device, amusement attraction, or amusement ride operating firm as the person responsible for amusement event operations. A foreman is not required to be licensed, but the employing firm shall provide to the Office of State Fire Marshal the name and contact information of at least one foreman for each event. The foreman shall also be knowledgeable of the required notification procedures involving reportable accidents at an event.

Event Tag—a tag that is affixed to inflatable amusement devices, amusement attractions, or amusement rides designating the duration of an individual event. The color of the tag determines whether the ride is approved for use or identifies impairments.

Go-Kart Track—a fixed course, either open to the public or operated on a private or semi-public basis, whether or not operated for profit, wherein the use of go-karts (karts) for rides, rentals, demonstrations, and/or testing is the principal use of such business. It does not include tracks or courses solely operated for competitive racing, time trials, or similar activities reasonably connected therewith.

Limited Third-Party Specialty Inspector Endorsement—that document issued by the Office of State Fire Marshal authorizing its holder to test and inspect only inflatable amusement devices.

Major Modification—any change in the structural or operational characteristics of the inflatable amusement device, amusement attraction, or amusement ride which may alter the safety or performance characteristics from that specified in the original design criteria of the manufacturer.

Material and/or Structural Testing—the nondestructive testing of inflatable amusement devices, amusement attractions, or amusement rides, conducted by licensed third-party inspectors at least annually for safety in accordance with ASTM-F-24 and other applicable standards, regulations, manuals, service bulletins, and notices. This differs from the set-up and functional status of inflatable amusement devices, amusement attractions, or amusement rides at an individual event.

Minor Modification—a change that does not affect the original manufacturer safety or performance characteristics or criteria of an inflatable amusement device, amusement attraction, or amusement ride. Examples of minor modifications are changes in signage or the thematic references of an inflatable amusement device, amusement attraction, or amusement ride.

NAARSO—the National Association of Amusement Ride Safety Officials.

NFPA—the National Fire Protection Association.

OSFM-IMS—the Office of State Fire Marshal information management system.

Operator—a person who possesses the appropriate training or experience enabling an inflatable amusement device, amusement attraction, or amusement ride firm to obtain an operator firm license. An operator shall be a paid employee of the firm and shall be actively engaged in the direct supervision of operations of the licensed firm and its employees. Every operating firm shall employ and license at least one operator.

Office—the Office of State Fire Marshal.

Operator Endorsement—that document issued by the Office of State Fire Marshal authorizing its holder to manage, coordinate, or possess the duty to control the operation of the inflatable amusements devices, amusement attractions, or amusement rides at an event.

Reidentification—the creation by an operator or owner of a new name, number, or both of an inflatable amusement device, amusement attraction, or amusement ride that has been the subject of a major modification.

Reinspection—an inspection conducted by a licensed inspector subsequent to an initial inspection during which deficiencies were identified. The purpose of a reinspection is to ensure corrective measures have been taken that will result in bringing the inflatable amusement device, amusement attraction, or amusement ride into compliance with R.S. 40:1484.1 et seq., manufacturer specifications, and these rules.

Set-Up Inspector Endorsement—that document issued by the Office of State Fire Marshal authorizing its holder to conduct the set-up inspection prior to the opening of an amusement attraction or prior to the operation of an inflatable amusement device or amusement ride at each event in accordance with R.S. 40:1484.1 et seq., and these rules.

Third-Party Inspector Endorsement—that document issued by the Office of State Fire Marshal authorizing its holder to test and inspect inflatable amusement devices, amusement attractions, and amusement rides in accordance with R.S. 40:1484.1 et seq., and these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1255 (July 2018).

§2511. Registration of Inflatable Amusement Devices, Amusement Attractions, Amusement Rides; Registration Requirements

A. Required

1. Any owner of an inflatable amusement device, amusement attraction, or amusement ride shall register each of his inflatable amusement devices, amusement attractions, or amusement rides with the Office of State Fire Marshal in accordance with these rules prior to its use in this state.

B. Registration Requirements

1. To register the inflatable amusement device, amusement attraction, or amusement ride being used in this state, the owner shall electronically submit the following information utilizing the Office of State Fire Marshal information management system (OSFM-IMS) or in writing on the forms provided by the Office of State Fire Marshal and accompanied by the required fee as specified in R.S. 40:1484.18 et seq., and these rules:

a. a registration application;

b. a certificate of inspection dated no earlier than 60 days prior to the date of submission of a registration application; and

c. a copy of the general liability insurance policy in which all inflatable amusement devices, amusement attractions, and amusement rides being registered are listed on the submitted insurance declaration page.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1256 (July 2018).

§2513. Certificate of Registration; Registration Plates; Placement; Annual Decals; Replacement Fees

A. Certificate of Registration

1. Upon approval of the firm or individual to be licensed by the Office of State Fire Marshal, a certificate of registration shall be issued to the owner of each inflatable amusement device, amusement attraction, or amusement ride registered. The certificate or a copy thereof shall be kept where it is accessible upon demand by the state fire marshal or his representative.

B. Registration Plates

1. Once an inflatable amusement device, amusement attraction, or amusement ride is registered, a registration plate shall be issued bearing a permanent registration number. The plate is to be permanently affixed to the amusement attraction or amusement ride in a conspicuous location.

2. To prevent damage to inflatable devices, owners and operators shall be allowed to temporarily affix the plate

to or near the inflating mechanism or to a grommet at or near the inflating mechanism for the duration of each event where the device is in use. It shall be the responsibility of the owner and operator to ensure that the correct plate is affixed to the registered inflatable device.

C. Annual Decals

1. Annual Registration Renewal. After renewing the annual registration of an inflatable amusement device, amusement attraction, or amusement ride, a decal signifying the month and year of the annual renewal shall be issued by the Office of State Fire Marshal.

2. The registration decal shall be affixed to the front, bottom-right corner of the registration plate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1256 (July 2018).

§2515. License Required; Firm Applicability;

Individual Applicability; Types of Endorsement

A. Each firm engaged in the activity of operating, and/or inspecting inflatable amusement devices, amusement attractions, or amusement rides shall obtain a certificate of licensure from the Office of State Fire Marshal, as provided by R.S. 40:1481.1 et seq., and these rules prior to conducting any such activity in this state.

B. Firm License Applicability

1. The following shall apply to firms.

a. Changes of Ownership. The change of a firm's majority ownership invalidates the current license. To ensure continuance of the firm's ability to operate and/or inspect inflatable amusement devices, amusement attractions, or amusement rides in the state, an application for a new certificate shall be submitted to the Office of State Fire Marshal within 10 days after any change in ownership.

b. Change of Firm Officers. Any change in corporate officers of an incorporated firm or members and/or managers of a limited liability corporation or similar entities within the licensure period, must be reported in writing to the Office of State Fire Marshal within 10 days of the change.

c. Changes in Firm Address. The firm shall give written or electronic notification to the Office of State Fire Marshal of the physical location of their principal place of business. If, after notification, the location of their principal place of business changes, the firm shall notify the Office of State Fire Marshal within 10 days of the change.

d. Duplicates. A duplicate certificate of licensure must be obtained from the Office of State Fire Marshal to replace a lost or destroyed certificate. The firm must submit written or electronic notification of the loss or destruction within 10 days, accompanied by the required fee pursuant to R.S. 40:1484.1 et seq.

e. Revisions/Changes to License. The change of a firm's name, location, or mailing address or operating status requires a revision of the certificate of registration. Licenses requiring changes must be surrendered to the Office of State Fire Marshal within 10 days after the change requiring the revision. The firm must submit written or electronic notification of the change with the surrendered license, accompanied by the required fee specified in by R.S. 40:1484.1 et seq.

f. Non-Transferability. A certificate of licensure is not transferable from one firm to another.

g. Validity. A certificate of licensure is valid for one year from date of issue, and must be renewed annually.

C. Each person or employee engaged in the activity of operating and/or inspecting inflatable amusement devices, amusement attractions, or amusement rides shall obtain a license from the Office of State Fire Marshal, as provided by R.S. 40:1484.1 et seq., and these rules prior to conducting any such activity in this state. This does not apply to ride operators as defined in R.S. 40:1484.3.

D. Applications for individual licenses shall be deemed as an acknowledgement from the employer certifying the applicant's competency to perform inspections of inflatable amusement devices, amusement attractions, and amusement rides authorized by the endorsements applied for and that the individual is an employee who receives a W-2 or K-1 tax form from the firm.

E. Individual License Applicability

1. The following shall apply to individual persons.

a. Changes in Licensed Individual's Address. An individual licensed with the Office of State Fire Marshal to inspect inflatable amusement devices, amusement attractions, or amusement rides shall give written or electronic notification to the Office of State Fire Marshal of his home address. If, after notification, the location of their principal place of business changes, the individual responsible shall immediately notify the Office of State Fire Marshal of the change.

b. Pocket Licenses issued by the Office of State Fire Marshal are for immediate identification purposes and shall be kept on the recipient's person at all times when conducting regulated activity. The pocket license need not be visibly displayed when working in areas where the license may be damaged or lost. The license must still be available for inspection upon request. The license shall bear the name of firm that employs the person.

c. Duplicate Licenses. A duplicate license must be obtained from the Office of State Fire Marshal to replace a lost or destroyed license. The license holder or his employer must submit written or electronic notification within 10 days of the loss or destruction of a license, accompanied by the required fee as specified in R.S. 40:1484.18(H).

d. Revised Licenses. The change of a licensee's employer, home or mailing address, or employment status requires a revised license. Licenses requiring revision must be surrendered to the Office of State Fire Marshal within 10 days after the change. The license holder or his employer must submit written or electronic notification of the necessary change with the surrendered license, accompanied by the required fee as specified in R.S. 40:1484.18(H).

e. Non-Transferable. A license is not transferable from one person to another.

f. Validity. A license is valid for one year from date of issue, and must be renewed annually.

g. Transfer of Employer. When a currently licensed employee transfers to a new employer, a revised license shall be required indicating the new firm's information. Upon receipt of the revision application by the Office of State Fire Marshal, the individual may go to work for the new employer while waiting for the processing of the license.

This go-to-work allowance shall not authorize the employee to engage in any activity for which he/she was not previously licensed to perform or for which the firm is not currently licensed to perform.

h. Age Limitations. For the purpose of licensing, no one under the age of 21 shall be eligible for a license.

F. Types of Endorsement

1. Each license shall be identified by endorsement, which indicates the authorized act or acts which may be performed by the licensee. The endorsements are as follows:

- a. operator endorsement (firm; individual);
- b. third-party inspector endorsement (firm; individual);
- c. limited third-party specialty inspector endorsement (firm; individual);
- d. set-up inspector endorsement (firm; individual).

G. Any firm and/or person described in this Section, which or who has not applied for and received a current and valid license, shall immediately cease and desist such activities. The Office of State Fire Marshal shall take all steps necessary to enforce an order to cease and desist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1257 (July 2018).

§2517. Application for Certificates of Licensure

A. Applications for a certificate of licensure for firms, employees of firms, and individuals who operate, and/or inspect inflatable amusement devices, amusement attractions, or amusement rides shall be submitted and processed electronically utilizing the Office of State Fire Marshal information management system (OSFM-IMS), or in writing on the forms provided by the State Fire Marshal and accompanied by the required fee as specified in these rules.

B. The application for certificates of licensure shall:

1. be executed by the sole proprietor, each partner of a partnership, member or manager, if a limited liability company, or by the authorized officer of the firm;
2. identify the type of license and endorsement applied for;
3. identify the physical and mailing address, if different, from the firm's operating location;
4. identify any and all names by which the firm may conduct activity regulated by R.S. 40:1484.1 et seq., and these rules. Only one trade or "doing business as" name shall be permitted per each certificate of licensure;
5. identify each principal, officer, and member of the firm;
6. identify the contact person and email address of such, as defined by these rules;
7. identify any and all past violations or pending administrative or legal action(s) against the firm in other state or local jurisdictions;
8. include a separate employee application for each person along with the requisite training and/or certification(s), as established by these rules, an originally signed and notarized affidavit detailing the training and/or

certification(s), and digital photographs of each applicant's unobscured face/head;

9. be accompanied by:

- a. an original certificate of insurance showing the minimum of \$1,000,000 coverage insuring the operator against liability for injury suffered by persons riding the amusement attraction or ride; or
- b. a bond in a like amount, provided the aggregate liability of the surety under any such bond shall not exceed the face amount thereof; and
- c. an original certificate of insurance documenting that the firm has a current and valid worker's compensation insurance policy as required by state law.

C. Errors and Omissions Coverage. In compliance with R.S. 40:1484.16(5), the state fire marshal has suspended the requirement to obtain errors and omissions coverage by those firms and individuals who engage in the inspections of inflatable amusement devices, amusement attractions, or amusement rides.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1258 (July 2018).

§2519. Fees—General Information

A. Every fee required in accordance with the provisions of R.S. 40:1484.18 et seq., and these rules shall be paid in the following manners:

1. by firm check or certified funds made payable to the "Office of State Fire Marshal." Fees shall be paid at or mailed to the Office of State Fire Marshal, Attention Licensing Section, at 8181 Independence Blvd., Baton Rouge, LA 70806; or

2. by credit card when submitting an application(s) electronically using the Office of State Fire Marshal information management system (OSFM-IMS).

B. Late fees are required on all licenses which are not timely renewed as outlined in R.S. 40:1484.18 et seq.

C. A renewal application accompanied by the required renewal fee and deposited with the United States Postal Service is deemed to be timely filed, regardless of actual date of delivery, when its envelope bears a legible postmark date which is on or before the expiration date of the certificate or license being renewed.

D. Licenses which have been expired for more than 60 days will be suspended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1258 (July 2018).

§2521. Alteration of Certificates and Licenses

A. Any alteration of a certificate of licensure or individual license renders it invalid and such alteration shall be the basis for administrative action in accordance with penalties set forth in R.S. 40:1484.1 et seq., and these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1258 (July 2018).

§2523. Event Tags; Required; Design and Color Significance; Impairment Notification Requirement and Procedure

A. Required

1. Every inflatable amusement device, amusement attraction, or amusement ride in operation in this state shall have an event tag placed thereon after it has been inspected by a licensed set-up inspector.

2. Event tags shall be valid only for the dates of the event's duration and shall be removed at the end of each event. The dates of the event shall be clearly indicated and written in indelible ink, or with a permanent marker.

3. In the event of an annual inspection, the licensed third party inspector shall only affix a red event (impairment) tag when the inflatable amusement device, amusement attraction, or amusement ride has been found to be not in compliance with all applicable adopted laws, rules, standards, and corresponding manufacturer's installation manuals, maintenance and service repair bulletins, or notices. The inspector shall detail on the reverse of the tag the deficiencies.

4. A red event tag shall have the same effect as a cease and desist order issued by the Office of State Fire Marshal.

B. Design and Color Significance

1. Event tags shall be constructed of a material able to withstand inclement weather or placed in a clear plastic sleeve that is able to withstand inclement weather.

2. The dimensions of the tag shall be 3 inches by 5 inches and shall contain the following information printed thereon:

a. "DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL" (all letters capitalized and in bold face type);

b. the operating firm's name, physical address, and telephone number;

c. the firm's Office of State Fire Marshal license number;

d. the printed name of the licensed inspector and his Office of State Fire Marshal license number;

e. the signature of the licensed inspector. (Pre-printed or stamped signatures are not permitted);

f. the name of the inflatable amusement device, amusement attraction, and/or amusement ride and its serial number; and

e. the dates of the event during which the inflatable amusement device, amusement attraction, or amusement ride will be in operation or not in operation if not approved for use.

3. For inflatable amusement devices, amusement attractions, and amusement rides that are approved for operation by a licensed inspector, the event tags shall be green in color.

4. For inflatable amusement devices, amusement attractions, and amusement rides that are not approved for operation by a licensed inspector, the event tags shall be red in color. A red event tag shall have the same effect as a cease and desist order issued by the Office of State Fire Marshal.

5. Where only individual units of a ride, such as cars, seats, or other carriers are defective and not in compliance with R.S. 40:1484.1 et seq., and/or these rules, such units shall be taken out of service and clearly marked with a yellow impairment tag reading "Out of Service;" provided,

however, such defects do not jeopardize the safety of the entire ride.

6. The tags shall be conspicuously placed on or as close as possible to the operator controls of the amusement ride in a location that limits access to the tag by patrons. For inflatable devices, the tag shall be conspicuously placed at or near the inflating mechanism. For amusement attractions, the tag shall be conspicuously placed at or near the entrance to the attraction in a location that limits access to the tag by patrons.

C. Impairment Notification Requirement and Procedure

1. When a red event (impairment) tag is affixed to an inflatable amusement device, amusement attraction, or amusement ride, or to an individual unit of an inflatable amusement device, amusement attraction, or amusement ride after a set-up inspection has been conducted, the licensed inspector shall notify the Office of State Fire Marshal within two hours of affixation of the tag.

2. If, during an annual inspection, a licensed third party inspector finds that the inflatable amusement device, amusement attraction, or amusement ride does not comply with all applicable adopted laws, rules, standards, and its corresponding manufacturer's installation manuals, maintenance and service bulletins, and notices, the licensed third-party inspector shall notify the Office of State Fire Marshal within two hours of his findings. The third party inspector shall include in the notification a copy of his inspection report detailing his findings.

3. Notification of findings as listed in Paragraphs 1 and 2 of this Subsection shall be made by calling the Office of State Fire Marshal at 1-800-256-5452.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1259 (July 2018).

§2525. Certificate of Inspection Form

A. Certificate of Inspection Form

1. A certificate of inspection form shall be provided by the Office of State Fire Marshal for use by licensed third-party and/or set-up inspectors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1259 (July 2018).

§2527. Prohibited Acts

A. The following acts are prohibited and shall be considered grounds for administrative and/or legal action to be taken against firms, persons and/or employees committing such:

1. charging a customer for an inspection that was not performed;

2. misrepresenting oneself and/or one's firm to a patron, the Office of State Fire Marshal or designated representative, or other public official;

3. impersonating the state fire marshal, his designated representative, or any other public official;

4. operating, certifying, testing, or inspecting an inflatable amusement device, amusement attraction, or amusement ride without a valid license obtained from the Office of State Fire Marshal;

5. certifying, testing, or inspecting an inflatable amusement device, amusement attraction, or amusement ride contrary to applicable manufacturer standards and/or specifications, or NAARSO, ASTM, or other standards adopted by the Office of State Fire Marshal;

6. falsifying an application or any other document submitted to obtain a license, or other documentation requested by or submitted to the Office of State Fire Marshal;

7. falsifying tags; inspection reports; device, attraction, or ride reports; or other relative documents;

8. operating an inflatable amusement device, amusement attraction, and/or amusement ride without it first being inspected and approved for use by a licensed inspector;

9. operating an inflatable amusement device, amusement attraction, and/or amusement ride prior to or without a set-up inspection being conducted by a licensed inspector;

10. operating an inflatable amusement device, amusement attraction, and/or amusement ride without it being registered with the Office of State Fire Marshal;

11. operating an inflatable amusement device, amusement attraction, and/or amusement ride with an expired license;

12. failing to notify the Office of State Fire Marshal of any changes that affect licensure;

13. failure to notify the Office of State Fire Marshal of an inflatable amusement device, amusement attraction, or amusement ride accident, or an accident resulting in an injury or fatality;

14. failing to abide by the tagging requirements of the Office of State Fire Marshal;

15. engaging in false, misleading, or deceptive practices;

16. aiding and abetting an unlicensed firm or individual in the operation, certifying, testing, or inspecting of an inflatable amusement device, amusement attraction, or amusement ride;

17. failure to adhere to all applicable laws and rules governing the owning, licensing, registering, inspection, and operation of inflatable amusement devices, amusement attractions, or amusement rides;

18. working an employee without the appropriate license endorsement; and

19. working without the proper license endorsement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1259 (July 2018).

§2529. Enforcement; Investigations

A. The state fire marshal or his designated representative shall make, or cause to be made, from time to time, inspections of a firm's physical locations or operational sites to verify required certificates, employee lists, employee licenses, business records and insurances, equipment, tools, compliance with applicable NFPA codes, standards, and manufacturer's manuals, and as circumstances dictate, to determine that firms and their employees are engaging in activity in accordance with the requirements of R.S. 40:1484.1 et seq., and these rules.

B. The state fire marshal shall investigate all complaints of alleged violations of R.S. 40:1484.1 et seq., and these rules. Complaints of alleged violations shall be made in writing to the Office of State Fire Marshal. The office shall make available a complaint form to be used as needed. Penalties shall be administered to those firms and/or employees found to have violated these laws and/or rules. Proposed administrative penalty letters shall act as official notification of alleged violations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1260 (July 2018).

§2531. Administrative Actions; Enhanced Fine Amounts; Fine Schedule

A. The Office of State Fire Marshal may refuse the issuance or renewal of, suspend, or revoke a license and impose administrative penalties, if, after notice, as required by the Administrative Procedures Act, it is found that a person, licensed firm, or licensee, or an applicant for licensure, failed to comply with the provisions of R.S. 40:1484.1, et seq., or these rules. The State Fire Marshal may consider violations in other states or failing to pay outstanding fine amounts as grounds for refusing the issuance of or the renewing of a license. Additionally, where it is brought to the attention of the Office of State Fire Marshal, violations in other states or failing to pay outstanding fine amounts may result in the suspension of or revocation of a license.

B. In the event that a firm or individual is found to be in violation of R.S. 40:1484.1 et seq., and these rules, the Office of State Fire Marshal reserves the right to assess enhanced administrative fines for repeated substantiated violations over a period of the preceding 36 months.

C. The following fine schedule shall be used to assess fines to persons, firms, and/or employees who violate the laws and rules governing the amusement industry. Penalties will be imposed to persons, firms and/or employees based on the classification of the offense. Other administrative penalty(ies) may also be imposed.

Violation		Fine Amount		
		1st Offense	2nd Offense	3rd Offense
(1)	Failure to register an inflatable amusement device, amusement attraction, or amusement ride.	\$100.00	\$200.00	\$300.00
(2)	Operation of inflatable amusement device, amusement attraction, or amusement ride without a certificate of inspection issued by a licensed third-party inspector.	\$250.00	\$500.00	\$750.00
(3)	Notifying the Office of State Fire Marshal of the intent to operate an amusement attraction, or amusement ride less than five days of the operation of the attraction or ride.	250.00 (Per device)	500.00 (Per device)	1,500.00 (Per device)
(4)	Failure to immediately notify the Office of State Fire Marshal of any change in schedule of location or date that occurs less than five days prior to the commencement of operation of the attraction or ride.	250.00 (Per device)	500.00 (Per device)	1,500.00 (Per device)

Violation		Fine Amount		
		1st Offense	2nd Offense	3rd Offense
(5)	Failure to submit to the State Fire Marshal or his designee the set-up and annual reports and any other documentation relating to the set-up inspection or annual inspection of an amusement attraction, amusement ride, or amusement inflatable device during an Office of State Fire Marshal event inspection or audit.	WARNING	\$150.00 and 30 DAY DEVICE SUSPENSION	\$350.00 and 90 DAY DEVICE SUSPENSION
(6)	Denying access to the State Fire Marshal or his designee to any premises in the state where an inflatable amusement device, amusement attraction, or amusement ride is being installed, built, repaired, or operated for the purpose of ascertaining whether such inflatable amusement device, amusement attraction, or amusement ride is being installed, built, repaired, or operated in accordance with the provisions of this Part and adopted standards, rules, regulations, and applicable manuals, service bulletins, and notices.	\$500.00	\$1000.00	\$2500.00
(7)	Notifying the Office of State Fire Marshal of the intent to operate an inflatable amusement device less than five days of the operation of the device.	200.00 (Per device)	400.00 (Per device)	1,200.00 (Per device)
(8)	Failure to immediately notify the Office of State Fire Marshal of any change in schedule of location or date that occurs less than five days prior to the commencement of operation of the inflatable amusement device.	200.00 (Per device)	400.00 (Per device)	1,200.00 (Per device)
(9)	Failure to submit to the State Fire Marshal or his designee the set-up report and any other documentation relating to the set-up inspection or an annual inspection of an inflatable amusement device during an Office of State Fire Marshal event inspection or audit.	WARNING	\$150.00 and 30 DAY DEVICE SUSPENSION	\$350.00 and 90 DAY DEVICE SUSPENSION
(10)	Denying access to the State Fire Marshal or his designee to any premises in the state where an inflatable amusement device is being installed, built, repaired, or operated for the purpose of ascertaining whether such inflatable amusement device is being installed, built, repaired, or operated in accordance with the provisions of this Part and adopted standards, rules, regulations, and applicable manuals, service bulletins, and notices.	\$500.00	\$1000.00	\$2500.00
(11)	Failure to conduct a set-up inspection of an inflatable amusement device, amusement attraction, or amusement ride prior to operating the device, attraction, or ride at each event in the state.	\$500.00 (Per device)	\$750.00 (Per device)	\$750.00 (Per device)
(12)	Failure to affix a green event tag on an inflatable amusement device, amusement attraction, or amusement ride that has been inspected and found to be in compliance pursuant to the findings of a set-up inspection and corresponding adopted rules and regulations.	\$50.00	\$100.00	\$200.00
(13)	Failure to notify the Office of State Fire Marshal within two hours after finding that an inflatable amusement device, amusement attraction, or amusement ride is not in compliance pursuant to the findings of a set-up inspection and corresponding adopted rules and regulations; or affixing an impairment tag on the device, attraction, or ride.	\$100.00	\$250.00	\$500.00
(14)	Failure to properly affix an impairment tag on an inflatable amusement device, amusement attraction, or amusement ride that is not in compliance pursuant to the findings of a set-up inspection and corresponding adopted rules and regulations.	\$100.00	\$250.00	\$500.00
(15)	Inspecting or testing of an inflatable amusement device, amusement attraction, or amusement ride by the owner or operator of the same.	\$500.00	\$750.00	\$1000.00
(16)	Failure to notify the Office of State Fire Marshal of a change in the business address of the firm within 10 days of the change.	WARNING	\$100.00	\$250.00
(17)	Failure to notify the Office of State Fire Marshal of a change in the ownership of or interest in the firm within 10 days of the change.	\$250.00	\$250.00	\$250.00
(18)	Failure to notify the Office of State Fire Marshal of a change in home address within 10 days of the change (Individual).	WARNING	\$25.00	\$50.00
(19)	Failure to notify the Office of State Fire Marshal of a separation from an employer or change in employer within 10 days of the change (Individual).	WARNING	\$25.00	\$50.00
(20)	Licensed individual contracting his services as an independent contractor or agent with any other firm, whether such firm is engaged in testing, inspection, or operation.	\$750.00	\$1000.00	\$1250.00
(21)	Engaging in the operation of an inflatable amusement device, amusement attraction, or amusement ride without a valid license issued by the Office of State Fire Marshal (Operator).	\$1000.00	\$1250.00	\$1500.00
(22)	Aiding and abetting an unlicensed individual, employee, or firm in the testing, inspection, or operation of an inflatable amusement device, amusement attraction, or amusement ride (Operator).	\$500.00	\$750.00	\$1000.00
(23)	Operating an inflatable amusement device, amusement attraction, or amusement ride contrary to applicable codes, standards, or manufacturer's specifications without specific written authorization from the Office of State Fire Marshal (Operator).	\$500.00	\$750.00	\$1000.00
(24)	Submitting an application or any other document to the Office of State Fire Marshal when the person reasonably should have known the document contained false or misleading information (Operator).	\$500.00	\$750.00	\$1000.00
(25)	Engaging in false, misleading, or deceptive acts or practices (Operator).	\$500.00 (can include suspension or revocation of license)	\$750.00 (can include suspension or revocation of license)	\$1000.00 (can include suspension or revocation of license)
(26)	Failure to maintain a valid license (Operator).	\$500.00	\$1000.00	\$2500.00
(27)	Failure to maintain valid insurance coverage as required (Operator).	\$500.00	\$750.00	\$1000.00
(28)	Refusal to admit the state fire marshal or his designated representative to any operating location or to cooperate in the purposes of such admittance (Operator).	\$500.00	\$750.00	\$1000.00
(29)	Failure to maintain his license on his person and present it for inspection (Operator).	WARNING	\$100.00	\$250.00
(30)	Refusal to cooperate with any lawful investigation by the Office of State Fire Marshal (Operator).	\$500.00 (can include suspension or revocation of license)	\$1000.00 (can include suspension or revocation of license)	\$2500.00 (can include suspension or revocation of license)
(31)	Failure to abide by the administrative rules (Operator).	\$500.00	\$750.00	\$1000.00

Violation		Fine Amount		
		1st Offense	2nd Offense	3rd Offense
(32)	Engaging in the inspection or testing of an inflatable amusement device, amusement ride, or amusement attraction without a valid license issued by the Office of State Fire Marshal (Third-Party Inspector).	\$750.00	\$1000.00	\$1250.00
(33)	Aiding and abetting an unlicensed operator in the operation of an inflatable amusement device, amusement attraction, or amusement ride (Third-Party Inspector).	\$250.00	\$500.00	\$750.00
(34)	Aiding and abetting an unlicensed individual or firm in the inspection or testing of an inflatable amusement device, amusement ride, or amusement attraction (Third-Party Inspector).	\$250.00	\$500.00	\$750.00
(35)	Certifying, testing, or inspecting an inflatable amusement device, amusement attraction, or amusement ride contrary to the provisions of this Part and adopted standards, regulations, and applicable manuals, service bulletins, and notices (Third-Party Inspector).	\$1000.00	\$2500.00	\$3500.00
(36)	Submitting an application or any other document to the Office of State Fire Marshal when the third-party inspector reasonably should have known the document contained false or misleading information (Third-Party Inspector).	\$500.00	\$1000.00	\$2500.00
(37)	Engaging in false, misleading, or deceptive acts or practices (Third-Party Inspector).	\$1000.00 (can include suspension or revocation of license)	\$2500.00 (can include suspension or revocation of license)	\$5000.00 (can include suspension or revocation of license)
(38)	Failure to maintain valid license (Third-Party Inspector).	\$500.00	\$1000.00	\$2500.00
(39)	Failure to maintain valid insurance coverage as required (Third-Party Inspector).	\$500.00	\$1000.00	\$2500.00
(40)	Refusal to admit the state fire marshal or his designated representative to any operating location or to cooperate in the purposes of such admittance (Third-Party Inspector).	\$250.00	\$500.00	\$100.00
(41)	Failure to maintain his license on his person and present it for inspection (Third-Party Inspector).	WARNING	\$100.00	\$250.00
(42)	Refusal to cooperate with any lawful investigation by the Office of State Fire Marshal (Third-Party Inspector).	\$ (can include suspension or revocation of license)	\$ (can include suspension or revocation of license)	\$ (can include suspension or revocation of license)
(43)	Failure to abide by the administrative rules (Third-Party Inspector).	\$500.00	\$750.00	\$1000.00
(44)	Engaging in the set-up inspection of an inflatable amusement device, amusement ride, or amusement attraction without a valid license issued by the Office of State Fire Marshal (Set-Up Inspector).	\$500.00	\$750.00	\$1000.00
(45)	Aiding and abetting an unlicensed operator in the operation of an inflatable amusement device, amusement attraction, or amusement ride (Set-Up Inspector).	\$150.00	\$250.00	\$350.00
(46)	Certifying or inspecting an inflatable amusement device, amusement attraction, or amusement ride contrary to the provisions of this Part and adopted standards, regulations, and applicable manuals, service bulletins, and notices (Set-Up Inspector).	\$1000.00	\$2500.00	\$5000.00
(47)	Submitting an application or any other document to the Office of State Fire Marshal when the set-up inspector reasonably should have known the document contained false or misleading information (Set-Up Inspector).	\$500.00	\$1000.00	\$2500.00
(48)	Engaging in false, misleading, or deceptive acts or practices (Set-Up Inspector).	\$1000.00 (can include suspension or revocation of license)	\$2500.00 (can include suspension or revocation of license)	\$5000.00 (can include suspension or revocation of license)
(49)	Failure to maintain a valid license (Set-Up Inspector).	\$250.00	\$500.00	\$750.00
(50)	Refusal to admit the state fire marshal or his designated representative to any operating location or to cooperate in the purposes of such admittance (Set-Up Inspector).	\$150.00	\$250.00	\$350.00
(51)	Failure to maintain his license on his person and present it for inspection (Set-Up Inspector).	WARNING	\$100.00	\$250.00
(52)	Refusal to cooperate with any lawful investigation by the Office of State Fire Marshal (Set-Up Inspector).	\$500.00 (can include suspension or revocation of license)	\$1000.00 (can include suspension or revocation of license)	\$2500.00 (can include suspension or revocation of license)
(53)	Altering a license, certificate, or other document received from the Office of State Fire Marshal.	\$1000.00 (can include suspension or revocation of license)	\$2500.00 (can include suspension or revocation of license)	\$5000.00 (can include suspension or revocation of license)
(54)	Failure to abide by the administrative rules (Set-Up Inspector).	\$500.00	\$750.00	\$1000.00
(55)	Violation of a cease and desist order by operating an inflatable amusement device, amusement attraction, or amusement ride that was the subject of a red tag affixation or the removal of a red tag by person(s) other than the state fire marshal or his designee.	\$1000.00	\$2500.00	\$5000.00
(56)	Failure to notify the Office of State Fire Marshal after affixing a red event (impairment) tag on an inflatable amusement device, amusement attraction, or amusement ride.	\$500.00	\$1000.00	\$2500.00
(57)	Modification of the passenger restraints, cushioning, or containing devices of an inflatable amusement device, amusement attraction, or amusement ride without prior approval of the manufacturer and the Office of State Fire Marshal.	\$500.00	\$1000.00	\$2500.00

Violation		Fine Amount		
		1st Offense	2nd Offense	3rd Offense
(58)	Failure to maintain an inflatable amusement device, amusement attraction, or amusement ride in accordance with the manufacturers' designs and recommendations.	\$500.00	\$1000.00	\$2500.00
(59)	Failure to immediately notify the Office of State Fire Marshal in the event of an inflatable amusement device, amusement attraction, or amusement ride accident that resulted in serious injury or death.	\$1000.00	\$2000.00	\$3000.00
(60)	Failure to notify the Office of State Fire Marshal in the event of an inflatable amusement device, amusement attraction, or amusement ride accident.	\$500.00	\$1000.00	\$2000.00
(61)	Altering a certificate of licensure or individual license.	\$100.00	\$250.00	\$500.00

D. The state fire marshal may deviate from this fine schedule where circumstances and/or evidence warrant a more stringent or more lenient penalty.

E. In lieu of fine payments, the state fire marshal may require remedial or additional training be obtained by those found in violation.

F. Those offenses not enumerated in this list shall receive penalties for violations of similar nature.

G. The Office of State Fire Marshal may also pursue injunctive relief for any of the above enumerated offenses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1260 (July 2018).

§2533. Severability

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1263 (July 2018).

§2535. Third-Party Inspectors; Required Certification; Equivalent Certification; Licensed Engineers; Continuing Education Requirements

A. Required Certification

1. Applicants for third-party inspectors' licenses are required to meet the certification requirements pursuant to R.S. 40:1484.10, et seq., and these rules.

B. Equivalent Certification

1. The Office of State Fire Marshal establishes AIMS Associate Ride Inspector Certification, Level 1 as an equivalent certification, which satisfies the requirements established in R.S. 40:1487.10, et seq.

C. Licensed Engineers

1. Education and Experience Requirements

a. Applicants shall provide documented evidence that the license field and experience in materials testing are relevant to the materials and structural components inherent in the inflatable amusement device, amusement attraction, and amusement ride industry.

D. Continuing Education Requirements

1. The Office of State Fire Marshal reserves the right to establish continuing education requirements for licensees in accordance with R.S. 40:1484.14, et seq., and these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1263 (July 2018).

§2537. Limited Third-Party Specialty Inspector Endorsement

A. In order to conduct material and/or structural testing and perform inspections of inflatable amusement devices within this limited endorsement, a firm and individual must obtain a license from the Office of State Fire Marshal in accordance R.S. 40:1484.1 et seq. and these rules.

B. Required Certification

1. Applicants for Limited Third-Party Specialty Inspector are required to have a NAARSO Limited Specialty Certification.

C. Continuing Education Requirements

1. The Office of State Fire Marshal reserves the right to establish continuing education requirements for licensees in accordance with R.S. 40:1484.14, et seq., and these rules.

D. Insurance Requirements:

1. to engage in the material and/or structural testing and inspection of inflatable amusement devices, firms and individuals are required to obtain a minimum of general liability insurance in the amount of \$300,000 coverage insuring the operator against liability for injury suffered by persons occupying, traversing, or otherwise utilizing inflatable amusement devices; or

2. a bond in a like amount; provided, the aggregate liability of the surety under any such bond shall not exceed the face amount thereof; and

3. an original certificate of insurance documenting that the firm has a current and valid worker's compensation insurance policy as required by state law.

E. Errors and Omissions Coverage

1. Pursuant to R.S. 40:1484.16(5), the state fire marshal has suspended the requirement to obtain errors and omissions coverage by those firms and individuals who engage in the material and/or structural testing and inspection of amusement rides, amusement attractions, and inflatable amusement devices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1263 (July 2018).

§2539. Set-Up Inspectors; Minimum Qualification Requirements

A. In order to obtain a license from the Office of State Fire Marshal to conduct set-up inspections of inflatable amusement devices, amusement attractions, and amusement rides, individuals are required to provide the following documented evidence of education or experience that is relevant to the amusement ride industry.

1. Education Requirements:

a. shall provide a certified transcript detailing specialized schooling or training (i.e. trade, vocational, armed forces, or business). The name and location of school and/or training courses including dates attended, subjects studied, numbers of classroom hours, certificate(s), and any other pertinent information demonstrating the qualifications of the individual to be licensed as a set-up inspector shall be included in the transcript; or

b. shall provide documentation that the individual holds a current Level 1 certification by the National Association of Amusement Ride Safety Officials (NAARSO); or

c. shall provide documentation that the individual holds a current AIMS Associate Ride Inspector, Level 1 certification.

2. Experience Requirements:

a. two years of experience with an insurance company as an inspector of inflatable amusement devices, amusement attractions, and amusement rides;

b. two years of experience inspecting inflatable amusement devices, amusement attractions, and amusement rides and enforcing applicable codes while employed by a state or other governmental body regulating inflatable amusement devices, amusement attractions, and amusement rides;

c. a minimum of three years of experience in the design, repair, operation, or inspection of inflatable amusement devices, amusement attractions, and amusement rides; or

d. a minimum of five years documented field operation and maintenance experience in inflatable amusement devices, amusement attractions, and amusement rides, including responsibility for erection, assembly, and disassembly.

B. In addition to education or experience, the candidate must attest to meeting the following basic requirements:

1. shall be at least 21 years of age and provide date of birth;

2. shall possess a high school diploma or equivalent general education development (GED) diploma;

3. shall possess basic knowledge of ASTM requirements for amusement rides and devices; and

4. the candidate will identify the following supplemental requirements which apply to him or her:

a. possess knowledge of nondestructive testing methods and procedures;

b. possess knowledge of the requirements of the American Welding Society pertaining to the welding of parts;

c. possess basic knowledge of requirements of NFPA 70 (2014 edition), National Electrical Code, article 525, *Carnivals, Circuses, Fairs and Similar Events*; and/or

d. possess basic principles of mechanical and structural engineering.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1263 (July 2018).

§2541. Set-Up Inspections; Individual Ride Units

A. At each event, prior to the operation of an inflatable amusement device, amusement attraction, or amusement

ride, licensed set-up inspectors shall utilize the set-up inspection form provided by the Office of State Fire Marshal when conducting inspections. One form shall be completed by each licensed inspector listing the device(s) inspected. Inspection forms shall be maintained for a minimum period of 24 months and be available upon request.

B. Inspections shall include, but are not limited to, a review of necessary documents, observation of and/or examination of the inflatable amusement device, amusement attraction, or amusement ride.

C. Inspections of inflatable amusement devices, amusement attractions, and amusement rides shall include, at a minimum, the foundation, blocking, fuel containers, mechanical and electrical condition and visual operation of the inflatable amusement device, amusement attraction, and amusement ride.

D. Where only individual units of a ride, such as cars, seats, or other carriers are defective and not in compliance with R.S. 40:1484.1 et seq., and/or these rules, such units shall be taken out of service and clearly marked with a yellow event (impairment) tag, provided, however, such defects do not jeopardize the safety of the entire ride.

1. When a red event (impairment) tag is affixed to an individual unit(s) of a ride, the licensed inspector shall notify the Office of State Fire Marshal within two hours of affixation of the tag. Notification shall be made by calling the Office of State Fire Marshal emergency contact number, 1-866-946-1097.

E. The state fire marshal or his designee, upon presenting credentials to the owner and/or operator of the inflatable amusement device, amusement attraction, or amusement ride, is authorized without prior notice to inspect and investigate at reasonable times, and within reasonable limits and manner, any area where inflatable amusement devices, amusement rides or amusement attractions are assembled or are in use.

F. Inflatable amusement devices, amusement attractions, and amusement rides shall be operated in accordance with the manufacturer recommended restrictions and limitations, such as, but not limited to height, weight, age, or passenger placement. In the event the manufacturer has not provided such recommended restrictions, such restrictions and limitations must be established by the operator and shall be submitted to the Office of State Fire Marshal for approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1264 (July 2018).

§2543. Prohibited Use

A. If the state fire marshal, his designee, or a licensed inspector finds that an inflatable amusement device, amusement attraction, or amusement ride, presents an imminent danger to life, of injury, or of mechanical/electrical failure, he will attach to such device, attraction, or ride a red event (impairment) tag/cease and desist order. The device, attraction, or ride shall not be used until it is made safe to the satisfaction of a licensed third-party inspector, the state fire marshal, or his designee, and the tag has been removed by the licensed third-party inspector, the state fire marshal, or his designee and replaced with a green event tag with the requisite information thereon.

B. No person shall use or permit to be used, an inflatable amusement device, amusement attraction, or amusement ride which is not properly assembled or which is defective or unsafe in any of its parts, components, controls, or safety equipment.

C. During a lightning storm, a period of tornado alert or warning, or fire, or when violence, riot, or other civil disturbance occurs or threatens an inflatable amusement device, amusement attraction, or amusement ride, or in an area adjacent thereto, passengers shall be unloaded or evacuated from the device, attraction, or ride and the device, attraction, or ride shall be shut down and secured immediately. Operation shall not resume until the situation has returned to a normal, safe operating condition.

D. An inflatable amusement device, amusement attraction, or amusement ride which is exposed to wind or storm with lightning or wind gust above that recommended by the manufacturer, shall not be operated except to release or discharge occupants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1264 (July 2018).

§2545. Medical and First Aid

A. The owner and/or operator of an inflatable amusement device, amusement attraction, or amusement ride shall ensure the availability of medical aid. In the absence of an infirmary, clinic, or hospital used for the treatment of an injured person, within a 10-mile radius of the device, attraction, or ride, the owner and/or operator shall ensure that a person(s) shall be trained to render first aid. First aid supplies, recommended by the American Red Cross are obtainable from the local Red Cross office, shall be readily available.

1. The operator shall have conspicuously posted at the park, carnival, fair or festival office, the telephone numbers and locations for local physicians, hospitals, ambulance services, and fire departments to be called in the event of an emergency.

2. In the event of a reportable accident involving an inflatable amusement device, amusement attraction, or amusement ride incident resulting in serious injury, the operator or event foreman shall immediately notify the Office of State Fire Marshal by calling the Office of State Fire Marshal emergency contact number, 1-866-946-1097.

3. A *reportable accident* is defined as:

a. any fatality resulting from the victim's inclusion or participation on, or proximity to an inflatable amusement device, amusement attraction, or amusement ride;

b. bodily injuries resulting from the victim's proximity to the structural collapse or mechanical failure (e.g., flying parts, fragments, etc.) of an inflatable amusement device, amusement attraction, or amusement ride;

c. an injury resulting from the boarding or off-boarding from a stationary amusement attraction or ride; or

d. an injury resulting from the traversing of patrons utilizing stairs, ramps, etc., onto and from an inflatable amusement device, amusement attraction, or amusement ride.

4. After determination and consultation with the owner and/or operator, the Office of State Fire Marshal may require the scene of such incident to be secured and not disturbed to any greater extent than necessary for the removal of the deceased or injured person or persons. If the ride is removed from service by the state fire marshal or his designee, an immediate investigation shall be completed and the ride shall not be released for repair and operation until after a complete investigation has been made by the Office of State Fire Marshal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1265 (July 2018).

§2547. Operation of Amusement Rides or Attractions

A. The ride operator shall be at least 18 years of age.

B. A ride operator may, however, be between the ages of 15 and 17 only if the subject ride's manual allows a person of that age to perform operations and only if documents are presented to the Office of State Fire Marshal evidencing that the person has received training as to the operation of that ride.

C. The operator of an inflatable amusement device, amusement attraction, or amusement ride shall operate the inflatable amusement device, amusement attraction, or amusement ride in compliance with adopted, applicable standards and these rules, or the equivalence thereof as submitted to and approved by the Office of State Fire Marshal.

D. The operator shall refuse a passenger seeking admission to an inflatable amusement device, amusement attraction, or amusement ride if the passenger cannot meet a guardian or height restriction if the ride is subject to such a restriction. Legible signs to this effect shall be posted in full view of the public seeking admission to inflatable amusement devices, amusement attractions, or amusement rides.

E. The operator of an inflatable amusement device, amusement attraction, or amusement ride shall deny entry to any person, if in the opinion of the operator, the entry may cause above normal exposure to risk of discomfort or injury to the person who desires to enter, or if in the opinion of the operator, the entry may jeopardize the safety of other patrons or employees.

F. All parts of inflatable amusement devices, amusement attractions, or amusement rides, and temporary structures used by passengers or customers shall be maintained in a clean condition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1265 (July 2018).

§2549. Maintenance and Inspection Records

A. The operator shall retain, for a period of 24 calendar months, maintenance and inspection records for each inflatable amusement device, amusement attraction, and amusement ride.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1265 (July 2018).

§2551. Notification Requirement Regarding Modification of Inflatable Amusement Devices, Amusement Attractions, Amusement Rides; Reidentification

A. If an inflatable amusement device, amusement attraction, or amusement ride is subjected to a minor modification, the owner or operator shall notify the Office of State Fire Marshal prior to the operation of the inflatable amusement device, amusement attraction, or amusement ride and submit an application for a revision of the device, attraction, or ride.

B. In the event of a major modification of an inflatable amusement device, amusement attraction, or amusement ride, the owner or operator shall notify the Office of State Fire Marshal and submit the appropriate registration application in which the owner shall reidentify the inflatable amusement device, amusement attraction, or amusement ride by a different name or identification number, or both. In addition, the owner shall submit for approval documentation equivalent to that required in ASTM Standard F1159-15b, detailing the modification(s). The inflatable amusement device, amusement attraction, or amusement ride shall also be subject to all other provisions of all applicable rules, regulations and statutes as if it were a new ride not previously used.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1266 (July 2018).

§2553. Assembly and Disassembly

A. The operator of an inflatable amusement device, amusement attraction, or amusement ride shall comply with the construction manual or the equivalency thereof as determined by the Office of State Fire Marshal, for the assembly and disassembly of the inflatable amusement device, amusement attraction, or amusement ride. The construction manual or the equivalency thereof as determined by the Office of State Fire Marshal, shall be kept with the inflatable amusement device, amusement attraction, or amusement ride and shall be available by request of a licensed inspector, the state fire marshal, or his designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1266 (July 2018).

§2555. Brakes and Stops

A. On an amusement attraction or amusement ride where coasting renders the operation dangerous, either during the period while the ride or attraction is being loaded or unloaded, or in the case of power failure or other unforeseeable situation a method of braking shall be provided.

B. If cars or other components of an amusement attraction or amusement ride may collide in such a way as to cause injuries upon failure of normal controls, emergency brakes sufficient to prevent these collisions shall be provided in accordance with the manufacturer's design, or the

equivalency thereof as determined by the Office of State Fire Marshal.

C. On amusement attractions or amusement rides that make use of inclined tracks, automatic anti-rollback devices shall be installed to prevent backward movement of the passenger carrying units in case of failure of the propelling mechanism.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1266 (July 2018).

§2557. Internal Combustion Engines

A. Internal combustion engines for amusement attractions or amusement rides shall be capable of handling the assigned load.

B. Where fuel tanks of internal combustion engines for amusement rides are not of adequate capacity to permit uninterrupted operation during normal operating hours, the amusement ride shall be closed down and unloaded or evacuated during the refueling procedure. The fuel supply shall not be replenished while the engine is running.

C. Where an internal combustion engine for an amusement attraction or amusement ride is operated in an enclosed area, the exhaust fumes shall be discharged to outside the enclosed area, as required by NFPA 70 (2014 edition), National Electrical Code.

D. Internal combustion engines for amusement attractions or amusement rides shall be located to permit proper maintenance and shall be protected by guards, fencing or enclosure in accordance with NFPA 70 (2014 edition), National Electrical Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1266 (July 2018).

§2559. Wire Rope

A. Wire rope on amusement attractions or amusement rides shall be thoroughly examined weekly. Wire rope found to be damaged shall be replaced with new rope of proper design and capacity as per the manufacturer's data tag or as approved by the Office of State Fire Marshal. Any of the following conditions shall be cause for rope replacement:

1. In running ropes, six randomly distributed broken wires in one rope lay or three broken wires in one strand of one rope lay;

2. In pendants or standing ropes, evidence of more than one rope lay or three broken wires in one strand of one rope lay;

3. abrasion, scrubbing or peening causing loss of more than 1/3 of the original diameter of the outside diameter of the outside individual wires;

4. corrosion;

5. kinking, crushing, birdcaging, or other damage resulting in distortion of the rope structure;

6. heat damage;

7. reduction from normal diameter of more than 3/64 inch for diameters up to and including 3/4 inch, 1/16 inch for diameters 7/8 inch to 1 1/8 inches, 3/32 inch for diameters 1-1/4 inch to 1 1/2 inches;

8. birdcaging or other distortion resulting in some members of the rope structure carrying more load than others; or

9. noticeable rusting or development of broken wires in the vicinity of attachments. When this condition is localized in an operational rope, it may be eliminated by making a new attachment.

B. Wire ropes used to support, suspend, bear or control forces and weights involved in the movement and utilization of tubs, cars, chairs, seats, gondolas, other carriers, the sweeps, or other supporting members of an amusement ride or attraction shall not be lengthened or repaired by splicing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1266 (July 2018).

§2561. Hydraulic Systems

A. Hydraulic systems and other related equipment used in connection with amusement attractions or amusement rides shall be free of leaks and maintained to ensure safe operation at all times.

B. An amusement attraction or amusement ride that depends upon hydraulic pressure to maintain safe operation shall be provided with a positive means of preventing loss in hydraulic pressure that could result in injury to passengers.

C. Hydraulic lines shall be guarded so that sudden leaks or breakage will not endanger the passengers or the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1267 (July 2018).

§2563. Protection against Moving Parts

A. The interior and exterior parts of all amusement attractions or amusement rides with which a passenger may come in contact shall be smooth and rounded, free from sharp, rough or splintered edges and corners, with no protruding studs, bolts, screws, or other projections which might cause injury.

B. Interior parts of passenger carrying apparatus upon which a passenger may be forcibly thrown by the action of the ride or attraction shall be adequately padded.

C. Amusement attractions or amusement rides which are self-powered and which are operated by a passenger shall have the driving mechanism guarded and the guard secured in place as to prevent passengers from gaining access to the driving mechanism.

D. Handholds, bars, footrests, and other equipment, as may be necessary for safe entrance and exit to and from amusement attractions or amusement rides, shall be provided and maintained in a safe condition. Such equipment shall be of sufficient strength to support the passengers.

E. Restraining, containing, or cushioning devices, or a combination of these, shall comply with this Subsection and be provided and used on all amusement attractions or amusement rides where:

1. centrifugal and other forces mechanical malfunction could unseat or dislodge a passenger;

2. inadvertent movement of a passenger could cause injury to the passenger or any other passenger; or

3. the speed of the ride presents a hazard to a passenger.

F. Restraining, containing or cushioning devices shall be designed, constructed, installed and maintained so as to provide safe support for passengers.

G. Anchorage for the restraining, containing, or cushioning devices shall have a strength at least equal to the strength of such devices.

H. All passenger restraints, cushioning, or containing devices shall be provided and maintained in accordance with the manufacturers' designs and recommendations and shall not be modified without the approval of the manufacturer and the Office of State Fire Marshal.

I. All exposed mechanical parts shall have guards installed to prevent possible personal contact while in operation. Any means of safeguarding, which may cause injury, shall not be used.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1267 (July 2018).

§2565. Electrical Equipment

A. The National Electrical Code, NFPA 70 (2014 edition), shall be considered as the standard for application in the enforcement of the provisions of R.S. 40:1484.1, et seq. This document may be purchased from the:

National Fire Protection Association

1 Batterymarch Park

Quincy, MA 02169-7471

B. All electrical wiring and equipment used for amusement rides or attractions or for lighting shall be installed and maintained in accordance with the National Electrical Code, NFPA 70 (2014 edition).

1. The outlets of electrical power lines carrying more than 120 volts shall be clearly marked to show their voltage.

2. All electrical transformer substations shall be properly enclosed and proper warning signs shall be posted.

3. Electrical wiring and equipment located outdoors shall be of such quality and construction or protection that exposure to weather will not interfere with its normal operation.

4. Elevated power lines crossing access or other roads within the proximity of an amusement ride or attraction shall be so suspended as to provide a vertical clearance of at least 15 feet from the road surface or three 3 above any vehicle used within the grounds of a carnival or amusement park, whichever is greater. A horizontal clearance of at least three feet shall be provided on each side of the normal passage space of vehicles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1267 (July 2018).

§2567. Temporary Wiring

A. If temporary wiring is used it shall be in compliance with the applicable section of the National Electrical Code, NFPA 70 (2014 edition).

B. Temporary electrical power and lighting installations shall be permitted during the period of construction and remodeling of buildings, structures, equipment or similar activities.

C. Temporary electrical power and lighting installations shall be permitted for a period not to exceed 90 days.

D. All lamps for general illumination shall be protected from accidental contact or breakage. Protection shall be provided by elevation of at least 7 feet from normal working surface or by a suitable fixture or lamp holder with a guard.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1267 (July 2018).

§2569. Grounding

A. All grounding shall comply with Article 525 of the National Electrical Code, NFPA 70 (2014 edition).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1268 (July 2018).

§2571. Construction

A. All amusement attractions or amusement rides shall meet the requirements of the ASTM *Standard for the Design and Manufacture of Amusement Rides and Devices* and the NFPA 101 *Life Safety Code* (2015 edition).

B. Water ride data plates shall contain a location number of the ride or flume and the maximum dispatch time interval.

C. The ride operator shall maintain all of the information as required by ASTM F770-15 *Standard Practice for Ownership, Operation, Maintenance, and Inspection of Amusement Rides and Devices*, and make it available to the state fire marshal, or his designee, upon request. If this information is not available, it shall be developed by the owner/operator and submitted to the Office of State Fire Marshal for approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1268 (July 2018).

§2573. Means of Access and Egress

A. Safe and adequate means of access and egress from amusement attractions or amusement rides shall be provided as required by the NFPA Life Safety Code 101 (2015 edition), and the ASTM Standard F1159-15b *Standard Practice for Design of Amusement Rides and Devices that are Outside the Purview of Other F24 Design Standards*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1268 (July 2018).

§2575. Walkways and Ramps

A. Walkways and ramps shall be erected with a slope not greater than 1 in 10 except that when nonslip surfaces are provided, the grade may be increased to a maximum of 1 in 8.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1268 (July 2018).

§2577. Fire Prevention

A. All buildings over one story in height shall be constructed or protected in accordance with NFPA 101 (2015 edition), Chapter 8.

B. All buildings located within 20 feet of lot lines or other buildings on the same lot, shall be of protected

noncombustible or protected masonry enclosed construction or better.

C. Fabrics constituting part of an amusement ride or attraction shall be flame resistant to meet the provisions of NFPA 101 (2015 edition), Chapter 8.

D. Approved fire extinguishers in accordance with NFPA 10 (2013 edition) and certified by a Louisiana contractor licensed through the Office of State Fire Marshal to inspect and service portable fire extinguishers, shall be provided at the following locations to secure reasonable and adequate protection from fire hazards:

1. at or near all operating gasoline or diesel engines;
2. at or near all amusement attraction or amusement ride stands, excluding water flumes; and
3. at each food handling booth where cooking is done.

E. Flammable waste such as oily rags and other flammable materials shall be placed in covered metal containers which shall be kept in easily accessible locations. Such containers shall not be kept at or near exits.

F. Gasoline and other flammable liquids and flammable gases when stored shall be kept in reasonably cool and ventilated places. Such liquids shall be in containers as prescribed by NFPA 30 (2015 edition), Chapter 4. Smoking and the carrying of lighted cigars, cigarettes, or pipes is prohibited within 50 feet of any area where such liquids or gases are stored, or are transferred from one container to another. Signage shall be posted stating "No Smoking".

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1268 (July 2018).

§2579. Water Flumes, Structural Design

A. Structural Design. The flumes' structural design and materials shall be in accordance with ASTM Standard F1159-15b *Standard Practice for Design of Amusement Rides and Devices that are Outside the Purview of Other F24 Design Standards*. The flumes and pools shall be watertight and their surfaces shall be smooth and easy to clean.

B. All stairways used as part of an amusement attraction or amusement ride shall be constructed to meet the requirements of NFPA 101 (2015 edition).

C. Visitor and Spectator Areas. The space used by visitors and spectators shall be distinctly and absolutely separated from those spaces used by sliders. Visitors and spectators in street clothes may be allowed within the perimeter enclosure if they are confined to an area separated from the space the sliders use.

D. Typical posted user safety warnings for slide operational use:

- i. no running, standing, kneeling, rotating, tumbling, or stopping in flumes or tunnels;
- ii. no diving from flume at any time;
- iii. never use this slide when under the influence of alcohol or drugs;
- iv. only one person at a time. Obey instructions of top pool supervisor and lifeguard at all times;
- v. never form chains unless authorized by slide manager or by posted instructions;
- vi. keep hands inside the flume;
- vii. leave the landing pool promptly after exiting from slide; and

viii. keep all glasses, bottles and food away from pools.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1268 (July 2018).

§2581. Pumps

A. Pumps and motors shall be provided to circulate the water in the splash pool and slide.

B. Pump units shall be accessible for inspection and service in accordance with NFPA 70 (2014 edition).

C. All motors shall have thermal overload protection in accordance with NFPA 70 (2014 edition).

D. The motor frame shall be properly grounded, in accordance with NFPA 70 (2014 edition).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1269 (July 2018).

§2583. Water Quality

A. Water quality shall be maintained to meet the requirements established by the Louisiana Department of Health and Hospitals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1269 (July 2018).

§2585. Electrical Safety and Lighting

A. The 2011 edition of the National Electrical Code, as published by the National Fire Protection Association, shall be used for the wiring and grounding of all electrical equipment associated with a flume and for the grounding of all metallic appurtenances.

B. Whenever flumes are operated after dark, artificial lighting shall be provided in upper and lower pool and deck areas, walkways, stairways, and flumes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1269 (July 2018).

§2587. Operation, Water Flumes

A. The manufacturer or the general contractor of the flume shall provide the operator with a detailed written operational manual, or guide, for all phases of operations and normal maintenance of each component of the system as per ASTM Standard F770-15 *Standard Practice for Ownership, Operation, Maintenance, and Inspection of Amusement Rides and Devices*.

B. The guide shall be kept in a secure area and made available to each employee or inspector as needed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1267 (July 2018).

§2589. Responsibility of Flume Operators

A. Flume operators shall meet the requirements of ASTM Standard F770-15 *Standard Practice for Ownership, Operation, Maintenance, and Inspection of Amusement Rides and Devices*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1269 (July 2018).

§2591. Fixed Operation Location Emergency Procedures

A. For fixed operation locations, a written plan for emergencies shall be carefully devised, kept current, and a copy of which shall be readily available upon demand. All employees shall be trained and drilled periodically in the execution of the plan.

B. The emergency plan shall encompass crowd control and safe evacuation, drownings, electrical shock, heat prostration, fractures, poisonings, cuts and burns, neck and back or spinal injuries, and exposure to chlorine gas.

C. All water flume locations shall have posted by the phones a list of current emergency numbers, to include the nearest available ambulance service, hospital, rescue squad, police assistant secretaries, and fire department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1269 (July 2018).

§2593. Go-Kart Rules and Regulations

A. Kart Design

1. The speed of each kart shall be limited or governed to not exceed the following: The maximum adult track speed shall not exceed 25 mph and kiddie track speed shall not exceed 10 mph. Speeds other than defined will require approval from the Office of State Fire Marshal.

2. Whenever the design of a kart enables the readjustment of the governing speed, the means of adjustment shall not be accessible to the patron of the kart.

3. The seat, backrest, seat belts, and leg area of every kart shall be designed to retain the patron inside the kart in the event of a collision or overturn.

4. Karts shall be fitted with a shoulder harness and/or belt restraint system as required by the kart manufacturer and acceptable to the Office of State Fire Marshal.

5. Karts shall be provided with sufficient guards to prevent anyone from coming in contact with the drive chains, belts, hot mufflers, engines or rotating parts.

6. Karts shall have bumpers, wheels, and body parts that are comparable to that installed by the original manufacturer.

7. Kart wheels shall be enclosed, guarded, or operated so the wheels of a kart cannot interlock with or ride over the wheels of another kart.

8. The kart steering wheel, hub, and all exposed components shall be padded or helmets and face shields worn to minimize the risk of injury to any patron in the event of a collision or overturn.

9. The kart fuel tank shall be designed and mounted to prevent it from damage or leaking in the event of a collision or overturn.

10. Headrests or roll bars on a kart shall extend above the patron's head and be capable of supporting the weight of the kart and patron as required by the manufacturer. In the event the manufacturer fails to recommend or address this area, the karts shall be equipped with roll bars acceptable to

the Office of State Fire Marshal. Any deviations from this requirement shall be submitted to and approved by the Office of State Fire Marshal.

11. Karts shall be provided with impact absorbing bumpers, or energy absorption body parts.

12. Karts shall have sufficient muffler systems installed to prevent any noise levels which will interfere with the track operations, adjacent businesses, residential areas, or damage the hearing of employees or patrons.

13. The brake and throttle controls on a kart shall be clearly identified. The brake and throttle controls shall be foot operated and return automatically to a non-operational position when released.

14. Karts shall be individually identified either by numbers, alpha characters, or other markings acceptable to the Office of State Fire Marshal.

15. Karts shall be inspected and maintained in accordance to manufacturer standards to include, but not limited to, the frame, engine, body, safety restraints, tires, etc.

16. Records of kart inspections and maintenance shall be retained by the operator for a period of 24 calendar months.

B. Track Design

1. The design of the kart track shall be consistent with the kart manufacturers' recommendations. In the absence of any manufacturers' recommendations, the track design shall comply with the current industry standards acceptable to the Office of State Fire Marshal.

2. Cones may be used on tracks as a warning device and to notify the patron of upcoming changes in the track conditions and are used for the following specific reasons:

- a. to notify drivers of impending course changes;
- b. to outline the track and mark key points such as the apex of the turns; and
- c. as a warning device to notify the drivers of the severity of upcoming turns by the location and number of cones prior to the turn;
- d. cone placement:
 - i. on the inside corners; one cone to alert the driver and locate the apex;
 - ii. on the outside corner; two cones to identify minor course changes;
 - iii. three cones to identify course changes which requires a slower speed to safely negotiate the turn; and
 - iv. four and five cones to identify areas where both slower speed and applied braking will be necessary to safely complete the course.
- e. once the proper cone locations have been located for the track, these locations shall be marked with high visibility paint under the proper location of the cone. This will alert racing attendants to the correct location of the cones when they are displaced.

3. The track shall have a hard, smooth surface.

4. The track shall provide road grip sufficient to enable the kart to be driven safely at maximum speed and shall be free of ruts, holes, bumps, water, oil, dirt, or other debris.

5. Track surface and design not covered by manufacturers' recommendations or in the absence of such recommendations must be approved by the Office of State Fire Marshal.

6. The width of the track must be a minimum of 16 feet and maximum of 25 feet. The turns on an oval track must be a minimum of 5 feet wider than the straight away. The minimum radius of the turns is 15 feet. Any deviations from these requirements shall be submitted to and approved by the Office of State Fire Marshal.

7. The track shall have signs that indicate one direction of travel and no U-turns permitted. These signs shall be posted at various locations around the track perimeter. Signs, signal lights and other safety equipment shall be maintained in operational condition at all times when open to the public.

8. The track shall have no intersecting course configurations. Pit entrances and exits are allowed but appropriate clearly posted signage indicating the entry and exit locations are required to prevent collisions.

9. The shoulder shall be level with the track and marked with cones. White or yellow lines at least 4 inches in width shall be used to mark all inside and outside edges of the kart track except where barriers are provided along the inside and outside edges of the kart track.

10. Barriers shall be designed to prevent a kart from overturning or running over or under the barrier and designed to bring a kart safely to a full stop or guide the kart safely back onto the track.

a. Barriers shall be placed:

- i. between tracks or sections of tracks within 30 feet of each other and constructed of materials that will not readily ignite;
- ii. between the track and obstructions or hazards located with 30 feet from the track;
- iii. along all non-access and non-egress edges of the pit area; and
- iv. between the track and any area accessible to spectators.

11. Fencing shall be at least 48 inches in height. The fence and gates shall be designed so a 4-inch sphere cannot pass through any opening. Fencing shall be located around every kart track.

12. Pit area for loading and unloading must be separated from the track by a fence or barrier. The pit area must be the same surface as the track and have separate, clearly marked entrance and exit lanes.

13. Electrical installations must comply with the National Electrical Code, NFPA 70 (2014 edition), and include lighting for night operation, if operations are conducted after dark.

14. Proposals for construction of new kart tracks and proposals for the renovation, alteration, or modification of existing tracks in the State of Louisiana shall be submitted to the Office of State Fire Marshal and other appropriate agencies before beginning construction. The following information shall accompany any application or proposal and shall include but not be limited to:

a. one copy of site plans and all accompanying documentation;

b. a copy of all required local, parish or state permits such as (but not limited to) business licenses, and/or electrical, building, or plumbing permits. When all inspections are completed by local, parish or state agencies one copy of the completed inspection report shall be sent to

the Office of State Fire Marshal for enclosure in the facility's permanent file.

15. Fire Protection

a. Kart tracks shall be equipped with ABC dry chemical fire extinguishers with a 4A 80BC rating with a travel distance not to exceed 50 feet as provided for in NFPA 10 (2013 edition), *Standard for Portable Fire Extinguishers*.

b. The required fire extinguisher shall be readily accessible from all areas of the track and one fire extinguisher shall be kept in the pit and refueling area(s). The fire extinguisher location shall be prominently marked, easily accessible and approximately 36 inches above the ground.

16. Refueling Area

a. Karts shall be refueled in a designated location remote from any area accessible to the public. Fuel storage and transfer cans must meet the requirements of NFPA 30 (2015 edition). Any fuel spillage must be promptly cleaned and prevented from running onto the track or any area accessible to the public. Warning signs must be prominently displayed stating that smoking is prohibited in the refueling area.

b. All kart motors shall be turned off during refueling.

17. Track Operation

a. Karts may only be operated by patrons within height limits set by the manufacturer. If no height limit is set by the manufacturer, patrons shall be at least 52 inches tall and have a leg length that can reach the brake and throttle controls from the patron's seat in order to drive an adult kart.

b. Only patrons less than 52 inches in height with a leg length sufficient to reach the brake and throttle controls from the patron's seat shall be permitted to operate a kiddie kart.

c. Adult karts and kiddie karts shall not be operated on the same track at the same time.

d. No kart shall be operated during a lightning storm, a period of tornado warning, fire, riot, or other civil disturbance in the area of the track or in an adjacent area. If any of these events occur while the track is in operation, patrons shall be unloaded and evacuated from the ride and the ride shut down until normal, safe operational conditions are established.

e. Kart tracks shall be monitored during operation either directly by attendants, or indirectly by electronic visual and audio means acceptable to the Office of State Fire Marshal.

f. A kart losing oil or fuel shall immediately be removed from the kart track. All karts must be stopped immediately and the track cleaned prior to restarting.

g. When the kart manufacturer recommends, or they are deemed necessary by the Office of State Fire Marshal, the use of helmets must be provided for all patrons to use. Helmets, if used, must fit the patron's head correctly. All helmets must be cleaned with disinfectant twice daily.

h. Karts designed for single or multiple riders shall use a shoulder harness and/or belt restraint system as required by the kart manufacturer. When deemed necessary for additional protection of kart patrons, the Office of State Fire Marshal may require the addition and use of a shoulder harness or belt restraint system on all karts.

i. Patron's loose clothing and hair longer than shoulder length must be secured prior to operating any kart. Fully enclosed shoes must be worn by kart patrons at all times during operation of a kart.

j. Patrons are prohibited from smoking during kart operation.

k. Track attendants shall not allow patrons to leave their karts either in the pit or on the track unless assisted by track or pit attendants.

l. The kart track operator shall post a conspicuous warning sign at the entrance to the kart track. The sign shall be at least 2 feet by 2 feet in sharply contrasting colors and shall contain manufacturer warnings regarding medical restrictions, if any, for ride patrons.

m. The kart track operator must have a sign posted at the ticket window or track entrance and in the pit area that conveys, at a minimum, the following rules and regulations:

i. The patron height limit specified by the manufacturer, or no less than 52 inches for adult karts and no more than 52 inches for kiddie karts.

ii. Keep both hands on the wheel and both feet in the kart at all times. Do not get out of the kart unless track attendant is present.

iii. All loose clothing and hair longer than shoulder length must be secured. Fully enclosed shoes must be worn by kart patrons at all times during operation of kart.

iv. No smoking in kart or pit area.

v. Persons under the influence of intoxicants will not be allowed to operate karts.

vi. The use of private karts or vehicles will be prohibited on kart track when they are open to the public.

C. All plans and accompanying documents and any requests for deviations from the requirements herein can be submitted online to the Office of State Fire Marshal by utilizing the agency's Information Management System (OSFM-IMS), which is accessible via the agency's website (www.lasfm.org).

D. Record Retention and Inspection

1. Daily inspections must be made on all karts prior to operation. Inspections shall include but not be limited to: tires, padding, steering wheel, frame welds, spindles, axles, seat or shoulder belts, roll bars, gasoline tank condition, brake and gas pedal operation, and other parts as recommended by the kart manufacturer or the Office of State Fire Marshal.

2. Weekly, monthly and annual inspections shall be performed as recommended by the kart manufacturer or the Office of State Fire Marshal.

3. A track operation manual shall be written in the English language and available for review by the Office of State Fire Marshal.

4. The kart track shall have and demonstrate an emergency plan for evacuation of patrons and employees in the event of an emergency. This shall include, but not be limited to, fires, kart collisions, dangerous weather, obstructions on the track, handling intoxicated patrons, and emergency first aid.

5. The kart track shall maintain records of all required inspections for a period of 24 months.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.2(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 44:1269 (July 2018).

Jason Starnes
Undersecretary

1807#039

RULE

Department of Public Safety and Corrections Office of State Police

Breath and Blood Alcohol Analysis Methods and Techniques (LAC 55:I.583)

In accordance with the provisions of R.S. 32:663 relative to the authority of the Department of Public Safety and Corrections to promulgate and enforce rules pursuant to approval of testing methods, the Department of Public Safety and Corrections, Office of State Police has amended rules under LAC 55:I.583, in relation to breath and blood alcohol analysis to provide for LCMSMS testing for drugs of impairment found in urine and blood by permitted laboratories. Modification was needed to allow for permitted laboratories to have standardized criteria. This Rule is hereby adopted on the day of promulgation.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 5. Breath and Blood Alcohol Analysis Methods and Techniques

Subchapter C. Analysis of Blood and Urine for Controlled Dangerous Substances

§583. Analytical Procedures

A. ...

B. Positive identification of an analyte shall at a minimum be based on the possible presence of the analyte or the analyte class in the screening test and its presence in the confirmatory test. Confirmation shall be based on the identification of at least three major ions with that of a reference analyte. Correlation between ion ratios of the base peak and another major peak shall be within 20 percent for gas chromatography/mass spectrometry procedures and within 30 percent for liquid chromatography/mass spectrometry procedures. Retention times between the analyte in question and the reference analyte shall be "within + or - 2 percent" for gas chromatography/mass spectrometry procedures and "within + or - 6 seconds or + or - 10 percent" for liquid chromatography/mass spectrometry procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 26:2625 (November 2000), amended LR 37:1417 (May 2011), LR 44:1272 (July 2018).

Jason Starnes
Chief Administration Officer

1807#002

RULE

Department of Revenue Policy Services Division

Mandatory Electronic Filing of Telecommunication Tax for the Deaf Tax Returns (LAC 61:III.1529)

Under the authority of Act 150 of the 2017 Regular Session of the Louisiana Legislature which authorizes the secretary the discretion to require electronic filing of tax returns or reports by administrative rule promulgated with legislative oversight in accordance with the Administrative Act, R.S. 47:1511, 1520, and, in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has adopted LAC 61:III.1529 to provide for mandatory electronic filing requirements for the telecommunication tax for the deaf tax returns. This Rule is hereby adopted on the day of promulgation.

Title 61

REVENUE AND TAXATION

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

§1529. Telecommunication Tax for the Deaf—Electronic Filing Requirements

A. R.S. 47:1520(A)(2) allows the secretary to require electronic filing of any return or report required by the Department of Revenue for the administration of the telecommunications for the deaf fund filed by a local or wireless telecommunication service company operating in Louisiana.

B. Effective for the third quarter of the 2018 taxable calendar and all other taxable calendar quarters thereafter, all reports and returns filed by a local or wireless telecommunication service company operating in Louisiana shall be filed electronically with the Department of Revenue on or before the thirtieth day following the close of the reporting period using the electronic format provided by the department.

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

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, 1061, and 1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 44:1272 (July 2018).

Kimberly Lewis Robinson
Secretary

1807#037

RULE

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

2018-2020 Hunting Regulations and Seasons
(LAC 76:XIX.Chapter 1)

The Wildlife and Fisheries Commission has amended the general and wildlife management area rules and regulations for the 2018-2019 season, the resident game hunting season for the 2018-2020 hunting seasons, the general and wildlife management area rules and regulations for the turkey season, the turkey hunting areas, and seasons, and bag limits for the 2019 turkey season, and the migratory bird seasons, regulations, and bag limits for the 2018-2020 hunting season. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§101. General

A. The resident game hunting season regulations have been adopted by the Wildlife and Fisheries Commission. A

complete copy of the regulations pamphlet may be obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), LR 30:1493 (July 2004), LR 31:1627 (July 2005), LR 32:1253 (July 2006), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 36:1580 (July 2010), LR 37:2206 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1534 (August 2014), LR 41:958 (May 2015), LR 42:1107 (July 2016), LR 44:1273 (July 2018).

§103. Resident Game Birds and Animals

A. Shooting Hours—one-half hour before sunrise to one-half hour after sunset.

B. Consult *Regulation Pamphlet for Seasons or Specific Regulations on Wildlife Management Areas or Specific Localities.*

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	OPENS: 3rd Saturday of November CLOSES: Last Day of February	10	30
Rabbit and Squirrel	OPENS: 1st Saturday of October CLOSES: Last Day of February	8	24
Squirrel*	OPENS: 1st Saturday of May for 23 days	3	9
Deer 2018-2020	See Schedule	1 antlered and 1 antlerless (when legal)	Deer Areas 1,2,3,5,6,7,8, and 9 6/season (not to exceed 3 antlered deer or 4 antlerless deer). Deer Area 4 limit 3/season (not to exceed 2 antlered or 2 antlerless deer). Deer Area 10 limit 3/season (not to exceed 2 antlered or 2 antlerless deer).

*NOTE: Spring squirrel season is closed on the Kisatchie National Forest, National Wildlife Refuges, U.S. Army Corps of Engineers property. Some state wildlife management areas will be open, check WMA season schedule.

C. Deer Hunting Schedule 2018-2019

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
2	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: Next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after the last day of Modern Firearm Season in Jan. CLOSES: After 7 days.	OPENS: Last Sat. of Oct. CLOSES: Tues. before 2nd Sat. of Dec. in odd numbered years and on Wed. during even numbered years EXCEPT when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the 1st Sat. of Dec.	OPENS: Wed. before the 2nd Sat. of Dec. in odd numbered years and on Thurs. during even numbered years EXCEPT when there are 5 Sats. in Nov., then it will open on the Wed. before the 1st Sat. of Dec. on odd years and Thurs. during even numbered years CLOSES: 40 days after opening in odd numbered years or 39 days after opening in even numbered years
3	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day OPENS: 1st Sat. of Dec. CLOSES: After 37 days	OPENS: 1st Sat. of Dec. CLOSES: After 37 days.
4	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
5	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	(All Either Sex except as noted.) OPENS: 2 nd Sat. of Nov. CLOSES: Fri. before 3 rd Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. In Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Sun. of the same weekend. EITHER SEX: OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas (EITHER SEX).
6	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan.
7	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15.	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: 1st Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Nov.	OPENS: 3rd Sat. of Oct. CLOSES: Fri. before 1st Sat. of Nov. OPENS: 2nd Sat. of Nov. CLOSES: Sun. after Thanksgiving	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
8	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day.	OPENS: 1st Sat. of Dec. CLOSES: After 37 days.
9	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan. OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: Last day of Jan. Bucks Only	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Sunday of the same weekend. EITHER SEX: OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas.
10	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day OPENS: 1st Sat. of Dec. CLOSES: After 37 days	

D. Deer Hunting Schedule 2019-2020

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
2	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: Next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after the last day of Modern Firearm Season in Jan. CLOSES: After 7 days.	OPENS: Last Sat. of Oct. CLOSES: Tues. before 2nd Sat. of Dec. in odd numbered years and on Wed. during even numbered years EXCEPT when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the 1st Sat. of Dec.	OPENS: Wed. before the 2nd Sat. of Dec. in odd numbered years and on Thurs. during even numbered years EXCEPT when there are 5 Sats. in Nov., then it will open on the Wed. before the 1st Sat. of Dec. on odd years and Thurs. during even numbered years CLOSES: 40 days after opening in odd numbered years or 39 days after opening in even numbered years
3	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day OPENS: 1st Sat. of Dec. CLOSES: After 37 days	OPENS: 1st Sat. of Dec. CLOSES: After 37 days.

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
4	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
5	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	(All Either Sex except as noted.) OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3 rd Sat. of Nov. CLOSES: Sun. of the same weekend. EITHER SEX: OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas.
6	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan.
7	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15.	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: 1st Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Nov.	OPENS: 3rd Sat. of Oct. CLOSES: Fri Before 1st Sat. of Nov. OPENS: 2nd Sat of Nov. CLOSES: Sun. after Thanksgiving	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
8	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day.	OPENS: 1st Sat. of Dec. CLOSES: After 37 days.

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
9	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan. OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. CLOSES: Last day of Jan. Bucks Only	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3 rd Sat. of Nov. CLOSES: Sunday of the same weekend. EITHER SEX: OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas
10	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.		

E. Farm-raised white-tailed deer on supplemented shooting preserves:

1. archery, firearm, primitive firearms—October 1-January 31 (either-sex).

F. Exotics on supplemented shooting preserves:

1. either sex—no closed season.

G. Spring squirrel hunting:

1. season dates—opens 1st Saturday of May for 23 days;

2. closed areas:

a. Kisatchie National Forest, national wildlife refuges, and U.S. Army Corps of Engineers property and all WMAs except as provided in Paragraph 3 below;

3. wildlife management area schedule—opens first Saturday of May for nine days on all WMAs except Fort Polk, Peason Ridge, Camp Beauregard, Pass-a-Loutre and Salvador. Dogs are allowed during this season for squirrel hunting;

4. limits—daily bag limit is three and possession limit is nine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:109(B) and R.S. 56:141(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), repromulgated LR 29:1521 (August 2003), amended LR 30:1494 (July 2004), LR 31:1627 (July 2005), LR 32:1254 (July 2006), LR 33:115 (January 2007), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 35:2856 (December 2009), LR 36:1580 (July 2010), LR 37:2207 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1535 (August 2014), LR 41:958 (May 2015), LR 42:1108 (July 2016), LR 43:1420 (July 2017), LR 44:1273 (July 2018).

§105. Physically Challenged Hunters Permit

A. Definitions

ATV—an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: weight—750 lbs.; length—85”; width—48”. ATV tires are restricted to those no larger than 26x12 with a maximum 1” lug height and a maximum allowable tire pressure of 12 psi as indicated on the tire by the manufacturer.

* * *

B. - E.3.h. ...

AUTHORITY NOTE: Promulgated in accordance with Act 1226 of the 1995 Louisiana Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 22:856 (September 1996), amended LR 34:1444 (July 2008), LR 36:2051 (September 2010), LR 44:1277 (July 2018).

§111. General and Wildlife Management Area Hunting Rules and Regulations

A. Hunting Seasons and Wildlife Management Area (WMA) Regulations

1. The rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by sections 115 and 116 of title 56 of the *Louisiana Revised Statutes* of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The secretary of the Department of Wildlife and Fisheries (LDWF) has the authority to close or alter seasons in emergency situations in order to protect fish and wildlife resources.

2. Pursuant to section 40.1 of title 56 of the *Louisiana Revised Statutes* of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other

wildlife and aquatic life shall be required to reimburse the LDWF a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

B. Resident Game Birds and Animals

1. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

C. Other Season Dates

1. Turkey. Please refer to turkey regulations.

2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 caliber or smaller rimfire firearm. A licensed hunter may take raccoon or opossum with .22 caliber or smaller rimfire firearm, .36 caliber or smaller muzzleloader rifle or shotgun during daylight hours. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is two per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Nutria. On WMAs and private property nutria may be taken recreationally by licensed hunters from September 1 through the last day of February, during legal shooting hours by any legal hunting method with a daily limit of five. Except nutria may be taken on Atchafalaya Delta, Salvador/Timken, Pointe-Aux-Chenes and Pass-a-Loutre WMAs from September 1 to March 31. When taken with a shotgun, non-toxic shot must be used. On WMAs during waterfowl seasons, nutria may be taken only with the use of shotguns with shot no larger than F steel, and during gun deer seasons, anyone taking nutria must display 400 square inches of "hunter orange" and wear a "hunter orange" cap or hat. Recreational nutria hunters must remove each nutria carcass in whole condition from the hunting area, except that nutria may be gutted. Possession of detached nutria parts, including nutria tails, by recreational hunters is illegal. Nutria harvested recreationally may not be pelted nor may such nutria or any nutria parts from recreationally taken nutria be sold, including the tail. Trespassing upon private property for the purpose of taking nutria or other furbearing animals is punishable by fines and possible jail time (R.S. 56:265). The Coastwide Nutria Control Program is a separate program and is in no way related to the nutria recreational season. For questions on the Coastwide Nutria Control Program, call the New Iberia office: (337) 373-0032.

4. Blackbirds and Crows. The season for crows shall be September 1 through January 1 with no limit; however crows, blackbirds, cowbirds and grackles may be taken year round during legal shooting hours if they are depredating or about to depredate upon ornamentals or shade trees, agricultural crops, livestock, wildlife, or when concentrated in such numbers as to cause a health hazard. Louisiana has determined that the birds listed above are crop depredators and that crows have been implicated in the spread of the

West Nile virus in humans. As described in 50 CFR part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special depredation order. In addition an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

5. Pheasant. Open concurrently with the quail season; no limit.

6. Falconry. Special permit required. Resident and migratory game species may be taken except turkeys. Seasons and bag limits are the same as for statewide and WMA regulations. Refer to LAC 76:V.301 for specific falconry rules.

7. Licensed Hunting Preserve, October 1-April 30, Pen-Raised Birds Only. No limit entire season. Refer to LAC 76:V.305 for specific hunting preserve rules.

8. Deer Management Assistance Program (DMAP). Refer to LAC 76:V.111 for specific DMAP rules. Deer management assistance tags must be in the possession of the hunter in order to harvest an antlerless deer. The tag shall be attached through the hock in such a manner that it cannot be removed before the deer is transported (including those taken on either-sex days and those taken with approved archery equipment or primitive firearms). Failure to do so is a violation of R.S. 56:115. Deer harvested on property enrolled in DMAP do not count in the season or daily bag limit for hunters when legally tagged with DMAP tags. Failing to follow DMAP rules and regulations may result in suspension and cancellation of the program on those lands involved.

9. Farm Raised White-tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

a. Definitions

Exotics—for purposes of this Section means any animal of the family Bovidae (except the Tribe Bovini [cattle]) or Cervidae which is not indigenous to Louisiana and which is confined on a supplemented hunting preserve. Exotics shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

Hunting—in its different tenses and for purposes of this Section means to take or attempt to take, in accordance with R.S. 56:8.

Same as Outside—for purposes of this Section means hunting on a supplemented hunting preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in title 56 of the *Louisiana Revised Statutes* and as established annually by the Wildlife and Fisheries Commission.

Supplemented Hunting Preserve—for purposes of this Section means any enclosure for which a current farm-raising license has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the LDWF and is authorized in writing by the LDAF and LDWF to permit hunting.

White-Tailed Deer—for purposes of this Rule means any animal of the species *Odocoileus virginianus* which is confined on a supplemented hunting preserve.

b. Seasons:

i. farm-raised white-tailed deer: consult the regulations pamphlet;

ii. exotics: year round.

- c. Methods of take:
 - i. white-tailed deer: same as outside;
 - ii. exotics: exotics may be taken with traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only and other approved primitive firearms.
- d. Shooting hours:
 - i. white-tailed deer: same as outside;
 - ii. exotics: one-half hour before sunrise to one-half hour after sunset.
- e. Bag limit:
 - i. farm-raised white-tailed deer: same as outside;
 - ii. exotics: no limit.
- f. Hunting licenses:
 - i. white-tailed deer: same as outside;
 - ii. exotics: no person shall hunt any exotic without possessing a valid basic and big game hunting license.
- g. Tagging. White-tailed deer and exotics: each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

10. Bobcat. No person other than the holder of a valid big game license may take or possess bobcat, except licensed trappers who may take or possess bobcat during the open trapping season. A big game licensee shall only take bobcat during the time period from one-half hour before sunrise to one-half hour after sunset with approved archery equipment, shotgun, muzzleloader or centerfire firearm. A big game licensee shall not take more than one bobcat per calendar year. This regulation applies only to property that is privately owned, state WMAs, Kisatchie National Forest, and the Bayou des Ourses, Bodcau, Bonnet Carre, and Indian Bayou tracts owned by the Corps of Engineers, but does not apply to state wildlife refuges, or other federally owned refuges and lands. On state WMAs and Kisatchie National Forest, the take of bobcat is restricted to those open seasons on the WMAs which require the respective legal weapons noted above.

D. Hunting—General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. No person born on or after September 1, 1969, shall hunt unless that person has first been issued a certificate of satisfactory completion of a firearm and hunter education course approved by the department, except any active or veteran member of the United States armed services or any POST-certified law enforcement officer. Application for the exemption shall be filed in person at the LDWF main office building in the city of Baton Rouge. A person under 16 years of age may hunt without such certificate if he/she is accompanied by and is under the direct supervision of a

person who was born before September 1, 1969, and has a valid hunting license or who is 18 years of age or older and has proof of successful completion of a firearm and hunter education course approved by the department.

3. A big game license is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer. A separate wild turkey license is required in addition to the basic hunting license and the big game license to hunt, take, possess or cause to be transported any turkey.

4. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

5. Methods of Taking Resident Game Birds and Quadrupeds

a. It is illegal to intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered raw sweet potatoes to wild game quadrupeds.

b. Use of a traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means or a shotgun not larger than a 10 gauge fired from the shoulder shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than .22 caliber, any centerfire firearm, or a muzzleloading firearm larger than .36 caliber. It shall be legal to hunt or take squirrels, rabbits, and outlaw quadrupeds with air rifles.

c. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

d. No person shall take or kill any game bird or wild quadruped with a firearm fitted with an infrared sight, laser sight, or except as provided in R.S. 56:116(A)(8) any sighting device which projects a beam of light to the target or otherwise electronically illuminates the target, or device specifically designed to enhance vision at night [R.S. 56:116.1(B)(3)].

6. Nuisance Animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. With a special permit issued by the LDWF, beavers may be taken between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date of the permit. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to sell or pelt nuisance beavers

or nutria taken during open trapping season. Squirrels found depredate commercial crops of pecans may be taken year-round by permit issued by the LDWF. This permit shall be valid for 30 days from the date of issuance. Contact the local region office for details.

7. Threatened and Endangered Species. Louisiana pearl shell (mussel), sea turtles, gopher tortoise, ringed sawback turtle, brown pelican, bald eagle, peregrine falcon, whooping crane, Eskimo curlew, piping plover, interior least tern, ivory-billed woodpecker, red-cockaded woodpecker, Bachman's warbler, West Indian manatee, Florida panther, pallid sturgeon, Gulf sturgeon, Atwater's greater prairie chicken, whales and red wolf. Taking or harassment of any of these species is a violation of state and federal laws.

8. Outlaw Quadrupeds. Holders of a legal hunting license may take coyotes, feral hogs, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to chase only when using dogs during still hunting segments of the firearm and archery only seasons for deer. Foxes are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed by licensed hunters.

9. Nighttime Take of Nuisance Animals and Outlaw Quadrupeds. On private property, the landowner, or his lessee or agent with written permission from the landowner and the landowner's contact information in his possession, may take outlaw quadrupeds (coyotes, armadillos and feral hogs), nutria, or beaver during the nighttime hours from one-half hour after official sunset on the last day of February to one-half hour after official sunset the last day of August of that same year. Such taking may be with or without the aid of artificial light, infrared or laser sighting devices, or night vision devices. In addition, pursuant to R.S. 56:116(D)(3) any person who is authorized to possess a firearm suppressor may use a firearm fitted with a sound suppressor when taking outlaw quadrupeds, nutria, or beaver. Any person attempting to take outlaw quadrupeds under the provisions of the paragraph, within 24 hours prior to the attempted taking, shall notify the sheriff of the parish in which the property is located and the LDWF Enforcement Division by calling (800) 442-2511 of their intention to attempt to take outlaw quadrupeds under the provision of this Paragraph.

10. Hunting and/or Discharging Firearms on Public Roads. Hunting, standing, loitering or shooting game quadrupeds or game birds while on a public road or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and public road rights-of-way is prohibited.

11. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. On lands enrolled in DMAP, deer management assistance tags must be attached and locked through the hock of antlerless deer, (including those taken

with approved archery and primitive firearms, and those antlerless deer taken on either-sex days) in a manner that it cannot be removed, before the deer is moved from the site of the kill.

12. Sex Identification. Positive evidence of sex identification, including the head or sex organs, shall remain on any deer taken or killed within the state of Louisiana, or on all turkeys taken or killed so long as such deer or turkey is kept in camp or field, or is in route to the domicile of its possessor, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game.

E. General Deer Hunting Regulations

1. Prior to hunting deer, all deer hunters, regardless of age or license status, must obtain deer tags and have in possession when hunting deer. Immediately upon harvesting a deer, the hunter must tag the deer with the appropriate carcass tag and document the kill on the deer tag license. Within 72 hours of the kill, the hunter must validate the kill. Hunters harvesting deer on DMAP lands can validate deer per instructions by LDWF using the DMAP harvest data sheets. Hunters on WMAS can validate deer during mandatory deer check hunts, when deer check stations are in operation. Hunters may validate deer by calling the validation toll free number or using the validation website.

2. 2018-2019 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou Area owned by the US Army Corps of Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days.

3. 2019-2020 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou area owned by the US Army Corps of Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days.

4. A legal antlered deer is a deer with at least one visible antler of hardened bony material, broken naturally through the skin. Killing antlerless deer is prohibited except where specifically allowed.

5. *Either-sex deer* is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

6. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or slug. Handguns may be used for hunting.

7. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

8. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or

hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. A leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address, and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

9. It is illegal to take deer while deer are swimming or while the hunter is in a boat with motor attached in operating position; however, the restriction in this Paragraph shall not apply to any person who has lost one or more limbs.

10. Areas not specifically designated as open are closed.

11. Primitive Firearms Season: Still Hunt Only. Specific WMAs will also be open, check WMA schedule for specific details. Primitive firearms license is required for resident hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all deer hunting areas except as otherwise specified.

a. Legal firearms for primitive firearms season:

i. rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle, use black powder or approved substitute only, take ball, shot, or bullet projectile only, including sabot bullets, and may be fitted with magnified scopes;

ii. single shot, breech loading rifles or single shot, breech loading pistols, .35 caliber or larger, having an exposed hammer, that use metallic cartridges loaded either with black powder or modern smokeless powder, and may be fitted with magnified scopes;

iii. single shot, breech loading shotguns, 10 gauge or smaller, having an exposed hammer, loaded with buckshot or slug;

iv. youths 17 or younger may hunt deer with any legal weapon during the primitive firearms season in each deer hunting area.

12. Archery Season. Archery license required for resident bow hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all areas open for deer hunting except when a bucks only season is in progress for gun hunting, and except in areas 6 and 9 from October 1-15. Archers must conform to the bucks only regulations. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMA. Also, archery season restricted on Atchafalaya Delta, Salvador, Lake Boeuf, and Pointe-aux-Chenes WMAs (see schedule).

a. Bow and Arrow Regulations. Traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means will be a legal means of take for all properly licensed hunters. Hunting arrows for deer

must have well-sharpened broadhead points. Bow and arrow fishermen must have a sport fishing license and may not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to have in possession or use any poisoned or drugged arrow or arrows with explosive tips;

(b). to hunt deer with a bow having a pull less than 30 pounds;

(c). to hunt with a bow or crossbow fitted with an infrared, laser sight, electrically-operated sight or device specifically designed to enhance vision at night (does not include non-projecting red dot sights) [R.S. 56:116.1.B.(4)].

13. Hunter Orange or Blaze Pink. Any person hunting any wildlife during the open gun deer hunting season and possessing buckshot, slugs, a primitive firearm, or a centerfire rifle shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange" or "blaze pink". Persons hunting on privately owned land may wear a hunter orange or blaze pink cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned or to archery deer hunters hunting on lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting deer on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a hunter orange or blaze pink cap or hat while walking to and from elevated stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange" or "blaze pink".

14. Physically Challenged Season on Private Lands (Either-Sex)—first Saturday of October for two days. Restricted to individuals with physically challenged hunter permit.

15. Youth and Honorably Discharged Veterans Season on Private Lands (Either-Sex). Areas 1, 4, 5, 6 and 9: last Saturday of October for seven days; area 2: second Saturday of October for seven days; and areas 3, 7, 8 and 10: fourth Saturday of September for seven days. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. Except properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. One of the following must be carried by veterans while hunting:

a. Louisiana OMV issued U.S. Veterans Driver's License; or

b. U.S. Department of Defense Form 214 or one of the following DD_214 equivalents:

i. pre DD 214 era documents (1941_1950):

(a). WE AGO (war department adjutant general) forms, to include WD AGO 53, WD AGO 55, WD AGO 53_55;

(b). JAVPERS (naval personnel) discharge documents, to include NAVPERS 553, NAVMC78PD, NAVCG 553;

ii. National Personnel Records Center NPRC "statement of service," issued as a result of a destroyed discharge record during the 1973 National Archives fire;

iii. National Guard/Air National Guard must have NGB_22 with 6 or more years of service.

F. Description of Areas, 2018-2020

1. Area 1

a. All of the following parishes are open: Concordia, East Carroll, Franklin, Madison, Richland, Tensas, West Carrol.

b. Portions of the following parishes are also open:

i. Catahoula—east of Boeuf River to Ouachita River, east of Ouachita River from its confluence with Boeuf River to LA 8, south and east of LA 8 southwesterly to parish line;

ii. Grant—east of US 165 and south of LA 8;

iii. LaSalle—south of a line beginning where Little River enters Catahoula Lake following the center of the lake eastward to Old River then to US 84, east of US 84 northward to LA 8, south of LA 8 eastward to parish line;

iv. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Bake;

v. Rapides—east of US 165 and north of Red River.

c. Still hunting only in all or portions of the following parishes:

i. Catahoula—south of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to LA 8 at Harrisonburg, west of LA 8 to LA 913, west of LA 913 and LA 15 to Deer Creek;

ii. East Carroll—all;

iii. Franklin—all;

iv. Morehouse—east of US 165 (from Arkansas state line) to Bonita, south and east of LA 140 to junction of LA 830-4 (Cooper Lake Road), east of LA 830-4 to Bastrop, east of LA 139 at Bastrop to junction of LA 593, east and north of LA 593 to Collinston, east of LA 138 to junction of LA 134 and south of LA 134 to Ouachita line at Wham Brake;

v. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Bake;

vi. Richland—all;

vii. West Carroll.

2. Area 2

a. All of the following parishes are open:

i. Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Jackson, Lincoln, Natchitoches, Red River, Sabine, Union, Webster, Winn;

ii. except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as area 2, except still hunting only for deer.

b. Portions of the following parishes are also open:

i. Allen—north of US 190 from parish line westward to Kinder, east of US 165 from Kinder northward to LA 10 at Oakdale, north of LA 10 from Oakdale westward to the parish line;

ii. Avoyelles—that portion west of I-49;

iii. Catahoula—west of Boeuf River to Ouachita River, west of Ouachita River from its confluence with Boeuf River to LA 8, north and west of LA 8 southwesterly to parish line;

iv. Evangeline—all except the following portions: east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte, and north of US 167 east of Ville Platte;

v. Grant—all except that portion south of LA 8 and east of US 165;

vi. Jefferson Davis—north of US 190;

vii. LaSalle—north of a line beginning where Little River enters Catahoula Lake, following the center of the lake eastward to Old River then to US 84, west of US 84 northward to LA 8, north of LA 8 eastward to parish line;

viii. Morehouse—west of US 165 (from Arkansas state line) to Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to Bastrop, west of LA 139 to junction of LA 593, west and south of LA 593 to Collinston, west of LA 138 to junction of LA 134 and north of LA 134 to Ouachita Parish line at Wham Brake;

ix. Ouachita—all except south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse Parish line at Wham Brake;

x. Rapides—all except north of Red River and east of US 165, south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill, and north of LA 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and US 167 to junction of US 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line;

xi. Vernon—north of LA 10 from the parish line westward to LA 113, south of LA 113 eastward to parish line. Also the portion north of LA 465 west of LA 117 from Kurthwood to Leesville and north of LA 8 from Leesville to Texas state line.

c. Still hunting only in all or portions of the following parishes:

i. Claiborne and Webster—Caney, Corney and Middlefork tracts of Kisatchie National Forest (see Kisatchie National Forest regulations);

ii. Ouachita—east of Ouachita River;

iii. Rapides—west of US 167 from Alexandria southward to I-49 at Turkey Creek exit, west of I-49 southward to parish line, north of parish line westward to US 165, east of US 165 northward to US 167 at Alexandria. North of LA 465 from Vernon Parish line to LA 121, west of LA 121 to I-49, west of I-49 to LA 8, south and east of LA 8 to LA 118 (Mora Road), south and west of LA 118 to Natchitoches Parish line;

iv. Vernon—east of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to LA 465, east and north of LA 465 to Rapides Parish line.

3. Area 3

- a. Portions of the following parishes are open:
 - i. Acadia—north of I-10;
 - ii. Allen—west of US 165 and south of LA 10;
 - iii. Beauregard—east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;
 - iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;
 - v. Jefferson Davis—north of I-10 and south of US 190;
 - vi. Lafayette—west of I-49 and north of I-10;
 - vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line;
 - viii. St. Landry—west of US 167;
 - ix. Vernon—east of LA 113 to Pitkin, south of LA 10 to Allen Parish line, west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.
- b. Still hunting only for portions of the following parishes:
 - i. Acadia—north of I-10;
 - ii. Allen—south of US 190 and west of LA 113;
 - iii. Beauregard—west of LA 113 and east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;
 - iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;
 - v. Jefferson Davis—north of I-10 and south of US 190;
 - vi. Lafayette—west of I-49 and north of I-10;
 - vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line;
 - viii. St. Landry—west of US 167;
 - ix. Vernon—west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

4. Area 4

- a. All of St. Helena and Washington Parishes are open.
- b. Portions of the following parishes are also open:
 - i. East Baton Rouge—all except that portion west of I-110 and west of US 61;
 - ii. East Feliciana—east of US 61;
 - iii. Livingston—north of I-12;
 - iv. Tangipahoa—north of I-12;
 - v. St. Tammany—all except that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.
- c. Still hunting only in all or portions of the following parishes:
 - i. East Feliciana and East Baton Rouge—east of Thompson Creek from the Mississippi state line to LA 10, north of LA 10 from Thompson Creek to LA 67 at Clinton, west of LA 67 from Clinton to Mississippi state line, south of Mississippi state line from LA 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of LA 67 from LA 64 north to Parish Line, south of Parish Line from

LA 64 eastward to Amite River, west of Amite River southward to LA 64, north of LA 64 to LA 37 at Magnolia, east of LA 37 northward to LA 64 at Indian Mound, north of LA 64 from Indian Mound to LA 67. Also, that portion of East Feliciana Parish east of LA 67 from parish line north to LA 959, south of LA 959 east to LA 63, west of LA 63 to Amite River, west of Amite River southward to parish line, north of parish line westward to LA 67;

- ii. St. Helena—north of LA 16 from Tickfaw River at Montpelier westward to LA 449, east and south of LA 449 from LA 16 at Pine Grove northward to Rohner Road, south of Rohner Road to LA 1045, south of LA 1045 to the Tickfaw River, west of the Tickfaw River from LA 1045 southward to LA 16 at Montpelier;

- iii. Tangipahoa—that portion of Tangipahoa Parish north of LA 10 from the Tchefuncte River to LA 1061 at Wilmer, east of LA 1061 to LA 440 at Bolivar, south of LA 440 to the Tchefuncte River, west of the Tchefuncte River from LA 440 southward to LA 10;

- iv. Washington and St. Tammany—east of LA 21 from the Mississippi state line southward to the Bogue Chitto River, north of the Bogue Chitto River from LA 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi state line, south of the Mississippi state line from the Pearl River westward to LA 21. Also, that portion of Washington Parish west of LA 25 from the Mississippi state line southward to the Bogue Chitto River, then west of the Bogue Chitto River to its junction with the St. Tammany Parish line, north of the St. Tammany Parish line to the Tangipahoa Parish line, east of the Tangipahoa Parish line to the Mississippi state line, south of the Mississippi state line to its junction with LA 25;

5. Area 5

- a. Portions of the following parishes are open:
 - i. St. Martin Parish south of I-10 and east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;
 - ii. Iberville Parish—south of I-10 and west of the East Atchafalaya Basin Protection Levee;
 - iii. Iberia Parish—east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;
 - iv. St. Mary Parish—east of the West Atchafalaya Basin Protection Levee;
 - v. high water benchmark closure. Deer hunting in those portions of Iberville and St. Martin parishes south of I-10, west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee, and north of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches 18 feet msl at Butte LaRose, and will reopen when the river stage recedes to 17 feet msl at Butte LaRose. Deer hunting in those portions of Iberville, St. Martin, St. Mary and Iberia parishes west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee and south of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches

15 feet msl at Butte LaRose, and will reopen when the river stage recedes to 14 feet msl at Butte LaRose.

6. Area 6

a. All of West Feliciana and Pointe Coupee Parish is open.

b. Portions of the following parishes are also open:

i. Avoyelles—all except that portion west of I-49;

ii. East Baton Rouge—that portion west of I-110 and west of US 61.

iii. Evangeline—that portion east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte and north of US 167 east of Ville Platte;

iv. Iberville—all north of I-10, and that portion south of I-10 at the Atchafalaya Basin protection levee south to Upper Grand River, then north of Upper Grand River to the Intracoastal Canal at Jack Miller, then west of the Intracoastal Canal northward to Bayou Plaquemine, then north of Bayou Plaquemine to the Mississippi River;

v. Lafayette—north of I-10 and east of I-49;

vi. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;

vii. St. Landry—east of US 167;

viii. St. Martin—north of I-10;

ix. East Baton Rouge—west of I-110 and west of US 61;

x. East Feliciana—west of US 61;

xi. West Baton Rouge—north I-10.

c. Still hunting only in all or portions of the following parishes:

i. Avoyelles—north of LA 1 from Simmesport westward to LA 115 at Marksville, east of LA 115 from Marksville northward to the Red River near Moncla, south and west of the Red River to LA 1 at Simmesport;

ii. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;

iii. West Feliciana—west of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of US 61 and LA 966, east of LA 966 from US 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

7. Area 7

a. Portions of the following parishes are open:

i. Iberia—south of LA 14 and west of US 90;

ii. St. Mary—all except that portion north of US 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River.

8. Area 8

a. Portions of the following parishes are open:

i. Beauregard—that portion west of LA 27 from parish line northward to DeRidder, south of US 190 from DeRidder to Texas state line;

ii. Calcasieu—that portion west of LA 27 from the parish line southward to Sulphur and north of I-10 from Sulphur to the Texas state line.

9. Area 9

a. All of the following parishes are open:

i. Ascension, Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John, Terrebonne.

b. Portions of the following parishes are open:

i. Iberia—east of US 90 and west of the West Atchafalaya Basin Protection Levee and east of the East Atchafalaya Basin Protection Levee;

ii. Iberville—east of the East Atchafalaya Basin Protection Levee and south of Upper Grand River to the Intracoastal Canal to Bayou Plaquemines, then south of Bayou Plaquemines to the Mississippi River;

iii. Lafayette—south of I-10 and east of US 90;

iv. Livingston—south of I-12;

v. St. Martin—west of the Atchafalaya Basin Protection Levee and south of I-10. East of the East Atchafalaya Basin Protection Levee and south of I-10;

vi. St. Mary—east of US 90 from Iberia Parish line to the Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River except for portion within the East and West Atchafalaya Basin Protection Levees;

vii. St. Tammany—that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain;

viii. Tangipahoa—south of I-12.

c. Still hunting only in all or portions of the following parishes:

i. Iberville—east of the Mississippi River;

ii. Plaquemines—east of the Mississippi River;

iii. St. Bernard—all of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre;

iv. St. John—south of Pass Manchac from Lake Pontchartrain to US 51, east of US 51 from Pass Manchac to LA 638 (Frenier Beach Road). North of LA 638 from US 51 to Lake Pontchartrain, west of Lake Pontchartrain from LA 638 to Pass Manchac.

10. Area 10

a. All of Cameron and Vermillion Parishes are open.

b. Portions of the following parishes are open:

i. Acadia—south of I-10;

ii. Calcasieu—south of I-10;

iii. Iberia—west of US 90 and north of LA 14;

iv. Jefferson Davis—south of I-10;

v. Lafayette—south of I-10 and west of Hwy 90.

G. WMA Regulations

1. General

a. The following rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in *Louisiana Revised Statutes* of 1950, section 109 of title 56. Failure to comply with these regulations will

subject individual to citation and/or expulsion from the management area.

b. Citizens are cautioned that by entering a WMA managed by the LDWF they may be subjecting themselves and/or their vehicles to game and/or license checks, inspections and searches.

c. WMA seasons may be altered or closed anytime by the LDWF secretary in emergency situations (floods, fire or other critical circumstances).

d. Hunters may enter the WMA no earlier than 4 a.m. unless otherwise specified. Hunters must check out and exit the WMA no later than two hours after sunset, or as otherwise specified.

e. Lands within WMA boundaries will have the same seasons and regulations pertaining to baiting and use of dogs as the WMA within which the lands are enclosed; however, with respect to private lands enclosed within a WMA, the owner or lessee may elect to hunt according to the regular season dates and hunting regulations applicable to the geographic area in which the lands are located, provided that the lands are first enrolled in DMAP. Interested parties should contact the nearest LDWF region office for additional information.

f. Dumping garbage or trash on WMAs is prohibited. Garbage and trash may be properly disposed of in designated locations if provided.

g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.

h. Damage to or removal of trees, shrubs, hard mast (including but not limited to acorns and pecans), wild plants, non-game wildlife (including reptiles and amphibians) or any species of butterflies, skippers or moths is prohibited without a permit from the LDWF. Gathering and/or removal of soft fruits, mushrooms and berries shall be limited to five gallons per person per day.

i. Burning of marshes is prohibited. Hunting actively burning marsh is prohibited.

j. Nature Trails. Trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, bicycles, etc. allowed. Removal of vegetation (standing or down) or other natural material prohibited.

k. Deer seasons are for legal buck deer unless otherwise specified.

l. Small game, when listed under the WMA regulations may include both resident game animals and game birds as well as migratory species of birds.

m. Oysters may not be harvested from any WMA, except that oysters may be harvested from private oyster leases and state seed grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health.

n. Free ranging livestock prohibited.

o. Operation of drones on WMAs is prohibited.

2. Permits

a. A WMA hunting permit is required for persons ages 18 through 59 to hunt on WMAs.

b. Self-Clearing Permits. A self-clearing permit is required for all activities (hunting, fishing, hiking, bird watching, sightseeing, etc.) on WMAs unless otherwise specified. The self-clearing permit will consist of two portions: check in, check out. On WMAs where self-clearing

permits are required, all persons must obtain a WMA self-clearing permit from an information station. The check in portion must be completed and put in a permit box before each day's activity on the day of the activity (except if hunting from a private camp adjacent to the WMA being hunted or if camping on the WMA, users need only to check in once during any 72 hour period). Users may check-in one day in advance of use. The check-out portion must be carried by each person while on the WMA and must be completed and put in a permit box immediately upon exiting the WMA or within 72 hours after checking in if hunting from a private camp adjacent to the WMA being hunted or if camping on the WMA. No permit is required of fishers and boaters who do not travel on a WMA road and/or launch on the WMA as long as they do not get out of the boat and onto the WMA. When mandatory deer checks are specified on WMAs, hunters must check deer at a check station. When mandatory check-in for deer seasons is specified on WMAs, hunters must check in at designated locations, and obtain a daily hunt permit. Self-clearing permits are not required for persons only traveling through the WMA provided that the most direct route is taken and no activities or stops take place.

c. Persons using WMAs or other LDWF administered lands for any purpose must possess one of the following: a valid wild Louisiana stamp, a valid Louisiana fishing license, or a valid Louisiana hunting license. Persons younger than 16 or older than 60 years of age are exempt from this requirement. Also a self-clearing WMA permit, detailed above, may be required (available at most entrances to each WMA). Check individual WMA listings for exceptions.

3. Special Seasons

a. Youth Deer Hunt (youths 17 or younger only). Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Contact the appropriate region office for maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts.

NOTE: Some hunts may be by pre-application lottery.

b. Youth Squirrel Hunt (on selected WMAs only). Only youths 17 or younger may hunt. Squirrel, rabbit, raccoon, hogs and opossum may be taken. No dogs allowed. All other seasons will remain open to other hunters. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is

waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Self-clearing permits are required. Consult the regulations pamphlet for WMAs offering youth squirrel hunts.

c. Youth Mourning Dove Hunt. A youth mourning dove hunt will be conducted on specific WMAs and will follow the same regulations provided for youth deer hunts on the first or second weekend of the mourning dove season (Saturday and/or Sunday only). Consult the regulations pamphlet for WMAs offering youth mourning dove hunts.

d. Physically Challenged Season. An either-sex deer season will be held for hunters possessing a physically challenged hunter permit on WMAs during the dates specified under the individual WMA. Participants must possess a physically challenged hunter permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering physically challenged seasons.

e. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. Contact region offices for more details.

f. Waterfowl Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadline. Consult regulations pamphlet for individual WMA schedules or contact any wildlife division office for more details.

g. Mourning Dove Lottery Hunts. Consult regulations pamphlet for individual WMA schedules or contact any wildlife division office for more details.

h. Trapping. Consult annual trapping regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. Hunter orange required when a deer gun season is in progress.

i. Raccoon Hunting. A licensed hunter may take raccoon or opossum, one per person per day, during daylight hours only, during the open rabbit season on WMAs.

Nighttime Experimental—all nighttime raccoon hunting where allowed is with dogs only. There is no bag limit. Self-clearing permit required.

j. Sport Fishing. Sport fishing, crawfishing and frogging are allowed on WMAs when in compliance with current laws and regulations except as otherwise specified under individual WMA listings.

k. Small Game Emphasis Areas. Specially designated areas on certain WMAs will allow small game hunting with dogs, confined to that specific area when the remainder of the WMA is restricted to still hunt only. Additionally, off season training of rabbit and bird dogs may be allowed on some of the small game emphasis areas. Small game emphasis areas are offered on Big Colewa Bayou, Bayou Macon, Bayou Pierre, Boeuf, Dewey W. Wills, Marsh Bayou, Pomme de Terre, Richard K. Yancey, Russell Sage, Sandy Hollow, Sherburne, Tunica Hills and Walnut Hill WMAs.

4. Firearms

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms and crossbows cocked in the ready position are not allowed in or on vehicles, boats under power, motorcycles, ATVs, UTVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after permitted hours except in authorized camping areas and except as may be permitted for authorized trappers.

b. Firearms and bows and arrows are not allowed on WMAs during closed seasons except on designated shooting ranges or as permitted for trapping and except as allowed pursuant to R.S. 56:109(C) and R.S. 56:1691. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or as permitted for bowfishing. Active and retired law enforcement officers in compliance with POST requirements, federal law enforcement officers and holders of Louisiana concealed handgun permits or permit holders from a reciprocal state who are in compliance with all other state and federal firearms regulations may possess firearms on WMAs provided these firearms are not used for any hunting purpose.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under WMA listing.

d. Loaded firearms are not allowed near WMA check stations.

e. The following cannot be carried onto any WMA except during modern and primitive firearm deer seasons and during special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador WMAs (consult regulations pamphlet for specific WMA regulations):

- i. centerfire rifles;
- ii. centerfire break-action and centerfire bolt-action handguns;
- iii. centerfire scoped handguns;
- iv. shotgun slugs or shot larger than BB lead or F steel.

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or across, or hunting from designated roads, ATV/UTV trails, nature trails, hiking trails, and their rights-of-way is prohibited during the modern firearms and primitive firearms deer seasons.

5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drives and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On WMAs the daily limit shall be one antlered deer and one antlerless deer (when legal) per day, not to exceed the deer area limit for the deer area that a WMA is contained within (all segments included) by all methods of take.

c. Baiting, hunting over bait, or possession of bait is prohibited on all WMAs, except bait may be kept in a vehicle traversing a WMA road or parked on a WMA road.

Bait—any substance used to attract game via ingestion.

d. During mandatory deer check hunts, deer may not be skinned nor have any external body parts removed including but not limited to feet, legs, tail, head or ears before being checked out.

e. Deer hunting on WMAs is restricted to still hunting only.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting time each day. Blinds with frames of wood, plastic, metal poles, wire, mesh, webbing or other materials may be used but must be removed from the WMA within two hours after the end of legal shooting time each day. Blinds made solely of natural vegetation and not held together by nails or other metallic fasteners may be left in place but cannot be used to reserve hunting locations. Natural vegetation (including any material used as corner posts) is defined as natural branches that are 2 inches or less in diameter. All decoys must be removed from the WMA daily. Permanent tree stands are any stands that use nails, screws, spikes, etc., to attach to trees and are strictly prohibited. Deer stands may not be left on WMAs unless the stands are removed from trees, placed flat on the ground, and left in a non-hunting position (a non-hunting position is one in which a hunter could not hunt from the stand in its present position). Also, all stands left must be legibly tagged with the user's name, address, phone number and LDWF ID number. No stand may be left on any WMA prior to the day before deer season opens on that WMA and all stands must be removed from the WMA within one day after the close of deer hunting on that WMA. Free standing blinds must be disassembled when not in use. Stands left will not reserve hunting sites for the owner or user. All portable stands, blinds, tripods, etc., found unattended in a hunting position, not placed flat on the ground, or untagged will be confiscated and disposed of by the LDWF. LDWF is not responsible for unattended stands left on an area.

g. Physically Challenged Wheelchair Confined Deer and Waterfowl Hunting Areas. Special deer and waterfowl hunting areas, blinds and stands identified with LDWF logos, have been established for physically challenged hunter permit (PCHP) wheelchair confined hunters on WMAs. Hunters must obtain a PCHP permit and are required to make reservations to use blinds and stands. PCHP wheelchair hunting areas are available on Alexander State Forest, Bayou Pierre, Big Colewa Bayou, Buckhorn, Clear Creek, Floy McElroy, Fort Polk-Vernon, Maurepas Swamp, Russell Sage, Sandy Hollow, and Sherburne WMAs. Check WMA hunting schedules or call the LDWF field offices in Pineville, Lake Charles, Opelousas, Minden, Monroe or Hammond for information.

h. Hunting from utility poles and structures, and oil and gas exploration facilities or platforms is prohibited.

i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc. are illegal.

j. Tree climbing spurs, spikes or screw-in steps are prohibited.

k. Unattended decoys will be confiscated and forfeited to the LDWF and disposed of by the LDWF. This action is necessary to prevent preemption of hunting space.

l. Spot lighting (shining) from vehicles is prohibited on all WMAs.

m. Horses and mules may be ridden on WMAs except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails depicted on WMA map, self-clearing permit is required. Organized trail rides prohibited except allowed by permit only on Camp Beauregard. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified. Horse-drawn conveyances are prohibited.

n. All hunters (including archers and small game hunters) except waterfowl hunters and mourning dove hunters on WMAs must display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during open gun season for deer. Quail and woodcock hunters and hunters participating in special dog seasons for rabbit, squirrel and feral hogs are required to wear a minimum of a "hunter orange" or "blaze pink" cap. All other hunters and archers (while on the ground) except waterfowl hunters also must wear a minimum of a "hunter orange" or "blaze pink" cap during special dog seasons for rabbit and squirrel and feral hogs. Also all persons afield during hunting seasons are encouraged to display "hunter orange" or "blaze pink". Hunters participating in special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador WMAs must display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap.

o. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches of "hunter orange" or "blaze pink" above or around their blinds which is visible from 360 degrees.

p. Archery Season for Deer. The archery season on WMAs is the same as outside and is open for either-sex deer except as otherwise specified on individual WMAs. Archery season restricted on Atchafalaya Delta and closed on certain WMAs when special seasons for youth or physically challenged hunts are in progress. Consult regulations pamphlet for specific seasons.

q. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.

r. Primitive Firearms Season for Deer—either-sex unless otherwise specified (see WMA deer schedule), except youths 17 or younger may use any legal weapon during the primitive firearm season.

6. Camping

a. Camping on WMAs, including trailers, houseboats, vessels, recreational vehicles and tents, is allowed only in designated areas and for a period not to exceed 16 consecutive days, regardless if the camp is attended or unattended. At the end of the 16-day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities. Camping is available on a first-come, first-serve basis unless otherwise specified.

b. Houseboats and vessels utilized for recreational activities are prohibited from overnight mooring within WMAs except on stream banks adjacent to designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. Houseboats and vessels shall not impede navigation. On Atchafalaya Delta WMA houseboats may be moored by permit only in designated areas during hunting season. Permits are available by lottery annually or by five year lease through a bid program.

c. Discharge of human waste onto lands or waters of any WMA is strictly prohibited by state and federal law. In the event public restroom facilities are not available at a WMA, the following is required. Anyone camping on a WMA in a camper, trailer, or other unit (other than a houseboat or tent) shall have and shall utilize an operational disposal system attached to the unit. Tent campers shall have and shall utilize portable waste disposal units and shall remove all human waste from the WMA upon leaving. Houseboats moored on a WMA shall have a permit or letter of certification from the health unit (Department of Health) of the parish within which the WMA occurs verifying that it has an approved sewerage disposal system on board. Further, that system shall be utilized by occupants of the houseboats when on the WMA.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area unless otherwise specified.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Trash must be contained at all times while camping.

h. Burning of trash is prohibited.

i. Glass containers prohibited on campgrounds.

j. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

k. Swimming is prohibited within 100 yards of boat launching ramps.

7. Restricted Areas

a. For your safety, all oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or unauthorized hunting in restricted areas, refuges, or limited use areas unless otherwise specified.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is experimental as required by law. Having or using dogs on any WMA is prohibited except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting, hog hunting and bird dog training when allowed; see individual WMA season listings for WMAs that allow dogs. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be liable. Only recognizable breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on

WMAs having experimental rabbit seasons. A leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

9. Vehicles

a. An all-terrain vehicle is an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: weight-750 pounds, length-85", and width-48". ATV tires are restricted to those no larger than 26 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 12 psi. as indicated on the tire by the manufacturer. Use of all other ATVs or ATV tires are prohibited on a WMA.

b. *Utility Type Vehicle (UTV, also Utility Terrain Vehicle)*—any recreational motor vehicle other than an ATV, not legal for highway use, designed for and capable of travel over designated unpaved roads, traveling on four or more low-pressure tires, with factory specifications not to exceed the following: weight-1900 pounds, length-128" and width-68". UTV tires are restricted to those no larger than 27 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 12 psi. UTV's are commonly referred to as side by sides and may include golf carts.

c. Vehicles having wheels with a wheel-tire combination radius of 17 inches or more measured from the center of the hub and horizontal to ground are prohibited.

d. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within WMAs due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

e. Tractor or implement tires with farm tread designs R1, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles.

f. Airboats, aircraft, personal water craft, "mud crawling vessels" (commonly referred to as crawfish combines which use paddle wheels for locomotion) and hover craft are prohibited on all WMAs and refuges, except type A personal water craft, model year 2003 and beyond, which are eight feet in length and greater, may be operated within WMAs from April 1 until the Monday of Labor Day weekend, from sunrise to sunset only, and except personal water craft allowed on designated portions of Alexander State Forest WMA year-round. Personal water craft are defined as a vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. No person shall operate such water craft at a speed greater than slow/no wake within 100 feet of an anchored or moored vessel, shoreline, dock, pier, persons engaged in angling or any other manually powered vessel.

g. Driving or parking vehicles on food or cover plots and strips is prohibited.

h. Blocking the entrance to roads and trails is prohibited.

i. Licensed motorized vehicles (LMVs) legal for highway use, including motorcycles, are restricted entirely to designated roads as indicated on WMA maps. UTVs are restricted to marked UTV trails only, except that those UTVs in which the manufacturer's specifications do not exceed the weight, length, width, and tire restrictions for ATVs are allowed on ATV trails. ATVs are restricted to marked ATV trails only when WMA roads are closed to LMVs, ATVs and UTVs may then use those roads when allowed. This restriction does not apply to bicycles.

NOTE: Only ATV and UTV trails marked with signs and/or paint, and depicted on WMA maps are open for use.

j. Use of special ATV trails for physically challenged persons is restricted to ATV physically challenged permittees. Physically challenged ATV permittees are restricted to physically challenged ATV trails or other ATV trails only as indicated on WMA maps or as marked by sign and/or paint. Persons 60 years of age and older, with proof of age, are also allowed to use special physically challenged trails and need not obtain a permit. However, these persons must abide by all rules in place for these trails. Physically challenged persons under the age of 60 must apply for and obtain a physically challenged hunter program permit from the LDWF.

k. Entrances to ATV trails will be marked with peach colored paint. Entrances to physically challenged-only ATV trails will be marked with blue colored paint. Entrances to ATV trails that are open year round will be marked with purple paint. The end of all ATV trails will be marked by red paint. WMA maps serve only as a general guide to the route of most ATV trails, therefore all signage and paint marking as previously described will be used to determine compliance.

l. Roads and trails may be closed due to poor condition, construction or wet weather.

m. ATVs, and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 4 a.m., except raccoon hunters may use ATVs during nighttime raccoon take seasons only. ATVs are prohibited from March 1 through August 31 except squirrel hunters are allowed to use ATV trails during the spring squirrel season on the WMA and except certain trails may be open during this time period to provide access for fishing or other purposes and some ATV trails will be open all year long on certain WMAs.

n. Caution. Many LDWF-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads, unless specific signage otherwise allows or restricts.

o. Hunters are allowed to retrieve their own downed deer and hogs with the aid of an ATV except on Thistlethwaite, Sherburne, Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes, Salvador, Timken, Lake Boeuf, and Biloxi WMAs under the following conditions:

i. no firearms or archery equipment is in possession of the retrieval party or on the ATV;

ii. the retrieval party may consist of no more than one ATV and one helper;

iii. ATVs may not be used to locate or search for wounded game or for any other purpose than retrieval of

deer and hogs once they have been legally harvested and located;

iv. UTV's may not be used to retrieve downed deer or hogs.

10. Commercial Activities

a. Hunting Guides/Outfitters. No person or group may act as a hunting guide, outfitter or in any other capacity for which they are paid or promised to be paid directly or indirectly by any other individual or individuals for services rendered to any other person or persons hunting on any WMA, regardless of whether such payment is for guiding, outfitting, lodging or club memberships.

b. Except for licensed activities otherwise allowed by law, commercial activities are prohibited without a permit issued by the secretary of the LDWF.

c. Commercial Fishing. Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Drag seines (except minnow and bait seines) are prohibited except experimental bait seines allowed on Dewey Wills WMA north of LA 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Richard K. Yancey WMA. Commercial fishing is prohibited on Salvador/Timken, Pointe-aux-Chenes, and Russell Sage WMAs except commercial fishing on Pointe-aux-Chenes is allowed in Cut Off Canal and Wonder Lake. No commercial fishing activity shall impede navigation and no unattended vessels or barges will be allowed. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

11. WMAs Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

12. Resident Small Game (squirrel, rabbit, quail, mourning dove, woodcock, snipe, rail and gallinule). Same as outside except closed during modern firearm either-sex deer seasons on certain WMAs (see WMA schedule) and except non-toxic shot, size 6 or smaller must be used for dove, rail, snipe, and gallinule. Unless otherwise specified under a specific WMA hunting schedule, the use of dogs for rabbit and squirrel hunting is prohibited. Spring squirrel season with or without dogs: first Saturday of May for nine days. Consult regulations pamphlet for specific WMAs.

13. Waterfowl (ducks, geese and coots). Consult regulations pamphlet. Hunting after 2 p.m. prohibited on all WMAs except for Atchafalaya Delta, Attakapas, Biloxi, Lake Boeuf, Pass-a-Loutre, Pointe-aux-Chenes, and Salvador/Timken WMAs. Consult specific WMA regulations for shooting hours on these WMAs.

14. Archery. Consult regulations pamphlet.

15. Hogs. Feral hogs may be taken during any open hunting season on WMAs by properly licensed and/or permitted hunters using only guns or bow and arrow legal for specified seasons in progress, except take of hogs is prohibited during nighttime raccoon seasons. Hogs may not be taken with the aid of dogs, except feral hogs may be taken with the aid of dogs during the month of February on

Attakapas, Bodcau, Clear Creek, Little River, Pearl River, Sabine, Sabine Island, and West Bay and that portion of Dewey W. Wills north of the Catahoula Lake Diversion Canal by self-clearing permit. All hogs must be killed immediately and may not be transported live under any conditions. During the February dog season hunters may use centerfire pistols in addition to using guns allowed for season in progress. Additionally, feral hogs may be taken on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador/Timken WMAs from February 16 through March 31 with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber. Additional requirements may be specified under individual WMAs, see regulation pamphlet.

16. Outlaw Quadrupeds and Birds. Consult regulations pamphlet. During hunting seasons specified on WMAs, except the turkey and spring squirrel seasons, take of outlaw quadrupeds and birds, with or without the use of electronic calls, is allowed by properly licensed hunters and only with guns or bows and arrows legal for season in progress on WMA. However, crows, blackbirds, grackles and cowbirds may not be taken before September 1 or after January 1. As described in 50 CFR part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special depredation order. In addition an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

17. WMAs Hunting Schedule and Regulations

a. Acadiana Conservation Corridor. Self-clearing permit required for all activities.

i. Archery only: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

ii. All other seasons closed. No motorized vehicles allowed and no access via I-49 right-of-way.

b. Alexander State Forest. From December through February all hunters must check daily with the Office of Forestry for scheduled burning activity. No hunting or other activity will be permitted in burn units the day of the burning. Call 318-487-5172 or 318-487-5058 for information on burning schedules. Attaching stands to red cockaded woodpecker cavity trees is prohibited. Cavity trees are marked with painted, double white bands. Self-clearing permits required for hunters only. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires except in recreational areas. Physically challenged wheelchair confined deer hunting area: access restricted. Check WMA map for location and call Minden or Baton Rouge offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer:

(a). archery: Oct. 1-Jan. 31, either-sex;

(b). firearms: Fri. after Thanksgiving day for 3 days, bucks only;

(c). primitive firearms: 2nd Sat. of Oct. for 2 days; first Sat. of Nov. for 2 days; mandatory deer check.

ii. Small Game: same as outside except closed during primitive firearms season and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

iii. Waterfowl: same as outside. (Certain areas may be closed as posted.)

c. Atchafalaya Delta. Self-clearing permit required for deer hunting, feral hog hunting and tent camping only. Self-clearing permits available from Main Delta campground, Wax Delta Campground, Cul-de-sac on Big Island, and Berwick Public Boat Launch (Jesse Fontenot Boat Launch). Camping and houseboat mooring allowed only in designated campgrounds. Houseboat mooring allowed by permit only (see Subparagraph G.6.b for details). Limited access area: operation of internal combustion engines prohibited from September through January. See WMA map for specific locations. Vessels/vehicles: mudboats or air-cooled propulsion vessels powered by more than 36 total horsepower are prohibited on the WMA. All ATVs/UTVs, motorcycles, horses and mules prohibited except as permitted for authorized WMA trappers. Big Island: closed to all activities during the month of October, except LDWF lottery hunts.

i. Deer Archery (either-sex): Oct. 1-Jan. 31 on Main Delta only (Big Island closed during October); no deer hunting on Wax Lake Delta. All harvested deer must be checked in at Atchafalaya Delta headquarters.

ii. Deer Youth Lottery (either-sex): Oct. 14-15 and 21-22, daily youth hunt permit required. Call the New Iberia field office, Coastal and Nongame Resources Division, 337-373-0032 for details.

iii. Small Game: same as outside except Rabbit Only:

(a). Wax Lake Delta: Oct. 7-31 and Feb. 1-28, with or without beagles. Nov. 1-Jan. 31 without beagles only.

(b). Main Delta: Feb. 1-28, with or without beagles. closed October through January.

iv. Waterfowl: same as outside, except shooting hours shall be 1/2 hour before sunrise to 2 p.m. during opening weekends of teal and duck season and 1/2 hour before sunrise to sunset the remainder of the season, and except shooting hours are the same as outside for the youth hunt weekend.

v. Feral Hogs: May be taken by properly licensed hunters Oct. 1-Feb. 28. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber from Feb. 16-March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs. All harvested hogs must be checked in at the Atchafalaya Delta WMA headquarters.

d. Attakapas. Area closed to all except youth deer hunters when the youth deer season is open. Self-clearing permits required for hunters only.

i. Deer

(a). Deer hunting will be closed when the river stage of the Atchafalaya River reaches 15 feet msl at Butte LaRose and will reopen when the river stage recedes to 14 feet msl at Butte LaRose.

(b). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

(c). Youth: Last Sat. of Oct. for 2 days, either-sex.

(d). Firearms Either-Sex: Fri. after Thanksgiving Day for 2 days

(e). Firearms Bucks Only: 4th Sat. of Dec. for 9 days.

(f). Primitive Firearms (Bucks only): 3rd Saturday of January for 2 days.

ii. Turkey: opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens on Good Friday.

iii. Small Game and Waterfowl: same as outside except small game hunting closed during either-sex modern firearms seasons closed during youth deer seasons and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iv. Raccoon (nighttime): 2nd Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

e. Bayou Macon. Area closed to all except youth deer hunters last Sat. of Oct. for 2 days. All night activities prohibited except as otherwise provided.

i. Deer:

(a). archery: Oct. 1-Jan. 31, either-sex;

(b). youth: last Sat. of Oct. for 2 days, either-sex;

(c). firearms: Sat. prior to Thanksgiving for 2 days, mandatory deer check, either-sex;

(d). primitive firearms: 3rd Sat. of Dec. for 9 days.

ii. Turkey—General Lottery: last Sat. of Area B season for 2 days.

iii. Small Game and Waterfowl: same as outside except closed during firearms season and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb. On that portion designated as small game emphasis area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to firearms either-sex deer, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon: (nighttime): Sept. 1st for 16 days and 1st Sat. of Jan. to the last day of Feb.

f. Bayou Pierre. Waterfowl refuge is closed to all hunting, trapping and fishing except for archery hunting for deer, which is allowed on the entire area. Refuge is marked with "Waterfowl Refuge" signs. Contact Minden office, for details for lottery hunts listed below at 318-371-3050.

i. Deer:

(a). archery only: Oct. 1-Jan. 31, either-sex. Archery hunting is allowed in the waterfowl refuge.

ii. Dove: Same as outside.

iii. Waterfowl Lottery Only: (designated portion)

(a). Lottery Youth Hunt: same as outside youth waterfowl hunt.

(b). General Lottery Hunt: 2nd weekend of 1st split and 1st and 4th weekends of 2nd split of the west zone season.

iv. Other Small Game: same as outside and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits

and dogs allowed for squirrel hunting Sat. before Christmas to last day of Feb. On that portion designated as small game emphasis area, training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

v. Raccoon (nighttime): Sat. before Christmas to last day of Feb.

g. Big Colewa Bayou. Self-clearing permit not required. physically challenged wheelchair confined deer hunting area: access restricted. Check WMA map for location and call Monroe or Baton Rouge offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Fri. after Thanksgiving for 3 days, either-sex and 2nd Sat. of Dec. for 16 days, bucks only.

i. Deer:

(a). archery only: Oct. 1-Jan. 31, either-sex.

ii. Small Game and Waterfowl: same as outside and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbit hunting Jan. 1st to last day of Feb. On that portion designated as small game emphasis area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iii. All nighttime activities prohibited.

h. Big Lake. Area closed to all except youth deer hunters during the youth deer hunt only on that portion of the area south of Big Lake and Crystal Roads. Remainder of area open for all activities.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex. Youth hunt on designated portion. See WMA map for specific location.

(c). Firearms Either-sex: Fri. after Thanksgiving day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(d). Firearms Bucks Only: 2nd Sat. of Dec. for 14 days.

(e). Primitive Firearms: day after firearms bucks only season closes for 14 days.

ii. Turkey: opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens on Good Friday.

(a). Youth: Sat. before opening day of statewide season for 2 days, except when that Sat. falls on Easter weekend then season will open on Good Friday for 3 days.

iii. Small Game: same as outside except closed during either-sex firearms seasons and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iv. Waterfowl: same as outside except closed during either-sex firearms seasons.

v. Raccoon (Nighttime): the day after primitive firearms season ends to the last day of Feb.

vi. Sport Fishing: yoyos and trotlines allowed on Big and Chain Lakes.

i. Biloxi. Self-Clearing permits not required. Vessels/vehicles: all ATVs/UTVs, motorcycles, horses, and

mules are prohibited. Mud boats or air cooled propulsion vessels can only be powered by straight shaft "long-tail" air-cooled mud motors that are 25 total horsepower or less. All other types of mud boats or air cooled propulsion vessels, including "surface-drive" boats, are prohibited. Overnight mooring of all vessels 50 feet in length or more is prohibited.

i. Deer

(a). Archery (bucks only): Oct. 1-15

(b). Deer Archery (either-sex): Oct. 16 - Jan. 31

ii. Small Game and Waterfowl: Same as outside except beagles allowed for rabbits when duck season is closed and except closed to squirrel hunting during the spring season.

j. Bodcau. Area Closed: Closed to all except youth deer hunters during the youth deer hunt on designated portion.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Sat. after 2nd Fri. of Oct. for 2 days, either-sex on designated portion.

(c). Firearms either-sex: Last Sat. of Oct. to the Sun. after Thanksgiving day. Last Sat. of Oct. and Sun. after last Sat. of Oct., mandatory deer check.

(d). Primitive Firearms: Mon. after Thanksgiving day for 7 days.

ii. Turkey

(a). Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

(b). Youth: Sat. before opening day of statewide season for 2 days except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days. 4th Sat. of April for 2 days.

iii. Small Game and Waterfowl: same as outside except closed during the youth deer hunt on designated portion and entire area 1st 2 days of modern firearms deer season except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms deer season ends to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon: (nighttime) day after firearms deer season ends to the last day of Feb.

v. Bird Dog Training Area: permit required. Open all year except closed during WMA turkey season. Contact Minden office for permits and information.

vi. Fishing: nets and traps prohibited on Ivan Lake.

k. Boeuf. Area closed to all south of LA 4 except youth deer hunters when youth deer season is open. North of LA 4 open to all activities. Limited access area: no motorized vessels or vehicles allowed Nov. 1-Jan. 31. Internal combustion engines and craft limited to 10 hp rating or less in the Greentree Reservoir.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: 2nd Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat.; mandatory deer check, Sun.—self-clearing permit.

(d). Firearms Bucks Only: 1st Sat. of Dec. for 14 days.

(e). Primitive Firearms: day after the close of Firearms Bucks Only for 14 days. 2nd Sat. of Nov. for 7 days.

ii. Turkey: opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: same as outside except closed during deer firearms either-sex season, and except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb. Youth squirrel hunt: 4th Sat. of Sept. for 2 days. On that portion designated as small game emphasis area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.—Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon (nighttime): 2nd Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

1. Buckhorn. Area closed last Sat. of Oct. for 2 days to all except youth and physically challenged deer hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit; and 2nd Sat. of Dec. for 2 days.

(d). Firearms Bucks Only: 3rd Sat. of Dec. for 14 days.

(e). Primitive Firearms: day after firearms bucks only season ends for 14 days.

(f). Youth and Physically Challenged Wheelchair Confined Deer Hunting Area: check map for location. Access restricted. Call Monroe or Baton Rouge offices for further details.

(g). Youth Lottery: 2nd weekend and last consecutive Sat. and Sun. of Dec. and 1st consecutive Sat. and Sun. in Jan. Either-sex. Hunting by pre-application lottery only.

(h). Physically Challenged Wheelchair Confined: 2nd and 3rd weekend of Dec. and 1st consecutive Sat. and Sun. in Jan. Either-sex. Hunting by reservation for wheelchair confined. PCHP permittees only.

ii. Small Game and Waterfowl: same as outside except closed during either-sex gun hunts and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iii. Raccoon (nighttime): day after primitive firearms season ends to the last day of Feb.

m. Bussey Brake. Area closed to all activities, no hunting allowed, until further notice.

n. Camp Beauregard. All or portions of the area may be closed daily due to military activities. All game harvested must be reported on self-clearing checkout permit. No hunting in restricted areas. Swimming in Twin Lakes prohibited. Retriever training allowed on selected portions of the WMA. Area closed to all except youth deer hunters and permitted disabled veterans hunters Sat. and Sun. preceding Veterans Day.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Deer Hunt: Sat. and Sun. preceding Veterans Day, either-sex on designated portion of the WMA.

(c). Disabled Veterans Deer Hunt: Sat. and Sun. preceding Veterans Day, by lottery only, either-sex on designated portion of the WMA. Call Minden office for details and application.

(d). Firearms Bucks Only: Dec. 26-Jan. 1.

(e). Primitive Firearms: Fri. after Thanksgiving day for 2 days, mandatory deer check. All deer harvested must be brought to Rifle Range Road Weigh Station. 2nd Sat. of Dec. for 2 days self-clearing permit.

ii. Turkey: Opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: same as outside, except closed during either-sex gun hunts for deer and except closed to squirrel hunting during the spring season. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. after Jan. 1 to the last day of Feb.

iv. Raccoon (nighttime): last consecutive Sat. and Sun. in Jan. to last day of Feb.

v. Fishing: special regulations to be posted at Twin Lakes.

o. Clear Creek. Area closed: to all except youth deer hunters when the youth deer season is open. physically challenged wheelchair confined deer hunting area: access restricted. Check WMA map for location and call Lake Charles or Baton Rouge offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex.

(b). Youth Deer Hunt: next to last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: last Sat. of Oct. for 2 days, mandatory deer check and Fri. after Thanksgiving for 3 days, self-clearing permit.

(d). Firearms Bucks Only: Mon. after close of primitive season to Thanksgiving day, and 2nd Sat. of Dec. to Jan. 1.

(e). Primitive Firearms: Mon. after 1st either-sex firearms weekend for 7 days.

ii. Turkey

(a). Mon. after 2nd Sat. of April for 21 days.

(b). General Lottery: opening day of statewide season for 2 days, 2nd Sat. of April for 2 days.

(c). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: same as outside except closed during either-sex gun hunts and except spring squirrel season will be open 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after firearms bucks only season closes to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): day after firearms bucks only season closes to the last day of Feb.

p. Dewey Wills. Limited access area, no motorized vessels or vehicles allowed from November through January. Area closed to all except youth and physically challenged deer hunters during the physically challenged and youth deer hunt only on that portion of the area north of the Diversion Canal.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Physically Challenged and Youth: last Sat. of Oct. for 2 days, either-sex. Only that portion of the area north of the Diversion Canal shall be open only to physically challenged and youth deer hunters. The remainder of the area is open to all.

(c). Youth Lottery: 1st Sat. of Dec. for 2 days, 1st Sat. of Jan. for 2 days, 2nd Sat. of Jan. for 2 days, and 3rd Sat. of Jan. for 2 days, either-sex. Contact Opelousas office (337-948-0255) for details and applications.

(d). Firearms Either-Sex: Fri. after Thanksgiving day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit. No hunting allowed in the greentree impoundment or within 100 feet of the greentree levee if duck season is in progress.

(e). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(f). Primitive Firearms: 2nd Sat of Dec. for 2 days.

ii. Turkey

(a). General Lottery: opening day of statewide season for 2 days, 2nd Sat. of April for 2 days.

iii. Small Game and Waterfowl: same as outside except closed during physically challenged and youth deer season north of the Diversion Canal and the entire area during the either-sex firearm hunt except waterfowl hunting will be allowed in the greentree impoundment during the firearm either-sex season and Open to squirrel hunting during the spring season 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms bucks-only season ends to the last day of Feb. On that portion designated as small game emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct., 3rd Sun. of Nov., and training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.

iv. Raccoon

(a). Nighttime: day after primitive firearms season ends to the last day of Feb.

(b). Nighttime Chase Only: May 1-Sept. 25, Tuesdays and Thursdays only. Raccoon hunters may use ATVs on designated trails during take season only.

v. Crawfish: limited to 100 pounds per person per day.

vi. Larto Tracts: all season dates on Larto Tracts (see WMA map) same as outside, except still hunt only and except deer hunting restricted to archery only. All vehicles including ATVs prohibited.

q. Elbow Slough.

i. Mourning Dove: Saturdays, Sundays and Wednesdays only during Sept. and Oct. of the outside season, except by lottery only opening weekend of 1st split. Applications available at Minden office and online. Contact Pineville office for details.

ii. Rabbit: Feb. 1 to the last day of Feb. Beagles allowed.

iii. All other seasons closed. Non-toxic (minimum size #6) shot only for all hunting. All motorized vehicles prohibited.

r. Elm Hall. Self-clearing permits required for hunters only. ATVs/UTVs prohibited.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

(b). Firearms Either-Sex: Fri. after Thanksgiving Day for 2 days.

(c). Firearms Bucks Only: Sun. after Thanksgiving Day and the 4th Sat. of Dec. for 9 days.

(d). Primitive Firearms: Next to last Sat. in Jan. for 2 days.

ii. Small Game and Waterfowl: Same as outside except closed during either-sex firearm seasons for deer, beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the close of primitive firearms to the end of Feb. and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs.

s. Floy Ward McElroy. Access restricted. Contact Monroe wildlife field office at 318-343-4045 for information.

i. Deer

(a). Youth Lottery: 2nd weekend and last consecutive Sat. and Sun. of Dec., and 1st consecutive Sat. and Sun. in Jan., either-sex. Restricted to those selected as a result of the pre-application lottery.

(b). Physically Challenged Wheelchair Confined Lottery: 1st Sat. of Nov. for 2 days, either-sex. Restricted to wheelchair confined PCHP permittees only selected as a result of the pre-application lottery.

(c). Beyond Becoming an Outdoors Woman (BOW) Lottery Deer Hunt: any weekend prior to youth lottery hunts and except weekend of physically challenged wheel-chair hunt. Hunt restricted to those that have successfully completed the becoming an outdoors woman deer management course. Must be hunter education certified. Contact LDWF Education Section, 318-343-1241, for more information.

t. Fort Polk-Vernon. Self-clearing permit required daily for all activities. All or portions of the area may be closed daily due to military activities. Information on open areas and special ATV regulations can be accessed at the following website: <http://www.jrtc-polk.army.mil/hunt2/hunt/default.htm>. Hunters are cautioned not to pick up any foreign material or objects while hunting on the WMA. Also, it is mandatory for hunters to check the open area maps, located at check stations, daily for sudden closures. Physically challenged wheelchair confined deer

hunting area access restricted. Check WMA map for location and call Lake Charles office for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer:

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex. Special Archery regulations for Cantonment Area, check locally at Building 2396 on 22nd St., either-sex deer legal the entire season. Remainder of WMA restricted to bucks only when bucks only gun season is in progress.

(b). Primitive Firearms: 2nd Sat. of Oct. for 7 days, self-clearing permit required.

(c). Firearms Either-Sex: last Sat. of Oct. for 2 days, and Fri. after Thanksgiving day for 3 days, mandatory deer check.

(d). Firearms Bucks Only: Mon. after last Sat. of Oct. to Thanksgiving Day, 2nd Sat. of Dec. to Jan. 1.

ii. Turkey: same as outside.

(a). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts for deer and except closed to squirrel hunting during the spring season. Hunter orange or blaze pink must be worn when bucks only gun hunts for deer are in progress. Squirrel hunting with dogs allowed Mon. after Thanksgiving day for 12 days and Jan. 2 to the last day of Feb.

iv. Feral Hogs: may be taken by properly licensed hunters from beginning of archery season to Jan. 1. Hunters may hunt feral hogs with shotguns loaded with buckshot or slugs from Jan. 2 to the end of Feb. Hunters must also display 400 square inches of hunter orange or blaze pink and wear a "hunter orange" or "blaze pink" cap during special shotgun season for hogs.

v. Fishing: Special regulations pertaining to fishing are posted at specific lakes.

vi. Experimental Hunting Area: refer to Fort Polk WMA hunting map: small game and squirrel hunting with dogs allowed Mon. after Thanksgiving day to last day of Feb. in Mill Creek 2 Alpha (MC2A) and Mill Creek 2 Bravo (MC2B) Mill Creek Unit. This area will be closed to deer and hog hunting during this time.

u. Grassy Lake. Area closed to all except youth deer hunters during youth deer hunt.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth: last Sat. of Oct. for 2 days.

(c). Firearms Either-Sex: Fri. after Thanksgiving day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(d). Firearms Bucks Only: 4th Sat. of Dec. for 9 days.

(e). Primitive Firearms (either-sex): 2nd Saturday of Dec. for 2 days.

ii. Turkey: opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts for deer and Open to squirrel hunting during the spring season 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for

rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Sport Fishing: same as outside except permitted only after 2 p.m. during waterfowl season on Smith Bay, Red River Bay and Grassy Lake proper.

v. Commercial Fishing: permitted except on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor Spring Bayou headquarters or Opelousas field office.

vi. Raccoon (nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vii. Crawfishing: March 15-July 31. Recreational only. 100 pounds per person daily. No nets or traps may be left overnight.

v. Hutchinson Creek

i. Deer: same as outside, archery only, either-sex.

ii. Turkey: same as outside.

iii. Small Game and Waterfowl: same as outside.

Open to squirrel hunting during the spring season 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1st Sat. of Jan to the last day of Feb.

iv. Raccoon: 2nd Sat. of Sept. for 16 days and 1st Sat. of Jan to the last day of Feb.

w. J.C. Sonny Gilbert. Area closed last Sat. of Oct. for 2 days to all except youth deer hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-

sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, mandatory deer check Fri. after Thanksgiving.

(d). Firearms Bucks Only: 1st Sat. of Dec. for 14 days.

(e). Primitive Firearms: day after close of firearms bucks only for 14 days.

ii. Turkey

(a). General Lottery: opening day of statewide season for 2 days, 2nd Fri. of April for 3 days, 3rd Fri. of April for 3 days, 4th Fri. of April for 3 days, 1st Fri. of May for 3 days.

(b). Youth Lottery: Sat. before opening day of statewide season. General lottery (15 kid draw, 1 day)

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts for deer and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

iv. Raccoon (nighttime): the day after the last deer firearms season (bucks only or primitive) to last day of Feb.

v. Sport Fishing: restricted to rod and reel, and pole fishing only. All other gear prohibited.

x. Joyce. Swamp Walk: closed from 30 minutes after sunset to 30 minutes before sunrise. No loaded firearms

or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk. Limited access area: No internal combustion engines allowed year round. See WMA map for specific location.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth: 1st Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving day for 3 days, self-clearing permit.

(d). Firearms Bucks Only: 3rd Sat. of Dec. for 16 days.

(e). Primitive Firearms (either-sex): 2nd Sat. of Jan. for 2 days and Mon. after the next to last Sun. of Jan for 7 days.

ii. Small Game and Waterfowl: same as outside and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms ends to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iii. Raccoon (nighttime): day after primitive firearms ends to last day of Feb.

iv. Crawfish: limited to 100 pounds per person per day.

y. Lake Boeuf. Self-clearing permit required for all activities. Self-clearing permit available at Theriot Canal boat landing off LA 308. Hunting until 12 p.m. (noon) for all game, except deer may be hunted until one-half hour after sunset. All nighttime activities prohibited. ATVs/UTVs, motorcycles, horses and mules are prohibited.

i. Deer

(a). Archery (bucks only): Oct. 1-15.

(b). Archery (either-sex): Oct. 16 - Jan. 31.

ii. Waterfowl: same as outside.

iii. Small Game: Nov. 1-Feb. 28 and open to squirrel hunting during the spring season, May 5-13, with or without dogs. Beagles prohibited November and December.

z. Lake Ramsey. All vehicles restricted to Parish Roads and designated parking areas.

i. Deer

(a). Archery only, Oct. 1-Jan. 31, either-sex.

ii. Turkey: opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: same as outside and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. after Jan. 1 to last day of Feb.

iv. Foot Traffic Only: all vehicles restricted to parish roads, except ATVs allowed for hunters retrieving downed deer or feral hogs.

v. Bird Dog Training Area: open all year except closed during WMA turkey season. Contact Hammond office (985-543-4777) for information.

aa. Little River

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Firearms Bucks Only: last Sat. of Oct. for 16 days.

(c). Primitive Firearms: Fri. after Thanksgiving day for 3 days, and 2nd Sat. of Dec. for 2 days.

ii. Turkey: opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

iii. Raccoon

(a). Nighttime: Mon. after 2nd Sat. of Jan. to last day of Feb.

(b). Nighttime Chase Only: May 1-Sept. 25, Tuesdays and Thursdays only. Raccoon hunters may use ATVs on designated trails during take seasons only.

iv. Small Game and Waterfowl: same as outside except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Mon. after Sat. before Christmas to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

bb. Loggy Bayou. Limited Use Area: small game same as rest of WMA. Deer hunting archery only. See WMA map for specific location.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Firearms Either-Sex: Fri. after Thanksgiving day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(c). Primitive Firearms: Mon. after Thanksgiving day for 7 days.

ii. Small Game and Waterfowl: same as outside except youth hunt only on opening Saturday of first split of dove season (following regulations for youth deer hunt on WMAs), and except closed during either-sex firearms seasons for deer and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

iii. Raccoon (nighttime): Sat. before Christmas to the last day of Feb.

cc. Manchac. Limited Access Area: no internal combustion engines allowed from September through January. See WMA map for specific location.

i. Deer

(a). Archery: Oct. 1-15 bucks only; Oct. 16-Feb. 15 either-sex.

ii. Small Game and Waterfowl: same as outside except steel shot required for rails, snipe and gallinules and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Feb. 1 to the last day of Feb.

iii. Raccoon (Nighttime): Feb. 1 to the last day of Feb.

iv. Crabs: No crab traps allowed. Attended lift nets are allowed.

dd. Marsh Bayou

i. Deer: same as outside, archery only, either-sex.

ii. Small Game: same as outside. Open to squirrel hunting during the spring season 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1st Sat. of Jan to the last day of Feb. On that portion designated as small game emphasis area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-

Feb. 28, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iii. Raccoon: 2nd Sat. of Sept. for 16 days and 1st Sat. of Jan to the last day of Feb.

ee. Maurepas Swamp. Camping limited to tent camping in designated areas. See WMA map for locations. No loaded firearms or hunting allowed within 100 yards of nature trail. Benchmark closure: area closed to all deer hunting when USGS water level gauge CRMS 5373, available at <http://waterdata.usgs.gov/la/nwis/rt> is at or above 3.0 ft. msl and reopens to deer hunting when water levels recede to 2.5 ft. msl following a closure. Motorized vehicles prohibited on crusel tract (see WMA map for crusel tract). Limited use area: small game same as outside except shotgun only. Deer hunting archery only. See WMA map for specific location. Area closed to all hunters except youth deer hunters during youth deer season. Physically challenged wheelchair confined deer hunting area: access restricted. Check WMA map for location and call Hammond office for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer

(a). Archery: Oct. 1-15 bucks only; Oct. 16-Feb. 15 either sex.

(b). Youth: 1st Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving day for 3 days, Fri. and Sat. mandatory deer check, and Sun. self-clearing permit.

(d). Firearms Bucks Only: 3rd Sat. of Dec. for 16 days.

(e). Primitive Firearms: 2nd Sat. of Jan. for 2 days and Mon. after the next to last Sun. of Jan for 7 days.

ii. Small Game and Waterfowl: same as outside except closed Friday after Thanksgiving day for 3 days during either-sex firearms hunts and closed during youth deer season and except spring squirrel season will be open the 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms ends to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iii. Raccoon (nighttime): day after primitive firearms ends to last day of Feb.

iv. Crawfish: limited to 100 pounds per person per day.

ff. Pass-A-Loutre. Self-clearing permit required for deer, feral hog hunting and camping only. Permits available at Pass-a-Loutre headquarters, Camp Canal and all designated camping areas. Oyster harvesting is prohibited. Camping allowed only in designated areas. See self-clearing permit station at headquarters and WMA map for designated camping areas. Vessels/vehicles: all ATVs/UTVs, motorcycles, horses and mules are prohibited. Mud boats or air-cooled propulsion vessels powered by more than 36 total horsepower prohibited. Operation of mud boats and air-cooled propulsion engines prohibited after 2:00 p.m. Sept. 1-Jan. 31, except allowed after 2:00 p.m. in South pass, Pass-a-Loutre, Southeast Pass, Loomis Pass, Dennis Pass, and Cadro Pass. Limited access area: operation of internal combustion engines prohibited from September through January. See WMA map for specific location.

- i. Deer
 - (a). Archery (bucks only): Oct. 1- Feb.15.
 - (b). Youth Shotgun (bucks only): second to last Sat in Oct. for 2 days.
 - (c). Deer Shotgun: bucks only may be taken with shotguns with either slugs or buckshot from the day after the first split of the duck season closes for seven days.

ii. Small Game and Waterfowl: same as outside. Beagles prohibited October through last day of waterfowl season.

iii. Feral hogs may be taken by properly licensed hunters from Oct. 1-Feb. 28. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16-March 31. Hogs may be taken with the aid of dogs Feb. 16-March 15. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.

iv. Commercial Fishing: same as outside. Commercial mullet fishing open only in:

(a). South Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay, Northshore Bay, East Bay (west of barrier islands) and oil and gas canals as described on the LDWF Pass-a-Loutre WMA map.

gg. Pearl River. Shooting Range: self-clearing permit not required but all range users must obtain a daily check-in validation slip at the range upon sign-in at the range. For dates, time or more information call 985-643-3938 or www.honeyisland.org. No loaded firearms or hunting within 100 yards of boardwalk. All roads closed 8 p.m.-4 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, LA, reaches 16.5 feet. All hunting except waterfowl hunting will be closed when the river stage at Pearl River reaches 16.5 feet. No hunting in the vicinity of the nature trail. Observe "no hunting" signs. Area closed to all hunters except youth hunters during youth deer hunt.

- i. Deer:
 - (a). Archery: Oct. 1-Jan. 31, either-sex.
 - (b). Youth Deer Hunt: 1st Sat. of Nov. for 2 days, either-sex.
 - (c). Firearms Either-Sex: Fri. after Thanksgiving day for 3 days, self-clearing permit.
 - (d). Firearms Bucks Only: 1st Sat. of Dec. for 16 days.
 - (e). Primitive Firearms: 2 Sats. prior to Thanksgiving for 7 days and day after firearms bucks only season closes for 14 days.

ii. Turkey

- (a). General Lottery: opening day of statewide season for 2 days.
- (b). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game: same as outside except closed the Friday after Thanksgiving day for 3 days during either-sex firearms hunts for deer, and closed during youth deer hunt, and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles

allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Waterfowl: same as outside except no hunting in waterfowl refuge area and except closed Fri. after Thanksgiving for 3 days, and during youth deer hunt north of U.S. Hwy. 90.

v. Raccoon (nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vi. Crawfish: commercial crawfishing prohibited. Limited to 100 pounds per person per day.

hh. Peason Ridge. Self-clearing permit required daily for all activities. All or portions of the area may be closed daily due to military activities. Information on open areas and special ATV regulations can be accessed at the following website: <http://www.jrtc-polk.army.mil/hunt2/hunt/default.htm>. Hunters are cautioned not to pick up any foreign material or objects while hunting on the WMA. Also, it is mandatory for hunters to check the open area maps, located at check stations, daily for sudden closures.

i. Deer

- (a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex except restricted to bucks only when bucks only gun season is in progress.

(b). Primitive Firearms: 2nd Sat. of Oct. for 7 days. Self-clearing permit required.

(c). Firearms Either-Sex: last Sat. of Oct. for 2 days, and Fri. after Thanksgiving Day for 3 days, mandatory deer check.

(d). Firearms Bucks Only: Mon. after last Sat. of Oct. to Thanksgiving day, 2nd Sat. of Dec. to Jan. 1.

ii. Turkey: same as outside.

- (a). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts for deer and except closed to squirrel hunting during the spring season. Hunter orange or blaze pink must be worn when bucks only gun hunts for deer are in progress. Squirrel hunting with dogs allowed Mon. after Thanksgiving day for 12 days and Jan. 2 to last day of Feb.

iv. Feral hogs may be taken by properly licensed hunters from beginning of archery season to Jan. 1. Hunters may hunt feral hogs with shotguns loaded with buckshot or slugs from Jan. 2 to the end of Feb. Hunters must also display 400 square inches of hunter orange or blaze pink and wear a "hunter orange" or "blaze pink" cap during special shotgun season for hogs.

ii. Pointe-Aux-Chenes. All nighttime activities prohibited EXCEPT fishing adjacent to the road side of Island Road. Possession of more than one daily limit of fish/crab/shrimp while on the WMA is prohibited. Nighttime use of vessels to access any other areas of the WMA, other than the immediate roadside of Island Road is prohibited. Self-clearing permit required for deer and feral hog hunting only except required for all activities on Point Farm Unit. Self-clearing permits available at Grand Bayou Boat Launch and at Point Farm gate behind Montegut Middle School. Hunting until 12 p.m. (noon) on all game except for youth

lottery deer hunts. Trapping is allowed only by written agreement with LDWF, Coastal and Non-Game Resources Division. Parking of vehicles on levees prohibited. Vessels/vehicles: all boats powered by internal combustion engines having total horsepower above 25 Hp are not allowed in the Grand Bayou, Montegut and Pointe-aux-Chenes water management units. Public is permitted to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue, Grand Bayou Blue, St. Louis Canal, and Bayou Pointe-aux-Chenes unless authorized by LDWF. All ATVs/UTVs, motorcycles, horses and mules are prohibited. Limited Access Areas: operation of internal combustion engines prohibited from September through January. See WMA map for specific location.

i. Feral hogs may be taken by properly licensed hunters from Oct. 1-Feb. 28. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16-March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs. All Point-aux-Chenes property except Point Farm Unit and restricted areas

ii. Deer

- (a). Archery (bucks only): Oct. 1-15.
- (b). Archery (either-sex): Oct. 16 - Feb. 15.
- (c). Firearms (bucks only): Nov. 24-26 and Dec.

9-15.

iii. Waterfowl: same as outside.

iv. Small Game: same as outside except closed during bucks only firearms season and open to squirrel hunting during the spring season, May 5-13, with or without dogs. Beagles prohibited October through December.

v. Recreational Fishing. The harvest of all fish, shrimp, crabs and crawfish is for recreational purposes only and any commercial use is prohibited. All castnet contents shall be contained and bycatch returned to the water immediately.

vi. Shrimp: may be taken by the use of cast nets only. During the inside open shrimp season, 25 lbs. per boat or vehicle per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 lbs. per boat or vehicle per day (heads on) may be taken for bait.

vii. Oyster harvesting prohibited.

viii. Fish may be taken only by rod and reel or hand lines for recreational purposes only.

ix. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day.

x. Crawfish may be harvested in unrestricted portions of the WMA and shall be limited to 100 lbs. per person per day. Gear used to catch crawfish shall not remain set overnight.

xi. Point Farm Unit (Pointe-aux-Chenes). Self-clearing permit required for all activities on Point Farm Unit. An approximately 1,000-acre area inside the Pointe-aux-Chenes WMA which is generally bounded on the west by the double gates behind the Montegut Middle School and the WMA boundary, and on the north by the WMA boundary

and Point Farm ridge levee, and is bounded on the east and south by the Point Farm ridge levee. The boundary of Point Farm is more accurately marked with signs. Point Farm gate will be open all Saturdays during the month of February, weather permitting. Parking in designated areas required for mourning dove hunting. No motorized vessels allowed in the drainage ditches. except for mourning dove hunting, (provided for below) all other hunting activities closed until after the last day of youth deer hunts.

(a). Deer

(i). Youth Lottery (either-sex): Oct. 7-8 and 14-15, daily youth hunt permit required. Call the New Iberia field office, Coastal and Nongame Resources Division, 337-373-0032 for details.

(ii). Archery (either-sex): Oct. 16 - Dec. 31.

(b). Waterfowl: closed.

(c). Small Game: same as outside, except closed until the day after the last youth deer hunt day and open to squirrel hunting during the spring season, May 5-13, with or without dogs. Beagles prohibited October and November. Non-toxic shot only south of the dove field gate.

(d). Mourning dove hunting will be permitted each day during the September split and each day of the second and third splits (after the last youth deer hunt day). Shooting hours will be from 1/2 hour before sunrise until 12 p.m., except opening day of the first split, which will be 12 p.m. until sunset. Gates will be opened on Saturdays during the first and second segments, weather permitting, except during waterfowl season and youth deer hunt weekends. Parking will be allowed in designated areas only. Non-toxic shot only south of the dove field gate.

jj. Pomme de Terre. Area closed: to all except youth deer hunters during youth deer hunt.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth: last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(d). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(e). Primitive Firearms: day after firearms bucks only season ends for 7 days.

ii. Turkey: 4th Sat. of April for 9 days.

(a). Youth Lottery: 3rd Sat. of April for 2 days.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunt for deer and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb. On that portion designated as small game emphasis area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after Thanksgiving for 21 days, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

v. Commercial fishing permitted Monday through Friday except closed during duck season. commercial fishing permits available from area supervisor, Opelousas wildlife field office or Spring Bayou headquarters.

vi. Sport Fishing: same as outside except allowed only after 2 p.m. only during waterfowl season.

vii. Crawfish: March 15-July 31. Recreational only. 100 lbs. per person daily. No nets or traps may be left overnight.

kk. Richard K. Yancey. Area Closed: only that portion of the area south of Black Hawk Acme Levee Road, west of LA Hwy. 15, southward to Old River Control Structure, thence south to Sugar Mill Chute, last Sat. of Oct. for 2 days to all except youth and physically challenged deer hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Lottery: 3rd and 4th Sat of Dec. except if the 4th Sat. is Christmas day, then the hunt will be the 2nd and 3rd Sat. of Dec. and the 1st and 2nd Sat. in Jan except when the 1st Sat. of Jan. is New Year's day then the hunt will be the 2nd and 3rd Sat. of Jan., either-sex.

(c). Youth and Physically Challenged: last Sat. of Oct. for 2 days, either-sex, area closed only that portion of the area south of Black Hawk Acme Levee Road, west of LA Hwy. 15, southward to Old River Control Structure, thence south to Sugar Mill Chute, last Sat. of Oct. for 2 days to all except youth and physically challenged deer hunters.

(d). Firearms Either-sex: Fri. after Thanksgiving day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(e). Firearms Bucks Only: last Sat. of Dec. for 9 days.

(f). Primitive Firearms (Either-Sex): 2nd Saturday in December for 2 days.

ii. Turkey: opening day of statewide season for 16 days except season will open for 17 days when statewide season opens Good Friday.

(a). Youth Lottery: Sat. before opening day of statewide season for 2 days, except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days.

iii. Small Game and Waterfowl: same as outside except closed during the either-sex firearms season and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb. On that portion designated as small game emphasis area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after Thanksgiving for 21 days, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon (nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

v. Recreational crawfishing allowed west of the Mississippi River Levee only Mar. 15 to July 31, recreational crawfishing only. Crawfish harvested limited to 100 pounds per person per day. No traps left overnight. No motorized watercraft allowed.

vi. Sport Fishing and Commercial Fishing: same as outside except closed from 30 minutes before sunrise until 2 p.m. on: Grand Bay, Silver Lake, Lower Sunk Lake, Lac A' Sostien, Moreau Lake, and Hog Pen Lake during open waterfowl seasons.

ll. Russell Sage. AREA closed: last Sat. of Oct. for 2 days South of I-20 only to all except youth and physically challenged deer hunters. North of I-20 open to all other allowable activities. Limited Access Areas: motorized vessels and vehicles prohibited: Nov. 1-Jan. 31. Wham Brake: September 1-Jan-31 all motorized vessels prohibited 2 p.m.-4 a.m., and all nighttime activities prohibited during open waterfowl season. Waterfowl Refuge: north of LA Highway 15 closed to all hunting, fishing, trapping and ATV use during duck season including early teal season, except hunting allowed during falconry waterfowl season. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided. Chauvin Tract: all season dates on Chauvin tract (US 165 North) same as outside, except still hunt only, except deer hunting restricted to archery only, and except small game shotgun only. All vehicles including ATVs prohibited. Wham Brake Area: waterfowl hunting open during either-sex deer season.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: last Sat. of Oct. for 2 days, either-sex, south of I-20 only.

(c). Firearms Either-sex: Fri. after Thanksgiving day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. self-clearing permit.

(d). Firearms Bucks Only: 2nd Sat. of Dec. for 14 days.

(e). Primitive Firearms: Monday after firearms bucks only season for 7 days.

ii. Small Game and Waterfowl: same as outside except closed during either-sex firearms deer seasons, except Wham Brake area and Pintail Alley area will remain open during either-sex firearms deer seasons, and except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to last day of Feb. On that portion designated as small game emphasis area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31. Snipe hunting after 2 p.m. prohibited during duck season.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iii. Raccoon (nighttime): 1st Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to last day of Feb.

iv. Crawfish: 100 pounds per person per day limit.

mm. Sabine. Area Closed: that portion designated as the physically challenged deer hunting area closed to all activities the Fri. before 2nd Sat. of Oct. for 3 days to all but physically challenged deer hunters. Remainder of area closed to all activities 2nd Sat. of Oct. for 2 days to all but youth deer hunters. Physically challenged

deer hunt limited to those chosen by lottery. Contact LDWF Pineville Field office for details.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: 3rd Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: 4th Sat. of Oct. for 2 days, mandatory deer check, Fri. after Thanksgiving day for 3 days, self-clearing permit.

(d). Firearms Bucks Only: day after primitive firearm season to day before Thanksgiving day. First Sat. of December for 9 days.

(e). Primitive Firearms: Monday after the 4th Sat. in Oct for 7 days.

ii. Turkey

(a). General Lottery: 2nd Fri. of April for 3 days, 4th Fri. of April for 3 days.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts for deer and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to last day of Feb.

iv. Raccoon (Nighttime): Sat. before Christmas to last day of Feb.

nn. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east. Self-clearing permits required for hunters only. Area closed: 4th Sat. of Sept. for 2 days to all except youth deer hunters.

i. Deer

(a). Same as area 8 deer season except still hunt only.

(b). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex.

(c). Youth: 4th Sat. of Sept. for 2 days, either-sex.

ii. Small Game and Waterfowl: same as outside except closed 4th Sat. of Sept. for 2 days and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Squirrel hunting with dogs allowed day after area 8 deer season ends to last day of Feb.

iii. Raccoon (nighttime): day after area 8 deer season ends to last day of Feb.

iv. Feral hogs may be taken by properly licensed hunters from 3rd Sat. of Sept. to last day of Feb. Hogs may be taken with the aid of dogs Feb. 1 to last day of Feb.

oo. Salvador/Timken. Self-clearing permit required for deer, feral hog, and all activities permitted during the experimental nighttime activity season. Permits available at Pier 90, Bayou Gauche, Bayou Segnette State Park landings, and at Airboat Adventures in Lafitte. Hunting until 12 p.m. (noon) only for all game, except deer and experimental nighttime activity season. Vessels/Vehicles: All ATVs/UTVs, motorcycles, horses and mules prohibited. Use of mud boats powered by internal combustion engines with more than four cylinders is prohibited. Pulling boats over levees, dams or water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited. Area closed: During the month of October to all activities except fishing, youth deer hunters and youth waterfowl hunters, if the latter is provided for.

i. Deer

(a). Archery (either-sex): Nov. 1 - Jan. 31

(b). Youth (either-sex): last 4 Sats. of Oct. for 2 days each except when the last Sat. is the 31st in which case the season will be the 1st four Sats. of Oct. for 2 days each, either sex.

(c). Firearms (either-sex): Fri. before Thanksgiving Day for 3 days.

(d). Firearms (bucks only): Mon. before Thanksgiving day for 28 days.

(e). Deer Primitive Firearms (either-sex): day after firearms bucks only for 7 days.

ii. Waterfowl: same as outside.

iii. Small Game: same as outside except closed October through December. Beagles allowed for rabbits Jan. 1-Feb. 28.

iv. Feral hogs may be taken by properly licensed hunters from Oct. 1-Feb. 28. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16-March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.

v. Recreational Fishing: the harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited.

vi. Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 lbs. per boat per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 lbs. per boat per day (heads on) maximum may be taken for bait. All castnet contents shall be contained and bycatch returned to the water immediately.

vii. Fish may be taken only by rod and reel or hand lines for recreational purposes.

viii. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day.

ix. Crawfish may be harvested in unrestricted portions of the WMA and shall be limited to 100 lbs. per person per day. Fishing gear used to catch crawfish shall not remain set overnight.

x. Experimental nighttime activity season:

(a). 12 a.m., June 1 through official sunrise Aug. 15. Nighttime activities limited to the take of frogs and fishing with a rod and reel. All other nighttime activities prohibited. Daily limit of 50 frogs per vessel in aggregate (bull frogs/pig frogs). If engaged in frogging on or while traversing the WMA, all frogs in possession will be deemed to have been taken from the WMA. At no time may anyone possess more than one daily limit of frogs while on the water.

(b). Size Limit: (measured from the tip of the muzzle to the posterior end of the body between the hind legs). Bull frogs harvested must be 5 inches or larger. Pig frogs harvested must be 3 inches or larger.

(c). Check out portion of self-clearing permit must include boat registration number under the comments section. Possession of firearms while participation in any experimental nighttime activity is prohibited.

pp. Sandy Hollow. No hunting with any firearm south of Jackson Road, except school board tract, on days of scheduled field trials. Dates of field trials are listed on the check stations or can be obtained from the Hammond office (985-543-4777). Area Closed: north tract closed to all hunters 1st Sat. of Nov. for 2 days, except youth and physically challenged deer hunters.

i. Deer

(a). Youth/Physically Challenged: 1st Sat. of Nov. For 2 days, either-sex, North Tract only.

(b). Archery: Oct. 1-Jan. 31, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving day for 3 days, and 3rd Sat. of Dec. for 2 days.

(d). Primitive Firearms: 2nd Sat. of Dec. for 7 days, 4th Sat. of Dec. for 7 days, and the 1st Sat. of Jan. for 2 days.

ii. Turkey: opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: same as outside except closed Fri. after Thanksgiving for 3 days and youth/physically challenged hunt, and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days. On that portion designated as small game emphasis area, training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.

iv. Raccoon (nighttime): day after primitive firearms season ends to last day of Feb.

v. Mourning Dove: 1st day and 2nd Sat. through end of 1st split. Closed remainder of 1st split. Second and third splits are same as outside except youth hunt on northern tract during the opening day of the first segment. Hunt restricted to youths younger than 18 years of age and supervising adult who must be 18 years of age or older. The supervising adult must maintain visual and voice contact with the youth at all times.

vi. Bird Dog Training: Mon. after opening day of mourning dove season to the Sun. before opening of quail season and Feb. 1 to last day of Feb., except restricted to that portion south of LA Hwy. 10 only and except blank pistols only. Wild birds only (use of pen-raised birds prohibited).

vii. Bird Dog Training Area: an area has been designated to allow use of released birds for dog training purposes. Open all year except closed during either-sex modern firearm hunts for deer, WMA turkey season and opening weekend of the 1st segment of dove season. Contact Hammond office (985-543-4777) for information.

viii. Bird Dog Field Trials: permit required from Hammond office.

ix. Horseback Riding: self-clearing permit required. Organized trail rides prohibited. Riding allowed only on designated roads and trails (see WMA map). Horses and mules are specifically prohibited during turkey and gun season for deer except as allowed for bird dog field trials. No horses and mules on green planted areas. Horse-drawn conveyances prohibited.

qq. Sherburne. The area known as the South Farm is located on the east side of Sherburne WMA. No hunting will

be allowed except specified lottery hunts, within the levee system of the farm from the Fri. before the 1st lottery youth deer hunt on the South Farm until the close of the day after the last lottery duck hunt on the South Farm. Waterfowl hunting will be allowed by lottery only during the open regular duck hunting season. Hunting will be allowed in the wooded portions east of the waterfowl impoundments. Consult the WMA maps for exact locations. No hunting allowed within the levee system of the farm. Area closed last Sat. of Oct. for 2 days except to youth and physically challenged deer hunters and South Farm closed to all hunters except youth lottery deer hunters. Physically challenged wheelchair confined deer hunting area: access restricted. Check WMA map for location and call Opelousas or Baton Rouge offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons as listed below. Physically challenged wheelchair confined waterfowl hunting area: access restricted. Call Opelousas or Baton Rouge offices for further details. Hunting by reservation for wheelchair confined PCHP permittees only.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex, all other seasons closed. Self-clearing permit.

(c). Youth Lottery: last Sat. and Sun. of Oct., 4th Mon. of Dec., and 1st and 2nd Sun. of Jan. except no hunt on Christmas day or Christmas Eve, either-sex. Contact Opelousas office 337-948-0255 for details and applications.

(d). Firearms Either-Sex: Fri. after Thanksgiving day for 2 days mandatory deer check and Sun. after Thanksgiving, Self-clearing permit, and 2nd Fri. after Thanksgiving for 8 days, self-clearing permit.

(e). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(f). Primitive Firearms: Mon. after close of firearms bucks only for 7 days.

ii. Turkey: Mon. after 3rd Sat. of April for 5 days.

(a). General Lottery: 3rd Sat. of April for 2 days.

(b). Youth Lottery: 2nd Sat. in April.

iii. Small Game: same as outside except closed during firearms either-sex deer and except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days. On that portion designated as small game emphasis area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after close of 2nd firearms either-sex deer season for 9 days, except closed last Sat. of Oct. for 2 days, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Waterfowl, Snipe, Rail, and Gallinules: same as outside except closed during firearms either-sex deer and except hunting after 2 p.m. prohibited except no hunting in waterfowl refuge. That portion of Sherburne WMA known as the South Farm restricted to lottery hunts only. South Farm waterfowl hunting limited to one hunt per calendar week per person. All other hunting closed on South Farm

complex from the last Saturday of October until the day after the last waterfowl hunt on the South Farm. Contact the wildlife field office for details and description of "South Farm."

(a). Youth Waterfowl Lottery: contact Opelousas office for details and applications.

(b). Disabled Veterans Waterfowl Lottery: contact Opelousas office for details and applications.

v. Quail: closed.

vi. Raccoon (nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vii. Crawfishing: March 15-July 31, recreational crawfishing only. Crawfish harvest limited to 100 pounds per person per day. No traps or nets left overnight. No motorized water craft allowed on farm complexes. Retriever training allowed on selected portions of the WMA. Contact the wildlife field office for specific details.

viii. Vehicular traffic prohibited on East Atchafalaya River levee within Sherburne WMA boundaries.

ix. Rifle and pistol range open daily. Skeet ranges open by appointment only, contact Hunter Education Office, telephone 225-765-2931. No trespassing in restricted areas behind ranges.

Note: Atchafalaya National Wildlife Refuge and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne Wildlife Management Area will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area.

x. Bird Dog Training Area: open to bird dog training all year except closed during either-sex modern firearm hunts for deer, WMA turkey season, and opening weekend of 1st and 2nd segments of dove season.

rr. Soda Lake. Bicycles allowed. Vehicle parking allowed only in designated parking area on LA 173 at Twelve Mile Bayou and LA 169 adjacent to levee. All trapping and hunting prohibited except:

i. deer:

(a). archery only, Oct. 1-Jan. 31, either-sex;

ii. small game: portion west of Twelve Mile Bayou same as outside, falconry only and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, falconry only. Portion east of Twelve Mile Bayou open same as outside. Beagles allowed for rabbits and dogs allowed for squirrel Sat. before Christmas to end of Feb. Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs.

ss. Spring Bayou. Area closed: last Saturday of October for two days to all except youth deer hunters. No hunting allowed in headquarters area. Only overnight campers allowed in the improved Boggy Bayou camping area. Rules and regulations posted at campsite. A fee is assessed for use of this campsite. Water skiing permitted only in Old River and Grand Lac.

i. Deer

(a). Archery: October 1-15 bucks only, October 16-February 15, either sex.

(b). Youth: last Saturday of October for two days, either-sex.

(c). Firearms either-sex: Friday after Thanksgiving day, mandatory deer check, Saturday after Thanksgiving day for two days, self-clearing permit.

(d). Firearms bucks only: fourth Saturday of December for 16 days.

(e). Primitive firearms: Monday after close of firearms bucks only for seven days.

ii. Turkey

(a). Youth lottery: fourth Saturday of April for two days.

iii. Small game and waterfowl: same as outside except small game closed during either-sex firearms hunts for deer. Waterfowl to remain open during either-sex firearms hunts for deer. Open to squirrel hunting during the spring season, first Saturday of May for nine days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of February.

(a). Youth squirrel hunt: fourth Saturday of September for two days.

iv. Raccoon (nighttime): second Saturday of September for 16 days and day after primitive firearms season ends to last day of February.

v. Commercial fishing: gill nets and trammel nets 3.5 inches and greater permitted Monday through Friday except slat traps and hoop nets permitted any day. The take and possession of grass carp is prohibited. Permits available from area supervisor or Opelousas wildlife field office. Closed until after 2 p.m. during waterfowl season.

vi. Sport fishing: same as outside except only allowed after 2 p.m. during waterfowl season, except during early Teal season, recreational fishing allowed after 10 a.m.

vii. Crawfish: March 15-July 31. Recreational only, 100 lbs. per person per day.

tt. Tangipahoa Parish School Board. Self-clearing permits required for all activities. No horseback riding during gun season for deer or turkey. ATVs are not allowed except as otherwise specified.

i. Deer: same as outside.

ii. Turkey: same as outside.

iii. Small Game and Waterfowl: same as outside and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to the last day of Feb.

iv. Raccoon (nighttime): day after primitive firearms season ends to last day of Feb.

uu. Thistlethwaite. Restricted Area: small game hunting allowed with shotgun only loaded with shot no larger than BB lead or F steel. Deer hunting allowed by archery only. Area closed last Sat. of Oct. for 2 days, except to youth deer hunters. All motorized vehicles restricted to improved roads only. All users must enter and leave through main gate only.

i. Deer: mandatory deer check for all deer seasons except archery.

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth Deer Hunt: last. Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving day for 3 days, 1st Saturday of Dec. for 9 days, and 4th Saturday of Dec. for 2 days.

(d). Firearms Bucks Only: Monday after the last Either-Sex Firearm hunt in Dec. for 14 days.

(e). Primitive Firearms (Either-Sex): 2nd Saturday in November for 2 days and Monday after close of firearms bucks only for 7 days.

ii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts for deer and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting February 1-28.

vv. Tunica Hills. Area Closed: 1st Sat. of Nov. for 2 days to all except youth deer hunters. Camping limited to tents only in designated areas.

i. Deer

(a). Archery: Oct. 1-15, bucks only, Oct. 16-Jan. 31, either sex.

(b). Youth Hunt: 1st Sat. of Nov. for 2 days, either-sex.

(c). Primitive Firearms: Fri. after Thanksgiving day for 17 days. Fri. after Thanksgiving day mandatory deer check, remainder of season self-clearing permit.

ii. Turkey: Mon. after 3rd Sat. of April for 7 days.

(a). General Lottery: opening day of statewide season for 2 days, 2nd Sat. of April for 2 days, 3rd Sat. of April for 2 days.

(b). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: Same as outside except closed during youth deer hunt and primitive firearms deer hunt and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs, south tract only. Beagles allowed for rabbits and dogs allowed for squirrel hunting 3rd Saturday of Oct. for 7 days and Feb. 1 to last day of Feb. on South Tract only. On that portion designated as small game emphasis area (south tract only), training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.

iv. Raccoon (nighttime): Feb. 1 to last day of Feb. on south tract only.

ww. Walnut Hills.

i. Deer: same as outside, archery only, either-sex.

ii. Turkey: same as outside.

iii. Small Game: same as outside. Open to squirrel hunting during the spring season 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1st Sat. of Jan to the last day of Feb. On that portion designated as small game emphasis area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Feb. 28, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon: 2nd Sat. of Sept. for 16 days and 1st Sat. of Jan to the Last day of Feb.

xx. West Bay. Area closed: next to last Sat. of Oct. for 2 days to all except youth and physically challenged deer hunters. Limited use area: small game same as outside except shotgun only. Deer hunting: archery only. See WMA map for specific location.

i. Deer

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex.

(b). Youth and Physically Challenged: next to last Sat. of Oct. for 2 days, either-sex, for physically challenged and youth hunters only.

(c). Firearms Either-Sex: last Sat. of Oct. for 2 days mandatory deer check and Fri. after Thanksgiving day for 3 days, self-clearing.

(d). Firearms Bucks Only: Mon. after close of primitive season to Thanksgiving day, and 2nd Sat. of Dec. to Jan. 1.

(e). Primitive Firearms: Mon. after 1st either-sex firearms weekend for 7 days.

ii. Turkey:

(a). General Lottery: opening day of statewide season for 2 days, 2nd Sat. of April for 2 days, 3rd Sat. of April for 2 days.

(b). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms bucks only season closes to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (nighttime): day after firearms bucks only season closes to last day of Feb.

18. Other Areas

a. Camp Avondale Scout Reservation

i. Deer

(a). Firearms either-sex: second Saturday in November for three days. Restricted to scout program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR 30:1495 (July 2004), LR 31:1611 (July 2005), LR 32:1251 (July 2006), LR 33:1382 (July 2007), LR 34:1429 (July 2008), LR 35:1264 (July 2009), LR 36:1566 (July 2010), LR 37:2190 (July 2011), LR 38:1732 (July 2012), LR 39:2292 (August 2013), LR 40:1540 (August 2014), LR 41:963 (May 2015), LR 42:1112 (July 2016), LR 43:1423 (July 2017), LR 44:1277 (July 2018).

§113. General and WMA Turkey Hunting Regulations

A. General Regulations. Only gobblers (male turkeys) may be taken. Taking of hen (female) turkeys, including bearded hens, is prohibited; still hunting only. Use of dogs, electronic calling devices and live decoys is illegal. Turkeys may be hunted with shotguns, including muzzleloading shotguns, using shot not larger than #2 lead, #2 non-toxic, or BB steel shot, and approved archery equipment but by no other means. Shooting turkeys from a moving or stationary vehicle is prohibited. Shotguns capable of holding more than three shells prohibited. The running of coyote with dogs is prohibited in all turkey hunting areas during the open turkey season. No person shall hunt, trap or take turkeys by the aid of baiting or on or over any baited area. Baiting means placing, exposing, depositing or scattering of corn (shelled, shucked or unshucked), wheat or other grain, salt, or other

feed so as to constitute a lure, attraction or enticement to, on or over any areas where hunters are attempting to take turkeys. A baited area is any area where corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed capable of luring, attracting or enticing turkeys is directly or indirectly placed, exposed, deposited, distributed or scattered. Such areas remain baited areas for 15 days following complete removal of all such corn, wheat or other grain, salt, or other feed. Wildlife agents are authorized to close such baited areas and to place signs in the immediate vicinity designating closed zones and dates of closures. No person hunting turkeys more than 200 yards from a baited area will be in violation of the turkey baiting regulation.

B. Tags

1. Prior to hunting turkeys, all turkey hunters, regardless of age or license status, must obtain turkey tags and have them in their possession while turkey hunting. Immediately upon killing a turkey, hunters must attach a carcass tag to the turkey before it is moved from the site of the kill and must document the kill on the turkey harvest report card. The date of kill and parish of kill must be recorded on the carcass tag. The tag must remain attached to the turkey while kept at camp or while it is transported to the domicile of the hunter or to a cold storage facility. Hunters who keep the carcass or meat at a camp must also comply with game possession tag regulations. Within 72 hours of the kill, the hunter must report the kill. Hunters may report turkeys by calling the validation phone number or using the validation website.

2. Turkey hunters purchasing licenses by phone or internet will be given an authorization number and a LDWF identification number that will serve as their license and tags until the physical license and tags arrive by mail. Turkey hunters who have purchased a license with tags, but have not yet received their physical license and tags, must immediately tag their kill with a possession tag before moving it from the site of the kill. The authorization number and LDWF identification number must be recorded on the possession tag. Hunters must retain documentation of any turkeys killed and upon receiving their physical tags and harvest report card, validate their kill as required in these regulations. The tags for turkeys killed prior to receiving the physical tags must be removed from the turkey harvest report card and discarded.

3. Tags removed from the turkey harvest report card prior to killing a turkey are no longer valid and if lost will not be replaced. Duplicate tags and turkey harvest report cards are available to replace lost report cards and attached tags. Hunters will be charged a fee for duplicate turkey harvest report cards and tags. Hunters that have killed a turkey prior to losing their remaining tag and harvest report card must remove and discard the duplicate tag to account for the original tag that was used and validated. Hunters must record any previously validated turkey on the duplicate turkey harvest report card.

C. Possession of Live Wild Turkeys. No person shall take live wild turkeys or their eggs from the wild. No person shall possess captive live wild turkeys, (*Meleagris gallopavo silvestris*, *M.g. osceola*, *M.g. intermedia*, *M.g. merriami*, *M.g. mexicana*) or their eggs, regardless of origin, without a

valid game breeder license. No pen-raised turkeys from within or without the state shall be liberated (released) within the state.

D. Statewide Youth and Physically Challenged Season Regulations. Only youths 17 years of age or younger or hunters possessing a physically challenged hunter permit with wheelchair classification may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Adults accompanying youth may not possess a firearm or bow. Youths may possess only one firearm or bow while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Only one gobbler per day may be taken and any gobbler taken by the hunter during this special season counts towards their season bag limit of two.

E. Shooting Hours—one-half hour before sunrise to one-half hour after sunset.

F. Turkey Hunting Area Descriptions

1. Area A

a. All of the following parishes are open:

i. Beaufort;

ii. Bienville;

iii. Claiborne;

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

iv. East Baton Rouge;

v. East Feliciana;

vi. Grant;

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates;

vii. Jackson;

viii. LaSalle;

ix. Lincoln;

x. Livingston;

xi. Natchitoches;

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

xii. Pointe Coupee;

EXCEPTION: see Sherburne WMA for special season dates on all state, federal, and private lands within Sherburne boundaries.

xiii. Rapides;

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

xiv. Sabine;

xv. St. Helena;

xvi. Tangipahoa;

xvii. Union;

xviii. Vernon;

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

xix. West Baton Rouge;

xx. West Feliciana (including Raccourci Island);

xxi. Winn.

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

- b. Portions of the following parishes are also open:
 - i. Allen—north of US 190 east of Kinder, west of US 165 south of Kinder;
 - ii. Avoyelles—that portion bounded on the east by the Atchafalaya River, on the north by Red River to the Brouillette Community, on the west by LA 452 from Brouillette to LA 1, on the south by LA 1, eastward to Hamburg, thence by the west Atchafalaya Basin protection levee southward;
 - iii. Calcasieu—north of I-10;
 - iv. Caldwell—west of Ouachita River southward to Catahoula Parish line;
 - v. Catahoula—south and west of the Ouachita River from the Caldwell Parish line southward to LA 8 at Harrisonburg, north and west of LA 8 from Harrisonburg to the LaSalle Parish line, also that portion lying east of LA 15;
 - vi. Evangeline—north and west of LA 115, north of LA 106 west of LA 115 to US 167, west of US 167 south to LA 10, north of LA 10 west of US 167 to LA 13, west of LA 13 south of LA 10 to Mamou and north of LA 104 west of Mamou;
 - vii. Franklin—that portion lying east of LA 17 and east of LA 15 from its juncture with LA 17 at Winnsboro;
 - viii. Iberville—west of the Mississippi River;
EXCEPTION: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries.
 - ix. Jefferson Davis—north of US 190 from junction with LA 26 to Kinder, west of US 165 and north of I-10 west from junction of US 165;
 - x. Madison—that portion lying east of US 65 from East Carroll Parish line to US 80 and south of US 80. Also, all lands east of the main channel of the Mississippi River;
 - xi. Morehouse—west of US 165 from the Arkansas line to the junction of LA 140 at Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to US 165 at Bastrop, south of US 165 to junction of LA 3051 (Grabault Road) south of LA 3051 to junction of LA 138, west of LA 138 to junction of LA 134, north of LA 134 to the Ouachita Parish line;
 - xii. Ouachita—all west of the Ouachita River. That portion east of the Ouachita River lying north of US 80;
 - xiii. Richland—that portion south of US 80 and east of LA 17;
 - xiv. St. Landry—that portion bounded on the west by the west Atchafalaya Basin Protection Levee and on the east by the Atchafalaya River;
EXCEPTION: the Indian Bayou area; see federal lands hunting schedule for Indian Bayou area dates.
 - xv. Upper St. Martin—all within the Atchafalaya Basin; in addition, that area bounded on the North by LA 352; on the West by LA 349, to LA 3039, to LA 347, to the Catahoula Hwy. (LA 96), to LA 679, to LA 345; and on the South by LA 3242;
EXCEPTIONS: Sherburne WMA and Indian Bayou area, see WMA Turkey Hunting Schedule for special season dates on all state, federal and private lands within Sherburne WMA boundaries and see federal lands hunting schedule for Indian Bayou dates.
 - xvi. Tensas—that portion west of US 65 from the Concordia Parish line to its juncture with LA 128, north of LA 128 to St. Joseph; west and north of LA 605, 604 and

3078 northward to Port Gibson Ferry; also all lands east of the main channel of the Mississippi River.

2. Area B

- a. All of the following parishes are open:
 - i. Ascension;
 - ii. Bossier;
 - iii. DeSoto;
 - iv. Red River;
 - v. St. Tammany;
 - vi. Washington;
 - vii. Webster.

b. Portions of the following parishes are open:

- i. Caddo—all except that portion north of I-20 from the Texas state line to I-220, west of I-220 to LA 1, west of LA 1 to Caddo Lake, south of Caddo Lake to the Texas state line;
- ii. East Carroll—east of US 65 from Arkansas state line to Madison Parish line;
- iii. Iberville—all east of the Mississippi River;
EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

3. Area C

a. All of the following parishes are open:

- i. Concordia.

b. Portions of the following parishes are open:

- i. Caldwell—all east of the Ouachita River;
- ii. Catahoula—all of the parish except for that portion located in area A;
- iii. Franklin—west of LA 17 from the Richland Parish line southward to Winnsboro, west of LA 15 southward to the Catahoula Parish line;
- iv. Iberia—east of the west Atchafalaya Basin protection levee;
- v. Richland—west of LA 17 from Franklin Parish line to Ringle Road, south of Ringle Road to Ferguson Road, south of Ferguson Road to Little Road, south of Little Road to Big Creek, east of Big Creek to Franklin Parish line;
- vi. Tensas—east and south of US 65 from Concordia Parish line to LA 128, south of LA 128 to St. Joseph, east and south of LA 605, 604 and 3078 northward to Port Gibson Ferry.

4. Turkey season dates on wildlife management areas, national wildlife refuges, Kisatchie National Forest and U.S. Army Corps of Engineers land located within areas A, B, and C may vary from the season set for the parish in which they are located. Seasons for these lands are specified in LAC 76:XIX.115.

G. WMA Turkey Hunting Regulations

1. WMAs with youth turkey hunts are closed to all activities except turkey hunting by authorized youth hunt participants, shooting range use, and fishing on the day(s) of the youth hunt.

2. Rules Specific to Certain WMAs

a. Sandy Hollow. No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.

b. Sherburne. All turkeys taken must be checked at the WMA headquarters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR

25:2263 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2375 (November 2002), LR 29:2512 (November 2003), LR 30:2874 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2469 (November 2007), LR 35:91 (January 2009), LR 35:2478 (November 2009), LR 36:2581 (November 2010), LR 37:3535 (December 2011), LR 38:2941 (November 2012), LR 40:96 (January 2014), LR 40:1554 (August 2014), LR 41:977 (May 2015), LR 42:1127 (July 2016), LR 43:1426 (July 2017), LR 44:1303 (July 2018).

§115. Turkey Hunting Areas, Seasons, and Bag Limits

A. Daily limit is one gobbler. Season limit is two gobblers. Turkeys taken on WMAs are part of the season bag limit. Only one turkey may be taken during spring WMA lottery hunts.

B. Turkey season will open on the first Saturday in April. The area A turkey season will be 30 consecutive days in length, the area B turkey season will be 23 consecutive days in length, and the area C turkey season will be 16 consecutive days in length. Wildlife management areas, national forests, national wildlife refuges, and U.S. Army Corps of Engineers land may vary from this framework. On those years when the first Saturday in April falls the day before Easter, then the season will open the Friday before the first Saturday in April.

C. Statewide youth turkey and physically challenged season on private lands shall be the weekend prior to the start of the regular turkey season. On those years when the weekend prior to the start of regular turkey seasons falls on Easter weekend, then the youth and physically challenged season will open on Good Friday.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2264 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2376 (November 2002), LR 29:2512 (November 2003), LR 30:2875 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2470 (November 2007), LR 35:90 (January 2009), LR 35:2481 (November 2009), LR 36:2583 (November 2010), LR 37:3541 (December 2011), LR 38:2944 (November 2012), LR 40:99 (January 2014), LR 40:1556 (August 2014), LR 41:980 (May 2015), LR 42:1129 (July 2016), LR 43:1426 (July 2017), LR 44:1306 (July 2018).

§117. Migratory Bird Seasons, Regulations, and Bag Limits

A. Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	South Zone: Sept. 1-9 Oct. 6-Nov. 25 Dec. 16-Jan. 14 North Zone: Sept. 1-23 Oct. 6-Nov. 11 Dec. 16-Jan. 14	15 (in aggregate)	45 (in aggregate)
Woodcock	Dec. 18-Jan. 31	3	9
Teal (Blue-winged, Green-winged and Cinnamon)	Sept. 15-30	6	18
King and Clapper Rails	Sept. 15-30 Nov.10-Jan. 2	15 (in aggregate)	45 (in aggregate)

Species	Season Dates	Daily Bag Limit	Possession Limit
Sora and Virginia Rails	Sept. 15-30 Nov.10-Jan. 2	25 (in aggregate)	75 (in aggregate)
Gallinules	Sep. 15-30 Nov.10-Jan. 2	15	45
Snipe	Coastal Zone: Nov. 2-Dec. 2 Dec. 15-Feb. 28 West Zone: Nov. 2-Dec. 2 Dec. 15-Feb. 28 East Zone: Nov. 2-Dec. 2 Dec. 15-Feb. 28	8	24
Ducks, Coots and Mergansers	Coastal Zone: Nov. 3-4 (youth only) Nov. 10-Dec. 2 Dec. 15-Jan. 20 West Zone: Nov. 3 (youth only) Nov. 10-Dec. 2 Dec. 15-Jan.20 Jan. 26 (youth only) East Zone: Nov. 10 (youth only) Nov. 17-Dec. 2 Dec. 15-Jan. 27 Feb. 2 (youth only)	Daily bag limit on ducks is 6 and may include no more than 4 mallards (no more than 2 of which may be females), 2 canvasbacks, 1 mottled duck, 1 black duck, 3 wood ducks, 3 scaup, 2 redheads, and 2 pintails. Daily bag limit on coots is 15. Daily bag limit on mergansers is 5, only 2 of which may be hooded mergansers. Merganser limits are in addition to the daily bag limit for ducks.	Three times the daily bag limit.
Light Geese (Snow, Blue, and Ross') and White-Fronted Geese	North Zone: Nov. 3-Dec.2 Dec. 15-Feb. 10 South Zone: Nov. 3-Dec. 2 Dec. 15-Feb. 10	Daily bag limit on Light Geese (snow, blue, and ross') is 20. Daily bag limit on White-Fronted Geese is 2.	No possession limit on Light Geese (snow, blue, and ross') Possession limit on White-Fronted Geese is 6.
Canada Geese	North Zone: Nov. 3-Dec.2 Dec. 15-Jan. 31 South Zone: Nov. 3-Dec. 2 Dec. 15-Jan. 31	1	3

B. Conservation Order for Light Geese Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Light Geese (Snow, Blue, and Ross')	North Zone: Dec. 3-14 Feb. 11-Mar. 10 South Zone: Dec. 3-14 Feb. 11-Mar. 10	No daily bag limit.	No possession limit.

C. Extended Falconry Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	Sept. 15-Oct. 1	Falconry daily bag and possession limit for all permitted migratory game birds must not exceed 3 and 9 birds, respectively, singly or in aggregate, during the extended falconry seasons and regular hunting seasons.
Woodcock	Nov. 2-Jan. 31	
Rails and Gallinule	Nov. 2-Jan. 31	
Ducks	Nov. 2-Jan. 31	

D. Dove Hunting Regulations

1. Shooting hours one-half hour before sunrise to sunset except on opening day of the first split on wildlife management areas and on fields leased through the LDWF experimental dove field leasing program, where hunting will be from 12 p.m. to sunset, except for Elbow Slough Wildlife Management Area which will be open one-half hour before sunrise to sunset.

2. There is no bag limit on Eurasian collared-doves or ringed turtle-doves provided that a fully feathered wing and head remain attached to the carcass of the bird. Fully dressed Eurasian collared-doves and ringed turtle doves (those without a fully feathered wing and head naturally attached to the carcass) shall be included in the aggregate bag.

3. The following boundary divides the dove season zones: beginning at the Texas-Louisiana order on LA Hwy. 12; thence east along LA Hwy 12 to its intersection with U.S. Hwy 190; thence east along U.S. Hwy 190 to its intersection with I-12; thence east along I-12 to its intersection with I-10; then east along I-10 to the Mississippi state line.

E. Snipe Hunting Regulations. Shooting hours one-half hour before sunrise to sunset, except at the Spanish Lake recreation area in Iberia Parish where shooting hours, including the conservation end at 2 p.m.

F. Conservation Order for Light Geese. Only snow, blue, and Ross' geese may be taken under the terms of the conservation order. Electronic calls and unplugged shotguns allowed. No daily bag or possession limit. Shooting hours one-half hour before sunrise until one-half hour after sunset.

G. Canada Goose Season Closure. The Canada goose season will be open statewide except for a portion of southwest Louisiana described as follows: beginning at the Texas State Line, proceeding east along LA Hwy. 82 to the

Calcasieu Ship Channel, then north along the Calcasieu Ship Channel to its junction with the Intracoastal Canal, then east along the Intracoastal Canal to its juncture with LA Hwy. 82, then south along LA Hwy. 82 to its juncture with Parish Road 3147, then south and east along Parish Road 3147 to Freshwater Bayou Canal, then south to the Gulf of Mexico, then west along the shoreline of the Gulf of Mexico to the Texas State Line, then north to the point of beginning at LA Hwy. 82. Open waters of Lake Arthur and the Mermentau River, from the Hwy 14 bridge southward, will also be closed.

H. Statewide Youth Waterfowl Season Regulations. Only youths 17 years of age or younger may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Adults accompanying youth may not possess a firearm. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 42:1130 (July 2016), amended LR 43:1427 (July 2017), LR 44:1306 (July 2018).

Jack Montoucet
Secretary

1807#006

Notices of Intent

NOTICE OF INTENT

Department of Children and Family Services Division of Child Welfare

Payments, Reimbursables, and Expenditures (LAC 67:V.3501)

In accordance with the provisions of the Administrative Procedure Act R.S. 49:953 (A), the Department of Children and Family Services (DCFS) proposes to amend LAC 67: V, Subpart 5, Foster Care, Chapter 35 Payments, Reimbursables, and Expenditures.

Chapter 35 is being amended to advise a parent or individual that child support payments shall be forwarded to the department upon removal or voluntary placement of a child into foster care in accordance with R.S. 46:236.1.5.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 5. Foster Care

Chapter 35. Payments, Reimbursables, and Expenditures

§3501. Procedures for Determining the Amount of Contribution Required by Parents Whose Children are in the Care and/or Custody of the State of Louisiana

A. - C ...

D. By removal or voluntary placement into foster care of a child from the parent or another individual, the parent or individual shall be deemed, without the necessity of signing any document, to have made an assignment to the department of his entire right, title, and interest to any support obligation such parent or individual may have in his own behalf or on behalf of any family member for whom the parent is applying for or receiving foster care services which has accrued at the time of the placement of the child in foster care and which accrues during the time the child is in foster care. The assigned support rights shall constitute an obligation owed to the department by the person responsible for providing such support, and said obligation shall be established by an order of a court of competent jurisdiction, and the department may thereafter collect by appropriate process any outstanding debt thus created. Voluntary child support payments made to the parent or individual at the time of the placement of the child in foster care shall be deemed to have been assigned to the department, unless such is contrary to a valid court order. The department may thereafter collect such support payments by appropriate services. The parents or individual shall also be deemed, without the necessity of signing any document, to have consented to the designation of the department as payee in an initial or amended order of support and to have appointed the Child Support Enforcement administrator as his or her true and lawful attorney-in-fact to act in his or her name, place, and stead to perform the specific act of endorsing any and all drafts, checks, money orders, or other negotiable

instruments representing support payments which are received on behalf of such individual or his parent. The department shall be an indispensable party to any proceeding involving a support obligation or arrearages owed under this Subpart. The provisions of this Subpart shall apply retrospectively to all support rights assigned, whether by written assignment or by operation of law, prior and subsequently to the effective date of this rule. The parent or individual of services shall also be deemed without the necessity of signing any document to have appointed the Child Support Enforcement administrator as his or her true and lawful attorney-in-fact to act in his or her name, place, and stead to perform the specific act of endorsing any and all drafts, checks, money orders, or other negotiable instruments representing support payments which are received on behalf of such individual or caretaker. No parent or individual who has had a child removed from the parent(s) custody or voluntarily placed the child in foster care on behalf of the parent or another individual shall be permitted to enter into a contract for the collection of support pursuant to R.S. 21:1441 et seq. Any such contract shall be considered a violation of public policy and shall be void.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:51.1.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 17:1225 (December 1991), amended LR 36:73 (January 2010), amended by Department of Children and Family Services, Division of Child Welfare, LR 44:

Family Impact Statement

1. What effect will this Rule have on the stability of the family? The proposed Rule may have an effect on the financial resources for the parent to sustain their living arrangements.
2. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? The proposed Rule will not affect the authority and rights of persons regarding the education and supervision of their children.
3. What effect will this have on the functioning of the family? The Rule will have no effect on the functioning of the family as the child will already have been removed.
4. What effect will this have on family earnings and family budget? The proposed Rule will not have an impact on earnings, just on budget. Parents or individuals receiving child support payments will no longer be eligible for child support payments upon the removal or voluntary placement of the child into foster care.
5. What effect will this have on the behavior and personal responsibility of children? The Rule should not affect the behavior or personal responsibility of children.
6. Is the family or local government able to perform the function as contained in this proposed Rule? Yes, Louisiana law prescribes that upon removal or voluntary placement into foster care child support payments should be provided to the department with the rights and responsibilities for the care of the child.

Poverty Impact Statement

The proposed Rulemaking may have an impact on poverty as defined by R.S. 49:973 by eliminating child support payments a parent received on the behalf of the child and used to sustain their living situation.

Small Business Analysis

The proposed Rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through, August 28, 2018 to Rhenda Hodnett, Assistant Secretary of Child Welfare, Department of Children and Family Services, P.O. Box 3118, Baton Rouge, LA, 70821.

Public Hearing

A public hearing on the proposed Rule will be held on August 28, 2018 at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-127, Baton Rouge, LA beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For assistance, call 225-342-4120 (Voice and TDD).

Marketa Garner Walters
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Payments, Reimbursables, and Expenditures**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is anticipated to increase expenditures for the Department of Children and Family Services (DCFS) by approximately \$1,065 in FY 19 for the publication of the proposed rule. It is not anticipated that any other state or local governmental units will incur costs or savings as a result of this rule change.

The proposed rule amends LAC 67: V, Subpart 5, Foster Care, Chapter 35 Payments, Reimbursables, and Expenditures. This rule change is being proposed to codify procedures for 42 USC 671a17, which provides that the state shall take all steps necessary to secure assignment of child support payments on behalf of children receiving foster care. The procedures established in this rule change align with the procedures that the department follows to secure assignment of FITAP payments on behalf of children receiving foster care (R.S. 46:236.1.5).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of the proposed rule will have no effect on revenue collections of state or local governmental units. The department already has policies in place to secure assignment of child support payments on behalf of children receiving foster care; however, the procedures on how to secure this assignment is not currently established in rule. This rule serves to codify a procedure.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of the proposed rule will have no cost or economic benefit to directly affected persons or nongovernmental groups. The department already has policies in place to secure assignment of child support payments on behalf of children receiving foster care; however, the procedures on how to secure this assignment is not currently established in rule. This rule serves to codify a procedure.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule has no known effect on competition and employment.

Rhenda Hodnett
Assistant Secretary
1807#026

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Economic Development Office of the Secretary

The Veteran Initiative (LAC 19:IX.301)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Economic Development proposes to amend the Certification Rules for the Veteran Initiative, in accordance with the revised requirements of Act 585 of the 2018 Regular Session.

Title 19

CORPORATIONS AND BUSINESS

Part IX. The Veteran Initiative

Subpart 1. Certification Program

Chapter 3. Certification

§301. Eligibility Requirements for Certification

A. Eligibility. An applicant for certification must meet two sets of requirements:

1 - 2.b. ...

c. together with any of its affiliates, has fewer than 50 full-time employees with average annual gross receipts not exceeding \$10,000,000 per year for construction operations and \$6,000,000 per year for non-construction operations, for each of the previous three tax years.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S. 39:2006, R.S. 39:2171 et seq., and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 36:472 (March 2010), amended LR 38:2741 (November 2012), LR 44:

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 Statement

The proposed Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services as described in HCR 170 of the 2014 Regular Legislative Session.

Small Business Statement

The proposed Rule is anticipated to have a positive impact on small businesses as defined in the Regulatory Flexibility Act, by expanding eligibility for non-construction companies with gross receipts more than five million dollars but less than six million dollars per year.

Public Comments

Interested persons should submit written comments on the proposed Rules to John Mathews through the close of business on Tuesday, August 28, 2018 at 617 North Third Street, 11th Floor, Baton Rouge, LA 70802 or via email to john.mathews@la.gov.

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments will be held at 11 a.m. on Wednesday, August 29, 2018 at the Department of Economic Development, 617 North Third Street, 11th Floor, Baton Rouge, LA 70802.

Mandi D. Mitchell
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: The Veteran Initiative

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to result in any significant expenditures or savings for state or local governmental units. Any additional administrative expenditures that may be incurred are anticipated to be marginal and will be absorbed within the LA Dept. of Economic Development's (LED) existing budget authority.

The proposed rule change codifies provisions of Act 585 of the 2018 Regular Session, which increases the maximum gross receipts threshold for small businesses applying to the Veterans Initiative program by \$1.0 M, from \$5.0 M to \$6.0 M per year for non-construction operations.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Veteran-owned businesses may benefit as a result of the increased eligibility threshold. By increasing the eligibility threshold, more companies may be able to participate in the program. However, the increase in activity in the Veterans Initiative will likely be marginal, as the average revenue of all certified veterans companies is \$451,232, with only 1 company having average revenue over \$5.0 M annually.

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.

Mandi D. Mitchell
Assistant Secretary
1807#041

Evan J. Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices—Test Security (LAC 28:XI.Chapter 53)

In accordance with R.S. 17:6 and R.S. 49:950, the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education (BESE) approved for advertisement revisions to *Bulletin 118—Statewide Assessment Standards and Practices*.

Title 28

EDUCATION

Part XI. Accountability/Testing

Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 53. Test Security

§5305. Test Security Policy

[Formerly LAC 28:CXI.305]

A. - A.9.h. ...

i. School systems wishing to contest any LDE void determinations resulting from LDE data forensic findings or other LDE investigations must submit, from the school system leader, an appeal request in writing and a report resulting from an investigation of the voids in accordance with Paragraph 3 of this Subsection to the LDE within 30 days of void notification.

i. LDE shall provide a list of recommended investigators that may be used by school systems to support this process.

ii. The investigation shall produce verifiable evidence that corroborates, with a high degree of certainty, that a testing irregularity did not occur. Investigations failing to meet this standard shall not be considered before the committee.

iii. LDE shall convene, annually, a test irregularity review committee, on or before August 31, in accordance with R.S. 42:11 et seq. The test irregularity review committee shall conduct a records review of the investigative results from the school system as well as any additional relevant evidence from the LDE.

iv. The test irregularity review committee shall consist of the following members approved by BESE, coterminous with the board members:

(a) the LDE director of assessment or his/her designee;

(b) a degreed, experienced, large-scale assessment psychometrician;

(c) a nationally-recognized large-scale assessment expert;

(d) a nationally-recognized large-scale assessment test security expert; and

(e) a school system assessment and accountability representative.

v. The test irregularity review committee shall make recommendations, as determined by a majority vote of all members of the review committee, regarding any necessary reversals of voids to the state superintendent.

vi. The state superintendent shall issue a written determination regarding review committee recommendations to reverse voids.

vii. In the event the state superintendent determines not to accept a recommendation to reverse a void, the school system may appeal to BESE, which may determine whether to reverse the voids.

viii. This process shall not supersede or interfere with any investigations administered by state or federal law enforcement officials.

10. - 17. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:391.7(C)-(G).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1528 (July 2005), amended LR 32:233 (February 2006), LR 33:255 (February 2007), LR 33:424 (March 2007), LR 33:2033 (October 2007), LR 34:65 (January 2008), LR 34:431 (March 2008), LR 34:1351 (July 2008), LR 35:217 (February 2009), LR 37:858 (March 2011), repromulgated LR 37:1123 (April 2011), amended LR 38:747 (March 2012), LR 39:1018 (April 2013), LR 40:2510 (December 2014), LR 43:634 (April 2017), LR 44:463 (March 2018), LR 44:

§5309. Erasure Analysis and Online Answer Changes [Formerly LAC 28:CXL309]

A. - A.4. ...

5. A summary report of erasure analysis irregularities will be presented to BESE after each test administration.

6. *Erasure*—online answer-changing as well as erasing answers on a paper and pencil test.

7. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1530 (July 2005), amended LR 32:234 (February 2006), LR 33:257 (February 2007), LR 35:217 (February 2009), LR 35:443 (March 2009), LR 40:2512 (December 2014), LR 43:634 (April 2017), LR 44:463 (March 2018), LR 44:

§5311. Addressing Suspected Violations of Test Security and Troubling Content in Written Responses [Formerly LAC 28:CXL311]

A. - A.3.d. ...

i. If the district and/or parent(s)/guardian(s) wish to discuss the situation further or to examine the student responses, a meeting may be scheduled at the LDE offices between staff members from the Division of Assessments and Accountability district representatives and parent(s)/guardian(s).

4. - 4.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1531 (July 2005), amended LR 33:257 (February 2007), LR 35:217 (February 2009), LR 43:635 (April 2017), LR 44:464 (March 2018), LR 44:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, August 9, 2018, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge,

LA 70804-9064. Written comments may also be hand-delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 118—Statewide Assessment
Standards and Practices—Test Security**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There may be an increase in expenditures for the Department of Education (LDE) to provide support to the Testing Irregularity Review Committee, however, the department does not believe those expenses will be material. There may also be costs associated with securing national experts and school system representatives to serve on the Testing Irregularity Review Committee. The LDE estimates those costs to be approximately \$8,000 per year. The LDE anticipates these expenses will be funded with federal funds.

The Board of Elementary and Secondary Education (BESE) directed the Louisiana Department of Education (LDE) to create a mechanism for school systems wishing to appeal test security decisions by the LDE. Per the proposed revisions, school systems are no longer required to investigate every void (results excluded); however, school systems wishing to contest a void must submit a request in writing, including a report resulting from an investigation pursuant to Bulletin 118. Appeals will be heard annually, at a public meeting, by the test irregularity review committee. The committee will consist of the following members: (1) LDE Director of Assessment or his/her designee; (2) a degreed, experienced large-scale assessment psychometrician; (3) a nationally-recognized large-scale assessment expert; (4) a nationally-recognized large-scale assessment test security expert; and (5) a school system assessment and accountability representative.

There may be indeterminable savings to local school districts due to the elimination of the requirement that certain irregularities must be investigated and written reports must be submitted to the superintendent within 30 calendar days.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed policy revisions 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)**

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There are no estimated impacts on competition and employment.

Beth Scioneaux
Deputy Superintendent
1807#062

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 137—Louisiana Early Learning
Center Licensing Regulations
(LAC 28:CLXI.Chapters 1, 3, 7,
9, 11, 13, 15, 17, 18, and 19)

In accordance with R.S. 17:6 and R.S. 49:950, the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved proposed amendments to *Bulletin 137—Louisiana Early Learning Center Licensing Regulations*.

Title 28

EDUCATION

**Part CLXI. Bulletin 137—Louisiana Early Learning
Center Licensing Regulations**

Chapter 1. General Provisions

§101. Purpose and Authorization

A. The purpose of this bulletin is to set forth the rules and regulations necessary to implement the provisions of R.S. 17:407.31 et seq., that require the state Board of Elementary and Secondary Education (BESE) to establish statewide minimum standards for the health, safety and well-being of children in early learning centers, ensure maintenance of these standards, and regulate conditions in early learning centers through a program of licensing administered by the Department of Education (department).

B. The state superintendent of education (state superintendent), in order to carry out functions otherwise vested in the state superintendent by law, or by delegation of authority pursuant to law, is authorized to make, issue, rescind, and amend department guidelines, interpretive guidance and procedures governing the early childhood licensing program administered by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.32.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:616 (April 2015), effective July 1, 2015, amended LR 44:

§103. Definitions

* * *

Academic Approval—verification by the department that a type III early learning center is meeting the performance and academic standards required in *Bulletin 140—The Louisiana Early Childhood Care and Education Network*.

* * *

Child—person who has not reached age 13, or a person with special needs who has not yet reached age 18.

* * *

Child Care Health Consultant—qualified health and safety professional approved by LDH to provide training, consultation, and technical assistance to in- and out-of-home child care facilities and early childhood education staff (and parents) on health and safety topics.

* * *

DHH—Repealed.

* * *

Federal Food and Nutrition Programs—federal nutrition reimbursement programs funded by the U.S. Department of Agriculture through the department.

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, services to children with disabilities, 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.

Independent Contractors—individuals who are not employees of the center, but who render professional, therapeutic, or enrichment services within an early learning center. Independent contractors include, but are not limited to, dance instructors, gymnastic or sports instructors, computer instructors, speech therapists, nutritionists, early interventionists, nurses and other licensed health care professionals, local school district staff, departmental staff other than those responsible for inspecting centers, contracted bus drivers, cafeteria and maintenance personnel, electricians, plumbers and photographers, and other outside contractors.

LDH—Louisiana Department of Health.

License—any license issued by the department to operate an early learning center.

Licensing Division—Repealed.

Office of Early Childhood—Repealed.

Parent—parent or legal custodian.

Special Needs Care—for licensing purposes, child care for a child birth through age 17 who has a current individualized family services plan (IFSP) or individual education plan (IEP) in accordance with the Individual's with Disabilities Education Act (IDEA) or who receives supplemental security income (SSI).

Staff-in-Charge—the on-site staff member appointed by the director as responsible for supervising the operation of the center during the temporary absence of less than 11 consecutive business days of the director or during nighttime hours.

Therapeutic Professionals—independent contractors who provide therapeutic services in an early learning center, including but not limited to speech therapists, nutritionists, early interventionists, nurses and other licensed health care professionals who are employed by a local school district or the Department of Health (LDH) or who are working pursuant to an EarlySteps contract with LDH, to provide therapeutic services in an early learning center to a child with a disability that has an active individual education plan (IEP) or individual family service plan (IFSP). Therapeutic professionals are not required to be under the supervision of center staff when providing such services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.31 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:616 (April 2015), effective July 1, 2015, amended LR 41:2103 (October 2015), LR 43:638 (April 2017), LR 44:247 (February 2018), effective March 1, 2018, LR 44:

Chapter 3. Licensure

§305. Operating Without a License; Registry; Penalties

A. Whoever operates any early learning center without a valid license shall be fined by the department not less than \$1,000 per day for each day of such offense.

B. If an early learning center is operating without a valid license, the department shall file suit for injunctive relief in the district court in the parish in which the center is located to enjoin the owner or operator from continuing the violation.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.37.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:619 (April 2015), effective July 1, 2015, amended LR 41:2104 (October 2015), LR 44:

§307. Types of Licenses

A. - A.2. ...

3. Repealed.

B. - B.1. ...

2. Repealed.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.36.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:619 (April 2015), effective July 1, 2015, amended LR 44:

§309. Term of License

A. The department is authorized to determine the period for which a license shall be valid. A license is valid for the period for which it is issued unless it is revoked or suspended by the department for non-compliance with the licensing laws, regulations or minimum standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.39(A).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:619 (April 2015), effective July 1, 2015, amended LR 44:

§315. Inspections

A. The department, through its duly authorized agents, shall inspect at regular intervals not to exceed one year, and as deemed necessary by the department and without previous notice, all early learning centers subject to the provisions of this bulletin.

B. Whenever the department is advised or has reason to believe that any person, agency or organization is operating a non-exempt early learning center without a license, the department shall initiate an investigation to ascertain the facts.

C. Whenever the department is advised or has reason to believe that any person, agency or organization is operating in violation of licensing laws, regulations or minimum standards, the department shall complete a complaint investigation. All reports of mistreatment of children coming to the attention of the department shall be referred to the

appropriate agencies, and law enforcement personnel if applicable.

D. The department may apply for an administrative search warrant to obtain entry to an early learning center, if necessary.

E. The department shall post results of inspection reports online.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.43.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:620 (April 2015), effective July 1, 2015, amended LR 44:

§317. Transitional Provisions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.36, and 17:407.38(c).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:620 (April 2015), effective July 1, 2015, repealed LR 44:

§319. Waivers

A. - B. ...

C. An application for a waiver and all supporting documentation shall be submitted in writing to the department using the request for waiver form.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(D).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:620 (April 2015), effective July 1, 2015, amended LR 44:

Chapter 7. Licensing Process and Procedures

§701. Initial Application Process

A. Forms. Applications for licensure of new early learning centers shall be submitted using the department's online electronic system.

B. Each center shall provide a current email address to the department on its initial application for licensure. The center shall maintain a current email address and notify the department immediately upon a change in such email address by submitting a change of email address form to amend the existing licensing application. All communication from the department shall be sent via email to the most recent email address provided to the department on the center's current application for licensure or renewal.

C. Initial Licensing Packet. After the center's location has been established, a completed initial licensing packet shall be submitted to the department.

D. Review of Licensing Packet

1. If a submitted application is incomplete, the department shall notify the applicant of the missing information.

a. ...

b. If the department does not receive the additional information within 21 calendar days of notification, the application shall be closed and the application fee shall be forfeited.

c. Once an application has been closed, an applicant still interested in obtaining a license must submit a new application and application fee, electronically.

2. If the application is complete, the department will notify the applicant and will request the Office of State Fire Marshall, city fire (if applicable), Office of Public Health, and its academic approval section to make an inspection of

the center, as per their standards. However, it is the applicant's responsibility to obtain these inspections and approvals.

a. Upon receipt of notification that an application is complete, the applicant has 45 calendar days in which to coordinate an on-site inspection of the center by the department.

b. If the applicant fails to coordinate the inspection within 45 calendar days, the application shall be closed and the application fee shall be forfeited.

c. Once an application has been closed, an applicant still interested in obtaining a license must submit a new application and application fee, electronically.

E. Initial Licensure. A license shall be issued on a completed initial application when the following items have been met and written verification has been received by the department:

1. - 3. ...

4. zoning approval/certificate of occupancy, if applicable;

5. academic approval by the department, if it is a type III center;

6. ...

7. licensure inspection verifying compliance with all minimum standards;

8. CCCBC-based determination of eligibility for child care purposes from the department for all owners, operators, and staff; and

9. written documentation establishing ownership of the center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.39.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:622 (April 2015), effective July 1, 2015, amended LR 41:2104 (October 2015), LR 44:248 (February 2018), effective March 1, 2018, LR 44:

§703. Initial Inspection Process

A. ...

1. If the center in operation is in violation of the law, the initial licensing inspection shall not be conducted, the application shall be denied, and the department shall pursue appropriate legal remedies.

2. If the initial inspection indicates that an early learning center is in compliance with all licensing laws, regulations and minimum standards, the department may issue a license.

3. If an initial inspection indicates that an early learning center is not in compliance with all minimum standards, with the exception of the standards listed in Paragraph 4 of this Subsection, the department may deny the application.

4. - 4.c. ...

d. academic approval by the department, if type III center; and

e. ...

B. Once it has been determined that a center is in compliance with all licensing laws, regulations and minimum standards, the department shall notify the center of its total licensure fee based on its capacity.

1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.39.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:623 (April 2015), effective July 1, 2015, amended LR 41:2105 (October 2015), LR 44:248 (February 2018), effective March 1, 2018, LR 44:

§705. Access

A. An early learning center shall allow the department staff access to the center, the children, all files, records, and recordings, upon request at any time during any hours of operation or any time a child is present.

B. Departmental staff shall:

1. not view video recordings for annual inspections;
2. only be allowed to view video recordings as part of an investigation of a complaint or incident:
 - a. in order to view a video recording for a complaint or incident, departmental staff shall provide in writing information about the complaint or incident, including the approximate date, time, location and description;
3. be allowed to interview any center staff personnel deemed necessary by the department;
4. be admitted into a center immediately and without delay and shall be given free access to all areas of a center, including its grounds;
5. be permitted to verify that no children are present in that portion of the center and that such private areas are inaccessible to children if any portion of a center is set aside for private use by an owner of the center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.43.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:623 (April 2015), effective July 1, 2015, amended LR 44:248 (February 2018), effective March 1, 2018, LR 44:

§709. Validity of Licenses

A. - B. ...

C. When a business is sold, discontinued, the operation has moved to a new location, or the license has been revoked, the existing license immediately becomes null and void and the licensee shall surrender the existing license to the department.

D. A new application shall not be processed if an application or license is currently on file with the department for the same location, with the exception of a change of ownership application

E. - G. ...

H. All new construction or renovation of a center requires approval from the Office of State Fire Marshal, the Office of Public Health and the department prior to occupying the new or renovated space.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.39(C), and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:624 (April 2015), effective July 1, 2015, amended LR 42:554 (April 2016), LR 44:

§711. Renewal Applications

A. ...

B. An application for renewal of a license shall be submitted using the department's online electronic system.

C. Each center is solely responsible for timely completing the online license renewal application. Notice of time for renewal shall not be sent by the department.

D. ...

E. If a complete renewal application, including the total annual licensure fee and all required documentation, is not received by the last day of the month in which the license expires, the license expires and shall not be renewed.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.40, and 17:407.43.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:624 (April 2015), effective July 1, 2015, amended LR 44:

§713. Renewal and Other Inspection Procedures

A. Annual licensing inspections by the department, current approvals by the Office of Public Health, Office of State Fire Marshal, and city fire (if applicable), and academic approval by the department (if type III center) shall be required before the expiration of an existing license. However, if a center has documentation establishing that the center requested an inspection by the Office of Public Health or the Office of State Fire Marshal prior to the expiration of the existing license, these approvals may be submitted to the department within 90 calendar days of the date of the license renewal.

1. Required approvals from these agencies may be extended by such authorized agencies through written communication with the center or the department.

2. A renewal inspection by the department is similar to the initial licensing inspection.

a. ...

B. After initial licensure, inspections shall be conducted as deemed necessary by the department at regular intervals not to exceed one year, and without notice to the early learning center.

C. The director/director designee/staff-in-charge shall have an opportunity to review inspection deficiencies (if any) in consultation with departmental staff.

1. If the director/director designee/staff-in-charge is not present at the center or is unable or unwilling to review the inspection deficiencies, the departmental staff shall review with any staff at the center.

2. If departmental staff are unable to conduct such a review due to the absence or refusal of staff to participate, the licensing staff shall leave a copy of the deficiencies at the center, and this shall constitute notice of the deficiencies to the center and its owners and director.

D. Licensing Deficiency Review

1. Managerial Review

a. A center may submit a written request to the department, on a form provided by the department, for a managerial review of the accuracy of a cited deficiency or the accuracy of a statement within a cited deficiency. The written request for a managerial review must be received by the department within 10 calendar days of the center's receipt of the cited deficiency.

1.b. - 2.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:624 (April 2015), effective July 1, 2015, amended LR 44:249 (February 2018), effective March 1, 2018, LR 44:

Chapter 9. Changes Requiring a New License

§901. Change in Location

A. - B.1. ...

2. The license at the existing location shall not transfer to the temporary location. The existing license shall be suspended on the last day care was provided at that location.

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.39 and R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:

§905. Change in License Type

A. To change license type, an early learning center shall submit a written request to change its license type and a \$25 change fee using the department's online electronic system.

B. Upon receipt of the written request and fee, and verification of substantial compliance with the applicable licensing regulations, the department shall issue a replacement license of the new type to the center and the center shall surrender its existing license to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.36, R.S. 17:6, and 17:407.38-39.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 42:554 (April 2016), LR 44:

§907. Notification of Temporary or Permanent Closure

A. A center shall notify the department in writing of a temporary closure (closure of more than 5 calendar days, but less than 30 calendar days) within 1 day of closure of the center.

B. The provider shall notify the department in writing of a permanent closure of center (closure of more than 30 calendar days) within 7 calendar days of closure of the center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.39, and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:

Chapter 11. Operating Violations and Incidents; Fines; Appeals

§1101. Non-Critical Operating Violations

A. When non-critical violations are identified during an on-site inspection, the department may allow the center an opportunity to immediately remedy the violation or deficiency, if the department determines that allowing such remedy does not endanger the health, safety, or well-being of any child. The department may consider the remedy as acceptable corrective action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.39, and R.S. 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:

§1103. Critical Incidents and Required Notifications

A. - B. ...

C. The department and other appropriate agencies shall be notified via email within 24 hours of the incident.

D. The department shall be notified by written report within 24 hours of the incident or the next business day. This

written notification shall be made on the department's critical incidents report form and shall contain all information requested on the form.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:

§1105. Identified Violations and Fines

A. For violations related to the following licensing standards, when such violation does not pose an imminent threat to the health, safety, rights, or welfare of a child, the department may issue a written warning in lieu of revoking or refusing to renew the license:

1. - 5. ...

B. Where such a violation does not result in the revocation of or refusal to renew a license, the department shall issue a written warning/notice of violation of the standards listed in Subsection A of this Section that shall include:

1. - 2. ...

C. Second Violation or Deficiency. If the CAP is not timely implemented or if a second violation related to the same standard occurs within a 24-month period and does not result in the revocation of or refusal to renew a license, the department shall issue a written notice of violation that:

1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:626 (April 2015), effective July 1, 2015, amended LR 41:2105 (October 2015), LR 44:249 (February 2018), effective March 1, 2018, LR 44:

§1107. Departmental Reconsideration of Assessment of Fine

A. A request for departmental reconsideration of an assessment of fine for a violation of the licensing standards listed in §1105.A of this Chapter must be received by the department within 10 calendar days of the center's receipt of a written notice of assessment of fine.

B. If a request for departmental reconsideration is not timely received by the department, the center shall not have any further right to appeal the assessment of fine.

C. - C.2. ...

3. provide specific reasons as to why the department should reconsider the assessment of fine.

D. The department shall provide notice to a center in writing of its decision after reconsidering the assessment of fine.

E. If the department determines that the assessment of fine is justified, the department shall provide the center with written notice of the decision that includes notice of the center's right to request an appeal to the Division of Administrative Law (DAL) within 15 calendar days of receipt of said notice and the procedures for requesting an appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:626 (April 2015), effective July 1, 2015, amended LR 44:

§1109. Administrative Appeal of Assessment of Fine

A. A written request for an appeal to the Division of Administrative Law (DAL) of a civil fine for a violation of the licensing standards listed in §1105.A of this Chapter must be received by the department within 15 calendar days of the center’s receipt of notice of the department’s decision upon reconsideration.

B. - B.1. ...

2. a copy of the decision from the department upon reconsideration; and

3. the specific reasons the center believes the decision of the department was reached in error.

C. The department shall notify the DAL of an appeal request within 10 calendar days of receipt of the request.

D. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:626 (April 2015), effective July 1, 2015, amended LR 44:

§1111. Payment of Fines

A. ...

B. If the department notifies a center that its decision upon reconsideration is that the original decision is justified, the fine remains due within 30 calendar days of the original notice of assessment of fines or within 14 calendar days of notice of the decision upon reconsideration, whichever is later, unless the center timely submits a request for an administrative appeal to the department.

C. - E.1. ...

2. the department shall refer uncollected fines to the Office of the Attorney General for collection, and the organization owing the fine shall be assessed, and shall be required to pay, the additional collection fee assessed by the Office of the Attorney General;

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:626 (April 2015), effective July 1, 2015, amended LR 41:2105 (October 2015), LR 44:

Chapter 13. Denial, Revocation, or Non-Renewal of License

§1301. Reasons for Denial, Revocation, or Refusal to Renew

A. - A.4. ...

5. failure to timely comply with a corrective action plan approved by the department;

6. - 7. ...

8. denial of center access to departmental staff or failure or refusal to cooperate with department staff in the performance of official duties;

9. - 18. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.44.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:627 (April 2015), effective July 1, 2015, amended LR 41:2105 (October 2015), LR 44:249 (February 2018), effective March 1, 2018, LR 44:

§1303. Notice of Denial, Revocation, or Refusal to Renew

A. The department shall provide written notice to a center of its reasons for the denial of an application for licensure or the revocation of or refusal to renew a license and of the right to appeal the decision to the Division of Administrative Law (DAL).

B. The denial, revocation or refusal to renew shall be effective when notice is given and the center shall surrender its existing license to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.44.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:627 (April 2015), effective July 1, 2015, amended LR 41:2105 (October 2015), LR 42:554 (April 2016), LR 44:

§1305. Posting of Notice of Revocation

A. The department shall prominently post notice of a revocation action at each public entrance of the center within one business day of such action.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.44.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:627 (April 2015), effective July 1, 2015, amended LR 44:

§1307. Appeal of Denial, Revocation, or Refusal to Renew

A. A center has 15 calendar days to request an appeal of the denial of its application for licensure and 15 calendar days to request an appeal of the revocation of or the refusal to renew its license.

B. The department must receive a written request for an appeal within 15 calendar days of the center’s receipt of notice of the denial of its application and within 15 calendar days of the center’s receipt of notice of revocation of or refusal to renew its license.

C. A center may continue to operate during the appeals unless the department determines that the health, safety or welfare of children in care imperatively requires immediate closure of the center and incorporates that finding in its notice of revocation.

1. If a center with a revoked license is continuing to operate during its appeals process, and the department determines that the health, safety, or welfare of the children in care is at risk due to continuing violations of licensing standards and minimum requirements or the occurrence of a critical incident, the department may require immediate closure of the center by providing written notice of required immediate closure that includes notice of the continuing violations of licensing standards and minimum requirements or the occurrence of a critical incident. There shall be no appeal of the required immediate closure, but the appeal of the revocation of the license shall continue. If the decision to revoke the center’s license is not upheld in the pending appeal, the center may reopen upon receipt of notice of such a decision.

D. A request for an appeal submitted to the department shall include:

1. - 2. ...

E. The department shall notify the Division of Administrative Law (DAL) within 10 calendar of receipt of a timely request for an appeal of the denial of an application or the revocation of or refusal to renew a license.

F. ...

G. If the DAL affirms the decision of the department, or if the appeal is dismissed, the center shall terminate operations immediately.

H. The department shall have the right to seek judicial review of any final decision or order rendered by DAL in any appeal hearing arising under this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.45.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:627 (April 2015), effective July 1, 2015, amended LR 41:2106 (October 2015), LR 42:554 (April 2016), LR 44:249 (February 2018), effective March 1, 2018, LR 44:

§1309. Disqualification Period Following Revocation or Refusal to Renew

A. - B.2. ...

C. Any unlicensed operation during the disqualification period shall interrupt running of the 24-month prescriptive period until the department has verification that the unlicensed operations have ceased.

D. - F. ...

G. If an applicant has a history of non-compliance with licensing laws, regulations or minimum standards, including but not limited operating without a license, or has been denied one or more previous applications for licensure, the department may refuse to accept a subsequent application from the applicant for the minimum disqualification period after the effective date of the most recent adverse action.

H. - H.1.e. ...

I. If a license is revoked due solely to the disapproval from any agency whose approval is required for licensure, or due solely to the center being closed and with no immediate plans for re-opening within 30 calendar days and with no means for the department to verify compliance with minimum standards for licensure, the disqualification period may be partially or totally waived at the discretion of the department.

1. The department may accept a subsequent application for a license that shall be reviewed by the department prior to a decision being made to grant a license.

2. The department reserves the right to determine, at its sole discretion, whether to issue any subsequent license.

J. - J.1. ...

2. The department, at its sole discretion, may determine if a longer period of disqualification is warranted based upon the facts of each case.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.44, and 17:407.45.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:628 (April 2015), effective July 1, 2015, amended LR 44:

§1311. Licensure Process Following Disqualification Period

A. Only centers and affiliates that have completed the 24-month disqualification period and/or other disqualification sanctions imposed by the department, may apply for a new license in accordance with this bulletin.

B. Any application for a new license submitted after the minimum disqualification period shall be reviewed by the department for any unresolved matters pertaining to the disqualification prior to making a determination to grant a license. The right to deny a subsequent application for licensure rests solely in the discretion of the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:407.44, and R.S. 17:407.45.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:628 (April 2015), effective July 1, 2015, amended LR 44:

Chapter 15. Minimum General Requirements and Standards

§1507. Daily Attendance Records

A. - B.3. ...

C. Independent Contractors. A daily attendance record for all extracurricular personnel, therapeutic professionals and other independent contractors, to include the first and last name of the contractor, date of visit, arrival and departure times, name of staff member that accompanied contractor (if required), and purpose of the visit.

D. - E. ...

F. Daily attendance records shall be maintained on site for three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, amended LR 44:

§1509. Policies

A. An early learning center shall establish in writing, prominently post or show parent's signature of receipt, and implement the following policies and minimum provisions of such policies:

1. - 3. ...

4. disclosure of information policy that provides notice to parents of the licensing authority of the department and the availability of licensing surveys/inspections, regulations and information regarding early learning centers from the department's website;

5. complaint policy:

a. parents shall be advised of the licensing authority of the department along with the current telephone number and email address. Parents shall also be advised that they may call or write the department should they have significant, unresolved licensing complaints;

6. - 9. ...

a. electronic device activities for children under age two are prohibited; and

b. time allowed for electronic device activities for children ages two and above shall not exceed two hours per day, with the exception that television, DVD, or video viewing shall be limited to no more than one hour per day;

10. - 12.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, amended LR 44:250 (February 2018), effective March 1, 2018, LR 44:

§1511. Procedures

A. An early learning center shall establish in writing and implement procedures for:

1. physical activity:
 - a. children under age two shall be provided time and space for age-appropriate physical activity, both indoors and outdoors, weather permitting, for a minimum of 60 minutes per day;
 - b. children age two and older shall be provided physical activity that includes a combination of both teacher-led and free play, both indoors and outdoors, weather permitting, for a minimum of 60 minutes per day;

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:630 (April 2015), effective July 1, 2015, amended LR 41:2106 (October 2015), LR 44:

Chapter 17. Minimum Staffing Requirements and Standards

§1707. Required Staff

A. Director or Director Designee. Each center shall have a qualified director or qualified director designee.

1. The director or director designee shall be an on-site, full-time staff person at the center during the daytime hours of operation (prior to 9 p.m.). When the director is not an on-site full-time employee at the licensed location, there shall be a qualified director designee who is an on-site full-time employee at the licensed location.

2. ...

B. Staff-in-Charge. When the director or director designee is not on the premises due to a temporary absence of less than 11 consecutive business days, or during nighttime care hours, there shall be an individual appointed as staff-in-charge.

B.1. - D.2. ...

3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:633 (April 2015), effective July 1, 2015, amended LR 41:2107 (October 2015), LR 44:

§1709. Director Qualifications

A. ...

B. The director/director designee shall have documentation of at least one of the following upon date of hire as director or director designee:

1. an early childhood ancillary certificate and one year of experience in teaching or care in a licensed early learning center or comparable setting, subject to approval by the department;

2. a national administrator credential and one year experience in teaching or care in a licensed early learning center, or comparable setting, plus 6 credit hours or 90 clock hours of training in child care, child development, early childhood, or management/administration, subject to approval by the department; or

3. three years of experience as a director or staff in a licensed early learning center, or comparable setting, subject to approval by the department plus 6 credit hours or 90 clock hours of training in child care, child development, early childhood, or management/administration approved by the department.

C. A director who was qualified on the director's date of hire remains qualified as long as the director remains continuously employed at the licensed center or at another licensed center without a break in service of more than 90 days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:633 (April 2015), effective July 1, 2015, amended LR 44:250 (February 2018), effective March 1, 2018, LR 44:

§1711. Child-to-Staff Minimum Ratios

A. - B.2. ...

C. The department's form noting required child-to-staff ratios shall be posted in each room included in the center's licensed capacity.

D. Minimum child-to-staff ratios for type II and type III centers are as follows.

Minimum Child-to-Staff Ratios—Types II and III Centers	
Ages of Children	Ratio
Infants under 1 year	5:1
1 year	7:1
2 years	11:1
3 years	13:1
4 years	15:1
5 years	19:1
6 years and up	23:1

E. Future Minimum Child-to-Staff Ratios for Two-Year-Olds in Type I, Type II, and Type III Centers. If the Louisiana Child Care Assistance Program subsidy rate reaches the seventy-fifth percentile of the 2017 Louisiana child care market rate survey for weekday care of toddlers by December 1, 2021, the child-to-staff ratio for two-year-olds shall decrease to 10:1 as of July 1, 2022.

F. Minimum Child-to-Staff Ratios—Type I Centers

1. Minimum child-to-staff ratios for type I centers shall be in accordance with Paragraph 2 of this Subsection until July 1, 2020, at which time minimum child-to-staff ratios for children ages 3 and up shall be the same for type I centers as those provided for in Subsection D of this Section for type II and type III centers.

2. Minimum child-to-staff ratios for children ages 2 and under for type I centers shall be the following until July 1, 2021, at which time minimum child-to-staff ratios for children ages 2 and under shall be the same for type I centers as those provided for in Subsection D of this Section for type II and type III centers.

Minimum Child-to-Staff Ratios—Types II and III Centers (Effective until July 1, 2021)	
Ages of Children	Ratio
Infants under 1 year	6:1
1 year	8:1
2 years	12:1
3 years	14:1
4 years	16:1
5 years	20:1
6 years and up	25:1

G. - M. ...

N. Maximum Group Sizes—Types I, II, and III Centers

1. Maximum group sizes for type II and type III centers are as follows.

Maximum Group Sizes—Types II and III Centers	
Age of Children	Maximum Group Size
Infants under 1 year	15
1 year	21
2 years	22
3 years	26
4 years	30
5 years	38
6 years and up	46

2. Type I Centers

a. Maximum group sizes for type I centers shall be in accordance with Subparagraph b of this Paragraph until July 1, 2020, at which time maximum group sizes for type I centers for children ages 3 and up shall be the same as those provided for in Paragraph 1 of this Subsection for type II and type III centers.

b. Maximum group sizes for type I centers for children ages 2 and under shall be the following until July 1, 2021, at which time maximum group size for children ages 2 and under shall be the same for type I centers as those provided for in Paragraph 1 of this Subsection for type II and type III centers.

Maximum Group Sizes—Type I Centers (Effective until July 1, 2021)	
Age of Children	Maximum Group Size
Infants under 1 year	18
1 year	24
2 years	24
3 years	28
4 years	32
5 years	40
6 years and up	50

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:633 (April 2015), effective July 1, 2015, amended LR 43:638 (April 2017), LR 44:250 (February 2018), effective March 1, 2018, LR 44:

§1715. Staff Records and Personnel Files

A. Staff Members. Personnel files for each staff member shall be maintained at the center and shall include the following:

1. an application or staff information form containing the following information:
 - a. name;
 - b. date of birth;
 - c. home address and phone number;
 - d. training;
 - e. work experience;
 - f. educational background;
 - g. hire date; and
 - h. first day onsite working with children;

A.2. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:635 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018, LR 44:

§1717. Records for Independent Contractors and Student Trainees

A. Independent Contractors. The following information shall be maintained for all independent contractors including, but not limited to, therapeutic professionals, extracurricular personnel, contracted transportation drivers, local school district staff, and departmental staff other than those responsible for inspecting centers:

A.1. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.40(A)(1), 17:407:40, and 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:635 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018, LR 44:

§1719. Orientation Training

A. Within seven calendar days of the first day present at the center, and prior to assuming sole responsibility for any children, each staff member shall receive orientation to the policies and practices of the center that at a minimum shall include:

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:635 (April 2015), effective July 1, 2015, amended LR 42:555 (April 2016), LR 44:

§1721. Continuing Education

A. - B. ...

C. Continuing education for all types of centers shall be conducted by trainers approved by the department. The department shall keep a registry of approved trainers.

D. - D.10. ...

11. management/administrative education; or

D.12. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 42:555 (April 2016), LR 44:251 (February 2018), effective March 1, 2018, LR 44:

§1723. CPR and First Aid Certifications

A. Infant and Child CPR. Fifty percent of staff members on the premises of a center and accessible to children, or at least four staff members on the premises and accessible to children, whichever is less, shall have current certification in infant and child CPR through training approved by the department.

B. Adult CPR. Fifty percent of staff members on the premises of a center and accessible to children, or at least four staff members on the premises and accessible to children, whichever is less, shall have current certification in adult CPR through training approved by the department.

C. Pediatric First Aid. Fifty percent of staff members on the premises of a center and accessible to children, or at least four staff members on the premises and accessible to

children, whichever is less, shall have current certification in pediatric first aid through training approved by the department.

D. When a center has more than one building, each building shall have at least one staff member present at all times certified in the CPR and first aid appropriate for the age of the children present in the building.

E. Certification. A copy of the certification for each such staff member shall be on-site at all times and available for inspection by the department.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018, LR 44:

§1725. Medication Management Training

A. ...

B. Whether the center is administering medication or not, each early learning center shall have at least two staff members trained in medication administration and at least one trained staff member on the premises during the hours of operation. A staff member who is a licensed practical nurse (LPN) or registered nurse (RN) with a valid nursing license shall be considered to have medication administration training.

C. ...

D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018, LR 44:

Chapter 18. Child Care Criminal Background Checks (CCCBC)

§1805. Persons Ineligible for Child Care Purposes

A. - C. ...

D. In addition, for type III centers an owner, director, or director designee shall not have been convicted of, or pled guilty or *nolo contendere* to a felony, within the past 10 years, for any of the following crimes of fraud:

1. 18 USC 287 and 1341 and R.S. 14:67.11, R.S. 14:68.2, R.S. 14:70.1, R.S. 14:70.4, R.S. 14:70.5, R.S. 14:70.7, R.S. 14:70.8, R.S. 14:71, R.S. 14:71.1, R.S. 14:71.3, R.S. 14:72, R.S. 14:72.1.1, R.S. 14:72.4, R.S. 14:73.5, and R.S. 14:133.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43 and R.S. 15:587.1, 17:6, and 407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:252 (February 2018), effective March 1, 2018, amended LR 44:

§1807. CCCBC-Based Determinations of Eligibility for Child Care Purposes Required for Owners, Volunteers, Staff, Visitors and Contractors of Early Learning Centers

A. Owners. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for each owner prior to submitting an initial application for licensure and shall provide documentation of said determination for each owner

with an initial application for licensure. The center shall have documentation of said determinations available at all times for inspection upon request by the department.

1. - 2. ...

B. Volunteers and Staff. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for each volunteer, staff member, or employee of any kind, and shall have documentation of said determination available at all times for inspection upon request by the department.

C. Visitors and Contractors. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for each visitor or independent contractor of any kind, and shall have documentation of said determination available at all times for inspection upon request by the department, unless the visitor or independent contractor, other than a *therapeutic professional* as defined in §103 of this Part, will be accompanied at all times while at the center when children are present, by an adult staff member who is not being counted in child-to-staff ratios. The center shall have documentation of said determination of eligibility, or documentation of the accompanying staff member, available at all times for inspection upon request by the department.

C.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43 and R.S. 15:587.1, 17.6, and 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:252 (February 2018), effective March 1, 2018, amended LR 44:

Chapter 19. Minimum Health, Safety, and Environmental Requirements and Standards

§1901. General Safety

A. - E. ...

F. The owner or director of an early learning center shall immediately notify law enforcement personnel and the department verbally if there is a known registered sex offender on the premises of the center. The verbal report shall be followed by a written report to the department within 24 hours.

G. - R. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 42:555 (April 2016), LR 44:

§1915. Health Services

A. - E. ...

F. Influenza Information. Centers shall provide each parent information concerning influenza immunization by November 1 of each year. The department shall provide information about influenza annually to each licensed center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:639 (April 2015), effective July 1, 2015, LR 44:

§1919. Food Service and Nutrition

A. All meals and snacks provided by the center, and their preparation, service and storage, shall meet the requirements for meals of the U.S. Department of Agriculture (USDA) Child and Adult Care Food Program (CACFP), 7 CFR 226.20, and LAC 51:XXIII.

B. - D.5. ...

E. Parents shall be allowed to provide breast milk or provided space to breastfeed their child on site.

F. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(4).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:640 (April 2015), effective July 1, 2015, amended LR 44:257 (February 2018), effective March 1, 2018, LR 44:

§1921. Emergency Preparedness and Evacuation Planning

A. - A.2. ...

3. include specific procedures for handling infants through two year olds, including food and formula;

A.4. - C.5. ...

6. a battery-powered flashlight and radio and batteries or a crank flashlight and radio; and

7. disposable cups and bottled water.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:641 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 42:2173 (December 2016), LR 44:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m., August 9, 2018, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand-delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES **RULE TITLE: Bulletin 137—Louisiana Early Learning Center Licensing Regulations**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no estimated costs or savings to state or local governmental units as a result of this proposed revision.

Proposed changes establish consistent child to staff ratios and group sizes for all licensed early learning centers; align Director Requirements with the new Ancillary Teaching Certificate; ensure that video recordings are reviewed in response to investigations of specific complaints or incidents; allow more flexibility for obtaining necessary approvals from Department of Health and Fire Marshal; align screen time with new recommendations from the American Academy of

Pediatrics; and establish consistent age requirements for staff to be a minimum of 17 years old. The revisions also limit crimes of fraud to felonies within the past 10 years for owners, directors and director-designees of Type III centers. The revisions also provide for a BESE review for these crimes if the conviction was less than 10 years ago.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed policy revisions 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)

There may be costs to early child care centers to meet the revisions to staffing requirements and ratios. The requirement for qualified director designees to be on-site, full-time employees when the director is not may require centers to increase full-time staff. Additionally, the alignment of child to staff ratios for Type I centers beginning July 1, 2020 and July 1, 2021 may require staff increases for those centers to meet the new requirements. However, the extent of such impacts is indeterminable at this time.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There may be increased demand for qualified staff as a result of the changes in staff requirements for certain centers, however, the extent of such impacts is indeterminable at this time.

Beth Scioneaux
Deputy Superintendent
1807#060

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Curriculum and Instruction (LAC 28:CXV.Chapter 23)

In accordance with R.S. 17:6 and R.S. 49:950, the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement to revise *Bulletin 741—Louisiana Handbook for School Administrators*. The proposed revisions pertain to diploma requirements, personal financial literacy, and technical edits.

Title 28 EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 23. Curriculum and Instruction

Subchapter A. Standards and Curricula

§2305. Ancillary Areas of Instruction

A. ...

B. Each public school student shall receive age- and grade-appropriate instruction in personal financial management based on the concept of achieving financial literacy through the teaching of personal management skills and the basic principles involved with income, money management, spending and credit, and saving and investing. Such instruction may be integrated into an existing course of study.

C. - K.1.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:154, 17:261 et seq., 17:270, 17:280, 17:281 et seq., 17:404, 17:405 et seq., 17:263, and 17:81 and 36 USC §106.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1288 (June 2005), amended LR 33:2353 (November 2007), LR 39:2214 (August 2013), LR 39:3259 (December 2013), LR 40:2531 (December 2014), LR 44:

§2318. The TOPS University Diploma

A. - C.3.b.iv.(l). ...

(m). probability and statistics;

(n). AP computer science A; or

(o). statistical reasoning.

c. - c.iii.(a). ...

(b). one of:

(i). environmental science;

(ii). environmental awareness;

(c). one of:

(i). physical science;

(ii). principles of engineering;

c.iii.(d). - d.iii.(b).(iii). ...

(iv). physical geography;

d.iii.(c). - f.x. ...

xi. digital design (§2338);

C.3.g. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, and 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 36:1486 (July 2010), LR 37:547 (February 2011), LR 37:1128 (April 2011), LR 37:2129 (July 2011), LR 37:2132 (July 2011), LR 37:3193 (November 2011), LR 38:754, 761 (March 2012), LR 38:1001 (April 2012), LR 38:1584 (July 2012), LR 40:994 (May 2014), LR 40:1328 (July 2014), LR 40:1679 (September 2014), LR 40:2525 (December 2014), LR 41:915 (May 2015), LR 41:1482 (August 2015), LR 41:2126 (October 2015), LR 42:232 (February 2016), LR 42:1062 (July 2016), LR 42:1878 (November 2016), LR 42:2176 (December 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2483 (December 2017), LR 44:263 (February 2018), LR 44:

§2319. The Career Diploma

A - C.2.b.ii.(i). ...

(j). probability and statistics;

(k). statistical reasoning;

(l). transition to college mathematics; or

(m). comparable Louisiana technical college courses offered by Jump Start regional teams as approved by BESE;

(n). integrated mathematics I, II, and III may be substituted for algebra I, geometry, and algebra II and shall count as three math credits;

2.c. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, 17:183.3, 17:274, 17:274.1, and 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), LR 42:232 (February 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2484 (December 2017), LR 44:

Subchapter B. Academic Programs of Study

§2338. Digital Design

A. Digital design course offerings shall be as follows.

Digital Design Courses	
Course Title(s)	Units
Engineering Design and Development	1
Digital Story Telling	1
Sound Design	1
Digital Image and Motion Graphics	1

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7 and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:

§2353. Mathematics

A. The mathematics course offerings for the college diploma shall be as follows.

Mathematics Courses—College Diploma	
Course Title(s)	Units

Math Essentials	1
Statistical Reasoning	1
AP Calculus BC	1

B. The mathematics course offerings for the career diploma shall be as follows.

Mathematics Courses—Career Diploma	
Course Title(s)	Units

Math Essentials	1
Statistical Reasoning	1
Transition to College Mathematics	1
Course(s) developed by the LEA and approved by BESE	1

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7 and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1296 (June 2005), amended LR 33:2605 (December 2007), LR 34:1609 (August 2008), LR 35:2322 (November 2009), LR 36:1493 (July 2010), LR 38:760 (March 2012), LR 40:999 (May 2014), LR 40:2527 (December 2014), LR 42:1063 (July 2016), LR 43:2134 (November 2017), LR 44:

§2361. Science

A. The science course offerings for the college diploma shall be as follows.

Science Courses—College Diploma	
Course Title(s)	Units

Environmental Science	1
Environmental Awareness	1

Science Courses—College Diploma	
Course Title(s)	Units
Integrated Science	1
Physical Science	1
Principles of Engineering	1
Physics I, II	1 each

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1297 (June 2005), amended LR 33:2605 (December 2007), LR 36:1494 (July 2010), LR 40:1000 (May 2014), LR 40:2528 (December 2014), LR 43:1288 (July 2017), LR 44:

§2363. Social Studies

A. The social studies course offerings for the college diploma shall be as follows.

Social Studies Courses—College Diploma	
Course Title(s)	Units

Sociology	1
World Geography	1
Physical Geography	1
AP European History	1

B. - E.2.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.3, 17:274, 17:274.1, and 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), LR 44:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended,

or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, August 9, 2018, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand-delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators—Curriculum and Instruction

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated direct material effect on governmental expenditures as a result of the proposed changes.

The revisions create course equivalencies for science, technology, engineering, and mathematics (STEM) coursework for both the TOPS University and Career Diplomas.

Additionally, the proposed revisions align current policy with Act 154 of the 2018 Regular Legislative Session, related to instruction in personal financial literacy. Current law requires the Board of Elementary and Secondary Education to establish and maintain a clearinghouse for instructional materials and information regarding model financial education programs and best practices. To the extent traditional public schools are not currently providing this instruction, there may be increases to provide the instruction as required in proposed changes. However, these increases are not expected to be significant as materials may be obtained from the Department of Education and the curriculum may be incorporated into existing instruction. Such increases would be funded using state MFP funding and local revenues.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed policy revisions 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)

To the extent public charter schools are not currently providing this instruction, there may be increases to provide the instruction as required in proposed changes. However, these increases are not expected to be significant as materials may be obtained from the Department of Education and the curriculum may be incorporated into existing instruction. Such increases would be funded using state MFP funding and local revenues.

Students pursuing the pathways outlined in the proposed policy will be positively affected by the enhanced STEM-related learning opportunities. Financial literacy instruction will further serve to ensure students are prepared to enter the workforce with the ability to manage their finances.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no estimated impacts to competition and employment.

Beth Scioneaux
Deputy Superintendent
1807#061

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Regents Office of Student Financial Assistance

Scholarship/Grant Programs—2018 Regular Session of the Louisiana Legislature and TOPS Core Curriculum Equivalents (LAC 28:IV.509, 703, 803, and 2113)

The Louisiana Board of Regents announces its intention to amend and re-promulgate the rules of the Scholarship/Grant programs [R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1.1-3042.8, R.S. 17:5001 et seq., and R.S. 56:797.D(2)].

This rulemaking implements Act 671 of the 2018 Regular Session of the Louisiana Legislature. In addition, it adds the following TOPS core curriculum equivalents: Statistical Reasoning, Principals of Engineering, Digital Image and Motion Graphics, Digital Storytelling, Engineering Design and Development. It also adds Sound Design as an equivalent to Math to the TOPS Tech core curriculum. (SG18182NI)

**Title 28
EDUCATION**

**Part IV. Student Financial Assistance—Higher
Education Scholarship and Grant Programs**

**Chapter 5. Applications, Federal Grant Aid and ACT
Test**

§509. ACT Testing Deadline

A.1. The student must take the official ACT test (including national, international, military or special test types) on or before the official April test date in the academic year (high school) in which the student graduates or completes a home study program approved by BESE.

2. A student may submit a request for exception to the deadline established in §509.A.1, which will be considered only under the following circumstances:

a. the student was prevented from taking the ACT test on or prior to the official April test date due to circumstances beyond his control and which are attributable to the administration of the test; and

b. the student achieves a qualifying score on or before August 1 of the year of the student's high school graduation.

c. the award for a student whose request for exception is approved under this Section shall not be reduced as set forth in §509.C.

d. except for an applicant who has qualified for a TOPS-Tech Award on or prior to the April national ACT test date, an applicant will not be allowed to use a test score obtained after the April national ACT test date to upgrade a TOPS Award.

3. An eligible non-graduate must take the official ACT test (including national, international, military or special test types) before the first day of the semester the student first enrolls in an eligible college or university.

B.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 26:1995 (September 2000), amended LR 26:2000 (September 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), repromulgated LR 27:1847 (November 2001), amended LR 30:1161 (June 2004), LR 31:37 (January 2005), LR 38:3157 (December 2012), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:503 (March 2018), LR 44:

**Chapter 7. Taylor Opportunity Program for Students
(TOPS) Opportunity, Performance, and
Honors Awards**

§703. Establishing Eligibility

A. - A.5.a.i.(f). ...

* * *

(g). beginning with the graduates of academic year (high school) 2017-2018, at the time of high school graduation, an applicant must have successfully completed 19 units of high school course work that constitutes a core curriculum and is documented on the student's official transcript as approved by the Louisiana Department of Education as follows.

Units	Course
English - 4 Units	
1	English I
1	English II
1	English III, AP English Language Arts and Composition, or IB English III (Language A or Literature and Performance)
1	English IV, AP English Literature and Composition, or IB English IV (Language A or Literature and Performance)
Math - 4 Units	
1	Algebra I
1	Geometry
1	Algebra II
1	One unit from: Algebra III; Advanced Math- Functions and Statistics, Advanced Math- Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL
Science - 4 Units	
1	Biology I
1	Chemistry I
2	Two units from: Earth Science; Environmental Science; Physical Science; Agriscience I and Agriscience II (one unit combined); Chemistry II or AP Chemistry or IB Chemistry II; AP Environmental Science or IB Environmental Systems; Physics I, AP Physics I, AP Physics B, or IB Physics I; AP Physics C: Electricity and Magnetism, AP Physics C: Mechanics, IB Physics II, or AP Physics II; Biology II or AP Biology or IB Biology II
Social Studies - 4 Units	
1	U.S. History or AP U.S. History or IB U.S. History
1	Civics, Government, AP US Government and Politics: Comparative, or AP US Government and Politics: United States
2	Two units from: Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics Economics, AP Macroeconomics AP Microeconomics
Foreign Language - 2 Units	
2	Foreign Language, both units in the same language, which may include: AP Chinese Language and Culture, AP French Language and Culture, AP German Language and Culture, AP Italian Language and Culture, AP Japanese Language and Culture, AP Latin, AP Spanish Language and Culture, French IV IB, French V IB, Spanish IV IB, and Spanish V IB
Art - 1 Unit	

Units	Course
1	One unit of Art from: Performance course in Music, Dance, or Theatre; Fine Arts Survey; Arts I, II, III, and IV; Talented Art I, II, III, and IV; Talented Music I, II, III, and IV; Talented Theater Arts I, II, III, and IV; Speech III and IV (one unit combined); AP Art History; AP Studio Art: 2-D Design; AP Studio Art: 3-D Design; AP Studio Art: Drawing; AP Music Theory; Film Study I IB; Film Study II IB; Music I IB; Music II IB; Art Design III IB; Art Design IV IB; Theatre I IB; or Drafting
NOTE: AP = Advanced Placement IB = International Baccalaureate	

ii.(a). For students graduating in academic year (high school) 2007-2008 and prior, 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	Equivalent (Substitute) Course
Physical Science	General Science, Integrated Science
Algebra I	Algebra I, Parts 1 and 2, Integrated Mathematics I
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Algebra II	Integrated Mathematics II
Geometry	Integrated Mathematics III
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*, Advanced Mathematics I, Advanced Mathematics II
Chemistry	Chemistry Com
Fine Arts Survey	Speech Debate (2 units)
Western Civilization	European History
Civics	AP American Government
*Applied Mathematics III was formerly referred to as Applied Geometry	

(b). For students graduating in academic year (high school) 2006-2007 through the 2008-2009 academic year (high school), 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	Equivalent (Substitute) Course
Physical Science	Integrated Science
Algebra I	Algebra I, Parts 1 and 2, Integrated Mathematics I
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Algebra II	Integrated Mathematics II
Geometry	Integrated Mathematics III

Core Curriculum Course	Equivalent (Substitute) Course
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*, 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]
Chemistry	Chemistry Com
Fine Arts Survey	Speech III and Speech IV (both units)
Western Civilization	European History
World Geography	AP Human Geography
Civics	AP American Government
*Applied Mathematics III was formerly referred to as Applied Geometry	

(c). For students graduating in academic year (high school) 2009-2010, 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	Equivalent (Substitute) Course
Physical Science	Integrated Science
Algebra I	Algebra I, Parts 1 and 2, Integrated Mathematics I, Applied Algebra I
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Algebra II	Integrated Mathematics II
Geometry	Integrated Mathematics III, Applied Geometry
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*, Advanced Math - Pre-Calculus**, Advanced Math - Functions and Statistics***
Chemistry	Chemistry Com
Fine Arts Survey	Speech III and Speech IV (both units)
Western Civilization	European History
World Geography	AP Human Geography
Civics	AP American Government
*Applied Mathematics III was formerly referred to as Applied Geometry	
**Advanced Math—Pre-Calculus was formerly referred to as Advanced Mathematics II	
***Advanced Math—Functions and Statistics was formerly referred to as Advanced Mathematics II	

(d).(i). For students graduating in academic year (high school) 2010-2011 through academic year (high school) 2016-17, 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	Equivalent (Substitute) Course
Physical Science	Integrated Science
Algebra I	Algebra I, Parts 1 and 2, Integrated Mathematics I, Applied Algebra I
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III

Core Curriculum Course	Equivalent (Substitute) Course
Algebra II	Integrated Mathematics II
Geometry	Integrated Mathematics III, Applied Geometry
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*, Advanced Math - Pre-Calculus**, Advanced Math - Functions and Statistics***
Chemistry	Chemistry Com
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;	Anatomy and Physiology
Fine Arts Survey	Speech III and Speech IV (both units)
Western Civilization	European History
World Geography	AP Human Geography
Civics	AP American Government
*Applied Mathematics III was formerly referred to as Applied Geometry **Advanced Math—Pre-Calculus was formerly referred to as Advanced Mathematics II ***Advanced Math—Functions and Statistics was formerly referred to as Advanced Mathematics II	

(ii). For students graduating in academic year (high school) 2013-2014 only, for purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a, in addition to the equivalent courses identified in §703.A.5.a.ii.(d).(i) above, the following course shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
World History, Western Civilization, World Geography or History of Religion	Law Studies

(iii). For students graduating in academic years (high school) 2013-2014 through 2016-2017, for purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a, in addition to the equivalent courses identified in §703.A.5.a.ii.(d).(i) above, the following course shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Algebra III; Advanced Math-Functions and Statistics, Advanced Math-Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL	AP Computer Science A

(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; Digital Image and Motion Graphics; Digital Storytelling; Engineering Design and Development; Sound Design
Algebra III; Advanced Math- Functions and Statistics, Advanced Math-Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL	AP Computer Science A
Probability and Statistics	Statistical Reasoning
Biology II	Human Anatomy and Physiology
Environmental Science	Environmental Awareness
Physical Science	Principles of Engineering
Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics	AP Psychology
Economics, AP Macroeconomics AP Microeconomics	
World Geography	Physical Geography
Foreign Language, both units in the same language, which may include: AP Chinese Language and Culture, AP French Language and Culture, AP German Language and Culture, AP Italian Language and Culture, AP Japanese Language and Culture, AP Latin, AP Spanish Language and Culture, French IV IB, French V IB, Spanish IV IB, and Spanish V IB	Mandarin Chinese I, II, III, IV Hindi I, II, III, IV Portuguese I, II, III, IV Vietnamese I, II, III, IV
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.

(f). For students graduating in academic year (high school) 2017-2018 and after, the courses listed in the tables below have been approved by the board and BESE to be converted to a 5.00 scale when used to complete the core curriculum, and shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses for purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a.

(i). Advanced Placement Courses

TOPS Core Course	Advanced Placement
Art	AP Art History AP Studio Art: 2-D Design AP Studio Art: 3-D Design AP Studio Art: Drawing
Biology II	AP Biology
Calculus	AP Calculus AB AP Calculus BC
Chemistry II	AP Chemistry
Chinese	AP Chinese Language and Culture
Economics	AP Macroeconomics AP Microeconomics
English III	AP English Language and Composition
English IV	AP English Literature and Composition
Environmental Science	AP Environmental Science
European History	AP European History
Fine Arts Survey	AP Music Theory
French	AP French Language and Culture
German	AP German Language and Culture
Italian	AP Italian Language and Culture
Japanese	AP Japanese Language and Culture
Latin	AP Latin
Physics I	AP Physics I: Algebra Based AP Physics II: Algebra Based AP Physics C: Electricity and Magnetism AP Physics C: Mechanics
Probability and Statistics	AP Statistics
Spanish	AP Spanish Language and Culture
US Government or Civics	AP U.S. Government and Politics: Comparative AP U.S. Government and Politics: United States
US History	AP U.S. History
World Geography	AP Human Geography
World History	AP World History

(ii). International Baccalaureate® Courses

TOPS Core Course	International Baccalaureate
Advanced Math–Pre Calculus	IB Math Studies (Math Methods)
Arabic	IB Language ab initio: Arabic IB Language B: Arabic
Art	IB Visual Arts
Biology II	IB Biology I IB Biology II
Calculus	IB Mathematics SL IB Mathematics HL
Chemistry II	IB Chemistry I IB Chemistry II
Chinese	IB Language ab initio: Chinese IB Language B: Chinese
Economics	IB Economics
English III	IB Literature IB Language and Literature IB Literature and Performance
English IV	IB Literature IB Language and Literature IB Literature and Performance

TOPS Core Course	International Baccalaureate
Environmental Science	IB Environmental Systems
French	IB Language ab initio: French IB Language B: French
German	IB Language ab initio: German IB Language B: German
Italian	IB Language ab initio: Italian IB Language B: Italian
Japanese	IB Language ab initio: Japanese IB Language B: Japanese
Latin	IB Classical Language
Music (Performance)	IB Music
Physics I	IB Physics I IB Physics II
Pre-Calculus	IB Math Studies (Math Methods)
Spanish	IB Language ab initio: Spanish IB Language B: Spanish
Theatre (Performance)	IB Film Study IB Theatre IB Dance
US History	IB History of the Americas I
World Geography	IB Geography
World History	IB History of the Americas II

(iii). Gifted and Talented Courses

TOPS Core Course	Gifted and Talented
Art	Art History Talented Visual Arts I Talented Visual Arts II Talented Visual Arts III Talented Visual Arts IV
Biology II	Biology II
Calculus	Calculus I Calculus II
Chemistry I	Chemistry I
Chemistry II	Chemistry II
Chinese	Chinese III Chinese IV
Economics	Economics
English III	English III
English IV	English IV
Environmental Science	Environmental Science
European History	European History
French	French III French IV
German	German III German IV
Italian	Italian III Italian IV
Japanese	Japanese III Japanese IV
Latin	Latin III Latin IV
Music (Performance)	Talented Music I, II, III, IV Small Voice Ensemble II Choir: Intermediate Choir: Advanced Orchestra: Intermediate Orchestra: Advanced
Physics I	Physics
Spanish	Spanish III Spanish IV
Theatre (Performance)	Introduction to Film Studies Talented Theater I, II, III, IV
US Government or Civics	Government
US History	U.S. History
World Geography	World/Human Geography

(iv). Dual Enrollment Courses

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Advanced Math-Pre Calculus	Trigonometry	CMAT 1223
Advanced Math-Functions and Statistics	Introductory Statistics	CMAT 1303
Algebra III	College Algebra	CMAT 1213
Arabic	Elementary Arabic I Elementary Arabic II	CARB 1013/1014 CARB 1023/1024
Art	Art History I or II Art Structure/2-D Design Beginning Drawing	CART 2103/2113 CART 1113 CART 2203
Biology I	General Biology I General Biology I (Science Majors)	CBIO 1013 CBIO 1033
Biology II	General Biology I General Biology I (Science Majors) General Biology II General Biology II (Science Majors)	CBIO 1013 CBIO 1033 CBIO 1023 CBIO 1043
Calculus	Applied Calculus Calculus I Calculus II	CMAT 2103 CMAT 2113-5 CMAT 2123-5
Chemistry I	General Chemistry Survey I Chemistry I Chemistry I (Science Majors)	CCEM 1013 CCEM 1103 CCEM 1123
Chemistry II	General, Organic and Biochemistry General Chemistry Survey I Chemistry I Chemistry I (Science Majors) Chemistry II Chemistry II (Science Majors)	CCEM 1003 CCEM 1013 CCEM 1103 CCEM 1123 CCEM 1113 CCEM 1133
Earth Science	Physical Geology Historical Geology	CGEO 1103 CGEO 1113
Economics	Economic Principles Macroeconomics Microeconomics	CECN 2113 CECN 2213 CECN 2223
English III	English Composition I English Composition II American Literature I American Literature II Major American Writers	CENL 1013 CENL 1023 CENL 2153 CENL 2163 CENL 2173
English IV	English Composition I English Composition II British Literature I British Literature II Major British Writers World Literature I World Literature II Major World Writers Introduction to Fiction Introduction to Literature Introduction to Poetry and/or Drama	CENL 1013 CENL 1023 CENL 2103 CENL 2113 CENL 2123 CENL 2203 CENL 2213 CENL 2223 CENL 2303 CENL 2323 CENL 2313
Environmental Science	Environmental Science	CEVS 1103
Fine Arts Survey	Exploring the Arts Introduction to Visual Arts Dance Appreciation Music Appreciation	CART 1013 CART 1023 CDNC 1013 CMUS 1013
French	Elementary French I Elementary French II Intermediate French I Intermediate French II	CFRN 1013/1014 CFRN 1023/1024 CFRN 2013/2014 CFRN 2023

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
German	Elementary German I Elementary German II Intermediate German I Intermediate German II	CGRM 1013/1014 CGRM 1023/1024 CGRM 2013 CGRM 2023
History Of Religion	World Religions	CPHL 2213
Latin	Elementary Latin I Elementary Latin II Intermediate Latin I Intermediate Latin II	CLTN 1013/1014 CLTN 1023/1024 CLTN 2013 CLTN 2023
Physical Science	Physical Science I	CPHY 1023
Physics I	Physics I (Algebra/Trigonometry Based) Physics I (Lecture and Lab) Physics I (Calculus Based)	CPHY 2113 CPHY 2114 CPHY 2133
Pre-Calculus	Algebra and Trigonometry	CMAT 1233
Probability and Statistics	Introductory Statistics	CMAT 1303
Spanish	Elementary Spanish I Elementary Spanish II Intermediate Spanish I Intermediate Spanish II	CSPN 1013/1014 CSPN 1023/1024 CSPN 2013/2014 CSPN 2023
Theatre (Performance)	Acting I or II Introduction to Theatre	CTHE 2103/2113 CTHE 1013
US Government or Civics	Introduction to American Government Introduction to State and Local Government Introduction to Comparative Government	CPOL 2013 CPOL 2113 CPOL 2213
US History	American History I or II	CHIS 2013/2023
Western Civilization	Western Civilization I or II	CHIS 1013/1023
World Geography	World Regional Geography Physical Geography	CGRG 2113 CGRG2213
World History	World Civilization I or II	CHIS 1113/1123

A.5.a.iii.(a) - 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 41:657, 664 (April 2015), LR 41:2596, 2599 (Dec. 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1657 (October 2016), LR 42:1882 (November 2016), LR 43:518 (March 2017), LR 44:

Chapter 8. TOPS-Tech Award

§803. Establishing Eligibility

A. - A.6.a.i. ...

ii. for students graduating in the 2018 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, Physics, 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 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 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

Core Curriculum—TOPS-Tech Award	
Units	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 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.

iv. 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)

Core Curriculum—TOPS-Tech Award	
Units	Course
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.

v. 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)

vi. for students graduating in the 2013-2014 school year through the 2016-2017 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
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
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.

b.i. for students graduating in academic year (high school) 2008-2009 and after, for purposes of satisfying the requirements of §803.A.6.a above, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Business English	Senior Applications in English
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Math Essentials

ii. for students graduating in academic year (high school) 2018 and after, for purposes of satisfying the requirements of §803.A.6.a above, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Business English	Senior Applications in English
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Math Essentials
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	Probability and Statistics; Transition to College Mathematics; Statistical Reasoning

A.6.c - 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 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 41:657, 664 (April 2015), LR 41:2596, 2599 (December 2015), LR 42:48 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:523 (March 2018), amended LR 44:

Chapter 21. Miscellaneous Provisions and Exceptions §2113. Revision of the Core Curricula

A. The board is authorized by law, in consultation with BESE, to determine a high school level course to be equivalent to a course described in the core curricula or to authorize the name change of a core curricula course, including necessary changes to equivalencies and course names for advanced placement and International Baccalaureate® courses as prescribed by the College Board or the International Baccalaureate Foundation.

B. The determination of a course as equivalent to a course included in the definition of core curriculum shall be limited to those courses identified in the secondary programs of study contained in the *Louisiana Handbook for School Administrators* (LDE Bulletin 741).

C. Only those recommendations for a name change or for the designation of an equivalent course which have been submitted by a local school board or other equivalent education agency for private schools will be considered by the board and such recommendations shall be submitted directly to the Louisiana Office of Student Financial Assistance, Attention: Legal Division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:1921 (October 1998), amended LR 27:1220 (August 2001), repromulgated LR 27:1871 (November 2001), amended LR 41:657 (April 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:570 (March 2018), LR 44:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in LSA-R.S. 49:972.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as described in LSA-R.S. 49:965.2 et seq.

Provider Impact Statement

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments on the proposed changes (SG18182NI) until 4:30 p.m., August 10, 2018, by email to LOSFA. Comments@la.gov or to Sujuan Williams Boutté, Ed.D., Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

Robyn Rhea Lively
Senior Attorney

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Scholarship/Grant Programs
2018 Regular Session of the Louisiana Legislature
and TOPS Core Curriculum Equivalents**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There is no anticipated direct material effect on state or local governmental expenditures as a result of the proposed rule changes. Under current rules, students can take the June ACT test with a one-semester penalty that is assessed at the end of their TOPS eligibility. The proposed rule changes codify Act 671 of 2018 that provides students with an exception to the April testing deadline that would be available to students only in extraordinary and infrequent circumstances. The impact on TOPS expenditures as a result of the ACT deadline change for extraordinary cases should be negligible and well within the normal TOPS projection error. In addition, the proposed rule

changes add several high school courses that are equivalent to the current required courses in the TOPS core curriculum.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no impact on state or local governmental revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes will benefit students by increasing the number of eligible courses required for TOPS eligibility and will benefit students that were unable to take the ACT test on or before the April National ACT test date in the event the administering agency (BOR) determines there were circumstances beyond the immediate control of the student and the administration of the test that prevented testing from taking place in April. These students will be able to use an ACT score obtained on a test conducted no later than August 1 of the year of high school graduation to qualify for TOPS with no penalty to their TOPS award.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected by the proposed change.

Robyn Rhea Lively
Senior Attorney
1807#012

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Louisiana Tuition Trust Authority
Office of Student Financial Assistance**

START Saving Program
(LAC 28:VI.107, 311, and Chapter 7)

The Louisiana Tuition Trust Authority announces its intention to amend its START Saving Program rules (R.S. 17:3091 et seq.) and to add administrative rules implementing HB650 of the 2018 Regular Session of the Louisiana Legislature (R.S. 17:3100.1 et seq.)

This rulemaking implements Act 53 of the 2018 Regular Session of the Legislature. It also adds Chapter 7 to implement Act 687 (HB 650) of the 2018 Regular Session of the Louisiana Legislature, which creates the START K-12 Program. (ST18183NI)

Title 28

EDUCATION

**Part VI. Student Financial Assistance—Higher
Education Savings**

Chapter 1. General Provisions

Subchapter A. Tuition Trust Authority

§107. Applicable Definitions

A. Words and terms not otherwise defined in these rules 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 Educational Institution—either:

a. a state college or university or a technical college or institute or an independent college or university located in this state that is approved by the U.S. Secretary of Education to participate in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1088), as amended; or

b. a public or independent college or a university located outside this state that is approved by the U.S. secretary of education to participate in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1088), as amended; or

c. a Louisiana licensed proprietary school, licensed pursuant to R.S. chapter 24-A of title 17, and any subsequent amendments thereto and is eligible to participate in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1088), as amended.

d. beginning in the 2018 academic year, a proprietary school located outside the state of Louisiana that is licensed by an out of state public postsecondary education board, is accredited by a recognized national or regional accrediting body, and is eligible to participate in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1088), as amended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:712 (June 1997), amended LR 24:1268 (July 1998), LR 25:1794 (October 1999), LR 26:2260 (October 2000), LR 27:37 (January 2001), LR 27:1222 (August 2001), LR 27:1876 (November 2001), LR 28:450 (March 2002), LR 28:777 (April 2002), LR 28:2334 (November 2002), LR 29:556 (April 2003), LR 30:786 (April 2004), LR 30:1169 (June 2004), LR 30:2302 (October 2004), LR 31:639 (March 2005), LR 32:1433 (August 2006), LR 32:2240 (December 2006), LR 33:443 (March 2007), LR 34:1885 (September 2008), LR 35:1491 (August 2009), LR 38:3162 (December 2012), LR 42:1071 (July 2016), LR 44:

Chapter 3. Education Savings Account

**§311. Termination, Refund, and Rollovers of an
Education Savings Account**

A. - A.6. ...

B. Refunds

1. A partial refund of an account may only be made as described in §311.E.3 and 4.

B.2 - D.3. ...

E. Voluntary Termination of an Account

1. Refunds shall be equal to the redemption value of the ESA at the time of the refund, and shall be made to the person designated in the owner's agreement or by rule.

2. The person receiving the refund shall be responsible for any state or federal income tax that may be payable due to the refund.

3. Except for accounts classified in accordance with §711.A.6, accounts may be terminated and fully refunded for the following reasons:

a. the death of the beneficiary in which case the refund shall be equal to the redemption value of the account and shall be made to:

i. the account owner, if the account owner is a natural person; or

ii. the beneficiary's estate, if the account owner is a legal entity;

b. the disability of the beneficiary, in which case the refund shall be equal to the redemption value of the account and shall be made to:

i. the account owner or the beneficiary, as designated in the owner's agreement, if the account owner is a natural person; or

ii. the beneficiary, if the account owner is a legal entity;

c. the beneficiary receives a scholarship, waiver of tuition, or similar subvention that the LATTA determines cannot be converted into money by the beneficiary, to the extent the amount of the refund does not exceed the amount of the scholarship, waiver of tuition, or similar subvention awarded to the beneficiary. In such case, the refund shall be equal to the scholarship, waiver of tuition, or similar subvention that the LATTA determines cannot be converted into money by the beneficiary of the account, or the redemption value, whichever is less, and shall be made to:

i. the account owner or the beneficiary, as designated in the owner's agreement, if the account owner is a natural person; or

ii. the beneficiary, if the account owner is a legal entity.

4. For the 2018 calendar year only, an account owner may request a refund in order to pay the tuition expenses related to the beneficiary's enrollment in kindergarten through twelfth grade in the following circumstances:

a. the account was opened prior to December 31, 2017;

b. the amount requested to be refunded is less than or equal to the balance of the account as of December 31, 2017;

c. the amount requested to be refunded does not exceed \$10,000.

5. Refunds made under §311.E.3 and 4 are currently exempt from additional federal taxes.

F. Effective Date of Account Termination. Account termination shall be effective at midnight on the business day on which the request for account termination and all supporting documents are received. Accounts will be credited with interest earned on principal deposits through the effective date of the closure of the account.

G. Refund Payments. Payment of refunds for voluntary termination under §311.E or partial refunds of accounts pursuant to §311.E.3 shall be made within 30 days of the date on which the account was terminated. The termination refund shall consist of the principal remaining in the account and interest remaining in the account accrued on the principal through the end of the calendar year preceding the year in which the request to terminate an account is made. Interest earned in excess of \$10 during the calendar year of termination will be refunded within 45 days of the date the state treasurer announces the interest rate for the preceding calendar year. Interest earned of \$10 or less during the calendar year of termination will be forfeited to the Louisiana Education and Tuition Savings Fund.

H. Rollovers

1. Rollovers among ESAs of the Same Account Owner

a. Beginning October 1, 2009, an account owner may rollover any part or all of the value of an ESA to another ESA if the beneficiary of the account receiving the funds is a member of the family of the beneficiary of the original account.

b. If the current value of an ESA is transferred, all EEs and earnings thereon shall be included in the transfer.

2. Rollover to another Qualified Tuition Program

a. An account owner may request a rollover of the current value of the account less EEs and earnings thereon to another qualified tuition program.

b. EEs and the earnings thereon allocated to an ESA that is rolled over to another qualified tuition program are forfeited.

3. Rollover to a Qualified ABLE Program Account

a. Beginning May 1, 2018, an account owner may rollover any part or all of the value of an ESA to a Qualified ABLE Program account if the beneficiary of the account receiving the funds is a member of the family of the beneficiary of the ESA.

b. EEs and the earnings thereon allocated to an ESA that is transferred to a Qualified ABLE Program are forfeited.

c. A rollover by a Louisiana resident to any Qualified Able Program Account will be subject to Louisiana Tax Table Income in accordance with state law.

4. An account owner may not rollover any part or all of the value of an ESA to a START K12 account.

AUTHORITY NOTE: Promulgated in accordance with 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:717 (June 1997), amended LR 24:1273 (July 1998), repromulgated LR 26:2265 (October 2000), amended LR 27:38 (January 2001), LR 27:1882 (November 2001), LR 28:779 (April 2002), LR 30:790 (April 2004), LR 31:639 (March 2005), LR 32:1434 (August 2006), LR 32:2240 (December 2006), LR 33:444 (March 2007), LR 35:236 (February 2009), LR 36:492 (March 2010), LR 36:2551 (November 2010), LR 39:2238 (August 2013), LR 42:1080 (July 2016), LR 44:

Chapter 7. START K12

§701. General Provisions

A. The Student Tuition and Revenue Trust Kindergarten Through Twelfth Grade Program (START K12) was enacted in 2018 to implement provisions of the Tax Cuts and Jobs Act which allows Internal Revenue Code Section 529 college savings account funds to be used for tuition expenses related to enrollment in kindergarten through twelfth grade.

B. The purposes of the START K12 are the following:

1. To allow account owners to save for the tuition expenses related to enrollment in kindergarten through twelfth grade; and

2. To comply fully with Internal Revenue Code Section 529.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:

§703. Legislative Authority

A. Act Number 687 of the 2018 Regular Legislative Session, effective May 30, 2018, enacted the Louisiana Student Tuition Assistance and Revenue Trust START Saving Kindergarten Through Twelfth Grade Program (START K12) as chapter 22-B, title 17 of the *Louisiana Revised Statutes* (R.S. 17:3100.1-3100.10).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:

§705. Program Administration

A. The Louisiana Tuition Trust Authority (LATTA) is a statutory authority whose membership consists of the Louisiana Board of Regents, plus one member from the Louisiana Bankers Association, the state treasurer, and one member each from the House of Representatives and Senate.

B. The LATTA administers the START K12 Program through the Louisiana Board of Regents, Office of Student Financial Assistance (LOSFA).

C. LOSFA, a program of the Board of Regents, performs the functions of the state relating to programs of financial assistance and certain scholarship programs for higher education in accordance with directives of its governing bodies and applicable law, and as such is responsible for administering the START K12 Program under the direction of the LATTA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:

§707. Applicable Definitions

A. Words and terms not otherwise defined in these rules 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.

Account Owner—the person(s), organization or group that completes the START K12 Program owner's agreement on behalf of a beneficiary and is the account owner of record of all funds credited to the account.

Beneficiary—the person named by the account owner in the START K12 owner's agreement or the person named by the LATTA when authorized to make such a designation by the owner of an account that is classified under §711.A.5 as the individual entitled to apply the account balance, or portions thereof, toward payment of their qualified education expenses.

Beneficiary's Family—for the purpose of §711.A.5 one of the following persons:

- a. the beneficiary's parent(s) or court ordered custodian; or
- b. a person who claims the beneficiary as a dependent on his or her federal income tax return for the previous year; or
- c. a person who certified that the beneficiary lives with him, that he provides more than 50 percent of the beneficiary's support for the previous year and that he was not required to file an income tax return for the previous year.

Current Value—the value of an education savings account at a given point in time.

a. The current value of fixed earnings investment options includes the accumulated value of the principal deposited and earnings on deposits.

b. The current value of variable earnings investment options includes the number of units in the investment option purchased multiplied by the current value of each unit. This value may be more or less than the amount originally deposited.

Deposits—the actual amount of money received from an account owner for investment in a START K12 account. Deposits do not include earnings on deposits.

Disabled or Disability—an individual who is considered to be disabled because he/she is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. An individual shall not be considered disabled unless he furnishes proof of the existence thereof in such form and manner as the LATTA may require.

Educational Term—a semester, quarter, term, summer session, inter-session, or an equivalent unit.

Eligible Educational Institution—a public or approved nonpublic elementary or secondary school in Louisiana that contains any of the grades kindergarten through twelve.

False or Misleading Information—a statement or response made by a person, which is knowingly false or misleading, and made for the purpose of establishing a program account and/or receiving benefits to which the person would not otherwise be entitled.

Fixed Earnings—the placement of all deposits in a START K12 Account, including the interest earned thereon, in investments that normally provide a fixed rate of return for a specific period of time.

Legal Entity—juridical person including, but not limited to, groups, trusts, estates, associations, organizations, partnerships, and corporations that are incorporated, organized, established, or authorized to conduct business in accordance with the laws of one or more states or territories of the United States. A natural person is not a legal entity.

Louisiana Education Tuition and Savings Fund (the Fund)—is a special permanent fund maintained by the Louisiana state treasurer for the purpose of the START Saving Program and the START K12 Program and is the account into which all initial deposits made to START K12 Program accounts are deposited.

Louisiana Office of Student Financial Assistance (LOSFA)—the agency of state government responsible for administering the START K12 Program under the direction of the Louisiana Tuition Trust Authority.

Louisiana Resident—

a. any person who resided in the state of Louisiana on the date of the application and who has manifested intent to remain in the state by establishing Louisiana as legal domicile, as demonstrated by compliance with all of the following:

- i. if registered to vote, is registered to vote in Louisiana;
- ii. if licensed to drive a motor vehicle, is in possession of a Louisiana driver's license;
- iii. if owning a motor vehicle located within Louisiana, is in possession of a Louisiana registration for that vehicle;
- iv. if earning an income, has complied with state income tax laws and regulations;

b. a member of the Armed Forces stationed outside of Louisiana who claims Louisiana on his/her official DD Form 2058 as his/her legal residence for tax purposes, and is in compliance with state income tax laws and regulations, shall be considered eligible for program participation;

c. a member of the Armed Forces stationed in Louisiana under permanent change of station orders shall be considered eligible for program participation;

d. persons less than 21 years of age are considered Louisiana residents if they reside with and are dependent upon one or more persons who meet the above requirements;

e. a legal entity is considered to be a Louisiana resident if it is incorporated, organized, established or authorized to conduct business in accordance with the laws of Louisiana or registered with the Louisiana Secretary of State to conduct business in Louisiana and has a physical place of business in Louisiana.

Louisiana Tuition Trust Authority (LATTA)—the statutory body responsible for the administration of the START Saving Program.

Maximum Allowable Account Balance—\$180,000.

Member of the Family (with respect to the designated beneficiary)—

a. an individual who bears one of the following relationships to such beneficiary:

i. a son or daughter of the beneficiary, or a descendant of either;

ii. a stepson or stepdaughter of the beneficiary;

iii. a brother, sister, stepbrother, or stepsister of the beneficiary;

iv. the father or mother of the beneficiary, or an ancestor of either;

v. a stepfather or stepmother of the beneficiary;

vi. a son or daughter of a brother or sister of the beneficiary;

vii. a brother or sister of the father or mother of the beneficiary; or

viii. a son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the beneficiary; or

ix. a first cousin of the beneficiary; or

b. the spouse of an individual listed in Clauses a.i-viii.

Natural Person—a human being.

Other Person (with respect to any designated beneficiary)—any person, other than the beneficiary, whether natural or juridical, who is not a member of the family, including but not limited to individuals, groups, trusts, estates, associations, organizations, partnerships, corporations, and custodians under the Uniform Transfer to Minors Act (UTMA).

Owner's Agreement—the agreement for program participation that the account owner completes and signs. It incorporates, by reference, R.S. 17:3100.1 et seq., and the rules promulgated by the LATTA to implement this statutory provision and any other state or federal laws applicable to the agreement and the terms and conditions as set forth therein.

Person—a human being or a juridical entity.

Qualified Education Expenses—expenses for tuition in connection with enrollment or attendance at an elementary or secondary school in grades kindergarten through twelve.

Redemption Value—the cash value of the money in a START K12 Program account invested in a fixed earnings option that are attributable to the sum of the principal deposited and the earnings on principal authorized to be credited to the account by the LATTA, less any disbursements and refunds. The redemption value is not applicable to a START K12 Program account invested in variable earnings.

Refund Recipient—the person designated by the account owner in the START K12 Program owner's agreement or by operation of law to receive refunds from the account. The refund recipient can only be the account owner or the beneficiary.

START K12 Account—a savings account established by a natural person or a legal entity to pay qualified education expenses of the designated beneficiary.

Trade Date—the date that a deposit to an investment option that includes variable earnings is assigned a value in units, the date a disbursement or refund from an investment option that includes variable earnings is assigned a value, or the date of a change in investment options that includes variable earnings is assigned a value, whichever is applicable.

Tuition—the mandatory educational charge required as a condition of enrollment.

Variable Earnings—refers to that portion of funds in a START K12 Program account invested in equities, bonds, short-term fixed income investments or a combination of any of the three.

Variable Earnings Transaction Fund—the subaccount established within the Louisiana Education Tuition and Savings Fund to receive funds as directed by rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:

§709. START K12 Program Accounts

A. A START K12 Program account is established on behalf of a designated beneficiary to provide the funding for tuition necessary for the beneficiary to attend public or private school for any of kindergarten through twelfth grade.

1. The account owner classified under §711.A.1, 2, 3, and 4 shall designate the beneficiary in the owner's agreement.

2. The account owner classified under §711.A.5 may designate the beneficiary in the owner's agreement, provided the beneficiary is not a member of the account owner's family, or authorize the LATTA to select a beneficiary for the account.

3. A beneficiary selected by the LATTA must meet the following criteria:

a. the beneficiary is a Louisiana resident;

b. the federal adjusted income of the beneficiary's family is less than \$30,000 or the beneficiary is eligible for a free lunch under the Richard B. Russell National School Act (42 USC 1751 et seq.);

c. the beneficiary is not a member of the account owner's family nor a member of the family of any member or employee of the authority or LOSFA;

4. Procedure for Selection (Reserved)

B. Program Enrollment Period. An account may be opened and an eligible beneficiary may be enrolled at any time during the calendar year.

C. Completing the Owner's Agreement

1. This agreement must be completed in full by the account owner.

2. The account owner shall designate a beneficiary, except as provided in Paragraph A.2 above.

3. The account owner may designate a limited power of attorney to another person who would be authorized to act

on the account owner's behalf, in the event the account owner becomes incapacitated.

4. Transfer of account ownership is only permitted as set forth in §719.

D. Agreement to Terms. Upon executing an owner's agreement, the account owner agrees to the following statements.

1. Admission to a particular eligible educational institution—that participation in the START K12 Program does not guarantee that a beneficiary will be admitted to the beneficiary's eligible educational institution of choice.

2. Payment of Qualified Education Expenses—that no more than \$10,000 may be withdrawn from a START K12 account annually and that this amount is not guaranteed to pay all qualified education expenses.

3. Maintenance of Continuous Enrollment—that once admitted to an eligible educational institution, participation in the START K12 Program does not guarantee that the beneficiary will be permitted to remain at the school throughout the beneficiary's kindergarten through twelfth grade education.

4. Guarantee of Redemption Value—that the LATTA does not guarantee the value of a START K12 Account that is invested in variable earnings.

5. Conditions for Payment of Qualified Education Expenses—that payments for qualified education expenses under the START K12 Program are conditional upon the beneficiary's enrollment at an eligible educational institution.

6. Fees

a. That fees imposed by investment institutions for opening or maintenance of variable earnings accounts may be charged to the account owner.

b. That financial and investment institutions may be authorized by the LATTA to offer prospective owners information and assistance in opening a START K12 account.

7. That an account whose owner is a legal entity or is classified under §711.A.5. cannot be terminated and the funds deposited in the account will not be refunded to the account owner.

8. That an account owner who is a legal entity or is classified under §711.A.5, can change the beneficiary of an account to one or more persons who are not members of the family of the beneficiary in accordance with §719.A.3.b, however, in such case:

a. these transfers may be treated as refunds under federal and state tax laws in which case the account owner will be subject to any associated tax consequences; and

b. the provisions of §709.A.2 shall apply to account owners classified in accordance with §711.A.5.

9. Only the account owner or the beneficiary may be designated to receive refunds from the account owned by an account owner who is a natural person other than a natural person classified as an account owner under §711.A.5. In the event of the death of the account owner when the account owner is designated to receive the refund and there is no substitute account owner named, the refund shall be made to the account owner's estate.

10. That in the event an account owner who is a legal entity classified as an account owner under §711.A.3 or 4 is dissolved, the beneficiary will become the owner of the account.

11. No refunds shall be paid to account owner classified under §711.A.5. If such an account is terminated by the LATTA in accordance with §717.E, the beneficiary shall become the owner of the account, provided that, all the rights and restrictions provided in law and these rules regarding account owners classified under §711.A.5, including, but not limited to, use of the funds, refunds, terminations, designation of beneficiary, etc., shall be applicable to the beneficiary that becomes the owner of such an account. If an account owner classified under §711.A.5 dies or is dissolved and the beneficiary has died or failed to graduate high school by age 21, and no substitute beneficiary has been designated by the account owner, the authority shall designate a new beneficiary who must meet the requirements of §709.A.3 and §711.A.5.

E. Acceptance of the Owner's Agreement

1. A properly completed and submitted owner's agreement will be accepted upon receipt.

2. Upon acceptance of the owner's agreement, the LATTA will establish the account of the named beneficiary.

F. Citizenship Requirements. Both an account owner who is not a legal entity and the beneficiary must meet the following citizenship requirements:

1. be a United States citizen; or

2. be a permanent resident of the United States as defined by the U.S. Citizenship and Immigration Services (USCIS) or its successor and provide copies of USCIS documentation with the submission of the owner's agreement; or

3. be lawfully residing in the United States and have a valid Social Security number.

G. Residency Requirements

1. On the date an account is opened, either the account owner or his designated beneficiary must be a *Louisiana resident*, as defined in §707 of these rules.

2. The LATTA may request documentation to clarify circumstances and formulate a decision that considers all facts relevant to residency.

H. Providing Personal Information

1. The account owner is required to disclose personal information in the owner's agreement, including:

a. his Social Security number;

b. the designated beneficiary's Social Security number;

c. the beneficiary's date of birth;

d. the familial relationship between the account owner and the designated beneficiary, if any;

e. the account owner's prior year's federal adjusted gross income as reported to the Internal Revenue Service; and

f. in the case of an account owner classified under §711.A.5:

i. the Social Security number of the beneficiary's family and authorization from that person for the LATTA to access his annual tax records through the Louisiana Department of Revenue, for the purpose of verifying federal adjusted gross income; and

ii. if applicable, proof that the beneficiary is a ward of the court; or

iii. if applicable, proof the beneficiary is eligible for a free lunch under the Richard B. Russell National School Act (42 USC 1751 et seq.).

2. By signing the owner's agreement, the account owner who is classified under §711.A.1 or 2 (does not include legal entities or other persons classified as account owners under §711.A.5) provides written authorization for the LATTA to access his annual tax records through the Louisiana Department of Revenue, for the purposes of verifying federal adjusted gross income.

3. By signing the owner's agreement:

a. the account owner who is a natural person, other than a natural person classified as an account owner under §711.A.5, certifies that:

i. both account owner and beneficiary are United States citizens or permanent residents of the United States as defined by the U.S. Citizenship and Immigration Services (USCIS) or its successor or be lawfully residing in the United States and have a valid Social Security number; and

(a). if permanent residents have provided copies of USCIS documentation with the submission of the application and owner's agreement; or

(b). if in the United States lawfully with a valid Social Security number have provided the visa or other document(s) from the USCIS evidencing lawful residency and a copy of the Social Security card from the Social Security Administration; and

ii. the information provided in the application is true and correct;

b. the person signing on behalf of an account owner who is a legal entity certifies that:

i. the account owner is a *legal entity* as defined in rule and the application;

ii. he or she is the designated agent of the legal entity;

iii. he or she is authorized to take any action permitted the account owner;

iv. the account owner acknowledges and agrees that once funds are deposited in a START account, neither the deposits nor the interest earned thereon can be refunded to the account owner;

v. the information provided in the application is true and correct; and

vi. if the beneficiary is not a Louisiana resident, the legal entity fulfills the definition of *Louisiana resident* as found in rule and the application;

c. the natural person classified as an account owner under §711.A.5 certifies that:

i. the beneficiary is a Louisiana resident;

ii. the federal adjusted income of the beneficiary's family is less than \$30,000 or the beneficiary is eligible for a free lunch under the Richard B. Russell National School Act (42 USC 1751 et seq.);

iii. the beneficiary is not a member of the account owner's family nor a member of the family of any member or employee of the authority or LOSFA;

iv. the account owner acknowledges and agrees that once funds are deposited in a START account, neither the deposits nor the interest earned thereon can be refunded to the account owner; and

v. the information provided in the application is true and correct.

4. Social Security numbers and federal and state employer identification numbers will be used for purposes of federal and state income tax reporting and to access

individual account information for administrative purposes (see §721).

I. Number of Accounts for a Beneficiary. There is no limit on the number of START K12 accounts that may be opened for one beneficiary by different account owners; however, the cumulative credits in all accounts for the same beneficiary may not exceed the maximum allowable account balance for that beneficiary and the cumulative credits in all START K12 accounts for the same beneficiary will be used to determine when these accounts are fully funded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:

§711. Account Owner Classifications

A. An account owner shall be classified by the authority under one of the following classifications:

1. a person or persons determined by the authority to be the parent, grandparent, or court ordered custodian of the person being designated as beneficiary of the account or who claim the person being designated as beneficiary as a dependent on their federal income tax return, and, at the time of the initiation of the agreement, the person or beneficiary is a resident of the state; or

2. a person determined by the authority to be a member of the family of the beneficiary and, at the time of the initiation of the agreement, the person or the beneficiary is a resident of the state; or

3. any other person and, at the time of the initiation of the agreement, the beneficiary is a resident of the state; or

4. any other person who, at the time of the initiation of the agreement, is a resident of the state and the beneficiary is not a resident of the state;

5. any other person or any government entity, and at the time of the initiation of the agreement:

a. the beneficiary is a resident of the state;

b. the federal adjusted income of the beneficiary's family is less than \$30,000 or the beneficiary must be eligible for a free lunch under the Richard B. Russell National School Act (42 USC 1751 et seq.);

c. the beneficiary is not a member of the account owner's family nor a member of the family of any member or employee of the authority or LOSFA;

d. the deposits to the account are an irrevocable donation by the owner.

B. In order to qualify as an account owner in any classification, a natural person, to include an independent student, must be of the age of majority under Louisiana law.

C. Account owner classification is made at the time of the initiation of the agreement. Changes in the residency of the account owner or beneficiary after the initiation of the agreement do not change the account owner's classification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:

§713. Deposits to Education Savings Accounts

A. Application Fee and Initial Deposit Amount

1. No application fee will be charged to participants applying for a START K12 account directly to the LATTA.

2. Financial and investment institutions may be authorized by the LATTA to offer assistance in establishing a START K12 account. (See *fees* in §709.D.6.)

3. An initial deposit is not required to open an START K12 account; however, a deposit of at least \$10 must be made within 180 days from the date on the letter of notification of approval of the account.

4. A lump sum deposit may not exceed the maximum allowable account balance (see §707).

B. Deposit Options

1. The account owner shall select one of the following deposit options during the completion of the owner's agreement; however, the account owner may change the monthly deposit amount at any time and the payment method by notifying the LATTA:

a. occasional lump sum payment(s) made directly to the LATTA or to a LATTA-approved investment institution;

b. monthly payments made directly to the LATTA or to a LATTA-approved financial or investment institution;

c. automatic account debit, direct monthly transfer from the account owner's checking or savings account to the LATTA or a LATTA-approved investment institution;

d. payroll deduction, if available through the account owner's employer.

2. Account owners are encouraged to maintain a schedule of regular monthly deposits.

C. Limitations on Deposits

1. All deposits must be rendered in amounts of at least \$10 and must be made in cash, check, money order, automatic account debit or payroll deduction, defined as any of the deposit options listed in §713.B.1.

2. Once the cumulative contributions and earnings on contributions has reached or exceeded the maximum allowable account balance (see §707), principal deposits will no longer be accepted to the account until a qualified distribution is made which reduces the account balance below the maximum allowable account balance.

D. Investment Options

1. The state treasurer shall select fixed earnings and variable earnings investment options.

2. The authority shall furnish each account owner with information that discloses each of the investment options offered by the program.

3. The account owner shall select the investment options in completing the owner's agreement, and

4. The investment option may be changed two times each calendar year.

5. Once a selection is made, all deposits shall be directed to the last investment option selected.

E. Effective Date of Deposits

1. Deposits for investment options that are limited to fixed earnings will be considered to have been deposited on the date of receipt.

2. Deposits for investment options that include variable earnings will be assigned a trade date based on the method of deposit and the date of receipt.

a. Deposits by check will be assigned a trade date three business days after the business day during which they were received.

b. Deposits made by electronic funds transfer through the Automated Clearing House (ACH) Network, or its successor, will be assigned a trade date of three business days after the business day during which they were received.

c. Deposits made by all other means of electronic funds transfer, including deposits made by transferring funds from a variable earnings option in which they are currently deposited to another option, will be assigned a trade date of one business day after the business day during which they were received.

3. Deposits for investment options that include variable earnings which are received via check or electronic funds transfer through the Automated Clearing House Network will be deposited into the fixed earnings option until the trade date. Earnings accrued on these deposits prior to the trade date shall be deposited in the Variable Earnings Transaction Fund.

4. Deposits received on weekends and holidays will be considered received on the next business day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:

§715. Disbursement of Account Funds for Payment of Qualified Education Expenses of a Beneficiary

A. Request for Disbursement

1. For each term the account owner intends to fund the beneficiary's qualified education expenses, the account owner shall submit a request for disbursement.

2. The request for disbursement must include:

a. the START K12 account number;

b. the account owner's name, address, Social Security number and signature (may be electronic);

c. the beneficiary's name, address, and Social Security number;

d. the amount to be disbursed and to whom; and

e. the name and address of the eligible educational institution.

3. In the event funds are invested in more than one investment option, the disbursement shall be made proportionally from each investment option in the account.

4. If there is more than one account with the same beneficiary, each account owner requesting a disbursement must complete a request for disbursement and the disbursements shall be made from each account, in turn, in the order the disbursement requests were received.

B. Disbursements from all accounts with the same beneficiary shall not exceed \$10,000 in one calendar year.

C. Disbursements shall be made to the account owner. If LOSFA determines that the beneficiary is not enrolled in an eligible educational institution during the semester or term for which the disbursement was intended, LOSFA shall notify the account owner that the disbursement will constitute a refund for state and federal income tax purposes unless returned to the START K12 account. If the disbursement is not returned to the account within 60 days of the original notice, LOSFA, in the authority's sole discretion, may refund any balance remaining thereafter and close the account.

7. Disbursements from investment options with variable earnings shall be assigned a trade date of one business day after the business day of receipt of the transfer request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:

§717. Termination, Refund, and Rollovers of a START K12 Account

A. Account Termination

1. The account owner who is a natural person, other than a natural person classified as an account owner under §711.A.5, may terminate an account at any time.

2. The LATTA may terminate an account in accordance with this Subsection, §717.D or §717.E.

3. The LATTA may terminate an account if no deposit of at least \$10 has been made within 180 days from the date on the letter of notification of approval of the account.

4. The LATTA may terminate an account if the beneficiary dies and a new beneficiary is not named within 60 days of the death.

5. The LATTA may terminate an account if the beneficiary becomes disabled and a new beneficiary is not named by the time the beneficiary who has become disabled reaches age 21.

6. The account owner who is a legal entity or is classified under §711.A.5, may not terminate an account; however, the account owner who is a legal entity or is classified under §711.A.5 may designate a substitute beneficiary in accordance with §719.A.3.b.

B. Refunds

1. A partial refund of an account may only be made as described in §717.E.3.

2. All other requests for refund may result in the termination of the account and in the refund of:

a. the deposits invested in fixed earnings, if the account has been open for less than 12 months;

b. the redemption value, if the account has been open for 12 or more months;

c. the deposits to or the current value of an account invested in a variable earnings option, whichever is less. Any increase in the value of an account invested in a variable earnings option over the amount deposited shall be forfeited by the account owner and deposited in the Variable Earnings Transaction Fund, if the account was invested in a variable earnings option and terminated within 12 months of the date the account was opened;

d. the current value of an account invested in variable earnings, if the account has been open for 12 or more months.

3. No refunds shall be made to an account owner who is a legal entity classified under §711.A.3 or 4. If an account owned by a legal entity classified as an account owner under §711.A.3 or 4 is terminated by the LATTA or by the account owner in accordance with §717.D or E, the refund will be made to the beneficiary or to the estate of the beneficiary if no substitute beneficiary has been designated by the account owner.

4. No refunds shall be paid to account owner classified under §711.A.5. If such an account is terminated by the LATTA in accordance with §717.E, the beneficiary shall become the owner of the account, provided that, all the rights and restrictions provided in law and these rules regarding account owners classified under §711.A.5, including, but not limited to, use of the funds, refunds, terminations, designation of beneficiary, etc., shall be applicable to the beneficiary that becomes the owner of such

an account. If an account owner classified under §711.A.5 dies or is dissolved and the beneficiary has died or failed to graduate high school by age 21, and no substitute beneficiary has been designated by the account owner, the authority shall designate a new beneficiary who must meet the requirements of §709.A.3 and §711.A.5.

5. Refunds from investment options with variable earnings shall be assigned a trade date of one business day after the business day of receipt.

C. Designation of a Refund Recipient

1. In the owner's agreement, the account owner who is a natural person, except one who is classified under §711.A.5, may designate himself or the beneficiary to receive refunds from the account.

2. Refunds of interest earnings will be reported as income to the individual receiving the refund for both federal and state tax purposes.

3. The beneficiary of an account owned by a legal entity classified as an account owner under §711.A.3 or 4 is automatically designated as the refund recipient.

5. Funds in an account classified under §711.A.5 shall not be refunded.

D. Involuntary Termination of an Account with Penalty

1. The LATTA may terminate an owner's agreement if it finds that the account owner provided false or misleading information (see §707).

2. If the LATTA terminates an owner's agreement under this Section, all interest earnings on principal deposits may be withheld and forfeited, with only principal being refunded.

3. An individual who obtains program benefits by providing false or misleading information will be prosecuted to the full extent of the law.

E. Voluntary Termination of an Account

1. Refunds shall be equal to the redemption value of the START K12 account at the time of the refund, and shall be made to the person designated in the owner's agreement or by rule.

2. The person receiving the refund shall be responsible for any state or federal income tax that may be payable due to the refund.

3. Except for accounts classified in accordance with §711.A.5, accounts may be terminated and fully refunded for the following reasons:

a. the death of the beneficiary in which case the refund shall be equal to the redemption value of the account and shall be made to:

i. the account owner, if the account owner is a natural person; or

ii. the beneficiary's estate, if the account owner is a legal entity;

b. the disability of the beneficiary, in which case the refund shall be equal to the redemption value of the account and shall be made to:

i. the account owner or the beneficiary, as designated in the owner's agreement, if the account owner is a natural person; or

ii. the beneficiary, if the account owner is a legal entity;

c. the beneficiary receives a scholarship, waiver of tuition, or similar subvention that the LATTA determines cannot be converted into money by the beneficiary, to the

extent the amount of the refund does not exceed the amount of the scholarship, waiver of tuition, or similar subvention awarded to the beneficiary. In such case, the refund shall be equal to the scholarship, waiver of tuition, or similar subvention that the LATTA determines cannot be converted into money by the beneficiary, or the redemption value, whichever is less, and shall be made to:

- i. the account owner or the beneficiary, as designated in the owner's agreement, if the account owner is a natural person; or
- ii. the beneficiary, if the account owner is a legal entity.

4. Refunds made under this §717.E.3 are currently exempt from additional federal taxes.

F. Effective Date of Account Termination. Account termination shall be effective at midnight on the business day on which the request for account termination and all supporting documents are received. Accounts will be credited with interest earned on principal deposits through the effective date of the closure of the account.

G. Refund Payments. Payment of refunds for voluntary termination under §717.E or partial refunds of accounts pursuant to §717.E.3 shall be made within 30 days of the date on which the account was terminated. The termination refund shall consist of the principal remaining in the account and interest remaining in the account accrued on the principal through the end of the calendar year preceding the year in which the request to terminate an account is made. Interest earned in excess of \$10 during the calendar year of termination will be refunded within 45 days of the date the state treasurer announces the interest rate for the preceding calendar year. Interest earned of \$10 or less during the calendar year of termination will be forfeited to the Louisiana Education and Tuition Savings Fund.

H. Rollovers

1. Rollovers among START K12 Accounts of the Same Account Owner. An account owner may rollover any part or all of the value of an START K12 account to another START K12 account if the beneficiary of the account receiving the funds is a member of the family of the beneficiary of the original account.

2. Rollover to a START Saving Program Account. In the event funds remain in a START K12 account after all qualified education expenses for enrollment in kindergarten through twelfth grade have been paid, an account owner classified under §711.A.1, 2, 3, 4, or 5 may rollover any remaining funds to a START Saving Program Education Savings Account (ESA) for use by the beneficiary in an eligible postsecondary institution.

3. Rollover to another Qualified Tuition Program. An account owner may request a rollover of the current value of the account to another qualified tuition program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:

§719. Substitution, Assignment, and Transfer

A. Substitute Beneficiary. The beneficiary of a START K12 account may be changed to a substitute beneficiary provided the account owner completes a beneficiary substitution form and the following requirements are met:

1. the substitute beneficiary is a member of the family as defined under §707;

2. the substitute beneficiary meets the citizen/resident alien requirements of §709.F, and, if the account owner is a nonresident of the state of Louisiana, the substitute beneficiary meets the applicable residency requirements (see §709.G);

3. if the substitute beneficiary is not a member of the family of the previous beneficiary:

- a. and the account owner is a natural person classified under §711.A.1-4, the account must be refunded to the account owner and a new account must be opened;

- b. and the account owner is a legal entity classified under §711.A.3 or 4, a new account shall be opened in the name of the new beneficiary. These transfers may be treated as refunds under federal and state tax laws in which case the account owner will be subject to any associated tax consequences; and

- c. and the account owner is classified under §711.A.5, a new account shall be opened in the name of the new beneficiary only if the beneficiary meets all the requirements of §711.A.5; and

- i. these transfers may be treated as refunds under federal and state tax laws in which case the account owner will be subject to any associated tax consequences; and

- ii. the provisions of §709.A.2 shall apply to account owners classified in accordance with §711.A.5.

B. Substitution/Transfer of Account Ownership. The ownership of an START K12 account is transferable only with the written approval of the LATTA and only as follows.

1. The account owner who is a natural person, other than a natural person classified as an account owner under §711.A.5, may designate a person who will become the substitute account owner in the event of the original account owner's death.

2. In the event of the death of an account owner who is a natural person, other than a natural person classified as an account owner under §711.A.5, who has not named a substitute account owner, the account shall be terminated and the account shall be refunded to the beneficiary, if designated to receive the refund by the account owner, or the account owner's estate.

3. An account owner who is a legal entity classified under §711.A.3 or 4 may indicate in the owner's agreement that upon the beneficiary's graduation from high school, the account shall be rolled over into a START Saving ESA and ownership of the ESA shall be transferred to the beneficiary of the account upon his 18th birthday, or upon his enrollment in an eligible postsecondary institution full time, whichever is later. If the account owner transfers the account in accordance with this section, disbursements may only be made for payment of the qualified higher education expenses of the beneficiary.

4. In the event of the dissolution of an account owner who is a legal entity classified as an account owner under §711.A.3 or 4, the beneficiary shall become the substitute account owner. If the account owner who is a legal entity classified as an account owner under §711.A.3 or 4 is dissolved, the beneficiary designated to receive the refund has died, and there is no substitute beneficiary named, the refund shall be made to the beneficiary's estate.

5. No refunds shall be paid to account owner classified under §711.A.5. If such an account is terminated by the LATTA in accordance with §717.E, the beneficiary

shall become the owner of the account, provided that, all the rights and restrictions provided in law and these rules regarding account owners classified under §711.A.5, including, but not limited to, use of the funds, refunds, terminations, designation of beneficiary, etc., shall be applicable to the beneficiary that becomes the owner of such an account. If an account owner classified under §711.A.5 dies or is dissolved and the beneficiary has died or failed to graduate high school by age 21, and no substitute beneficiary has been designated by the account owner, the authority shall designate a new beneficiary who must meet the requirements of §709.A.3 and §711.A.5..

C. Assignment of Account Ownership. Ownership of an START K12 account cannot be assigned.

D. Changes to the Owner's Agreement

1. The account owner may request changes to the owner's agreement.

2. Changes must be requested in writing and be signed by the account owner.

3. Changes, if accepted, will take effect as of the date the notice is received by the LATTA.

4. The LATTA shall not be liable for acting upon inaccurate or invalid data which was submitted by the account owner.

5. The account owner will be notified by the LATTA in writing of any changes affecting the owner's agreement which result from changes in applicable federal and state statutes and rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:

§721. Miscellaneous Provisions

A. Account Statements and Reports

1. The LATTA will forward to each account owner an annual statement of account which itemizes the:

a. date and amount of deposits and interest earned during the prior year; and

b. total principal and interest accrued to the statement date; and

2. The account owner must report errors on the annual statement of account to the LATTA within 60 days from the date on the account statement or the statement will be deemed correct.

B. Earned Interest

1. Interest earned on principal deposits during a calendar year will be credited to accounts and reported to account owners after the conclusion of the calendar year in which the interest was earned.

2. The rate of interest earned shall be the rate of return earned on the fund as reported by the state treasurer and approved by the LATTA.

C. Refunded Amounts

1. Interest earned on a START K12 account which is refunded to the account owner or beneficiary will be taxable for state and federal income tax purposes.

2. No later than January 31 of the year following the year of the refund, the LATTA will furnish the State Department of Revenue, the Internal Revenue Service and the recipient of the refund an Internal Revenue Service Form 1099, or whatever form is appropriate according to applicable tax codes.

D. Rule Changes. The LATTA reserves the right to amend the rules regulating the START K12 Program's policies and procedures; however, any amendments to rules affecting participants will be published in accordance with the Administrative Procedure Act.

E. Determination of Facts. The LATTA shall have sole discretion in making a determination of fact regarding the application of these rules.

F. Individual Accounts. The LATTA will maintain an individual account for each beneficiary, showing the redemption value of the account.

G. Confidentiality of Records. All records of the LATTA identifying account owners and designated beneficiaries of START K12 accounts, amounts deposited, expended or refunded, are confidential and are not public records.

H. No Investment Direction. No account owner or beneficiary of a START K12 account may direct the investment of funds credited to an account, except to make an annual election among investment options that offer fixed earnings, variable earnings or both. Deposits will be invested on behalf of the START K12 Program by the state treasurer.

I. No Pledging of Interest as Security. No interest in an START K12 account may be pledged as security for a loan.

J. Excess Funds

1. Principal deposits to an START K12 account are no longer accepted once the account total reaches the maximum allowable account balance (see §713.C); however, the principal and interest earned thereon may continue to earn interest.

2. Funds in excess of the maximum allowable account balance may remain in the account and continue to accrue interest and may be disbursed in accordance with §715, or will be refunded in accordance with §717 upon termination of the account.

K. Withdrawal of Funds. Funds may not be withdrawn from an START K12 ACCOUNT except as set forth in §715 and §717.

L. NSF Procedure

1. A check received for deposit to an START K12 ACCOUNT which is returned due to insufficient funds in the owner's account on which the check is drawn, will be redeposited and processed a second time by the START K12 Program's financial institution.

2. If the check is returned due to insufficient funds a second time, the check will be returned to the depositor.

3. Earnings reported by the state treasurer on deposits made by check or an ACH transfer which is not honored by the financial institution on which it was drawn subsequent to the trade date shall be forfeited by the account owner and deposited into the Variable Earnings Transaction Fund.

M. Effect of a Change in Residency. On the date an account is opened, either the account owner or beneficiary must be a resident of the state of Louisiana (see §709.G); however, if the account owner or beneficiary, or both, temporarily or permanently move to another state after the account is opened, they may continue participation in the program in accordance with the terms of the owner's agreement.

N. Abandoned Accounts. Abandoned accounts will be defined and treated in accordance with R.S. 9:151 et seq., as amended, the Louisiana Uniform Unclaimed Property Act.

O. Investment in Variable Earnings. When an account owner selects a variable earnings account, up to 100 percent of the deposits may be invested in equity securities.

P. Variable Earnings Transaction Fund

1. Monies in the Variable Earnings Transaction Fund shall be used to pay any charges assessed to the START K12 Program by a financial institution and to pay any loss of value between the purchase and redemption of units in a variable earnings option that are incurred when a check or ACH transfer is dishonored after the trade date by the financial institution on which it was drawn.

2. After the payment of expenses as provided in Paragraph 1, above, the LATTA may declare monies remaining in the Variable Earnings Transaction Fund as surplus.

AUTHORITY NOTE: Promulgated in accordance with 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance.

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in LSA-R.S. 49:972.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in LSA-R.S. 49:973.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as described in LSA-R.S. 49:965.2 et seq.

Provider Impact Statement

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments on the proposed changes (ST18183NI) until 4:30 p.m., August 10, 2018, to Sujuan Williams Boutté, Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

Robyn Rhea Lively
Senior Attorney

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: START Saving Program**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will result in a cost to the Louisiana Office of Student Financial Assistance (LOSFA) of approximately \$115,000 for programming, software development, and other technology costs to modify and adapt the existing START Savings Program applications and processes to support the new Student Tuition and Revenue Trust Kindergarten Through Twelfth Grade Program (START K12) Accounts. Act 687 of 2018 placed the START K12 Program under the authority of the Louisiana Tuition Trust Authority (LATTA) to implement the program. Due to the similarities between the START Savings Program and the START K12 Program, LOSFA was able to absorb the initial administrative costs, but this \$115,000 startup cost is to fully implement the program.

Future increased expenditures for personal services and ongoing technical support services may be required for additional staff and programming costs if the number of START K12 Accounts and/or START K12 disbursements grow to a point where the additional workload cannot be accomplished with existing personnel resources. At this time, the number of accounts opened and the workload associated with new accounts cannot be determined.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue collections of state and local governments will not be affected by the proposed changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will directly benefit START K12 Program account holders by allowing them to save for the tuition expenses related to a student's enrollment in kindergarten through twelfth grade and take advantage of federal tax benefits available through participation in the program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated effects on competition and employment resulting from these measures.

Robyn Rhea Lively
Senior Attorney
1807#013

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division**

Water Quality—Appendix I
(LAC 33:IX.7117) (WQ098ft)

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 Water Quality regulations, LAC 33:IX.7117 (Log #WQ098ft).

This Rule is identical to federal regulations found in 40 CFR 122, Appendix I, 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 includes East Baton Rouge Parish as an unincorporated urbanized area greater than 100,000, but less than 250,000 according to the 1990 Decennial Census by the Bureau of the Census. This information can be found at 64 FR 68849, December 8, 1999. The US Environmental Protection Agency finalized the Phase II stormwater regulations on December 8, 1999, to address discharges of storm water from small municipal separate storm sewer systems (MS4s). As part of this rule, EPA also updated the list of designated Phase I MS4s, which are included in 40 CFR 122, Appendix I. This update includes the addition of the unincorporated area of East Baton Rouge Parish as a

Phase I MS4. The incorporated area of Baton Rouge was previously listed in the 1990 Phase I storm water rule. LDEQ subsequently adopted the Phase II stormwater regulations in the rule, Log Number WQ039, finalized on October 20, 2000. Updates to LAC 33:IX.7117 (the corresponding section to 40 CFR 122, Appendix I) were inadvertently omitted from the 2000 rule. The current Rule will correct that omission. The basis and rationale for this Rule are to mirror existing federal regulations, ensuring LDEQ's ability to issue and enforce LPDES permit requirements for the East Baton Rouge Parish MS4. 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 2. The Louisiana Pollutant Discharge
Elimination System (LPDES) Program**

Chapter 71. Appendices

**§7117. Appendix I—Parishes with Unincorporated
Urbanized Areas Greater than 100,000, But Less
than 250,000**

A. According to the Latest Decennial Census for the State of Louisiana by the Bureau of Census

Table 1.	
Unincorporated Urbanized Parish	Population
East Baton Rouge	102,539
Jefferson	140,836

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), repromulgated by the Office of Environmental Assessment, Environmental Planning Division, LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

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 Hearing

A public hearing will be held on August 28, 2018, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. 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.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting

should reference this proposed regulation by WQ098ft. Such comments must be received no later than August 28, 2018, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations 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. 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 WQ098ft. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. 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
General Counsel

1807#018

NOTICE OF INTENT

**Office of the Governor
Commission on Law Enforcement and
Administration of Criminal Justice
Crime Victims Reparations Board**

Compensation to Victims (LAC 22:XIII.301)

In accordance with the provisions of R.S. 49:950 et seq., which is the Administrative Procedure Act, and R.S. 46:1801 et seq., which is the Crime Victims Reparations Act, the Crime Victims Reparations Board hereby gives notice of its intent to promulgate rules and regulations regarding the awarding of compensation to applicants. There will be no impact on family earnings or the family budget as set forth in R.S. 49:972.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part XIII. Crime Victims Reparations Board

**Chapter 3. Eligibility and Application Process
§301. Eligibility**

A. To be eligible for compensation, an individual must have suffered personal injury, death or catastrophic property loss as a result of a violent crime.

1. Victim Conduct and Behavior

a. The Crime Victims Reparations Board may vote to deny or reduce an award to a claimant who is a victim, or who files an application on behalf of a victim, when any of the following occurs.

i. ...

ii. The victim committed a felony offense or was serving a sentence for a felony offense committed within five years prior to the date of victimization or five years subsequent to serving the sentence. If the date of

victimization occurs on or after August 1, 2018, then the Board may deny or reduce an award if the victim committed a felony offense within three years prior to the date of victimization or three years subsequent to serving the sentence.

1.a.iii. - 3.g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), amended LR 31:2009 (August 2005), amended LR 35:65 (January 2009), LR 36:2278 (October 2010), LR 37:1605 (June 2011), LR 41:1487 (August 2015), amended LR 44:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule has been considered. This proposed Rule will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972 since it only clarifies the procedures for applying for reparations.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through post-secondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect of the staffing level requirement or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on this proposed Rule no later than September 1, 2018, at 5 p.m. to Bob Wertz, Louisiana Commission on Law Enforcement, P.O. Box 3133, Baton Rouge, LA 70821.

Amanda Tonkavitch
Chair

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Compensation to Victims

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is estimated to result in a minimal increase in state expenditures such as applications

involving funeral expense requests. The proposed rule provides for an option to the Crimes Victims Reparation Board to deny or reduce an award if the victim committed a felony offense within three years prior to the date of victimization or three years subsequent to serving the sentence. Currently, that timeframe is five years.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that implementation of the proposed rule will not increase revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

It is estimated that implementation of the proposed rule will have little or no effect on directly affected persons or non-governmental groups. The adoption of the rule seeks to clarify the situations in which applicants for reparations would not be approved

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition or employment in the public or private sector as a result of the proposed rule change.

Jim Craft
Executive Director
1807#036

Greg V. Albrecht
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Division of Administration Office of State Procurement

The Veteran Initiative (LAC 19:IX.1101, 1311, and 1313)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Division of Administration proposes to amend the procurement rules for the Veteran Initiative, in accordance with the revised requirements of Act 585 of the 2018 Regular Session.

Title 19 CORPORATIONS AND BUSINESS Part IX. The Veteran Initiative Subpart 2. Procurement

Chapter 11. General Provisions

§1101. Purpose

A. - B.1.a. ...

b. To participate, VSE's and DVSE's must be certified by the Department of Economic Development in accordance with Subpart 1 of this Part.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2171 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review and Office of State Purchasing, LR 36:507 (March 2010), amended by the Office of the Governor, Division of Administration, and the Office of State Purchasing LR 44:

Chapter 13. Procedures

§1311. Procurement Methods

A. The state utilizes various procurement methods to acquire goods, services, major repairs and public works including requests for proposals (RFP), invitations to bid (ITB), and purchase orders. The procurement method to be

used is based upon statutes and regulations applicable to the nature of the procurement.

B. ...

C. Agencies will participate in the program by using any or all of the following procurement methods:

1. purchasing directly from a certified VSE or DVSE within the agency's discretionary procurement authority for goods, operating services, major repairs, construction and personal, professional, consulting, and social services;

2. - 3.b. ...

4. using a request for proposals (RFP) process to award a contract to a certified VSE or DVSE or to a proposer demonstrating a good faith effort to use certified VSE's and/or DVSE's as subcontractors;

a. if an agency decides to issue an RFP to satisfy its LAVET goal, the procurement process will include either of the following:

i. ...

ii. reserve 12 percent of the total RFP evaluation points for otherwise responsive proposers who are themselves a certified as either a VSE or DVSE or who have made a good faith effort to use one or more VSEs and/or DVSE's in subcontracting.

b. - d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2171 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review and Office of State Purchasing, LR 36:509 (March 2010), amended by the Office of the Governor, Division of Administration, and the Office of State Purchasing LR 44:

§1313. Procedures for Counting Small Entrepreneurship Participation

A. - C. ...

D. The state may count toward its LAVET goals the total dollar value of the contract if the RFP contemplated awarding twelve percent of the total evaluation points to a proposer who demonstrated good faith efforts to use certified VSE's and/or DVSE's as subcontractors, but was unsuccessful in doing so.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2171 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review and Office of State Purchasing, LR 36:510 (March 2010), amended by the Office of the Governor, Division of Administration, and the Office of State Purchasing LR 44:

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 Statement

The proposed Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services as described in HCR 170 of the 2014 Regular Legislative Session.

Small Business Analysis

The proposed Rule is anticipated to have a positive impact on small businesses as defined in the Regulatory Flexibility Act, by increasing the number of evaluation points reserved for Veteran Initiative-certified entrepreneurs in the request for proposal (RFP) process from ten percent to 12 percent, thereby providing such small businesses an enhanced competitive advantage in the state's RFP processes.

Public Comments

Interested persons should submit written comments on the proposed Rules to Paula Tregre by mail to P.O. Box 94095, Baton Rouge, LA 70804-9095, or delivered to 1201 N. Third St, Suite 2-160, Baton Rouge, LA 70802. All comments must be received by the close of business on Tuesday, August 28, 2018.

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments will be held at 11 a.m. on Wednesday, August 29, 2018 at the Department of Economic Development, 617 North Third Street, 11th Floor, Baton Rouge, LA 70802.

Paula Tregre
Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: The Veteran Initiative

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to result in any significant expenditures or savings for state or local governmental units. Any additional administrative expenditures that may be incurred are anticipated to be marginal and will be absorbed within the LA Dept. of Economic Development's (LED) existing budget authority.

The proposed rule change codifies provisions of Act 585 of the 2018 Regular Session, which increases the maximum gross receipts threshold for small businesses applying to the Veterans Initiative program by \$1.0 M, from \$5.0 M to \$6.0 M per year for non-construction operations.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Veteran-owned businesses may benefit as a result of the increased eligibility threshold. By increasing the eligibility threshold, more companies may be able to participate in the program. However, the increase in activity in the Veterans Initiative will likely be marginal, as the average revenue of all certified veterans companies is \$451,232, with only 1 company having average revenue over \$5.0 M annually.

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.

Paula Tregre
Director
1807#035

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Dietitians and Nutritionists

Registered Dietitians/Nutritionists
(LAC 46:LXIX. Chapters 1-7)

Notice is hereby given in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:3085, that the Board of Dietitians and Nutritionists proposes to amend its current regulations to make technical changes and clarifications, add definitions for telehealth/telepractice, remove hearing aid dispensing fee from renewal and initial applications, and add telehealth registration fees.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXIX. Registered Dietitians/Nutritionists

Chapter 1. Dietitians/Nutritionists

§101. Definitions

A. ...

* * *

Academy—Academy of Nutrition and Dietetics (AND), formerly the American Dietetic Association (ADA).

Accreditation Council for Education in Nutrition and Dietetics (ACEND)—the accrediting agency for educational programs preparing students for careers as dietetic or nutrition practitioners. It is recognized by the board as the approved credentialing evaluation agency for licensed dietitians/ nutritionists.

* * *

Applicant—any person who has applied to the board for a regular license or provisional license to use the title dietitian or nutritionist to engage in the practice of dietetics/nutrition in the state of Louisiana.

* * *

Application—a request directed to and received by the board, upon forms supplied by the board, for a regular license or provisional license to practice dietetics/nutrition in the state of Louisiana, together with all information, certificates, documents, and other materials required by the board.

Board—Louisiana Board of Examiners in Dietetics and Nutrition (LBEDN). The entity created by the legislature of Louisiana in 1987 to protect the health, safety, and welfare of the public by providing for the licensure and regulation of persons practicing the profession of dietetics and nutrition.

Commission on Dietetic Registration (CDR)—a commission that authors the licensure exam that the board accepts.

Consent Agreement and Order—an agreement between the board and applicant or licensee to resolve disciplinary action. This document may be public and reportable to the National Practitioner Data Bank (NPDB).

* * *

Diet Instruction—repealed.

Dietetic Nutrition Practice and Medical Nutrition Therapy—deleted.

Dietetic Practice, Nutrition Counseling, and Medical Nutrition Therapy—repealed.

Dietetic/Nutrition Practitioner—dietitian/nutritionist licensee practicing dietetics and nutrition according to R.S. 37:3081 to R.S. 37:3093, of the Louisiana Dietetic/Nutrition Practice Act.

Direct Supervision—supervision provided by a Louisiana licensed dietitian/nutritionist, who is available for real-time consultation in order to guide and direct a provisionally licensed dietitian/nutritionist.

Examination for Licensure—the examination administered by CDR. The board recognizes the passing score set by CDR.

Incidental to the Practice of their Profession—deleted.

Licensed Dietitian/Nutritionist—a person licensed under R.S. 37:3081-3094. The terms “dietitian”, “dietician”, and “nutritionist” may be used interchangeably.

Louisiana Academy of Nutrition and Dietetics (LAND)--formerly known as Louisiana Dietetic Association (LDA), an affiliate of the Academy of Nutrition and Dietetics (AND).

Medical Nutrition Therapy—nutritional diagnostic, therapy, and counseling services for the purpose of disease management which are furnished by a licensed and registered dietitian.

Nutrition Care Process—a systemic approach to providing high-quality nutrition care through assessment, nutrition diagnosis, intervention/plan of care, and monitoring and evaluation.

Nutrition Counseling—a therapeutic approach to treating medical conditions and their associated symptoms via the use of a specifically tailored diet devised and monitored by a licensed and/or registered dietitian/nutritionist. Nutrition counseling provides individualized guidance on appropriate food and nutrient intake for those with special metabolic needs, taking into consideration health, cultural, socioeconomic, functional and psychological facts from the nutrition assessment. Nutrition counseling may include advice to increase or decrease nutrients in the diet; to change the timing, size or composition of meals; to modify food textures; and in extreme instances, to change the route of administration.

Nutrition Education—repealed.

Nutritional Assessment—the evaluation of the nutritional needs of individuals and groups based upon appropriate biochemical, anthropometric, physical and dietary data to determine nutrient needs including enteral and parenteral nutrition regardless of setting, including but not limited to ambulatory settings, hospitals, nursing homes and other extended care facilities. Assessment also includes establishing priorities, goals and objectives that meet nutritional needs.

Provisionally Licensed Dietitian/Nutritionist—a person provisionally licensed under the Louisiana Dietetic/Nutrition Practice Act, who must be supervised by a licensed dietitian/nutritionist.

* * *

Scope of Dietetic/Nutrition Practice—the integration and application of principles derived from the sciences of nutrition, biochemistry, food, physiology, management, behavioral, and social sciences to achieve and maintain client health through the provision of nutrition care services, which shall include:

- a. nutritional assessment;
- b. nutrition counseling;
- c. developing, implementing, and managing nutrition care systems; and
- d. evaluating, making changes in, and maintaining standards of quality in food and nutrition care services.

e. Within a healthcare facility licensed by the Department of Health, ordering appropriate nutritional intake, including enteral and parenteral nutrition, and ordering appropriate laboratory tests to monitor the effectiveness of the dietary plan, subject to the approval of and authorization by the licensed healthcare facility's medical staff or bylaws.

Telenutrition—as authorized by and consistent with, R.S. 40:1223.4 (“Telehealth”), is the interactive use, by a licensed dietitian/ nutritionist of electronic information and telecommunication technologies to implement the practice of dietetics/nutrition with patients or clients at a remote location within Louisiana. The practice of telenutrition takes place where the patient or client is located at the time of the dietetic practitioner-patient encounter. Real-time communication, the primary method of telenutrition, consists of a dietetic/nutrition practitioner and the patient present at the same time, but in different locations. The practice of telenutrition is subject to applicable provisions of the Louisiana Dietetic/Nutrition Practice Act and within the same standards of care as if the dietetic/nutrition services were provided in person. The practice of telenutrition requires the application of board rules and regulations §117, Code of Ethics for Professional Conduct, including but not limited to patient’s or client’s consent for telenutrition services and protection of patient or client confidential information. The practice of telenutrition does not include the consultation of a Louisiana licensed dietitian/nutritionist with an out-of-state dietitian/nutritionist.

Terminology—interchangeable terms related to scope of practice may include, but not limited to: dietetic nutrition practice, dietetic practice, nutrition counseling, nutrition practice, nutrition therapy, and medical nutrition therapy (MNT).

Title—any use of the titles “dietitian”, “dietician”, or “nutritionist”, or any abbreviation, cannot be used unless the person is licensed in accordance with the provisions of the Louisiana Dietetic/Nutrition Practice Act.

Unprofessional conduct—for purposes of R.S. 37:3090 A(2) includes, but it not limited to any act or omission which is contrary to honesty, justice, good morals, patient safety, or the best interest of the patient, whether committed in the course of the practitioner’s practice or otherwise and specifically includes the departure from, or the failure to conform to the standards of acceptable and prevailing professional practice of the Code of Ethics for Professional Conduct as specified in §115 of these rules, whether the act or omission occurred within or without this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3081-3093 and R.S. 36:259(Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 10:12 (January 1984), repromulgated by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 14:435 (July 1988), amended LR 25:1094 (June 1999), LR 37:2152 (July 2011), LR 40:302 (February 2014), LR 41:1674 (September

2015), amended by the Department of Health, Board of Examiners in Dietetics and Nutrition, LR 44:

§103. Qualifications for Licensure

A. Regular Licensure

1. Academic Requirements. An applicant for licensure shall submit to the board, evidence of having earned a baccalaureate or post-baccalaureate degree granted by a U.S. regionally accredited college or university, or foreign equivalent and meet minimum academic requirements approved by the Accreditation Council for Education in Nutrition and Dietetics (ACEND).

2. Professional Experience. An applicant for licensure shall submit to the board evidence of having successfully completed a planned continuous supervised practice program approved by the board of not less than 900 hours under the supervision of a registered dietitian or a licensed dietitian/nutritionist. The board has designated a supervised practice program accredited by ACEND as the board-approved program of planned supervised practice program. Applicant must present verification statement from an ACEND accredited program dated no later than five years after completion of the academic requirements.

3. Examination for Licensure. An applicant for licensure shall submit to the board evidence of having successfully passed an examination approved by the board. The board recognizes the registration examination for dietitians/nutritionists administered by the CDR as the board-approved exam.

A.4. - B.2 ...

3. A provisional license may be issued for a period not exceeding one year and may be renewed annually for a period not to exceed two years upon payment of a fee and documentation of evidence that the provisional license holder is practicing only under the supervision of a licensed dietitian/nutritionist and also provides evidence of at least 15 hours of continuing education per license year.

C. Licensure of Qualified Military Commissioned Applicants and Spouses of Military Personnel

1. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3081-3093 and R.S. 36:259(Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 10:12 (January 1984), repromulgated by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 14:435 (July 1988), amended LR 37:2152 (July 2011), LR 40:302 (February 2014), LR 41:1675 (September 2015), amended by the Department of Health, Board of Examiners in Dietetics and Nutrition, LR 44:

§105. Licensure of Dietitians/Nutritionists Practicing Telenutrition

A. The practice of dietetics/nutrition occurs where the patient or client is located at the time of the dietetic practitioner—patient encounter. Real-time communication, the primary method of telenutrition, consists of a dietetic/nutrition practitioner and the patient present at the same time, but in different locations.

B. When telenutrition is used and the dietetic/nutrition practitioner and the patient or client are located in different states, the dietetic/nutrition practitioner providing the patient care services must be licensed in the state where the patient is located.

C. Dietetic/Nutrition practitioners working in Louisiana must be licensed in the State of Louisiana according to R.S. 37:3081 to R.S. 37:3093. It is the responsibility of the dietetic/nutrition practitioner to become aware of the licensure laws and regulations in any state in which they seek to provide their services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3081-3093 and R.S. 36:259(Q).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Examiners in Dietetics and Nutrition, LR 44:

§107. Qualifications for Reciprocity (Formerly §105)

A. The board may grant a license by endorsement to any person who presents proof of current licensure as a dietitian or nutritionist in another state, District of Columbia, or territory of the United States which requires standards for licensure considered by the board to be equivalent to the requirements for licensure as prescribed in this Chapter.

B. All application materials shall be completed and the reciprocity and license fees shall be paid by the applicant. The board may request verification of the applicant's status with that agency at the time of application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3081-3093; R.S. 36:259(Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 10:12 (January 1984), repromulgated by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 14:435 (July 1988), amended LR 37:2152 (July 2011), amended by the Department of Health, Board of Examiners in Dietetics and Nutrition, LR 44:

§109. Licensing of Dietitians/Nutritionists Trained in a Foreign Country (Formerly 107)

A. Any person who has been trained as a dietitian/nutritionist in a foreign country and who desires to be licensed under the act may make application if the individual:

1. holds a degree from an education program which has been evaluated by an approved credentialing evaluation agency, ACEND as equivalent to the baccalaureate or higher degree conferred by universities or colleges regionally accredited by the council on post-secondary accreditation and the U.S. Department of Education and meets equivalent academic requirements;

a. submits to the board any diploma or other document required for a foreign graduate applicant. A diploma or other document which is not in the English language must be accompanied by a certified translation thereof in English by an approved credentials evaluation service;

2. submits documentary evidence to the board that he or she has completed a course of professional experience as described in §103.A.2;

3. successfully completed the prescribed examination for licensure;

4. demonstrates satisfactory proof of proficiency in the English language;

5. applicants who are currently registered by CDR are deemed to meet the academic, professional experience, examination, and continuing education requirements for licensure;

6. applications for licensure shall be upon the form and in the manner prescribed by the board, accompanied by the appropriate fees;

7. at the time of making such application, the applicant shall pay the fee prescribed by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3081-3093 and R.S. 36:259(Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 10:12 (January 1984), repromulgated by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 14:435 (July 1988), amended LR 41:1676 (September 2015), amended by the Department of Health, Board of Examiners in Dietetics and Nutrition, LR 44:

§111. Application for Licensure and/or Provisional Licensure (Formerly §109)

A. Application for license or provisional license must be upon the form and in the manner and fee prescribed by the board.

B. Every application shall be typed or written in ink, signed under the penalty of perjury and accompanied by the appropriate non-refundable application fee and by such evidence, statements or documents showing to the satisfaction of the board that applicant meets requirements of R.S. 37:3086(A), (B) or (C).

C. Applications are to be submitted to the address designated by the board.

D. Approved applications and all document files in support thereof shall be retained by the board.

E. The board will not consider an application complete until all information is received.

F. The board will send a notice to an applicant who does not fully complete the application, listing the additional materials required.

G. The application for a license shall contain such information as the board may reasonably require.

H. The submission of an application for licensing to the board shall constitute and operate as an authorization and consent by the applicant to the board to disclose and release any information or documentation set forth in or submitted with the applicant's application or obtained by the board from other sources as required.

I. An applicant who meets all the requirements of R.S. 37:3086 or 3087 and who has worked more than 30 days as a dietitian/nutritionist in the state of Louisiana and who has not otherwise violated any part of R.S. 37:3081-3093 or its rules and regulations, may be offered the following options in the form of a consent agreement and order to resolve the situation:

1. applicant is reprimanded for practicing as a dietitian and/or nutritionist in Louisiana without a license;

2. within 90 days of the date of the Consent Agreement and Order, applicant shall take and pass an open book examination covering the Louisiana Dietetic/Nutrition Practice Act and the board's rules and regulations to include Code of Ethics for Professional Conduct;

3. applicant must make a minimum score of 80 percent on the open book examination and will be allowed three hours to complete the examination at the board office. Applicant must pay applicable examination fee;

4. the consent agreement and order shall be considered disciplinary action and will be published by LBEDN.

J. Procedures for Applications of Military-trained Applicants or Spouses of Military Personnel, Issuance of

Temporary Practice Permits and Priority Processing of Applications

1. In addition to the application procedures otherwise required by this Section, a military-trained dietitian/nutritionist, as specified in §103.E.1, applying for licensure, shall submit with the application:

a. a copy of the applicant's military report of transfer or discharge which shows the applicant's honorable discharge from military service;

b. the official military document showing the award of a military occupational specialty in dietetics and nutrition and a transcript of all military course work, training and examinations in the field of dietetics and nutrition;

c. documentation showing the applicant's performance of dietetics/nutritionist services, including dates of service in active practice, at a level which is substantially equivalent to or exceeds the requirements of the license which is the subject of the application;

d. an affidavit from the applicant certifying that he or she has not been disciplined in any jurisdiction for an act which would have constituted grounds for refusal, suspension, or revocation of a license to practice dietetics/nutrition in this state at the time the act was committed.

2. In addition to the application procedures otherwise required by this Section, a military-trained dietitian/nutritionist, as specified in §103.E.2, applying for licensure, shall submit with the application:

a. a copy of the applicant's military report of transfer or discharge which shows the applicant's honorable discharge from military service;

b. the completion of all forms and presentation of all documentation required for an application pursuant to §105;

c. an affidavit from the applicant certifying that he or she has not been disciplined in any jurisdiction for an act which would have constituted grounds for refusal, suspension, or revocation of a license to practice dietetics/nutrition in this state at the time the act was committed.

3. In addition to the application procedures otherwise required by this Section, a spouse of a member of the active-duty military forces or a spouse of a former member of the military forces as specified in §103.E.3, applying for licensure, shall submit with the application:

a. a copy of the current military orders of the military spouse of the applicant and the applicant's military identification card or a copy of the military report of transfer or discharge of the military spouse of the applicant which shows an honorable discharge from military service;

b. a copy of the applicant's marriage license and an affidavit from the applicant certifying that he or she is still married to a military spouse or former military spouse;

c. the completion of all forms and presentation of all documentation required for an application pursuant to §105;

d. an affidavit from the applicant certifying that he or she has not been disciplined in any jurisdiction for an act which would have constituted grounds for refusal, suspension, or revocation of a license to practice dietetics/nutrition in this state at the time the act was

committed and is in good standing and has not been disciplined by the agency that issued the license;

e. documentation demonstrating competency in dietetics/nutritionist practice at the level which is the subject of the application and/or completion of appropriate continuing education units.

4. Applicants who present completed applications and the supporting documentation required by this Rule are eligible for a temporary practice permit as a dietitian/nutritionist or provisional dietitian/nutritionist, whichever is the subject of the application. The board, through its staff, will give priority processing to such applications and, subject to verification of applications and supporting documentation, issue the appropriate temporary practice permit not later than 21 days after the completed application is submitted. The temporary practice permit authorizes the applicant to practice dietetics/nutrition at the designated level, consistent with the verified application and supporting documentation for a period of 60 days from the date of issuance.

5. As soon as practicable, but not longer than the duration of the applicant's temporary practice permit, the board will grant the application for the applicable license which is the subject of the application or notify the applicant of its denial.

6. Military applicants and/or military spouse applicants who are currently registered by the CDR are deemed to meet all requirements for licensure. Such applicants may provide evidence of CDR registration in lieu of other documentation listed above if this is more expedient to the licensure process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3081-3093 and R.S. 36:259(Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 10:12 (January 1984), repromulgated by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 14:435 (July 1988), amended LR 37:2153 (July 2011), LR 40:302 (February 2014), LR 41:1676 (September 2015), amended by the Department of Health, Board of Examiners in Dietetics and Nutrition, LR 44:

§113. Issuance and Renewal of Licensure (Formerly §111)

A. The board recognizes two distinct types of licensure. Applicants may be issued a regular license or a provisional license based on compliance with requirements stated in the Louisiana Dietitian/Nutritionist Practice Act and described in these regulations. The board shall issue a license to any person who meets the requirements upon payment of the license fee prescribed.

B. Regular License

1. The board may issue a regular license to any dietitian/nutritionist who qualifies in accordance with the requirements of R.S. 37:3086(A), (B) or (C), and who practices in Louisiana, whether resident or nonresident, unless otherwise exempted as stated in R.S. 37:3093 of the Dietetic/Nutritionist Practice Act and these regulations. The board will send each applicant whose credentials have been approved a license.

C. Provisional License

1. A provisional license shall permit the holder to practice only under the direct supervision of a licensed

dietitian/nutritionist. The board may issue a provisional license to any dietitian/nutritionist who meets the following requirements:

a. shall have earned a baccalaureate or post-baccalaureate degree granted by a U.S. regionally accredited college or university, or foreign equivalent, and meet minimum academic requirements accredited by ACEND;

b. the board may issue a provisional license to a person before he has taken the examination prescribed by the board;

c. a provisional license may be issued for a period not exceeding one year and may be renewed annually for a period not to exceed two consecutive years upon payment of an annual fee and presentation of evidence satisfactory to the board that applicant is meeting the supervision requirements and the continuing education requirement of at least 15 hours of continuing education per license year.

D. Supervision of Provisional Licensed Dietitian

1. The purpose of this Section is to set out the nature and scope of the supervision provided for provisional licensed dietitians/nutritionists.

2. To meet initial licensure and license renewal requirements, a provisionally licensed dietitian/nutritionist shall practice under the direct supervision of a licensed dietitian/nutritionist. *Direct supervision* is defined as a licensed dietitian/nutritionist providing sufficient guidance and direction to enable a provisional licensed dietitian/nutritionist to perform competently. The supervising licensee needs to be readily available in person or by telecommunications and will review the provisionally licensed dietitian/nutritionist's work quarterly and submit to the board annually on a form provided by the board a written report that the applicant is in the process of meeting the experience requirements in anticipation of taking the examination.

E. Upgrading a Provisional License

1. In order to upgrade to a regular license, the provisionally licensed dietitian/nutritionist shall submit to the board a written request, proof of successful completion of the registration examination administered by CDR or evidence of current registration with CDR, as well as the upgrade fee.

2. When the upgrade occurs, the licensee shall become subject to the renewal requirements for a regular licensed dietitian/nutritionist.

F. License Certificates

1. The board shall prepare and provide to each licensee a license certificate and license identification card.

2. Official license certificates shall be signed by the board chairman, vice-chairman, and secretary-treasurer and be affixed with the seal of the board.

3. Any license certificate and license identification card issued by the board remains the property of the board and must be surrendered to the board on demand.

4. The license certificate must be displayed in an appropriate and public manner as follows:

a. shall be displayed in the primary place of employment of the licensee; or

b. in the absence of a primary place of employment or when the licensee is employed at multiple locations, the licensee shall carry a current, board issued license identification card.

5. Neither the licensee nor anyone else shall display a photocopy of a license certificate or carry a photocopy of a license identification card in lieu of the original license certificate or license identification card.

6. Neither the licensee nor anyone else shall make any alteration on a license certificate or license identification card issued by the board.

7. The board shall replace a lost, damaged or destroyed license certificate or ID card upon receipt of a written request from the licensee and payment of the license replacement fee.

8. The board, upon receipt of a written request, shall reissue a license certificate and/or license identification card in the case of name changes. Requests shall be accompanied by payment of the license replacement fee and appropriate documentation reflecting the change.

G. Abandonment of Application. An applicant shall be deemed to have abandoned the application if the requirements for licensure are not completed within one year of the date on which the application is received. An application submitted subsequently to an abandoned application shall be treated as a new application.

H. Disapproved Applications. The board shall disapprove the application if the applicant:

1. has not completed the requirements of §103 of these regulations including academic and experience requirements;

2. has failed to pass the examination prescribed by the board;

3. has failed to remit any applicable fees;

4. has failed to comply with requests for supporting documentation prescribed by the board;

5. has deliberately presented false information on application documents required by the board to verify the applicant's qualifications for licensure;

6. has been convicted of a felony.

I. Renewal of Licensure

1. At least 30 days prior to the expiration date of the license, the licensee shall be sent written notice of the amount of renewal fee due, which must be submitted with the required fee.

2. Licensee's application for renewal must be submitted on or prior to the expiration date in order to avoid the late renewal fee. Failure to receive renewal notice shall not be justification for late or non-renewal.

3. The board shall not renew the license of a person who is in violation of the act, or board rules at the time of application for renewal.

4. Licensed Dietitian/Nutritionist

a. Licenses will expire annually on June 30.

b. Applicants receiving an initial license in the last quarter of the fiscal year (April, May, June) are not required to renew or provide proof of continuing education until the following licensing one year period.

5. Provisional License

a. Licenses will expire annually on June 30.

b. Applicants receiving an initial license in the last quarter of the fiscal year (April, May, June) will not be required to renew or provide proof of continuing education until the following one year licensing period.

6. Renewal license identification cards and/or renewal validation documents shall be furnished to each licensee who meets all renewal requirements by the expiration date.

7. The board may provide for the late renewal of a license upon the payment of a late fee within 60 days of the expiration date, July 1 through August 31.

a. If the license has been expired for 60 days or less, the license may be renewed by submitting the license renewal with all appropriate fees and documentation to the board, on or before the end of the 60-day grace period.

8. A person whose license has expired may not use the title of dietitian or nutritionist or present or imply that he or she has the title of "licensed dietitian/nutritionist" or "provisional licensed dietitian/nutritionist" or any abbreviation of these titles. Additionally, the person with an expired license may not continue to engage in the practice of dietetics and/or nutrition until the expired license has been renewed.

9. Inactive Status. Inactive status may be granted to licensees who are retired or who do not practice dietetics/nutrition during the fiscal year, July 1-June 30.

a. Licensees on inactive status may retain their license by payment of the annual renewal fee.

b. These licensees shall complete the affidavit provided at the time of licensure renewal.

c. Licensees on inactive status or who are retired shall not supervise individuals or otherwise engage in the practice of dietetics/nutrition.

d. In order to resume the practice of dietetics/nutrition, licensees on inactive status shall demonstrate completion of 5 clock hours of continuing education in the area of licensure for each year that inactive status was maintained. In addition, a letter requesting a change to active status must be submitted to the board office prior to resuming the practice of dietetics/nutrition.

10. Continuing Education Requirement for Renewing License

a. For renewal of a regular dietitian/nutritionist license, licensees must submit proof of holding current CDR registration. The board recognizes the CDR PDP system as fulfilling the continuing education requirement for licensure renewal.

b. For renewal of provisional license, provisional licensees must submit proof of at least 15 hours of continuing education per license year.

11. Renewal license identification cards and/or renewal validation documents shall be furnished to each licensee who meets all renewal requirements by the expiration date.

12. The board may provide for the late renewal of a license upon the payment of a late fee within 60 days of the expiration date, July 1 through August 31.

a. If the license has been expired for 60 days or less, the license may be renewed by submitting the license renewal form with all appropriate fees and documentation to the board, on or before the end of the 60-day grace period.

13. A person whose license has expired may not use the title of dietitian or nutritionist or present or imply that he or she has the title of "licensed dietitian/nutritionist" or "provisional licensed dietitian/nutritionist" or any abbreviation of these titles. Additionally, a person with an

expired license may not continue to engage in the practice of dietetics and/or nutrition until the expired license has been renewed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3081-3093 and R.S. 36:259(Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 10:12 (January, 1984); amended by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 14:436 (July, 1988), LR 26:2613 (November 2000), LR 37:2153 (July 2011), LR 41:1677 (September 2015), amended by the Department of Health, Board of Examiners in Dietetics and Nutrition, LR 44:

§115. Gratuitous Service during a Declared Public Health Emergency (Formerly §112)

A. In a public health emergency lawfully declared as such by the governor of Louisiana, the requirement for a Louisiana license as a licensed dietitian/nutritionist or provisional licensed dietitian/nutritionist may be suspended by the board at that time to those out of state licensed dietitians/nutritionists or provisional licensed dietitian/nutritionists, whose licenses, certifications or registrations are current and unrestricted in another jurisdiction of the United States, for a period of time not to exceed the duration and scope of R.S. 29:769(E), as more particularly set forth in this rule.

B. The following requirements for temporary registration may be imposed pursuant to the declared state of emergency and shall be in accordance with rules promulgated by the board.

C. A licensed dietitian/nutritionist or provisional licensed dietitian/nutritionist not licensed in Louisiana, whose licenses and CDR registrations are current and unrestricted in another jurisdiction of the United States, may gratuitously provide dietetic/nutrition services if:

1. the licensed dietitian/nutritionist or provisional dietitian/nutritionist has photo identification and a license to verify a current and unrestricted license, certification or registration in another jurisdiction of the United States, and properly registers with the board prior to providing dietetic/nutrition services in Louisiana as follows:

a. the dietitian/nutritionist or provisional dietitian/nutritionist is engaged in a legitimate relief effort during the emergency period, and provides satisfactory documentation to the board of the location site(s) that he will be providing gratuitous dietetic/nutrition services;

b. the dietitian/nutritionist or provisional dietitian/nutritionist shall comply with the Louisiana Dietetic/Nutrition Practice Act, board rules and regulations, and other applicable laws, as well as practice in good faith, and within the reasonable scope of his skill, training, and ability; and

c. the dietitian/nutritionist or provisional dietitian/nutritionist renders services on a gratuitous basis with no revenue of any kind to be derived whatsoever from the provision of services within the state of Louisiana.

D. The authority provided for in the emergency rule shall be applicable for a period of time not to exceed 60 days at the discretion of the board, with the potential extension of up to two additional periods not to exceed 60 days for each extension as determined appropriate and necessary by the board.

E. All interested licensed dietitian/nutritionists or provisional licensed dietitian/nutritionists shall submit a copy of their respective current and unrestricted licenses, or CDR registrations issued in other jurisdictions of the United States and photographic identification, as well as other requested information, to the Louisiana Board of Examiners in Dietetics and Nutrition for registration with this agency prior to gratuitously providing dietetic/nutrition services in Louisiana.

F. Should a qualified licensed dietitian/nutritionist or provisional licensed dietitian/nutritionist registered with the board thereafter fail to comply with any requirement or condition established by this Rule, the board may terminate his or her board registration upon notice and hearing.

G. In the event a licensed dietitian/nutritionist or provisional licensed dietitian/nutritionist fails to register with the board, but practices dietetics and/or nutrition, whether gratuitously or otherwise, then such conduct will be considered unlawful practice of dietetics and nutrition and prosecuted accordingly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3081-3093 and R.S. 36:259(Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 37:2153 (July 2011), amended LR 41:1678 (September 2015), amended by the Department of Health, Board of Examiners in Dietetics and Nutrition, LR 44:

§117. Code of Ethics for Professional Conduct (Formerly §113)

A. Licensees under the Act shall perform their professional duties using the code of ethics adopted by the board.

B. The board has adopted the following American Dietetic Association/Commission on Dietetic Registration:

1. Code of Ethics for the Profession of Dietetics and Process for Consideration of Ethics Issues as published: Am Diet Assoc. 2009;109 (8):1461-1467.

PRINCIPLES OF ETHICS

Fundamental Principles

1. The dietetics practitioner conducts himself/herself with honesty, integrity, and fairness.
2. The dietetics practitioner supports and promotes high standards of professional practice. The dietetics practitioner accepts the obligation to protect clients, the public, and the profession by upholding the Code of Ethics for the Profession of Dietetics and by reporting perceived violations of the Code through the processes established by ADA and its credentialing agency, CDR.

Responsibilities to the Public

3. The dietetics practitioner considers the health, safety, and welfare of the public at all times.
The dietetics practitioner will report inappropriate behavior or treatment of a client by another dietetics practitioner or other professionals.
4. The dietetics practitioner complies with all laws and regulations applicable or related to the profession or to the practitioner's ethical obligations as described in this Code.
 - a. The dietetics practitioner must not be convicted of a crime under the laws of the United States, whether a felony or a misdemeanor, an essential element of which is dishonesty.
 - b. The dietetics practitioner must not be disciplined by a state for conduct that would violate one or more of these principles.
 - c. The dietetics practitioner must not commit an act of misfeasance or malfeasance that is directly related to the practice of the profession as determined by a court of competent jurisdiction, a licensing board, or an agency of a governmental body.

5. The dietetics practitioner provides professional services with objectivity and with respect for the unique needs and values of individuals.

- a. The dietetics practitioner does not, in professional practice, discriminate against others on the basis of race, ethnicity, creed, religion, disability, gender, age, gender identity, sexual orientation, national origin, economic status, or any other legally protected category.
 - b. The dietetics practitioner provides services in a manner that is sensitive to cultural differences.
 - c. The dietetics practitioner does not engage in sexual harassment in connection with professional practice.
6. The dietetics practitioner does not engage in false or misleading practices or communications.
 - a. The dietetics practitioner does not engage in false or deceptive advertising of his or her services.
 - b. The dietetics practitioner promotes or endorses specific goods or products only in a manner that is not false and misleading.
 - c. The dietetics practitioner provides accurate and truthful information in communicating with the public.
7. The dietetics practitioner withdraws from professional practice when unable to fulfill his or her professional duties and responsibilities to clients and others.
 - a. The dietetics practitioner withdraws from practice when he/she has engaged in abuse of a substance such that it could affect his or her practice.
 - b. The dietetics practitioner ceases practice when he or she has been adjudged by a court to be mentally incompetent.
 - c. The dietetics practitioner will not engage in practice when he or she has a condition that substantially impairs his or her ability to provide effective service to others.

Responsibilities to Clients

8. The dietetics practitioner recognizes and exercises professional judgment within the limits of his or her qualifications and collaborates with others, seeks counsel, or makes referrals as appropriate.
9. The dietetics practitioner treats clients and patients with respect and consideration.
 - a. The dietetics practitioner provides sufficient information to enable clients and others to make their own informed decisions.
 - b. The dietetics practitioner respects the client's right to make decisions regarding the recommended plan of care, including consent, modification, or refusal.
10. The dietetics practitioner protects confidential information and makes full disclosure about any limitations on his or her ability to guarantee full confidentiality.
11. The dietetics practitioner, in dealing with and providing services to clients and others, complies with the same principles set forth above in "Responsibilities to the Public" (Principles #3-7).

Responsibilities to the Profession

12. The dietetics practitioner practices dietetics based on evidence-based principles and current information.
13. The dietetics practitioner presents reliable and substantiated information and interprets controversial information without personal bias, recognizing that legitimate differences of opinion exist.
14. The dietetics practitioner assumes a life-long responsibility and accountability for personal competence in practice, consistent with accepted professional standards, continually striving to increase professional knowledge and skills and to apply them in practice.
15. The dietetics practitioner is alert to the occurrence of a real or potential conflict of interest and takes appropriate action whenever a conflict arises.
 - a. The dietetics practitioner makes full disclosure of any real or perceived conflict of interest.
 - b. When a conflict of interest cannot be resolved by disclosure, the dietetics practitioner takes such other action as may be necessary to eliminate the conflict, including recusal from an office, position, or practice situation.
16. The dietetics practitioner permits the use of his or her name for the purpose of certifying that dietetics services have been rendered only if he or she has provided or supervised the provision of those services.

17. The dietetics practitioner accurately presents professional qualifications and credentials.

a. The dietetics practitioner, in seeking, maintaining, and using credentials provided by CDR, provides accurate information and complies with all requirements imposed by CDR. The dietetics practitioner uses CDR-awarded credentials (“RD” or “Registered Dietitian”; “DTR” or “Dietetic Technician, Registered”; “CS” or “Certified Specialist”; and “FADA” or “Fellow of the American Dietetic Association”) only when the credential is current and authorized by CDR.

b. The dietetics practitioner does not aid any other person in violating any CDR requirements, or in representing himself or herself as CDR-credentialed when he or she is not.

18. The dietetics practitioner does not invite, accept, or offer gifts, monetary incentives, or other considerations that affect or reasonably give an appearance of affecting his/her professional judgment.

Clarification of Principle:

a. Whether a gift, incentive, or other item of consideration shall be viewed to affect, or give the appearance of affecting, a dietetics practitioner’s professional judgment is dependent on all factors relating to the transaction, including the amount or value of the consideration, the likelihood that the practitioner’s judgment will or is intended to be affected, the position held by the practitioner, and whether the consideration is offered or generally available to persons other than the practitioner.

b. It shall not be a violation of this principle for a dietetics practitioner to accept compensation as a consultant or employee or as part of a research grant or corporate sponsorship program, provided the relationship is openly disclosed and the practitioner acts with integrity in performing the services or responsibilities.

c. This principle shall not preclude a dietetics practitioner from accepting gifts of nominal value, attendance at educational programs, meals in connection with educational exchanges of information, free samples of products, or similar items, as long as such items are not offered in exchange for or with the expectation of, and do not result in, conduct or services that are contrary to the practitioner’s professional judgment.

d. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the dietetics practitioner’s ability to carry out professional responsibilities with integrity, impartiality, and competence is impaired.

Responsibilities to Colleagues and Other Professionals

19. The dietetics practitioner demonstrates respect for the values, rights, knowledge, and skills of colleagues and other professionals.

a. The dietetics practitioner does not engage in dishonest, misleading, or inappropriate business practices that demonstrate a disregard for the rights or interests of others.

b. The dietetics practitioner provides objective evaluations of performance for employees and coworkers, candidates for employment, students, professional association memberships, awards, or scholarships, making all reasonable efforts to avoid bias in the professional evaluation of others.

C. All licensees shall be responsible for reporting any and all alleged misrepresentation or violation of the AND/CDR code of ethics and/or board rules to the board.

D. A failure to adhere to the above code of ethics, constitutes unprofessional conduct and a violation of lawful rules and regulations adopted by the board and further constitutes grounds for disciplinary action specified in R.S. 37:3090 of the Dietitian/Nutritionist Practice Act and these rules and regulations and also constitutes grounds for a denial of licensure or a renewal of licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3081-3093 and R.S. 36:259(Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary LR 12:12 (January 1984, repromulgated by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 14:435 (July 1988), amended LR 25:1095 (June 1999), LR 41:1678 (September 2015), amended by the Department of Health, Board of Examiners in Dietetics and Nutrition, LR 44:

§119. Denial, Suspension or Revocation of License (Formerly §115)

A. Certificate denial, suspension or revocation shall be accomplished in accordance with Section 3090(A) of R.S. 37:3081-3094, the state Administrative Procedures Act, and the procedural rules provided in Chapter 5 hereof.

B. The board may refuse to issue a license, or suspend, revoke or impose probationary conditions and restrictions on the license of a person on a finding of any of the causes provided by Section 3090 of the Louisiana Dietetic/Nutrition Practice Act.

C. A suspended license shall be subject to expiration and may be renewed as provided in this section, but such renewal shall not entitle the licensee, while the license remains suspended and until he or she is reinstated, to engage in the practice of dietetics and/or nutrition, or in any other conduct or activity in violation of the order of judgment by which the license was suspended. If a license is revoked on disciplinary grounds and is reinstated, the licensee, as a condition of reinstatement, shall pay the renewal fee and any late fee that may be applicable.

D. Disciplinary Options for Licensees Available to the board. In accordance with R.S. 37:3085, R.S. 37:3088, and R.S. 37:3090, the following disciplinary options are available to the board:

1. Revocation. The involuntary termination of the licensee's license.

2. Suspension. The licensee is not permitted to practice for a specified period of time. Rehabilitative conditions may be imposed to run concurrently with the suspension period.

3. Probation. The licensee is permitted to practice, but the board has imposed conditions upon the practice or the practitioner. Once the time period has elapsed, and the licensee has complied with the terms of probation, the board will allow the practitioner to resume practice unconditionally.

4. Restriction of License. A reduction in the scope of practice.

5. Censure. The board makes an official statement of censure concerning the individual.

6. Reprimand. Similar to censure. The board reproves the licensee.

7. Restitution. Requirement imposed upon the licensee that he or she makes financial or other restitution to a client, the board, or other injured party.

E. Publication of Disciplinary Action. The board will notify the professional community within 30 days of any disciplinary action, including the disciplined licensee's name, offense and sanction imposed. A notice of disciplinary action will also be published by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3081-3093; R.S. 36:259(Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 10:12 (January 1984), promulgated by the Department of Health and

Hospitals, Board of Examiners in Dietetics and Nutrition, LR 14:438 (July 1988), amended LR 25:1095 (June 1999), LR 37:2154 (July 2011), LR 41:1680 (September 2015), amended by the Department of Health, Board of Examiners in Dietetics and Nutrition, LR 44:

§121. Prohibited Practice (Formerly §117)

A. No person shall engage in the practice of dietetics/nutrition in the state of Louisiana unless they have a current license duly issued by the board under the provisions of Chapter 1 of these rules, unless exempted as defined in R.S. 37:3093 of the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3081-3093 and R.S. 36:259(Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 10:12 (January 1984), repromulgated by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 14:435 (July 1988), amended LR 41:1680 (September 2015), amended by the Department of Health, Board of Examiners in Dietetics and Nutrition, LR 44:

§123. Fees (Formerly §119)

A. In accordance with the provisions of the Act, the following fees, where applicable, are payable to the board. All fees are non-refundable.

Application	\$100
Initial License	45
Provisional License	50
Application Reinstatement	150
License Renewal	90
Late Renewal	50
Inactive Renewal	45
Duplicate License	25

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3081-3093; R.S. 36:259(Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 10:12 (January 1984), repromulgated by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 14:435 (July 1988), LR 26:2613 (November 2000), LR 37:2154 (July 2011), amended by the Department of Health, Board of Examiners in Dietetics and Nutrition, LR 44:

Chapter 3. Board Members

§301. Board Members

A. Officers. The board shall elect annually at the last meeting of the calendar year, a chairman, vice-chairman, and secretary/treasurer whose responsibilities are included in the policy manual.

B. Meetings

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

2. Board members shall be reimbursed for travel and incidental expenses incurred while engaged in official duties.

2.a. - 2.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3081-3093, R.S. 36:259(Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 37:2155 (July 2011), amended LR 41:1680 (September 2015), amended by the Department of Health, Board of Examiners in Dietetics and Nutrition, LR 44:

Chapter 5. Procedural Rules

§501. Authority

A. Consistent with the legislative purpose enumerated in R.S. 37:3081-3094, and to further protect the safety and welfare of the public of this state against unauthorized,

unqualified and improper practice of dietetics and nutrition, the following rules of procedure are established under this board's specific rulemaking authority of R.S. 37:3085 and R.S. 49:952 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3081-3093; R.S. 36:259(Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 10:12 (January 1984), promulgated by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 25:1095 (June 1999), amended by the Department of Health, Board of Examiners in Dietetics and Nutrition, LR 44:

§503. Investigation of Complaints

A. The board is authorized to receive complaints from any person against dietitian/nutritionist licensees or applicants or against persons engaged in the unauthorized and unlicensed practice of dietetics and nutrition. Any complaint bearing on a licensee's professional competence, conviction of a crime, unauthorized practice, violation of provisions of the Louisiana Dietetic/Nutrition Practice Act or board rules and regulations, mental competence, neglect of practice or violation of the state law or ethical standards where applicable to the practice of dietetics and nutrition, should be submitted to the board.

B. Once a complaint is submitted on the forms provided by the board, the board will initiate a review of the allegations. The board may dispose of the complaint informally through correspondence or conference with the individual and/or the complainant which may result in a consent agreement and order. If the party stipulates to the complaint and waives his or her right to formal hearing, the board may impose appropriate sanctions without delay. If the board finds that a complaint cannot be resolved informally, the written complaint will be forwarded to the board's designated complaint investigation officer (hereinafter referred to as the CIO) for investigation.

C. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3081-3093 and R.S. 36:259(Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 10:12 (January 1984), promulgated by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 25:1096 (June 1999), amended LR 37:2155 (July 2011), LR 41:1680 (September 2015), amended by the Department of Health, Board of Examiners in Dietetics and Nutrition, LR 44:

§505. Conduct of Hearing

A. ...

1. Compliance Hearing

a. The board will provide a compliance hearing to an applicant for licensure whose application was rejected by the board provided that the request for such compliance hearing is submitted to the board in writing within 30 days after the applicant receives the notice of rejection. In the request for the compliance hearing, the applicant shall state the specific reasons for his or her opposition to the board's application rejection. Absent exceptional circumstances, as determined by the board, the compliance hearing shall be conducted within 90 days following the board's receipt of the hearing request. This time limitation applies to rejected applicants, as well as licensees with lapsed licenses.

b. ...

c. The purpose and intent of the compliance hearing is to provide a forum for the applicant or licensee to present

documentary evidence in the form of affidavits, court records, official records, letters, etc., along with under-oath testimony to establish that they do, in fact, meet the lawful requirements for the application or the retention of the license. The board shall have the authority to administer oaths, hear the testimony and conduct the hearing. No transcript of the hearing is required. The applicant or licensee may be represented by counsel, or may represent themselves in proper person.

d. In any compliance hearing, the burden shall be on the applicant or licensee to establish that they meet the criteria for licensure or that his or her license was timely renewed.

e. Within 30 days after the compliance hearing, the board will forward its final decision, including findings of fact and conclusions of law, by certified mail, to denied applicant or licensee.

f. Thereafter, the denied applicant or licensee may apply for a rehearing, as provided in R.S. 49:959, subject to further judicial review, pursuant to R.S. 49:964, 965.

2. Formal Disciplinary Hearing

a. - n. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3081-3093 and R.S. 36:259(Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 10:12 (January 1984), promulgated by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 25:1097 (June 1999), amended LR 41:1681 (September 2015), amended by the Department of Health, Board of Examiners in Dietetics and Nutrition, LR 44:

Chapter 7. Practitioner Health Program

§701. Purpose and Scope

A. Upon voluntary disclosure or proof that an applicant or licensee has provided professional services while under the influence of alcohol or has used narcotic or controlled dangerous substances or other drugs in excess of therapeutic amounts or without valid medical indication, the board may offer the applicant or licensee the practitioner health program in order to receive, renew, or maintain the professional license. Participation in the program may be required as a prerequisite to initial application for licensure or continued practice in accordance with the conditions of any consent order, compliance hearing, or adjudication hearing.

B. The board, or its designated program administrator, may utilize its discretionary authority to require or exclude specific components of this program for participants based upon determination of the nature and severity of the impairment. Participation in the practitioner health program may consist of all or part of the following components:

1. ...

2. monitoring, including drug/alcohol screenings, with results submitted to the board, or its designated program administrator, for a specified period of time. The frequency of screening and a deadline for submission of the screening results will also be specified. The name of the monitoring agency shall be submitted as requested by the board, or its designated program administrator. Monitoring shall continue for a period of up to 36 months, as specified by the board, or its designated program administrator;

3. suspension of the license or other action specified by the board, or its designated program administrator, upon receipt of any positive, unexplained screening results during the monitoring period;

4. mandatory weekly attendance at a self-help group such as Alcoholics Anonymous for a specified period of time. Submission of a monthly log which meets the board, or its designated program administrator's specifications will be required:

a. a monthly log must be submitted to and received by the board, or its designated program administrator, before the final business day of the month following completion of the required meetings. It is the licensee's responsibility to ensure that these logs are properly completed and received by the board, or its designated program administrator, by the designated date;

4.b. - 5....

6. supervision of the licensee by a supervisor approved by the board, or its designated program administrator;

7. penalties for noncompliance as determined by the board, or its designated program administrator.

C. The licensee will be responsible for executing all required releases of information and authorizations required for the board, or its designated program administrator, to obtain information from any monitor, treatment or service provider concerning the licensee's progress and participation in the program.

D. ...

E. The licensee shall notify the board and its designated program administrator's office by telephone within 48 hours and in writing within five days of any changes of licensee's home address, telephone number, employment status, employer, supervisor, and/or change in practice at a facility.

F. In the event that a licensee relocates to another jurisdiction, the licensee will within five days of relocating be required to either enroll in the other jurisdiction's practitioner health program and have the reports required under the agreement sent to the board, or its designated program administrator, or if the other jurisdiction has no practitioner health program, the licensee will notify the licensing board of that jurisdiction that the licensee is impaired and enrolled in the Louisiana program. In the event the licensee fails to do so, the license will be suspended.

G. ...

H. The board, and its designated program administrator, will, to the full extent permissible, maintain an agreement or consent agreement and order relating to the licensee's participation in the practitioner health program as a confidential matter. The board, and its designated program administrator, retains the discretion to share information it deems necessary with those persons providing evaluation/assessment, therapy, treatment, supervision, monitoring or drug/alcohol testing or reports. Violation of any terms, conditions or requirements contained in any consent order, or board decision can result in a loss of the confidential status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3081-3093; R.S. 36:259(Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners in Dietetics and

Nutrition, LR 37:2155 (July 2011), amended by the Department of Health, Board of Examiners in Dietetics and Nutrition, LR 44:

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 services, 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 Jolie Jones, Executive Director, Louisiana Board of Examiners in Dietetics and Nutrition, 37283 Swamp Road, Suite 3B, Prairieville, LA 70769. Mrs. Jones 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 day prior to the hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Friday, August 30, 2018 at 8:30 a.m. in the conference room at the board office, 37283 Swamp Road, Suite 3B, Prairieville, LA 70769. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Jolie Jones
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Registered Dietitians/Nutritionists

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will result in an estimated one-time SGR expenditure of \$1,600 in FY 19 for the Louisiana Board of Examiners in Dietetics and Nutrition (LBEDN) to publish the proposed rule changes in the Louisiana Register and upload the rule revisions to the LBEDN website.

The proposed rule changes amend some rule titles and make technical revisions to improve grammar, as well as add specificity and clarification throughout the administrative rules for Registered Dietitians and

Nutritionists. More substantive revisions include guidelines for the practice of telenutrition, the creation of an inactive license status, and the revision of the LBEDN fee schedule to increase certain license and license renewal fees. These changes fall within the current regulatory scope of the LBEDN and are not anticipated to carry any additional costs.

The proposed rule change will not result in any additional expenditures or savings for local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will increase SGR collections for the LBEDN by an estimated \$49,995 annually. Fee revisions in the proposed rule changes include the following: increasing the application and licensure fee by \$55, from \$90 to \$145; increasing the provisional application and licensure fee by \$45, from \$95 to \$140; increasing license renewal fees by \$30, from \$60 to \$90; increasing late renewal fees by \$55, from \$85 to \$140; and increasing application reinstatement fees by \$60, from \$90 to \$150. Based upon application and renewal activity from FY 17, the aggregate SGR increase from the fee revisions is estimated to total \$49,995 to the extent future application and renewal activity is consistent with historical activity.

Furthermore, the proposed rule changes include a new inactive license status that has an accompanying fee of \$45. Persons seeking inactive status would pay \$45 in lieu of a license renewal fee. To the extent persons pay the \$45 in lieu of the existing \$60 renewal fee, the LBEDN would realize a revenue decrease of \$15 per license. Furthermore, to the extent persons pay \$45 for an inactive license in lieu of the new license renewal fee of \$90, the LBEDN would realize a revenue decrease of \$45 per license. The aggregate impact of the inactive fee on the LBEDN's SGR collections is indeterminable and dependent upon the number of persons seeking inactive status, as well as the timing of when such persons enter into inactive status.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes increase license fees for practitioners regulated by the LBEDN by an estimated \$49,995 annually (See Part II, Paragraph 1). Furthermore, persons holding Licensed Dietitian or Nutritionist licenses who no longer wish to engage in active practice may change their license status to inactive, and may retain their licenses while also paying a lower fee relative to the license renewal fee (See Part 2, Paragraph 2).

Furthermore, the proposed rule changes include a framework for the delivery of telenutrition services, which may allow Licensed Dietitians or Nutritionists to deliver services in addition to services delivered in a clinical setting.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

To the extent Licensed Dietitians or Nutritionists begin delivering telenutrition services as a result of the proposed rule changes, those practitioners delivering telenutrition services may gain competitively over those who do not. Furthermore, the addition of telenutrition services may increase employment opportunities for practitioners that may have otherwise been limited to practicing in clinical settings.

Jolie Jones
Executive Director
1807#029

Greg V. Albrecht
Chief Economists
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Disproportionate Share Hospital Payments
Major Medical Centers
Specialized Burn Care Units
(LAC 50:V.2717)

The Department of Health, Bureau of Health Services Financing proposes to adopt LAC 50:V.2717 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R. S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing determined that it was necessary to promulgate an Emergency Rule to amend the provisions governing disproportionate share hospital (DSH) payments for major medical centers in order to establish qualification criteria, and a DSH payment methodology, for large private hospitals located in the southwestern area of the state (LDH Region 4) which provide specialized intensive care burn units (*Louisiana Register*, Volume 44, Number 7). This proposed Rule is being promulgated to continue the provisions of the June 30, 2018 Emergency Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 3. Disproportionate Share Hospital Payments

Chapter 27. Qualifying Hospitals

§2717. Major Medical Centers with Specialized Burn Care Units Located in the Southwestern Area of the State

A. Effective for dates of service on or after June 30, 2018, hospitals qualifying for payments as major medical centers located in the southwestern area of the state shall meet the following criteria:

1. be a private, non-rural hospital located in Department of Health administrative region 4;
2. have at least 175 inpatient beds as reported on the Medicare/Medicaid cost report, Worksheet S-3, column 2, lines 1-18, for the state fiscal year ending June 30, 2017. For qualification purposes, inpatient beds shall exclude nursery and Medicare-designated distinct part psychiatric unit beds;
3. have a burn intensive care unit that is reported on the Medicare/Medicaid cost report, Worksheet S-3, line 10, columns 1-8, for the state fiscal year ending June 30, 2017;
4. does not qualify as a Louisiana low-income academic hospital under the provisions of §3101; and
5. does not qualify as a party to a low income and needy care collaboration agreement with the Department of Health under the provisions of §2713.

B. Payment Methodology. Effective for dates of service on or after June 30, 2018, each qualifying hospital shall be paid a DSH adjustment payment which is the pro rata amount calculated by dividing their hospital specific allowable uncompensated care costs by the total allowable uncompensated care costs for all hospitals qualifying under this category and multiplying by the funding appropriated by

the Louisiana Legislature in the applicable state fiscal year for this category of hospitals.

1. Costs, patient specific data and documentation that qualifying criteria is met shall be submitted in a format specified by the department.

2. Costs and lengths of stay shall be reviewed by the department for reasonableness before payments are made.

3. Aggregate DSH payments for hospitals that receive payment from this category, and any other DSH category, shall not exceed the hospital's specific DSH limit. If payments calculated under this methodology would cause a hospital's aggregate DSH payment to exceed the limit, the payment from this category shall be capped at the hospital's specific DSH limit.

4. A pro rata decrease, necessitated by conditions specified in §2501.B.1 above for hospitals described in this Section, will be calculated based on the ratio determined by dividing the hospital's uncompensated costs by the uncompensated costs for all of the qualifying hospitals described in this Section, then multiplying by the amount of disproportionate share payments calculated in excess of the federal DSH allotment.

a. Additional payments shall only be made after finalization of the Centers for Medicare and Medicaid Services' (CMS) mandated DSH audit for the state fiscal year.

b. Payments shall be limited to the aggregate amount recouped from the qualifying hospitals described in this Section, based on the reported DSH audit results.

c. If the hospitals' aggregate amount of underpayments reported per the audit results exceeds the aggregate amount overpaid, the payment redistribution to underpaid hospitals shall be paid on a pro rata basis calculated using each hospital's amount underpaid, divided by the sum of underpayments for all of the hospitals described in this Section.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 44:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 as it will ensure that Medicaid recipients in southwest Louisiana have continued access to specialized intensive care treatment for severe burns.

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 these payments will ensure provider participation and reduce

the financial burden on families in need of specialized intensive care treatment for burn victims.

Provider Impact Statement

In compliance with House Concurrent Resolution 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 may reduce the total direct and indirect cost to the provider to provide the same level of service. This proposed Rule may also enhance the provider's ability to provide the same level of service since this proposed Rule increases the payment to providers for the same services they already render.

Public Comments

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele 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 Wednesday, August 29, 2018 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.

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Disproportionate Share Hospital Payments, Major Medical Centers, and Specialized Burn Care Units

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 \$4,462,325 for FY 18-19, \$4,595,861 for FY 19-20 and \$4,733,737 for FY 20-21. It is anticipated that \$648 (\$324 SGF and \$324 FED) will be expended in FY 18-19 for the state's administrative expense for promulgation of this proposed rule and the final rule. The state match shall be funded through an intergovernmental transfer of funds from the qualifying hospital services provider. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 64.23 percent in FYs 18-19, 19-20 and 20-21.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that federal revenue collections will increase by approximately \$8,012,465 for FY 18-19, \$8,252,505 for FY 19-20 and \$8,500,080 for FY 20-21 and self-generated revenue collections will increase by approximately \$4,462,325 in FY 18-19, \$4,595,861 in FY 20-21 and \$4,733,737 in FY 20-21. It is anticipated that \$324 will be expended in FY 18-19 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 64.23 percent in FYs 18-19, 19-20 and 20-21.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Rule continues the provisions of the June 30, 2018 Emergency Rule which amended the provisions governing disproportionate share hospital (DSH) payments for major medical centers in order to establish qualification criteria and a DSH payment methodology for a large private hospital located in the southwestern area of the state (LDH Region 4) which provides specialized intensive care burn unit services (1 hospital). It is anticipated that implementation of this proposed rule will have economic benefits to a qualifying hospital and will increase programmatic expenditures for DSH payments by approximately \$12,474,142 for FY 18-19, 12,848,366 for FY 19-20 and \$13,233,817 for FY 20-21.

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. However, the increase in payments may have a positive impact the financial standing of the provider and could possibly cause an increase in employment opportunities.

Jan Steele
Medicaid Director
1807#050

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Federally-Qualified Health Centers
Reimbursement Methodology
Long-Acting Reversible Contraceptives
(LAC 50:XI.10703)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XI.10703 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing currently provides reimbursement for services rendered by federally qualified health centers (FQHCs) on a per visit basis under a prospective payment system (PPS) methodology. The department now proposes to amend the provisions governing the reimbursement methodology for FQHCs in order to implement a payment methodology to allow reimbursement for long-acting reversible contraceptive devices outside of the PPS rate.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE Part XI. Clinic Services

Subpart 13. Federally-Qualified Health Centers Chapter 107. Reimbursement Methodology §10703. Alternate Payment Methodology

A. - C. ...

D. Effective for dates of service on or after January 1, 2019, FQHCs shall be reimbursed a separate payment outside of the prospective payment system (PPS) rate for the following services.

1. Long-Acting Reversible Contraceptives (LARCs)

a. Reimbursement for LARCs shall be at the lesser of, the rate on file or the actual acquisition cost for entities participating in the 340B program. Federally qualified health centers eligible for 340B pricing must bill Medicaid at their 340B actual acquisition cost for reimbursement.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1033 (June 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule may have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972, as it provides Medicaid recipients with increased access to long-acting reversible contraceptives which aids in the prevention of unintended pregnancies and low birth outcomes.

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 may 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 decreases the number of visits required to receive long-acting reversible contraceptive devices necessary for the prevention of unintended pregnancies and low birth outcomes, which will reduce unexpected costs and financial burdens for families.

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 Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele 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 Wednesday, August 29, 2018 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.

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Federally-Qualified Health Centers Reimbursement Methodology Long-Acting Reversible Contraceptives

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will result in an estimated state general fund programmatic savings to the state of approximately \$17,289 for FY 18-19, \$104,248 for FY 19-20, and \$184,866 for 20-21 as a result of a direct correlation in increased access to contraception which is expected to reduce Medicaid costs for physician services, and a reduction in federally qualified health center (FQHC) expenditures since fewer visits to the FQHC will be required to receive this service. It is anticipated that \$432 (\$216 SGF and \$216 FED) will be expended in FY 18-19 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 implementation of this proposed rule will result in an estimated state general fund programmatic savings of approximately \$1,729 for FY 18-19, \$11,583 for 19-20 and \$20,541 for FY 20-21. It is anticipated that \$216 will be expended in FY 18-19 for the federal administrative expenses for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing federally qualified health center (FQHC) reimbursements in order to implement a payment methodology for long-acting reversible contraceptive (LARC) devices outside of the prospective payment system (PPS) rate. This proposed Rule will be beneficial to Medicaid recipients as it is anticipated to reduce the number of FQHC visits required for insertion of LARC devices. There are no anticipated economic costs to FQHC providers; although, there may be a reduction in the number of FQHC visits required for LARC insertions which could reduce payments to FQHCs. However, we anticipate the rule will be beneficial to FQHCs by allowing them to receive reimbursement for LARC devices at cost, in addition to the current PPS encounter rate. Although this rule increases payments for LARC devices, we anticipate it will result in a net reduction in Medicaid programmatic expenditures by approximately \$19,450 for FY 18-19, \$115,831 for FY 19-20 and \$205,407 for 20-21 as a result of reduced payments for encounter visits associated with the insertion of LARC devices.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Jen Steele
Medicaid Director
1807#051

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Healthcare Services Provider Fees Emergency Ground Ambulance and Hospital Provider Fees (LAC 48:I.4001)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.4001 in the Medical Assistance Program as authorized by R.S. 36:254 and R.S. 46:2625. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

House Concurrent Resolution (HCR) 6 of the 2018 Regular Session of the Louisiana Legislature enacted an annual hospital stabilization formula and directed the Department of Health, Bureau of Health Services Financing to calculate, levy and collect an assessment for each assessed hospital, with the exception of facilities prohibited from participating in the Medicare Program. In addition, Act 272 of the 2018 Regular Session of the Louisiana Legislature directed the department to increase provider fees for emergency ground ambulance service providers. The department promulgated an Emergency Rule amending the provisions governing provider fees for emergency ground ambulance and hospital services providers in order to comply with HCR 6 and Act 272 (*Louisiana Register*, Volume 44 Number 7). This proposed Rule is being promulgated in order to continue the provisions of the July 1, 2018 Emergency Rule.

Title 48

PUBLIC HEALTH—GENERAL PART I. GENERAL Administration Subpart 1. General

Chapter 40. Provider Fees

§4001. Specific Fees

A. - D. ...

E. Emergency Ground Ambulance Services. Effective August 1, 2016, a fee shall be imposed on emergency ground ambulance service providers in accordance with R.S. 46:2626.

1. - 3. ...

a. the maximum fee allowable in any year shall not exceed the percentage of net patient service revenues permitted by federal regulation pursuant to 42 CFR 433.68 as determined by the department, as reported by the provider and subject to audit for the previous fiscal year of the provider. The department will arrive at net patient services revenue by using net operating revenue as defined in R.S. 46:2626.

E.4. ...

F. Hospital Services

1. - 4. ...

5. No licensed facility, which is prohibited from participating in the Medicare Program set forth in 42 U.S.C. 1396, shall be assessed or levied any fee for the hospital stabilization authorized in Article VII, Section 10.13 of the Constitution of Louisiana. This provision is specifically subject to the approval of any waiver required by the Centers for Medicare and Medicaid Services and approval by the Department of Health.

AUTHORITY NOTE: Promulgated in accordance with Chapter 45 of Title 46 as enacted in 1992, 46:2601-2605, redesignated as Chapter 47 of Title 46, containing R.S. 46:2621 to 46:2625 and P.L. 102-234.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 19:347 (March 1993), amended LR 20:51 (January 1994), LR 26:1478 (July 2000), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:100 (January 2007), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1887, 1888 (November 2016), LR 43:73 (January 2017), repromulgated LR 43:323 (February 2017), amended LR 44:1015 (June 2018), LR 44:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

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 increase the total direct and indirect cost to the provider to provide the same level of service due to the increase in provider fee payments. These provisions may have a negative 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 Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this proposed Rule.

Public Hearing

A public hearing on this proposed Rule is scheduled for Wednesday, August 29, 2018 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.

Rebekah E. Gee MD, MPH
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Healthcare Services Provider Fees
Emergency Ground Ambulance and
Hospital Provider Fees**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 18-19. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 18-19 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 increase statutory dedicated revenue collections by approximately \$6,146,480 for FY 18-19, \$6,146,480 for FY 19-20 and \$6,146,480 for FY 20-21. In addition, it is anticipated that federal revenue collections will increase by approximately \$9,504,646 for FY 18-19, \$9,342,575 for FY 19-20 and \$9,342,575 for FY 20-21. It is anticipated that \$270 will be expended in FY 18-19 for the federal administrative expenses for promulgation of this proposed rule and the final rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

In compliance with House Concurrent Resolution 6 and Act 272 of the 2018 Regular Session of the Louisiana Legislature, this proposed Rule continues the provisions of the July 1, 2018 Emergency Rule which amends the provisions governing healthcare services provider fees in order to calculate, levy and collect an assessment for each assessed hospital, with the exception of facilities prohibited from participating in the Medicare Program, and to increase provider fees for emergency ground ambulance service providers. It is anticipated that implementation of this proposed rule will result in an increase in statutory dedicated revenue collections of approximately \$6,146,480 for FY 18-19, \$6,146,480 for FY 19-20 and \$6,146,480 for FY 20-21 as a result of the increased emergency ground ambulance service provider fee.

**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.

Jen Steele
Medicaid Director
1807#052

Evan Brasseaux
Staff Director
Louisiana Fiscal Office

NOTICE OF INTENT

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

Home and Community-Based Services Waivers
Community Choices Waiver
(LAC 50:XXI.Chapters 81-87 and 93)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services propose to amend LAC 50:XXI.Chapters 81-87 and 93 in the Medical Assistance Program as authorized by R.S.

36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services (OAAS) propose to amend the provisions governing the Community Choices Waiver (CCW) in order to: 1) align the provisions governing target population, service definitions and provider qualifications with the waiver approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services; 2) eliminate the non-medical transportation service; 3) amend the criteria for CCW priority offers to specify priority for individuals admitted to, or residing in, nursing facilities for whom Medicaid is the sole payer source; 4) change references to the minimum data set-home care to the International Resident Assessment Instrument (interRAI) assessment tool; and 5) allow OAAS to grant exceptions to waiver discharges for interruptions due to qualifying circumstances.

Title 50

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

Subpart 7. Community Choices Waiver

Chapter 81. General Provisions

§8101. Introduction

A. The target population for the Community Choices Waiver includes individuals who:

1. are 65 years of age or older; or
2. are 21-64 years of age with a physical disability; and
3. meet nursing facility level of care requirements.
4. Repealed.

B. – D.2. ...

3. No individual, unless granted an exception by OAAS, may concurrently serve as a responsible representative for more than two participants in OAAS-operated Medicaid home and community-based service programs. This includes but is not limited to:

a. – d. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3517 (December 2011), amended LR 40:791 (April 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

§8103. Request for Services Registry

A. The Department of Health (LDH) is responsible for the request for services registry, hereafter referred to as "the registry," for the Community Choices Waiver. An individual who wishes to have his or her name placed on the registry must contact a toll-free telephone number which shall be maintained by the department.

B. Individuals who desire their name to be placed on the Community Choices Waiver registry shall be screened to determine whether they meet:

1. nursing facility level of care; and
2. are members of the target population as identified in the federally-approved waiver document.

C. Only individuals who pass the screen required in §8103.B.1-2 shall be added to the registry.

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 37:3517 (December 2011), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

§8105. Programmatic Allocation of Waiver Opportunities

A. ...

B. Community Choices Waiver opportunities shall be offered to individuals on the registry according to priority groups. The following groups shall have priority for Community Choices Waiver opportunities, in the order listed:

1. individuals with substantiated cases of abuse or neglect referred by protective services who, without Community Choices Waiver services, would require institutional placement to prevent further abuse or neglect;

2. - 3. ...

4. individuals admitted to or residing in a nursing facility who have Medicaid as the sole payer source for the nursing facility stay;

5. individuals who are not presently receiving home and community-based services (HCBS) under another approved Medicaid waiver program, including, but not limited to the:

- a. Adult Day Health Care (ADHC) Waiver;
- b. New Opportunities Waiver (NOW);
- c. Supports Waiver, and/or
- d. Residential Options Waiver (ROW); and

B.6. - C. ...

D. Notwithstanding the priority group provisions, 75 Community Choices Waiver opportunities are reserved for qualifying individuals who have been diagnosed with Amyotrophic Lateral Sclerosis (ALS). Qualifying individuals who have been diagnosed with ALS shall be offered an opportunity on a first-come, first-serve basis.

E. Notwithstanding the priority group provisions, up to 300 Community Choices Waiver opportunities may be granted to qualified individuals who require emergency waiver services. These individuals shall be offered an opportunity on a first-come, first-serve basis.

1. To be considered for an expedited waiver opportunity, the individual must, at the time of the request for the expedited opportunity, be approved for the maximum amount of services allowable under the long-term personal care services and require institutional placement, unless offered an expedited waiver opportunity.

2. - 2.e. ...

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 37:3517 (December 2011), amended LR 39:319 (February 2013), LR 39:1778 (July 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

§8107. Resource Assessment Process

A. Each Community Choices Waiver applicant/participant shall be assessed using the uniform

International Resident Assessment Instrument (interRAI) designed to verify that an individual meets nursing facility level of care and to assess multiple key domains of function, health, social support and service use. The interRAI assessment generates a score that assigns the individual to a resource utilization group (RUG-III/HC).

B. The following seven primary RUG-III/HC categories and subcategories will be utilized to determine the assistance needed for various activities of daily living (ADLs) and instrumental activities of daily living (IADLs).

1. Special Rehabilitation. Individuals in this category have had at least 120 minutes of rehabilitation therapy (physical, occupational and/or speech) within the seven days prior to their interRAI assessment.

2. - 2.c....

3. Special Care. Individuals in this category have a medium to high level of need for assistance with ADLs and have one or more of the following conditions or require one or more of the following treatments:

a. - f. ...

g. intravenous (IV) medications; or

B.3.h. - C.1. ...

2. The applicant/participant may qualify for an increase in the annual services budget amount upon showing that:

a. one or more answers are incorrect as recorded on the assessment (except for the answers in the identification information, personal intake and initial history, assessment date and reason, and/or signature sections); or

b. ...

D. Each Community Choices Waiver participant shall be re-assessed at least annually.

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 37:3518 (December 2011), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

Chapter 83. Covered Services

§8301. Support Coordination

A. Support coordination services assist participants in gaining access to needed waiver and other state plan services, as well as needed medical, social, educational, housing, and other services, regardless of the funding source for these services. Support coordination agencies shall be required to perform the following core elements of support coordination services:

1. intake;
2. assessment and re-assessment;
3. plan of care development and revision;
4. follow-up/monitoring;
5. critical incident management; and
6. transition/discharge and closure.
7. - 12. Repealed.

B. ...

1. When participants choose to self-direct their waiver services, the support coordinators are responsible for informing participants about:

a. ...

b. how their activities as an employer are coordinated with the fiscal agent; and

1.c. - 2. ...

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 37:3519 (December 2011), amended LR 39:319 (February 2013), LR 39:1778 (July 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

§8302. Long-Term Personal Care Services

A. Community Choices Waiver participants cannot also receive long-term personal care 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 and the Office of Aging and Adult Services, LR 39:320 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

§8303. Transition Intensive Support Coordination

A. Transition intensive support coordination services assist participants who are currently residing in nursing facilities in gaining access to needed waiver and other state plan services, as well as needed medical, social, housing, educational and other services, regardless of the funding source for these services. Support coordinators shall initiate and oversee the process for assessment and reassessment, as well as be responsible for ongoing monitoring of the provision of services included in the participant's approved POC.

1. - 2. ...

B. Support coordinators may assist persons to transition for up to six months while the individual still resides in the facility.

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 37:3519 (December 2011), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

§8305. Environmental Accessibility Adaptations

A. Environmental accessibility adaptations are necessary physical adaptations that will be made to the home to reasonably assure the health and welfare of the participant, or enable the participant to function with greater independence in the home.

1. There must be an identified need for environmental accessibility adaptations as indicated by:

- a. the interRAI assessment; or
- b. supporting documentation of the need.

2. A credentialed environmental accessibility adaptation assessor must complete a written report that includes:

- a. verification of the need for the adaptation(s);
- b. draft job specifications; and
- c. cost estimates for completion of the environmental accessibility adaptation(s).

3. The work must be completed by an enrolled, licensed contractor.

4. Environmental accessibility adaptation(s) shall meet all job specifications as outlined in the written report before payment is made to the contractor that performed the environmental accessibility adaptation(s).

a. If final inspection, either by OAAS staff or the assessor, reveals that the adaptation(s) is substandard, the costs of correcting the work will be the responsibility of the party in error.

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 37:3519 (December 2011), amended LR 39:320 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

§8307. Personal Assistance Services

A. Personal assistance services (PAS) provide assistance and/or supervision necessary for the participant with functional impairments to remain safely in the community. PAS include the following services and supports based on the approved POC:

1. supervision or assistance in performing activities of daily living (ADL);

2. supervision or assistance in performing instrumental activities of daily living (IADL);

A.3. - B. ...

C. The provision of PAS services outside of the participant's home does not include trips outside of the borders of the state without prior written approval by OAAS or its designee.

D. PAS may be provided through the "a.m." and "p.m." delivery option defined as follows:

1. - 2. ...

3. a minimum four hours break between the "a.m." and the "p.m." portions of this PAS delivery method;

4. - 6. ...

7. "a.m." and/or "p.m." PAS may not be provided on the same calendar day as other PAS delivery methods;

D.8. - F. ...

G. Every PAS provider shall ensure that each waiver participant who receives PAS has a written individualized back-up staffing plan and agreement for use in the event that the assigned PAS worker is unable to provide support due to unplanned circumstances, including emergencies which arise during a shift.

H. Every PAS provider shall ensure timely completion of the emergency plan for each waiver participant they serve.

I. - I.6. ...

J. Participants are not permitted to receive PAS while living in a home or property owned, operated, or controlled by an owner, operator, agent, or employee of a licensed provider of long-term care services and providers are prohibited from providing and billing for services under these circumstances. Participants may not live in the home of a direct support worker unless that worker is related by blood or marriage to the participant.

1. ...

K. It is permissible for the PAS allotment to be used flexibly within a prior authorized week in accordance with the participant's preferences and personal schedule and with proper documentation.

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 37:3519 (December 2011),

amended LR 39:320 (February 2013), LR 39:1778 (July 2013), LR 40:791 (April 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

§8309. Transition Services

- A. ...
- B. Allowable expenses are those necessary to enable the individual to establish a basic household (excluding expenses for room and board)including, but not limited to:
 - 1. ...
 - 2. specific set up fees or deposits;
 - 3. activities to assess need, arrange for and procure needed resources;
 - 4. essential furnishings to establish basic living arrangements; and
 - 5. health and welfare assurances.
- C. ...
- D. These services do not include monthly rental, mortgage expenses, food, recurring monthly utility charges and household appliances and/or items intended for purely diversional/recreational purposes. These services may not be used to pay for furnishing or to set-up living arrangements that are owned or leased by a waiver provider.
- E. ...
- F. Funds are available up to the lifetime maximum amount identified in the federally-approved waiver document.

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 37:3520 (December 2011), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

§8311. Adult Day Health Care Services

- A. ...
- B. ADHC services include those core service requirements identified in the ADHC licensing standards (LAC 48.I.4243), in addition to:
 - 1. medical care management; and
 - 2. transportation to and from medical and social activities (if the participant is accompanied by the ADHC center staff).
 - 3. – 8. Repealed.
- C. ...

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 37:3521 (December 2011), amended LR 39:321 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

§8313. Caregiver Temporary Support Services

- A. – H. ...
- I. Caregiver temporary support may be provided for the relief of the principal caregiver for participants who receive monitored in-home caregiving (MIHC) 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 and the Office of Aging and Adult Services, LR 37:3521 (December 2011), amended LR 39:321 (February 2013), LR 40:792 (April 2014),

amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

§8315. Assistive Devices and Medical Supplies

- A. Assistive devices and medical supplies are specialized medical equipment and supplies which include:
 - 1. devices, controls, appliances or nutritional supplements that enable participants to increase their ability to perform activities of daily living; or
 - 2. devices, controls, appliances or nutritional supplements that enable participants to perceive, control, or communicate with the environment in which they live or provide emergency response;
 - 3. items, supplies and services necessary for life support, ancillary supplies and equipment necessary to the proper functioning of such items;
 - 4. supplies and services necessary to assure health and welfare;
 - 5. other durable and non-durable medical equipment and medical supplies that are necessary, but not available under the state plan;
 - 6. personal emergency response systems (PERS);
 - 7. other in-home monitoring and medication management devices and technology;
 - 8. routine maintenance or repair of specialized equipment; and
 - 9. batteries, extended warranties, and service contracts that are cost effective and assure health and welfare.
- B. This service includes medical equipment, not available under the state plan, that is necessary to address participant functional limitations and necessary medical supplies not available under the state plan.
- C. Where applicable, participant must use Medicaid State Plan, Medicare, or other available payers first. The participant’s preference for a certain brand or supplier is not grounds for declining another payer in order to access waiver services.
- D. All services must be based on a verified need of the participant and the service must have a direct or remedial benefit to the participant with specific goals and outcomes. This benefit must be determined by an independent assessment on any items whose cost exceeds the amount identified in the federally-approved waiver document and on all communication devices, mobility devices, and environmental controls. Independent assessments are done by individuals who have no fiduciary relationship with the manufacturer, supplier, or vendor of the item.
- E. All items must reduce reliance on other Medicaid State Plan or waiver services.
- F. All items must meet applicable standards of manufacture, design, and installation.
- G. All items must be prior authorized and no experimental items shall be authorized.
- H. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3521 (December 2011), amended LR 39:321 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

§8319. Non-Medical Transportation

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3522 (December 2011), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

§8323. Skilled Maintenance Therapy

A. Skilled maintenance therapy is therapy services that may be received by participants in the home or rehabilitation center.

B. ...

C. Therapy services provided to participants are not necessarily tied to an episode of illness or injury and instead focus primarily on the person's functional need for maintenance of, or reducing the decline in, the participant's ability to carry out activities of daily living.

D. - H. ...

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 37:3522 (December 2011), amended LR 39:321 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

§8325. Housing Transition or Crisis Intervention Services

A. Housing transition or crisis intervention services enable participants who are transitioning into a permanent supportive housing (PSH) unit, including those transitioning from institutions, to secure their own housing or provide assistance at any time the participant's housing is placed at risk (e.g., eviction, loss of roommate or income). The service includes the following components:

1. conducting a housing assessment identifying the participant's preferences related to housing (type, location, living alone or with someone else, accommodations needed, and other important preferences), and identifying his/her needs for support to maintain housing, including:

a. ...

b. becoming familiar with neighborhood, resources, and neighbors;

c. meeting the terms of a lease;

d. eviction prevention;

e. budgeting for housing/living expenses;

f. obtaining/accessing sources of income necessary for rent;

g. home management; and

h. ...

2. assisting the participant to view and secure housing as needed. This may include arranging or providing transportation. The participant shall be assisted in securing supporting documents/records, completing/submitting applications, securing/seeking waiver of deposits, and locating furnishings;

3. - 5. ...

6. communicating with the landlord or property manager regarding:

a. accommodations needed by the participant;

b. components of emergency procedures involving the landlord or property manager; and

c. needs to assist with issues that may place the participant's ability to access or remain in housing at risk.

B. - C. ...

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 39:1779 (July 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

§8327. Housing Stabilization Services

A. Housing stabilization services enable waiver participants to, once housed, successfully maintain tenancy and residence in their own housing as set forth in the participant's approved plan of care. Services must be provided in the home or a community setting. This service includes the following components:

1. ...

2. providing supports and interventions designed to maintain ongoing successful and stable tenancy and residence;

3. serving as point of contact for the landlord or property manager regarding any accommodations needed by the participant, any components of emergency procedures involving the landlord or property manager and to assist with issues that may place the participant's housing at risk; and

A.4. - 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 Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:1779 (July 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

§8329. Monitored In-Home Caregiving Services

A. ...

B. The principal caregiver is responsible for supporting the participant to maximize the highest level of independence possible by providing necessary care and supports that may include:

1. - 4. ...

5. supervision or assistance while escorting/accompanying the individual outside of the home to perform services indicated in the plan of care and to provide the same level of supervision or assistance as would be rendered in the home; and

B.6. - C.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 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 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 (PHI) 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 LDH HIPAA business associate addendum.

G. The department shall reimburse for monitored in-home caregiving services based upon a tiered model which is designed to address the participant's acuity.

1. – 2.d. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 40:792 (April 2014), amended LR 41:2642 (December 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

Chapter 85. Self-Direction Initiative

§8501. Self-Direction Service Option

A. The self-direction initiative is a voluntary, self-determination option which allows the participant to coordinate the delivery of personal assistance services through an individual direct support professional rather than through a licensed, enrolled provider. Selection of this option requires that the participant utilize a payment mechanism approved by the department to manage the required fiscal functions that are usually handled by a traditional direct service provider.

B. – C. ...

1. Voluntary Termination. A waiver participant may choose at any time to withdraw from the self-direction service option and return to the traditional direct service provider.

2. Involuntary Termination. The department may terminate the self-direction service option for a participant and require him/her to receive provider-managed services under the following circumstances:

a. – c. ...

d. the participant or responsible representative:

i. – ii. ...

iii. fails to provide required documentation;

iv. fails to cooperate with the department fiscal agent or support coordinator;

v. ...

vi. fails to receive self-directed services for 90 calendar days or more.

D. Employee Qualifications. All employees under the self-direction option must:

1. be at least 18 years of age on the date of hire;

2. pass required criminal background checks; and

3. be able to complete the tasks identified in the plan of care.

E. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3523 (December 2011), amended LR 39:321 (February 2013), LR 39:1779 (July 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

Chapter 86. Organized Health Care Delivery System

§8601. General Provisions

A. – B. ...

C. The OHCDs must attest that all applicable provider qualifications are met.

D. Prior to enrollment, an OHCDs must show the ability to provide all of the following community choices services :

1. personal assistance services (PAS);

2. home delivered meals;

3. skilled maintenance therapy;

4. nursing;

5. caregiver temporary support services;

6. assistive devices and medical supplies;

7. environmental accessibility adaptations (EAA); and

8. adult day health care (only if there is a licensed ADHC 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), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

Chapter 87. Plan of Care

§8701. Plan of Care

A. The applicant and support coordinator have the flexibility to construct a plan of care that serves the participant's health and welfare needs. The service package provided under the POC shall include services covered under the Community Choices Waiver in addition to services covered under the Medicaid state plan (not to exceed the established service limits for either waiver or state plan services) as well as other services, regardless of the funding source for these services. All services approved pursuant to the POC shall be medically necessary and provided in a cost-effective manner. The POC shall be developed using a person-centered process coordinated by the support coordinator.

B. Reimbursement shall not be made for services provided prior to the department's, or its designee's, approval of the POC.

C. - C.2. ...

3. total cost of waiver services covered by the POC.

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 37:3524 (December 2011), amended LR 39:321 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

Chapter 89. Admission and Discharge Criteria

§8901. Admission Criteria

A. Admission to the Community Choices Waiver program shall be determined in accordance with the following criteria:

1. - 4. ...

5. reasonable assurance that the health and welfare of the participant can be maintained in the community with the provision of Community Choices Waiver services.

B. Failure of the individual to cooperate in the eligibility determination, plan of care development process or to meet any of the criteria above shall result in denial of admission to the Community Choices Waiver.

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 37:3524 (December 2011), amended LR 39:322 (February 2013); amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

§8903. Admission Denial or Discharge Criteria

A. Admission shall be denied or the participant shall be discharged from the Community Choices Waiver program if any of the following conditions are determined.

1. The individual does not meet the target population criteria as specified in the federally approved waiver document.

2. The individual does not meet the criteria for Medicaid financial eligibility.

3. The individual does not meet the criteria for nursing facility level of care.

4. ...

5. Continuity of services is interrupted as a result of the participant not receiving and/or refusing community choices waiver services (exclusive of support coordination services) for a period of 30 consecutive days.

EXCEPTION: An exception may be granted by OAAS to delay discharge if interruption is due to an acute care hospital, rehabilitation hospital, or nursing facility admission.

6. The health and welfare of the individual cannot be reasonably assured through the provision of Community Choices Waiver services.

7. – 8. ...

9. It is not cost effective or appropriate to serve the individual in the Community Choices Waiver.

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 37:3524 (December 2011), amended LR 39:322 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

Chapter 93. Provider Responsibilities

§9301. General Provisions

A. ...

B. The provider shall not request payment unless the participant for whom payment is requested is receiving services in accordance with the Community Choices Waiver program provisions and the services have been prior authorized and actually provided.

C. Any provider of services under the Community Choices Waiver shall not refuse to serve any individual who chooses their agency unless there is documentation to support an inability to meet the individual's health and welfare needs, or all previous efforts to provide service and supports have failed and there is no option but to refuse services.

1. – 2. ...

D. Providers must maintain adequate documentation to support service delivery and compliance with the approved

POC and will provide said documentation at the request of the department, or its designee.

E. Any provider of services under the Community Choices Waiver shall not interfere with the eligibility, assessment, care plan development, or care plan monitoring processes with use of methods including, but not limited to:

1. – 2. ...

3. threats against program participants, members of their informal support network, LDH staff or support coordination staff.

F. Any provider of services under the Community Choices Waiver shall have the capacity and resources to provide all aspects of any service they are enrolled to provide in the specified 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 37:3524 (December 2011), amended LR 39:322 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

§9303. Reporting Requirements

A. Support coordinators and direct service providers are obligated to immediately report any changes to the department that could affect the waiver participant's eligibility including, but not limited to, those changes cited in the denial or discharge criteria.

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 Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3525 (December 2011), amended LR 39:322 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

Chapter 95. Reimbursement

§9501. Unit of Reimbursement

A. – A.6. ...

B. The following services shall be reimbursed at the authorized rate or approved amount of the assessment, inspection, installation/fitting, maintenance, repairs, adaptation, device, equipment, or supply item and when the service has been prior authorized by the plan of care:

1. ...

2. environmental accessibility adaption assessment and inspections;

3. assistive devices and medical supplies;

4. home delivered meals (not to exceed the maximum limit set by OAAS);

5. transition services (not to exceed the maximum lifetime limit set by OAAS);

6. monitored in-home caregiving (MIHC) assessment; and

7. certain nursing, and skilled maintenance therapy procedures

C. – D.3. ...

E. The following services shall be reimbursed on a per-visit basis:

1. certain nursing and skilled maintenance therapy procedures; and

2. personal assistance services furnished via "a.m. and p.m." delivery method.

F. Reimbursement shall not be made for Community Choices Waiver services provided prior to the department's approval of the POC and release of prior authorization for the services.

F.I. – H. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3525 (December 2011), amended LR 39:322 (February 2013), LR 39:508, 508 (March 2013), repromulgated LR 39:1048 (April 2013), amended LR 39:1779 (July 2013), LR 40:793 (April 2014), LR 42:897 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

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 Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821—9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this proposed Rule.

Public Hearing

A public hearing on this proposed Rule is scheduled for Wednesday, August 29, 2018 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.

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Home and Community-Based Services Waivers—Community Choices Waiver

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 18-19. It is anticipated that \$3,888 (\$1,944 SGF and \$1,944 FED) will be expended in FY 18-19 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 other than the federal share of the promulgation costs for FY 18-19. It is anticipated that \$1,944 will be collected in FY 18-19 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Rule amends the provisions governing the Community Choices Waiver in order to: 1) align the provisions governing target population, service definitions and provider qualifications with the waiver approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services; 2) eliminate the non-medical transportation service; 3) amend the criteria for CCW priority offers to specify priority for individuals admitted to, or residing in, nursing facilities for whom Medicaid is the sole payer source; 4) change references to the minimum data set-home care to the International Resident Assessment Instrument (interRAI) assessment tool; and 5) allow OAAS to grant exceptions to waiver discharges for interruptions due to qualifying circumstances. There is no anticipated impact as a result of this proposed rule because there is no change in the reimbursement methodology and the service being eliminated has never been requested nor utilized since implementation. It is anticipated that implementation of this proposed rule will not have economic costs or benefits to Community Choice Waiver providers for FY 18-19, FY 19-20 and FY 20-21.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Jen Steele
Medicaid Director
1807#053

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Managed Care for Physical and Behavioral Health
Skilled Nursing Facility Services
(LAC 50:I.3507)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:I.3507 Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the

provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing currently excludes recipients who receive long-term care (LTC) services from participation in managed care under the Healthy Louisiana program. However, managed care organizations (MCOs) currently utilize LTC facilities, namely skilled nursing facility providers, to provide transitional health care/rehabilitation services as an "in lieu of" service to members who are no longer in need of acute care hospital services. The department has determined that it is necessary to amend the provisions governing managed care for physical and behavioral health in order to allow MCOs to utilize skilled nursing facilities for members who transition from acute care hospital services as a step-down continuum of care and to align the governing authorities with current operations and practices.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 3. Managed Care for Physical and Behavioral Health

Chapter 35. Managed Care Organization Participation Criteria

§3507. Benefits and Services

A. - F.1. ...

G. Excluded Services

1. The following services will continue to be reimbursed by the Medicaid Program on a fee-for-service basis, with the exception of dental services which will be reimbursed through a dental benefits prepaid ambulatory health plan under the authority of a 1915(b) waiver. The MCO shall provide any appropriate referral that is medically necessary. The department shall have the right to incorporate these services at a later date if the member capitation rates have been adjusted to incorporate the cost of such service. Excluded services include:

a. - c. ...

d. nursing facility services;

EXCEPTION: Skilled nursing facility services may be utilized for members who transition from acute care hospital services as a step-down continuum of care.

G.1.e. - H.5. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1585 (June 2011), amended LR 39:92 (January 2013), repromulgated LR 39:318 (February 2013), LR 41:936 (May 2015), LR 41:2367 (November 2015), LR 42:755 (May 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 44:61 (January 2018), LR 44:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed

Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 as it allows members of managed care organizations in need of continued health care services to transition from acute care hospitals to skilled nursing facilities.

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 allows members of managed care organizations in need of continued health care services to transition from acute care hospitals to skilled nursing facilities.

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 Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele 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 Wednesday, August 29, 2018 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.

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Managed Care for Physical and Behavioral Health Skilled Nursing Facility Services

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 18-19. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 18-19 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 other than the federal

share of the promulgation costs for FY 18-19. It is anticipated that \$270 will be collected in FY 18-19 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Rule amends the provisions governing managed care for physical and behavioral health in order to allow managed care organizations (MCOs) to continue to utilize long-term care facilities, namely skilled nursing facility providers, to provide transitional health care/rehabilitation services as an "in lieu of" service to MCO members who are no longer in need of acute care hospital services, and to align the governing authorities with current operations and practices. Managed care members who transition from acute care hospital services may benefit from this proposed rule since it allows skilled nursing facilities services as a step-down continuum of care. This proposed Rule may be beneficial to skilled nursing facility providers since they will be reimbursed sooner for services rendered to managed care members. It is anticipated that implementation of this proposed rule will not have economic costs or benefits to the Medicaid Program for FY 18-19, FY 19-20 and FY 20-21 since these "in lieu of" services are already calculated and included in the managed care rate reimbursed to the health plans.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Jen Steele
Medicaid Director
1807#054

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Outpatient Hospital Services
Duration of Outpatient Status (LAC 50:V.5107)

The Department of Health, Bureau of Health Services Financing proposes to repeal LAC 50:V.5107 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing outpatient hospital services in order to repeal the provisions governing duration of outpatient status to remove these procedural requirements from the *Louisiana Administrative Code*.

**Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part V. Hospital Services
Subpart 5. Outpatient Hospital Services
Chapter 51. General Provisions
§5107. Duration of Outpatient Status
Repealed.**

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1600 (June 2011), repealed by the Department of Health, Bureau of Health Services Financing, LR 44:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty 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 Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this proposed Rule.

Public Hearing

A public hearing on this proposed Rule is scheduled for Wednesday, August 29, 2018 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.

Rebekah E. Gee MD, MPH
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Outpatient Hospital Services
Duration of Outpatient Status**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than

the cost of promulgation for FY 18-19. It is anticipated that \$324 (\$162 SGF and \$162 FED) will be expended in FY 18-19 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 18-19. It is anticipated that \$162 will be collected in FY 18-19 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Rule amends the provisions governing outpatient hospital services in order to repeal the provisions governing duration of outpatient status to remove these procedural requirements from the Louisiana Administrative Code (LAC) as a technical clean-up of LAC language. There are no anticipated costs to providers since the proposed rule does not change the current reimbursement methodology or the procedures for establishing the duration of outpatient status; however, providers will benefit from clearly defined outpatient hospital provisions. It is anticipated that this Rule will not result in any costs or savings to the Medicaid Program in FY 18-19, FY 19-20 and FY 20-21.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Jen Steele
Medicaid Director
1807#055

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Rural Health Clinics
Reimbursement Methodology
Long-Acting Reversible Contraceptives
(LAC 50:XI.16703)**

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XI.16703 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing currently provides reimbursement for services rendered by rural health clinics (RHCs) on a per visit basis under a prospective payment system (PPS) methodology. The department now proposes to amend the provisions governing the reimbursement methodology for RHCs in order to implement a payment methodology to allow reimbursement for long-acting reversible contraceptive devices outside of the PPS rate.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XI. Clinic Services

Subpart 15. Rural Health Clinics

Chapter 167. Reimbursement Methodology

§16703. Alternate Payment Methodology

A. – C. ...

D. Effective for dates of service on or after January 1, 2019, RHCs shall be reimbursed a separate payment outside of the PPS rate for the following services:

1. Long-Acting Reversible Contraceptives (LARCs)

a. Reimbursement for LARCs shall be at the lesser of, the rate on file or the actual acquisition cost for entities participating in the 340B program. Rural health clinics eligible for 340B pricing must bill Medicaid at their 340B actual acquisition cost for reimbursement.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1905 (October 2006), repromulgated LR 32:2267 (December 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2632 (September 2011), LR 40:83 (January 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule may have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 as it provides Medicaid recipients with increased access to long-acting reversible contraceptives which aids in the prevention unintended pregnancies and low birth outcomes.

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 may 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 decreases the number of visits required to receive long-acting reversible contraceptive devices necessary for the prevention of unintended pregnancies and low birth outcomes, which will reduce unexpected costs and financial burdens for families.

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 Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this proposed Rule.

Public Hearing

A public hearing on this proposed Rule is scheduled for Wednesday, August 29, 2018 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.

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Rural Health Clinics, Reimbursement Methodology, and Long-Acting Reversible Contraceptives

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will result in estimated state general fund programmatic cost of \$5,713 for FY 18-19, \$12,348 for FY 19-20 and \$8,352 for FY 20-21. It is anticipated that \$432 (\$216 SGF and \$216 FED) will be expended in FY 18-19 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 increase federal revenue collections by \$49,691 for FY 18-19, \$111,127 for FY 19-20 and \$75,166 for FY 20-21. It is anticipated that \$216 will be collected in FY 18-19 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Rule amends the provisions governing the reimbursement methodology for rural health clinics (RHCs) in order to implement a payment methodology to allow reimbursement for long-acting reversible contraceptive (LARC) devices outside of the prospective payment system (PPS) rate. This proposed rule will be beneficial to recipients as it reduces the number of RHC visits required for insertion of LARC devices. There are no anticipated economic costs or benefits to RHC providers since this proposed rule only changes the way providers are reimbursed for services they already render. It is anticipated that implementation of this proposed rule will increase programmatic expenditures in the Medicaid program by approximately \$54,972 for FY 18-19, \$123,475 for FY 19-20 and \$83,518 for FY 20-21.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Jan Steele
Medicaid Director
1807#056

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Office of Aging and Adult Services

Traumatic Head and Spinal Cord Injury (LAC 48:I.Chapter 19)

Under the authority of R.S. 36:259(T) and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:450 et seq., the Louisiana Department of Health, Office of Aging and Adult Services, gives notice that rulemaking procedures have been initiated to amend the Traumatic Head and Spinal Cord Injury regulations, LAC 48:I.Chapter 19.

This proposed Rule amends language in order to align with statute changes to R.S. 46:2631 and R.S. 46:2635 (A) approved in the 2018 Regular Legislative Session, ACT 424, and to codify current processes to ensure timely and efficient delivery of services to participants.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 1. General

Chapter 19. Traumatic Head and Spinal Cord Injury

Editor's Note: This Chapter, formerly LAC 67:VII.Chapter 19, was moved to LAC 48:I.Chapter 19.

§1901. Program Profile

[Formerly LAC 67:VII.1901]

A. ...

B. Program Administration

1. The Department of Health, Office of Aging and Adult Services (OAAS), shall be responsible for administration of the Louisiana Traumatic Head and Spinal Cord Injury Trust Fund.

2. OAAS has the responsibility of:

a. - b. ...

c. evaluating the needs of head injured and spinal cord injured individuals to identify service gaps and needs;

d. submitting an annual report with recommendations to the legislature and governor 60 calendar days prior to each Regular Session of the Legislature; and

e. monitoring, evaluating, and reviewing the development and quality of services funded through the trust fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1252 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:84 (January 2014), amended by the Louisiana Department of Health, Office of Aging and Adult Services, LR 44:

§1905. Definitions

[Formerly LAC 67:VII.1905]

Medically Stable—Repealed.

Medically Unstable—Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1253 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:84 (January 2014), amended by the Department of Health, Office of Aging and Adult Services, LR 42:1669 (October 2016), amended by the Louisiana Department of Health, Office of Aging and Adult Services, LR 44:

§1907. General Requirements

[Formerly LAC 67:VII.1907]

A. ...

B. Case Record Documentation. A case record will be maintained for each individual served.

1. The record shall contain the following:

- a. documentation to support the decision to provide, deny, or amend services;
- b. documentation of the amounts and dates of each service delivery;
- c. service plans and progress notes;
- d. proof of individual identifications; and
- e. any applicable assessments.

2. Repeal

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1253 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:85 (January 2014), amended by the Louisiana Department of Health, Office of Aging and Adult Services, LR 44.

§1909. Individual Appeals Rights

[Formerly LAC 67:VII.1911]

A. Administrative Review. The administrative review is the first level appeal process used by individuals for a timely resolution of disagreements pertaining to eligibility decisions or a denial of services.

1. All applicants/participants shall be provided written notification to inform them of their appeal rights regarding eligibility and/or the denial of services.

a. The written notification shall include:

- i. the decision being reached;
- ii. the basis for and effective date of the decision;
- iii. the specific means for appealing the decision;
- iv. the individual's right to submit additional evidence and information;
- v. information about the individual's right to representation; and
- vi. the name and address of the trust fund program.

2. The appeal must be requested by the individual (or their representative) and shall be:

- a. made in writing; and
- b. post-marked or received in the trust fund program office within 15 business days of the date on the written notification of denial.

c. Repealed.

d. Repealed.

e. Repealed.

3. The administrative review may be conducted face-to-face or via telephone with the program manager of the Traumatic Head and Spinal Cord Injury Trust Fund Program.

4. Services shall continue during the administrative review process unless the services being provided have been obtained through:

- a. misrepresentation;
- b. fraud; and/or
- c. collusion or criminal conduct on the part of the individual.

5. The administrative review must take place, a decision reached, and written notification of the decision provided to the individual within 30 calendar days of the receipt of the individuals' appeal request.

6. The written notification of the administrative review decision shall include:

- a. the decision being reached;
- b. the basis for and effective date of the decision;
- c. the specific means for appealing the administrative review decision;

7. If the individual fails to attend the administrative review either in person or via telephone, the appeal will be considered abandoned and the appeal process is exhausted.

B. Advisory Board Review. In the event that a disputed decision is not resolved through the administrative review process, the individual may request a second level appeal before the advisory board.

1. Requests for advisory board review shall be:

- a. made in writing to the program manager of the trust fund program;
- b. post-marked or received in the trust fund program office within 15 business days of the date on the administrative review decision notice.
- c. Repealed.
- d. Repealed.
- e. Repealed.

2. The advisory board review shall take place at the time of the next regularly scheduled advisory board meeting following the receipt of the individual's written request, unless the program manager deems that it is necessary to address the situation sooner, in which case a special meeting of the advisory board could be called for the purpose of conducting the review.

3. The individual shall have the right to:

- a. submit additional evidence, and
- b. bring representation to the advisory board review.

4. The advisory board shall:

- a. make an impartial decision;
- b. provide a written notice of the decision within 10 business days of the advisory board review.

5. The decision of the advisory board is final and the appeal process is exhausted.

6. If the individual fails to attend the appeal hearing either in person or via telephone, the appeal will be considered abandoned and all appeal processes shall be exhausted.

NOTE: Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1254 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:85 (January 2014), amended by the Louisiana Department of Health, Office of Aging and Adult Services, LR 44:

§1911. Program Eligibility

[Formerly LAC 67:VII.1913]

A. In order for an individual to be determined eligible for services, the individual must:

1. meet the definition of spinal cord injury or traumatic brain injury as defined in §1905 above;
2. be a resident of the state of Louisiana and officially domiciled in the state of Louisiana at the time of injury and during the provision of services;
3. have a reasonable expectation to achieve improvement in functional outcome with assistance;
4. have exhausted all other Medicare and Medicaid sources;
5. be willing to accept services from an approved facility/program; and
6. complete and submit appropriate application for services.
7. Repealed.
8. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1255 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:86 (January 2014), amended by the Louisiana Department of Health, Office of Aging and Adult Services, LR 44:

§1913. Ineligibility

[Formerly LAC 67:VII.1915]

A. A determination of ineligibility is made when the individual does not meet program eligibility as defined in §1911 above.

1. Repealed.
2. Repealed.
3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1255 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:86 (January 2014), amended by the Louisiana Department of Health, Office of Aging and Adult Services, LR 44:

§1915. Fiscal

[Formerly LAC 67:VII.1917]

A. Limitations. Expenditures on behalf of any one individual shall not:

1. exceed \$15,000 during the 12-month period based on the participant's eligibility/anniversary date.
2. exceed the total lifetime maximum of \$50,000.

B. ...

C. Prior Written Authorization and Encumbrance. The proper authorizing document(s) must be written before the initiation of goods or services.

1. Failure to obtain prior authorization will result in a denial of products or services.

a. The program manager may approve items to be reimbursed for situations deemed unavoidable/emergency.

D. All monies collected, but not expended, for the Traumatic Head and Spinal Cord Injury Trust Fund Program are carried forward to the following fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S.36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1255 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:86 (January 2014), amended by the Louisiana Department of Health, Office of Aging and Adult Services, LR 44:

§1917. Service Plan

[Formerly LAC 67:VII.1919]

A. Once an individual has been determined eligible for services, an appropriate individualized assessment shall be completed in order to:

1. determine the scope of services;
 2. develop, implement, and update service plans as appropriate;
 3. Repealed.
 4. Repealed.
- B. The service plan shall:
1. be individualized;
 2. be outcome oriented;
 3. include (at a minimum) all of the following:
 - a. specific services to be delivered or rendered;
 - b. frequency of the service(s)
 - c. beginning and ending dates;
 - d. costs of services;
 - e. service provider.

4. be presented by means understandable to the individual served.

C. The individual or authorized representative must give informed written consent to the service plan and all amendments.

D. The case record shall include all updates and amendments to the service plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1255 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:86 (January 2014), LR 44:

§1919. Services

[Formerly LAC 67:VII.1921]

A. ...

B. Service plans shall be written with a goal of achieving specific objectives:

1. related to the participant's injury, and
2. to improve participant's functioning in their home and community.

C. Additional documentation may be requested to justify the need for a particular good/service.

D. Services may include, but are not limited to:

1. - 3. ...
4. medication and medical supplies;
5. personal care attendant services;
6. - 7. ...
8. environmental accessibility modifications ;
9. vehicle accessibility modifications;
10. transportation for non-emergency medical appointments.

E. The trust fund will not pay for the following (this list is not all-inclusive):

1. - 2. ...
3. routine vehicle maintenance and repairs;
4. routine home maintenance and repairs;
5. recreational items or activities;
6. routine bills or payments;
7. funeral expenses
8. legal expenses

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1255 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:86 (January 2014), amended by the Louisiana Department of Health, Office of Aging and Adult Services, LR 44:

§1923. Conditions for Case Closure
[Formerly LAC 67:VII.1925]

A. ...

1. has shown consistent failure to cooperate with the service plan and case managers;
2. reaches the maximum \$50,000 in total lifetime expenditures;
3. has less than \$100 of the lifetime balance remaining for a period of 12 months or more.
4. does not meet the program's eligibility criteria;
5. resides in another state or moves to another state;
6. fails to maintain a safe and legal home environment;
7. is unable to be contacted after two phone call attempts on two separate days and does not respond to written notification within 15 business days of the date on the notice;
8. made misrepresentations in the eligibility determination process;
9. made misrepresentations to obtain goods and services;
10. is incarcerated.
11. repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1256 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:87 (January 2014), amended by the Louisiana Department of Health, Office of Aging and Adult Services, LR 44:

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 as described in R.S. 49:972. It is anticipated that this proposed Rule will have a positive impact on the stability of the family and on the family budget as these changes will allow participants of the program to receive services in a more timely manner.

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 as described in R.S. 49:973. It is anticipated that this proposed Rule will have a

positive effect on health care for the THSCI clients as they will be able to obtain services quicker.

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 the Louisiana Department of Health, Attn: THSCI Trust Fund Program, P.O. Box 2031 (Bin 14), Baton Rouge, LA 70821 or by email to THSCI@La.Gov. The THSCI Program Manager is responsible for responding to inquiries regarding this proposed Rule.

Public Hearing

A public hearing on this proposed Rule is scheduled for Monday, August 27, 2018 at 9 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.

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Traumatic Head and
Spinal Cord Injury Definitions

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is anticipated to increase expenditures for the Office of Aging and Adult Services (OAAS) by approximately \$1,065 in FY 19 for the publication of the proposed rule. It is not anticipated that any other state or local governmental units will incur costs or savings as a result of this rule change.

The proposed rule amends Louisiana Administrative Code (LAC) Title 48, Part I, Chapter 19 – Traumatic Head and Spinal Cord Injury (THSCI). This rule change is being proposed to codify current practices to ensure applicants and participants of the program receive services in compliance with Act 424 of the 2018 RLS, which clarifies that services are intended to enable participants to return to a reasonable level of functioning in their communities with assistance and that funds are available through THSCI only after Medicare and Medicaid sources have been expended.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The implementation of these proposed rule changes will not affect revenue collections.

Currently, monies deposited into the THSCI trust fund are derived from a fee imposed on motor vehicle violations for driving under the influence, reckless operation, and speeding.

Implementation of this rule change does not impact the source of revenue or level of revenue collected for this fund.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule may provide an economic benefit to participants of the THSCI program. The present rule provides that individuals may receive distributions from the THSCI trust fund only as a last resort after private and governmental funding sources (such as private insurance, Social Security, Supplemental Security Income, Medicare, Medicaid, and personal resources) have been exhausted. This amendment removes the requirement that all private and governmental sources must be exhausted before qualifying for assistance from the fund and specifies that only Medicare and Medicaid sources must be exhausted, which allows participants to access services before exhausting all of their financial resources.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule has no known effect on competition and employment.

Tara A. LeBlanc
Assistant Secretary
1807#031

Greg V. Albrecht
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT
Department of Health
Office of Public Health

Newborn Heel Stick Screening and Laboratory Services
(LAC 48:V.6303 and LAC 48:V.13703)

Under the authority of R.S. 40:29, R.S. 40:1081.1 and 1081.2 and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Department of Health, Office of Public Health (LDH-OPH) proposes to amend Section 6303 (Purpose, Scope Methodology) of Chapter 63 (Newborn Heel Stick Screening). This Chapter is under Subpart 18 (Disability Prevention Program) of Part V (Preventive Health Services) of Title 48 (Preventive Health Services) of LAC 48 (Public Health—General). The proposed Rule adds Severe Combined Immunodeficiency (SCID) to the panel of tests for which infants are screened at birth to detect genetic diseases. It also proposes to update procedures to reflect modern laboratory testing methodologies for some screening tests as well as updating addresses, phone numbers and fax numbers of the OPH Laboratory and Genetic Diseases Program.

In accordance with law, LDH has consulted with medical geneticists from each of Louisiana's medical schools prior to the publication of this Notice of Intent. In 2011, an ad hoc meeting of the Louisiana Newborn Screening Advisory Committee, recommended to add SCID to the newborn screening panel once funding became available.

Finally, §13703 (Applicability) of Chapter 137 (Laboratory Services) under Subpart 49 (Community Based and Rural Health Services) of Part V of Title 48 of LAC 48 is proposed to be amended to correct an apparent error of applicability (likely dating back to a June 1989 amendment of §13703) as it relates to fees currently being collected to assist in funding for the newborn heel stick screening program.

Title 48

PUBLIC HEALTH—GENERAL

Part V. Preventive Health Services

Subpart 18. Disability Prevention Program

Chapter 63. Newborn Heel Stick Screening

§6303. Purpose, Scope, and Laboratory Testing

Methodology

A. R.S. 40:1081.1 and 1081.2 requires physicians to test Louisiana newborns for the disorders listed below along with the abbreviations used by the American College of Medical Genetics (ACMG).

1. Disorders of amino acid metabolism:
 - a. phenylketonuria (PKU);
 - b. maple syrup urine disease (MSUD);
 - c. homocystinuria (HCY)
 - d. citrullinemia, type I (CIT);
 - e. argininosuccinate acidemia (ASA); and
 - f. tyrosinemia, type I (TYR I).
 2. Disorders of fatty acid metabolism:
 - a. medium-chain acyl-CoA dehydrogenase deficiency (MCAD);
 - b. trifunctional protein deficiency (TFP);
 - c. very long-chain acyl-CoA dehydrogenase deficiency (VLCAD);
 - d. carnitine uptake defect (CUD); and
 - e. long chain-3-hydroxyacyl-CoA dehydrogenase deficiency (LCHAD).
 3. Disorders of organic acid metabolism:
 - a. isovaleric acidemia (IVA);
 - b. methylmalonic acidemia (methylmalonyl-CoA mutase, MUT),(cobalamin disorders, CBL A, B);
 - c. glutaric acidemia type 1 (GA1);
 - d. propionic acidemia (PROP);
 - e. 3-hydroxy-3-methylglutaryl-CoA lyase deficiency (HMG);
 - f. multiple carboxylase deficiency (MCD) including, but not limited to, holocarboxylase synthetase deficiency;
 - g. beta-ketothiolase deficiency (BKT); and
 - h. 3-methylcrotonyl CoA carboxylase deficiency (3-MCC).
 4. Other metabolic disorders:
 - a. biotinidase deficiency (BIOT); and
 - b. classic galactosemia (GALT).
 5. Endocrine disorders:
 - a. congenital hypothyroidism (CH); and
 - b. congenital adrenal hyperplasia (CAH).
 6. Hemoglobinopathies (sickle cell diseases):
 - a. hemoglobin S,S disease (sickle cell anemia) (Hb SS);
 - b. hemoglobin S,C disease (Hb SC);
 - c. hemoglobin S, beta-thalassemia disease (Hb S/βTH); and
 - d. other sickling diseases.
 7. Pulmonary disorders:
 - a. cystic fibrosis (CF).
 8. Immune Disorders:
 - a. severe combined immunodeficiency (SCID).
- B. Methodology
1. Filter Paper Specimen Form (Lab10), used in blood specimen collection for neonatal screening, can be obtained

from the Genetic Diseases Program by calling 504-568-8254. There are two different types of Lab-10 forms which are color-coded.

a. For patients covered by Medicaid or Managed Care Plans, blue border Lab-10 forms are used. There is no charge to private providers for these blue border forms. The patient's Medicaid number (or mother's number, if the patient has not been issued one) shall be indicated on the form.

b. For private and non-Medicaid patients, red border Lab-10 forms are used. These red border Lab-10 forms are \$30 each. The name of the insurance company and policy number shall be included on the form.

2. Private providers should order a mix of red and blue Lab-10 forms from the Genetic Diseases Program to match the Medicaid/non-Medicaid composition of newborns to be screened at their facility. The Lab-10 forms shall be completely filled out.

3. For non-Medicaid patients with a financial status of greater than 100 percent of the poverty guidelines as established by the Louisiana Department of Health (LDH) and who attend a parish health unit for just the newborn screening service, the parent or guardian shall be charged \$30 upon registering at the parish health unit.

4. To ensure that specimens for testing are received within 2 to 3 days by the laboratory approved by the Office of Public Health (OPH) to perform newborn screening pursuant to the requirements of this Chapter, all such laboratories shall provide mailing envelopes to submitting hospitals which guarantee a delivery time no longer than 3 days from mailing. An example of an acceptable minimum option would be the use of the United States Postal Service's Flat Rate Priority Mailing Envelopes. The use of all other companies and courier services providing the required level of service stated herein are acceptable.

C. Policy for Pre-Discharge, Repeat Screening and Education to Parents on Repeat Screening

1. Pre-Discharge Screening. All hospitals that have maternity units shall institute and maintain a policy of screening all newborns before discharge regardless of their length of stay in the hospital. The initial screen should occur at greater than 24 hours of birth but shall occur no later than 7 days after birth.

2. Repeat Screening for Specimens Collected before 24 Hours. There is a greater risk of false negative results for specimens collected from babies younger than 24 hours of age. Therefore, full-term, healthy newborns screened prior to 24 hours of age must be rescreened at the first medical visit, preferably between 1 and 2 weeks of age, but no later than the third week of life. Repeat screening should be arranged by the primary pediatrician; however, it may be done by any primary healthcare provider or clinical facility qualified to perform newborn screening specimen collection. For preterm, low birth weight, and sick infants admitted to the neonatal intensive care unit (NICU), an initial specimen should be collected upon admission, a second specimen shall be collected at 48-72 hours after admission and a final specimen shall be collected at 28 days or upon discharge, whichever comes first.

3. Education to Parents on Repeat Screening. To ensure that newborns who need rescreening actually receive the repeat test, hospitals with maternity units must establish a system for disseminating information to parents about the importance of rescreening. This includes infants with an initial unsatisfactory specimen, infants with an initial collection performed at less than 24 hours of age, and infants admitted to the NICU.

D. Notification of Screening Results

1. The Genetic Diseases Program follow-up staff shall notify the appropriate medical provider of the positive screening result by telephone. Otherwise, submitters should receive test results from the State Public Health Laboratory within 5 days after collection. Test results are available to submitters 24 hours a day, 365 days a year through the web-based Secure Remote Viewer (SRV) which is accessed via computer. Information on signing up for and using the SRV can be obtained by calling the Genetic Diseases Program Office at (504) 568-8254. If test results are not available, medical providers may fax in their requests to the following numbers: (225) 219-4905 (Public Health Biochemistry Laboratory) or (504) 568-8253 (Genetics Office). In order to retrieve test results from the SRV, the provider must have the infant's date of birth plus one of the following: mother's first name, mother's last name, baby's first name or baby's last name. Test results can also be found by the infant's medical record number or by the Lab 10 form number.

E. Unsatisfactory Specimens. The accuracy of a test depends on proper collection of the blood spot. Specimens of unsatisfactory quality for testing shall be indicated on the test result slip. Training on collecting adequate specimens can be arranged by calling the Genetics Diseases Program at telephone number (504) 568-8254.

F. Medical/Nutritional Management

1. In order for a patient with PKU or other rare inborn errors of metabolism to receive the special formulas for the treatment of these disorders from the state's Genetic Diseases Program and/or Special Supplemental Nutrition Program for Infants, Women, and Children (WIC), the following guidelines shall be met:

a. The patient shall be a resident of the State of Louisiana.

b. The patient shall receive clinical and dietary management services through a metabolic center to include a medical evaluation at least once annually by a physician who is board certified in biochemical genetics or a medical geneticist physician with written documentation of a medical evaluation and continuing consultation with a physician board certified in biochemical genetics. A licensed registered dietitian must also be on staff and be readily available for both acute and chronic dietary needs of the patient. Children less than 1 year of age shall be seen by the dietitian and medical geneticist at least twice a year. Children greater than 1 year of age shall be seen at least once per year by the dietitian and medical geneticist.

c. The patient shall provide necessary blood specimens for laboratory testing as requested by the treating physician meeting the above requirements. Laboratory test result values for phenylalanine and tyrosine shall be

submitted to the Genetics Program Office by the treating medical center within 15 working days after data reduction and interpretation.

d. The patient shall include dietary records with the submission of each blood specimen.

e. All insurance forms relative to charges for special formula shall be signed and submitted by the parent or appropriate family member.

f. The parent or guardian shall inform the Genetics Program Office immediately of any changes in insurance coverage.

g. If a patient fails to comply with these requirements, he/she shall not be able to receive metabolic formula, medications and medical services through the Office of Public Health.

G. Acceptable Newborn Screening Testing Methodologies and Procedures for Medical Providers Not Using the State Laboratory. Laboratories performing or intending to perform the state mandated newborn screening battery on specimens collected on Louisiana newborns shall meet the conditions specified below pursuant to R.S. 40:1081.2.

1. The testing battery shall include testing for the disorders listed in Subsection A above.

2. The laboratory shall perform the newborn screening testing battery on at least 50,000 specimens a year unless the said laboratory has been routinely performing the full screening battery since January 1, 1995.

3. A laboratory shall perform the complete battery at one site. Using two laboratories for completion of the total battery is unacceptable as this increases the risk of error and delay in reporting.

4. When using dried blood spots, only specimen forms using filter paper approved by the Centers for Disease Control and Prevention (CDC) are acceptable.

5. Only the following testing methodologies listed in Table 6303.G.5 are acceptable without prior written approval from the Genetic Diseases Program.

Table 6303.G.5	
Disease	Testing Methodology
Disorders of Amino Acid Metabolism Disorders of Fatty Acid Metabolism Disorders of Organic Acid Metabolism (Specific disorders include those as listed under Subsection A)	Tandem Mass Spectrometry (MS/MS)
Biotinidase Deficiency	Time-Resolved Immunofluorescence assay Qualitative or Quantitative Enzymatic Colorimetric or Fluorometric
Galactosemia	Galt enzyme assay Total Galactose
Hemoglobinopathies (Sickle Cell Diseases)	Cellulose acetate/citrate agar Capillary isoelectric focusing (CIEF) Gel isoelectric focusing (IEF) High Pressure Liquid Chromatography (HPLC) DNA Mutational Analysis Sickle Dex – is NOT Acceptable Controls must include: F, A, S, C, D, E

Table 6303.G.5	
Disease	Testing Methodology
	If controls for hemoglobins D and E are not included in the first tier testing methodology, then the second tier testing must be able to identify the presence of these hemoglobins. Result Reporting: by phenotype Positive/negative is NOT acceptable
Congenital Hypothyroidism	Radioimmunoassay (RIA), Fluorescent Immunoassay (FIA) time resolved fluoroimmunoassay, Enzyme Immunoassay (EIA) methods for T4 and/or Thyroid Stimulating Hormone (TSH) which have been calibrated for neonates
Congenital Adrenal Hyperplasia	17 hydroxyprogesterone (17OHP), time resolved fluoroimmunoassay
Cystic Fibrosis	Primary: Immunoreactive Trypsinogen; Time-Resolved fluoroimmunoassay Second Tier: Deoxyribonucleic Acid (DNA) mutation analysis Qualitative Sweat Conductivity Test is NOT acceptable as a primary screening methodology. Confirmatory Test Methodologies: Quantitative Pilocarpine Iontophoresis Sweat Chloride Test Qualitative Sweat Conductivity Test is NOT recommended.
Severe Combined Immunodeficiencies (SCID)	Real Time Quantitative Polymerase Chain Reaction (RTQPCR)

a. Alternative Methodologies not listed in Table 6303.G.5. New Food and Drug Administration (FDA)-approved methodologies may be used if first found to be acceptable by the Genetics Diseases Program. Approval shall be requested from the Genetic Diseases Program in writing 60 days before the intended date of implementation by mailing the request to:

LDH OPH Genetic Diseases Program
1450 Poydras Street, Suite 2046
New Orleans, Louisiana 70112

b. Approval Process. Requests for approvals of methodologies not listed in Table 6303.G.5 shall be based on documentation of FDA-approved methodologies or on documentation of OPH Laboratory-developed test methodologies, as well as an in-house OPH Laboratory validation study of the applicable methodology proposed for use.

6. The laboratory shall comply with the regulations for proficiency testing as mandated in the Clinical Laboratory Improvement Amendments of 1988 (CLIA 88 Section §493.1707). When using dried blood spots, the laboratory must participate in a proficiency testing program. The laboratory must report all proficiency testing results to the Genetic Diseases Program Office within 1 month of receiving the report from the proficiency testing provider.

7. The laboratory shall be able to provide test result data to physicians and nurses on their specific patients by

telephone and by FAX or by use of the internet, 24 hours a day 365 days a year.

8. Mandatory Reporting of Positive Test Results Indicating Disease

a. To ensure appropriate and timely follow-up, positive results shall be reported, along with patient demographic information as specified below to the Genetic Diseases Program Office by fax at (504)568-8253. Receipt of faxed results shall be verified by calling the Genetics Office at (504) 568-8254.

b. Described below are specific time deadlines after data reduction and interpretation for reporting positive results indicating probable disease to the Genetics Diseases Program Office. Laboratories shall make arrangements with the Genetics Diseases Program Office for reporting after hours, weekends and holidays for positive test results from tandem mass spectrometry and the assays for galactosemia, and congenital adrenal hyperplasia. Notification of presumptive positive results for biotinidase deficiency, sickle cell disease, congenital hypothyroidism and cystic fibrosis shall be made at the beginning of the next business day.

i. metabolic disorders identified by tandem mass spectrometry and for alactosemia—report results within 2 hours;

ii. biotinidase deficiency—report results within 24 hours;

iii. sickle cell disease—report results of FS, FSC, FSA from initial specimens within 24 hours;

iv. congenital hypothyroidism—report within 24 hours;

v. congenital adrenal hyperplasia—report within 2 hours; and

vi. cystic fibrosis—report within 24 hours.

c. The specified information to be reported:

i. - xiii. ...

xiv. transfusion given?

Yes _____ No _____

If yes, date of last transfusion (if available):

9. Provision of Follow-up Services. To ensure that reporting time deadlines specified under Subparagraph b of Paragraph 8 of this Subsection are met for every positive test result indicating probable disease, a follow-up system must be in operation. The protocol for a follow-up system may rely on the submitting hospital for the follow-up action which must include the following.

a. - a.iii. ...

iv. if there is no response to mail within five days, a home visit should be made; and,

a.v. - b.ii. ...

10. Reporting requirements of private laboratories to the Genetic Diseases Program Office for public health surveillance and quality assurance purposes.

a. The laboratory shall submit quarterly statistical reports to the Genetic Diseases Program Office that indicate the number of specimens screened by method, the number of specimens unsatisfactory for testing, the number normal and positive, and for screening of hemoglobinopathies, the number by phenotype [see the Genetics Diseases Program Office's address near the end of the Diseases/Testing Methodology table (which may be found under Paragraph 5 of this Subsection)].

b. The laboratory shall electronically report newborn screening results on all Louisiana newborns screened to the Genetic Diseases Program Office on a monthly basis. The file format and data layout shall be determined by the Genetic Diseases Program. Essential patient data is the following and is required to be reported unless "optional" is indicated:

i. - xiii. ...

xiv. mother's Social Security number (format: 999-99-9999); and

xv. ...

11. The laboratory shall register by letter with the OPH's Genetic Diseases Program each year. This letter shall contain the following and shall be received in the Genetic Diseases Program Office by February 1 each year:

a. assurance of compliance with the requirements described in Subsection G. -G.9. of this Subsection;

b. - c. ...

d. the type of specimen(s) used, *i.e.*, filter paper or whole blood; and

G.11.e. - H.2. ...

3. If the specimen was not collected before transfusion, the laboratory reporting the results to the submitter shall indicate that transfusion may alter all newborn screening results and include the above times for repeat screening.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1018.1 and 1081.2

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of Public Health, LR 17:378 (April 1991), LR 18:1131 (October 1992), LR 20:1386 (December 1994), LR 23:301 (March 1997), LR 27:545 (April 2001), LR 29:1490 (August 2003), LR 32:248 (February 2006), LR 34:442 (March 2008), amended by the Louisiana Department of Health, Office of Public Health, LR 44:

Subpart 49. Community Based and Rural Health Services

Chapter 137. Laboratory Services

§13703. Applicability

A. Except as otherwise provided under this Title, these laboratory fees shall not be charged:

1. to the Office of Public Health of the Louisiana Department of Health (LDH) or for laboratory services for a patient at a clinic or health unit operated by the Office of Public Health or to any physician, nurse, dentist, veterinarian, sanitarian or other licensed health care provider who is treating a patient or providing services in an official capacity in relation to the treatment of a patient of the Office of Public Health of the Louisiana Department of Health, including the network of parish health units operated by the Office of Public Health;

2. - 3. ...

4. to any state hospital or institution when the secretary of the Louisiana Department of Health requires the Office of Public Health laboratory to act for such institution in case of emergency.

B. These fees shall be charged for all tests, procedures, functions, or any operations performed by each laboratory independently operated by the Office of Public Health of the Louisiana Department of Health as a state laboratory on human specimens, environmental samples, cultures,

analytical and research procedures and related services which are submitted by any physician, hospital, clinic or health unit not operated by the Office of Public Health, nurse, veterinarian, sanitarian or any other licensed health care provider authorized to submit specimens for scientific analysis by the Division of Laboratories of the Office of Public, LDH. The charges or fees for these services will be assessed according to the following schedule.

Test Description	Fee
1. - 98. ...	
99. Newborn Screening Panel	\$30
100. - 373. ...	

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:29.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 3:245 (May 1977), amended by the Department of Health and Hospitals, Office of the Secretary, LR 15:477 (June 1989), amended by the Office of Public Health, LR 24:942 (May 1998), amended by the Louisiana Department of Health, Office of Public Health, LR 44:

Family Impact Statement

1. The effect on the stability of the family. The purpose of newborn screening is to identify genetic conditions which are treatable, life enhancing and potentially life-saving. Newborn screening is a very important service to families in detecting diseases at birth which can be identified through proper and available screening. Adding SCID to the newborn screening panel would enhance the stability of the family by detecting this devastating condition early and preventing the negative health consequences.

2. The effect on the authority and rights of parents regarding the education and supervision of their children. This will not affect the authority, rights or supervision of parents over their children. Parents have the choice to "opt out" of the testing.

3. The effect on the functioning of the family. If detected and treated early, children affected by this disorder can lead long and fulfilling lives. This will contribute to a positive family structure.

4. The effect on the family earnings and family budget. Testing for SCID is life-saving as well as cost saving. Testing for SCID is approximately \$4. However, an undiagnosed or late diagnosed case of SCID can result in up to 1 million dollars per case in medical bills and can ultimately lead to death in the first year of life. Treatment for SCID is approximately \$200,000 and is covered by most health insurance plans and results in a typical life.

5. The effect on the behavior and personal responsibility of children. The addition of SCID would help children affected with this condition to lead typical lives.

6. The ability of the family or local government to perform the function as contained in the proposed rule. All children in Louisiana are tested at birth for most conditions recommended by the U.S. Department of Health and Human Services' Advisory Committee on Heritable Disorders in Newborns and Children. The addition to SCID to the newborn screening panel will not call for any additional effort of families or local governments.

Poverty Impact Statement

1. The effect on household income, assets, and financial security. There will be a positive effect on household income, assets and financial security through the avoidance of health issues for families of children who have Severe Combined Immune Deficiency (SCID) and were detected at birth. Health issues, if not treated early in life, can have huge financial impact to a family as they will have extreme medical costs.

2. The effect on early childhood development and preschool through postsecondary education development. If detected and treated early, children can develop without the burden of continued medical issues. When the disease is not identified early, illness and eventually death, will likely occur before the child ever reaches pre-school.

3. The effect on employment and workforce development. There could be effect on the employment and workforce development of parents of children with SCID. Caring for a very sick child could make employment for both parents difficult.

4. The effect on taxes and tax credits. There will be no effect on taxes and tax credits.

5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance. There will be a positive effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance. Early detection and treatment mean that a child, and their family, can operate without the burden of increased health care costs. Additionally, lost employment and strained resources for utilities can be avoided, as well as increased difficulties for child and dependent care, due to frequent illnesses.

Small Business Impact Statement

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. The proposed action includes revision of LAC 48:V.6303 to include Severe Combined Immunodeficiency (SCID) on the newborn screening panel of tests. Testing for this condition is a life-saving and a cost saving measure that will result in a positive impact on affected citizens. The Office of Public Health's Genetic Diseases Section does not expect that adoption of the proposed amendments will have a significant economic impact on small business entities.

Provider Impact Statement

The proposed Rule should have minimal impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. Per HCR 170, "provider" means an organization that provides services for individuals with developmental disabilities. In particular, the impact is anticipated as follows:

1. no impact on the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the incidence of SCID is 1 per 58,000 births. For that one case, the provider will have additional responsibility in following up on the positive result, referring the patient for confirmation testing and referring the patient to a more specialized provider for treatment. The goal of testing newborns is to capture positive cases early in life and institute treatment as soon as possible; thus, more costly

interventions later in life to babies who are not tested and are later found to exhibit symptoms of this disease are averted. Delay in knowing if a newborn has this disease will likely lead to an increase of costs to providers, as well as possibly the State.

3. due the low incidence, particularly when found early because of such testing, the total direct and indirect effect on the cost to the providers to provide the same level of service is minimal; and

4. there will be no impact on the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed Rule. Such comments must be received no later than Wednesday, August 29, 2018 at COB, 4:30 pm, and should be addressed to Cheryl Harris, Program Administrator, Genetic Diseases Program, Office of Public Health, 1450 Poydras Street, Suite 2046, New Orleans, LA 70112, or faxed to (504) 568-8253.

Public Hearing

Interested persons may submit a written request to the Genetic Diseases Program to conduct a public hearing; however, such request must be received no later than August 10, 2018 at COB, 4:30 pm. If request(s) for public hearing is received by this deadline date and it (or they) meets the minimum criteria specified in R.S. 49:953(A)(2)(a) for holding a public hearing, LDH-OPH will conduct a public hearing at 10 am on Tuesday, August 28, 2018, in Room 173 of the Bienville Building, 628 North 4th Street, Baton Rouge, LA. Before attending, interested persons should first call Ms. Cheryl Harris at (504) 568-8254 after August 10, 2018 to confirm whether or not a public hearing will be held. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. If held, persons attending the hearing may have their parking ticket validated when one parks in the 7-story Galvez Parking Garage which is located between North 6th and North 5th/North and Main Streets. (cater-corner and across the street from the Bienville Building).

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Newborn Heel Stick Screening and Laboratory Services**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule adds Severe Combined Immunodeficiency Disease (SCID) testing to the newborn screening panel. This rule change is being proposed to comply with HCR19 of the 2018 RLS, which urges and requests the Louisiana Department of Health (LDH) to take actions necessary to add SCID to the newborn screening panel. The proposed rule change also updates the newborn screening panel charge from \$18 to \$30 for non-Medicaid patients to reflect current practice.

The proposed rule change is estimated to increase expenditures for the Office of Public Health (OPH) by approximately \$213,000 per year associated with testing cost. The cost for OPH to test one newborn for SCID is \$4. OPH anticipates testing 53,250 total newborns per year (Medicaid and non-Medicaid patients). Therefore, the total annual cost of testing is projected to be \$213,000 (53,250 newborns x \$4 per test).

The proposed rule change is also estimated to increase expenditures for the Medicaid program by an indeterminable amount. The cost to Medicaid will depend on the number of SCID tests performed and the reimbursement rate, which has not yet been established.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This rule change is anticipated to increase Medicaid revenue collections for OPH. Newborn SCID testing is reimbursable by Medicaid but the reimbursement rate has not yet been determined; therefore, the estimated amount of the increase is unknown at this time.

OPH will not collect additional revenue from non-Medicaid patients for SCID testing. The proposed rule change updates the newborn screening panel charge from \$18 to \$30 for non-Medicaid patients. However, this is being done to reflect current practice, which has been in place since 2006.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

OPH estimates that there are approximately 10,000 children born each year in Louisiana whose newborn screening panel is analyzed by a non-OPH lab. Hospitals that use a non-OPH lab to analyze the SCID test will incur a cost of approximately \$4 per test.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on employment or competition.

M. Beth Scalco, MPA, MSW
Assistant Secretary
1807#048

Gregory V. Albrecht
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT

Department of Insurance Office of the Commissioner

Regulation 110—Declaratory Orders
(LAC 37:XIII.Chapter 157)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950, et seq., hereby gives notice of its intent to adopt Regulation 110—Declaratory Orders.

R.S. 49:962 provides that “each agency shall provide by rule for the filing and prompt disposition of petitions for declaratory orders and rulings as to the applicability of any statutory provision or of any rule or order of the agency.” Additionally, R.S. 22:2(E) provides that “the commissioner of insurance shall have the authority to make reasonable rules and regulations, not inconsistent with law, to enforce, carry out, and make effective the implementation of this Code.” The purpose of Regulation 110 is to define

declaratory orders and to provide for the filing and prompt disposition of petitions for declaratory orders.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 157. Regulation 110—Declaratory Orders

§15701. Purpose

A. The purpose of Regulation 110 is to define declaratory orders and to provide for the filing and prompt disposition of declaratory orders, as authorized by R.S. 49:962.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2(E) and 49:962.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 44:

§15703. Definitions

A. As used in Regulation 110, the following terms shall have the meanings specified.

Commissioner—the commissioner of the Louisiana Department of Insurance.

Department—the Louisiana Department of Insurance.

Declaratory Order—a written statement issued by the department at the request of a person regulated by the department as to the applicability of any statutory provision or of any rule or order of the agency.

Litigation—involvement in any civil, criminal, administrative, regulatory, or disciplinary proceeding or action.

Person—any individual, company, insurer, association, organization, reciprocal or inter-insurance exchange, partnership, business, trust, limited liability company, or corporation regulated by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2(E) and 49:962.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 44:

§15705. Declaratory Orders, Generally

A. A declaratory order is not an agency rule or regulation but shall have the same status as a final agency decision or an order in an adjudicated case.

B. A declaratory order shall have effect only upon the person requesting it and the commissioner and shall continue in effect unless a subsequent bulletin, advisory letter, directive, rule/regulation, court case, or statute supersedes it, or until the commissioner rescinds it. If a declaratory order is superseded or rescinded, such action shall have effect prospectively only, and the declaratory order shall cease to be effective as of 30 days after the date of the action that superseded or rescinded it.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2(E) and 49:962.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 44:

§15707. Disposal of Petitions; Form; Reasons to Issue or not Issue Declaratory Orders

A. The commissioner shall decide within 60 days after the filing of a petition for a declaratory order whether to accept or reject the petition.

B. A petition for a declaratory order shall be submitted in writing to the commissioner, in the manner specified on the department's website, by a person regulated by the department or the person's legal representative. Petitions shall contain the following information:

1. the title of the petition (e.g., "Petition for Declaratory Order");

2. the name, address, and telephone number of the person regulated by the department requesting the declaratory order;

3. a power of attorney or mandate, if the person is represented by a third party;

4. specific questions to be answered or issues to be addressed;

5. complete statement of all relevant facts;

6. citations to or copies of relevant statutes, rules/regulations, or orders of the department at issue, and, if the petitioner takes a specific position on the issue, the arguments, reasons, and provisions of law supporting such position;

7. copies of all relevant documents; and

8. a signed statement stating to the best of the person's knowledge:

a. whether the person requesting the declaratory order has the same issue under examination or review with the department or any other insurance regulator;

b. whether the person requesting the declaratory order has been notified in writing that an examination with the department or any other insurance regulator is pending;

c. whether the person requesting the declaratory order is litigating the issue in the state of Louisiana or is aware of the person's involvement in litigation on the same issue in other jurisdictions;

d. whether the department or any other insurance regulator has previously issued a declaratory order or ruling, no-action letter, or similar declaratory statement on the same issue (with a copy attached);

e. whether the attorney general has been, or will be, requested to issue an opinion concerning the issue prior to the issuance of the declaratory order; and

f. that, prior to the issuance of a declaratory order, if the requesting person is notified of a pending examination by the department or any other insurance regulator, the requesting person will notify the commissioner of the pending examination.

C. A petition for a declaratory order may not be used to delay or interrupt an examination.

D. Reasons for issuing a declaratory order may include but not be limited to:

1. it has been requested by a person regulated by the department, or the person's representative who has a power of attorney or mandate; and

2. the law and rules/regulations or department's orders are not clear.

E. Reasons for not issuing a declaratory order may include but not be limited to:

1. the law and rules/regulations or department's orders are clear;

2. a rule/regulation would be more appropriate under the Administrative Procedure Act;

3. the inquiry concerns alternative fact scenarios, speculative or supposed facts, or purely hypothetical situations;

4. the inquiry concerns matters scheduled for an examination or currently involved in an examination, appeal, or litigation;

5. the inquiry concerns an issue that is being litigated or may be litigated in the near future;

6. the request is incomplete because it does not contain all of the information required by §15707.B;

7. the request can best be handled by another means, such as through issuance of a bulletin, advisory letter, directive, or rule/regulation; or

8. the requesting person withdraws the request at any point prior to issuance of the declaratory order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2(E) and 49:962.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 44:

§15709. Rescissions

A. The commissioner reserves the right to change positions reflected in prior declaratory orders. If a declaratory order is rescinded due to a change in the commissioner's position, the rescinded declaratory order ceases to be effective as of 30 days after the date of the rescission.

B. If a declaratory order is rescinded and is subsequently reissued due to a change in the commissioner's position, the rescinded declaratory order ceases to be effective as of 30 days after the date of the rescission, and the reissued declaratory order shall be effective as of the effective date of the rescission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2(E) and 49:962.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 44:

§15711. Confidential or Privileged Treatment

A. The commissioner shall maintain as confidential or privileged any documents, materials, or other information submitted with or included in a petition for a declaratory order that are required to be maintained as confidential or privileged pursuant to any provision of Title 22 of the Revised Statutes, any exception to the Public Records Law (R.S. 44:1 et seq.), or any applicable federal law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2(E) and 49:962.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 44:

§15713. Effective Date

A. Regulation 110 shall become effective upon promulgation in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2(E) and 49:962.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 44:

§15715. Severability

A. If any Section or provision of Regulation 110 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 110 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 110 and the application to any persons or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2(E) and 49:962.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 44:

Family Impact Statement

1. Describe the effect of the proposed regulation on the stability of the family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the effect of the proposed regulation on the authority and rights of parents regarding the education and supervision of their children. The proposed amended regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.

3. Describe the effect of the proposed regulation on the functioning of the family. The proposed amended regulation should have no direct impact upon the functioning of the family.

5. Describe the effect of the proposed regulation on family earnings and budget. The proposed amended regulation should have no direct impact upon family earnings and budget.

6. Describe the effect of the proposed regulation on the behavior and personal responsibility of children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

7. Describe the effect of the proposed regulation on the ability of the family or a local government to perform the function as contained in the rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Poverty Impact Statement

1. Describe the effect on household income, assets, and financial security. The proposed amended regulation should have no effect on household income assets and financial security.

2. Describe the effect on early childhood development and preschool through postsecondary education development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the effect on employment and workforce development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the effect on taxes and tax credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

Small Business Analysis

1. The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

2. Identification and estimate of the number of the small businesses subject to the proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.

3. The projected reporting, record keeping, and other administrative costs required for compliance with the proposed Rule, including the type of professional skills necessary for preparation of the report or record. The proposed amended regulation should have no measurable impact upon small businesses.

4. A statement of the probable effect on impacted small businesses. The proposed amended regulation should have no measurable impact upon small businesses.

5. Describe any less intrusive or less costly alternative methods of achieving the purpose of the proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

Provider Impact Statement

1. Describe the effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed amended regulation will have no effect.

2. The total direct and indirect effect on the cost to the provider to provide the same level of service. The proposed amended regulation will have no effect.

3. The overall effect on the ability of the provider to provide the same level of service. The proposed amended regulation will have no effect.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Such comments must be received no later than August 20, 2018, by 4:30 p.m. and should be addressed to Lynette Roberson, Louisiana Department of Insurance, and may be mailed to P.O. Box 94214, Baton Rouge, LA 70804-9214, faxed to (225) 342-1632, or emailed to lynette.roberson@ldi.la.gov. If comments are to be shipped or hand-delivered, please deliver to Poydras Building, 1702 North 3rd Street, Baton Rouge, LA 70802.

James J. Donelon
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Regulation 110—Declaratory Orders

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rules will not result in additional costs or savings for state or local governmental units. LA R.S. 49:962 provides that each agency shall provide by rule for the filing and prompt disposition of petitions for declaratory orders and rulings as to the applicability of any statutory provision or of any rule or order of the agency. Regulation 110 defines declaratory orders and provides for the filing and prompt disposition of petitions for declaratory orders by the Commissioner of Insurance.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rules will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rules will benefit persons regulated by the LA Dept. of Insurance by providing guidelines for filing a declaratory order with the Commissioner of Insurance.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rules will not affect competition or employment.

Nicholas Lorusso
Chief Deputy Commissioner
1807#044

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Natural Resources Office of Conservation

Commercial Facilities Hours of Operation
(LAC 43:XIX.533 and 537)

The Department of Natural Resources, Office of Conservation proposes to amend LAC 43:XIX, Subpart 1 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. The proposed amendment implements Act 191 of the 2018 Regular Session, which repealed the commissioner's authority to regulate the hours of operation or receiving of offsite treatment, storage and disposal facilities of E and P Waste.

Title 43

NATURAL RESOURCES

Part XIX. Office of Conservation—General Operations

Subpart 1. Statewide Order No. 29-B

Chapter 5. Off-Site Storage, Treatment and/or Disposal of Exploration and Production Waste Generated from Drilling and Production of Oil and Gas Wells

NOTE: Onsite disposal requirements are listed in LAC 43:XIX, Chapter 3.

EDITOR'S NOTE: Statewide Order 29-B was originally codified in LAC 43:XIX as §129. In December 2000, §129 was restructured into Chapters 3, 4 and 5. Chapter 3 contains the oilfield pit regulations. Chapter 4 contains the injection/disposal well regulations. Chapter 5 contains the commercial facility regulations. A cross-reference chart in the December 2000 *Louisiana Register*, page 2798, indicates the locations for the rules in each existing Section.

EDITOR'S NOTE: Chapter 5 was amended in November 2001. A chart showing the restructuring of Chapter 5 is found on page 1898 of the *Louisiana Register*, November 2001.

§533. General Operational Requirements for Commercial Facilities and Transfer Stations

A. ...

B. Commercial facilities and transfer stations shall be adequately manned during hours of receiving and off-loading of E and P Waste.

C. All facilities and systems for treatment, control, and monitoring (and related appurtenances) which are installed or used to achieve compliance with the conditions of a

permit shall be properly operated and maintained at all times.

D. Inspection and entry by Office of Conservation personnel shall be allowed as prescribed in R.S. 30:4.

E. Discharges from land treatment cells, tanks, tank retaining walls and/or barges into man-made or natural drainage or directly into state waters will be allowed only after the necessary discharge permit has been obtained from the appropriate state and/or federal agencies and in accordance with the conditions of such permit.

F. A sign shall be prepared, displayed and maintained at the entry of each permitted commercial facility or transfer station. Such sign shall utilize a minimum of 1-inch lettering to state the facility name, address, phone number, and site code shall be made applicable to the activities of each facility according to the following example.

"This E and P Waste (storage, treatment and/or disposal) facility has been approved for (temporary storage, treatment and/or disposal) of exploration and production waste only and is regulated by the Office of Conservation. Violations shall be reported to the Office of Conservation at (225) 342-5515."

G.A vertical aerial color photograph (or series of photographs) with stereoscopic coverage of each Type A land treatment facility must be obtained during the month of October every two years and provided to the Office of Conservation by November 30 of the year the photo is taken. Such photograph(s) must be taken at an original photo scale of 1" = 1000' to 1" = 500' depending on the size of the facility. Photo(s) are to be provided as prints in either 8" x 10" or 9" x 9" formats. The commissioner may require more frequent aerial photos as deemed necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 27:1909 (November 2001), amended LR 44:

§537. Hours of Receiving

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 27:1910 (November 2001), amended LR 31:2262 (September 2005), repealed LR 44:

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.

Small Business Analysis

This Rule has no known impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested parties will be afforded the opportunity to submit data, views, or arguments, in writing. Written comments will be accepted by hand delivery or USPS only, until 4 p.m., August 10, 2018, at Office of Conservation, Environmental Division, P.O. Box 94275, Baton Rouge, LA 70804-9275; or Office of Conservation, Environmental

Division, 617 North Third Street, Room 830, Baton Rouge, LA 70802. Reference Docket No. R A 2018-01. All inquiries should be directed to Gary Snellgrove at the above addresses or by phone to (225) 342-7222. No preamble was prepared.

Richard P. Ieyoub
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Commercial Facilities Hours of Operation

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There is no anticipated direct material effect on state or local governmental expenditures as a result of the proposed rule changes. The existing rule provides for the Commissioner's authority to regulate the hours a commercial facility and transfer station is allowed to receive Exploration and Production Waste (E&P Waste). In addition, the existing rule requires that commercial facilities and transfer stations to be adequately manned during hours of receiving and off-loading of E&P Waste.

The proposed rule changes remove the Commissioner's authority to regulate the hours of receiving of E&P Waste, thereby allowing operators to receive and off-load E&P Waste on a twenty-four (24) hour basis. The proposed rule changes do not change the requirement that commercial facilities and transfer stations are to be adequately manned during hours of receiving and off-loading of E&P Waste.

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 government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated cost increases associated with the proposed rule changes, but the proposed rule changes will impact Commercial Exploration and Production (E&P) Waste Disposal Facilities by allowing these operators to receive and off-load E&P waste on a twenty-four (24) hour basis providing them an opportunity to become more efficient and competitive in the market.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes could allow Louisiana Operators to become more competitive in the market place and potentially increase employment.

Gary Ross
Assistant Commissioner
1807#040

John D. Carpenter
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Office of Motor Vehicles

Designations or Restrictions on Driver's Licenses
and Identification Cards (LAC 55:I.108)

Under the authority of R.S. 32:412(O) and R.S. 32:403.3 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public

Safety and Corrections, Public Safety Services, Office of Motor Vehicles (department), hereby gives notice of its intent to promulgate a Rule regarding persons who need an accommodation, or are deaf or hard of hearing. Section 108 is new and implements the provisions of Act 514 of the 2014 Regular Session of the Louisiana Legislature, which provides for the deaf or hard of hearing restriction on a driver's licenses, and Act 74 of the 2017 Regular Session of the Louisiana Legislature, which provides for the Need Accommodation designation on a driver's licenses and identification cards. This proposed Section is intended to be adopted and effective on October 20, 2018.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 1. Driver's License

Subchapter A. General Requirements

§108. Designations or Restrictions on Driver's

Licenses and Identification Cards

A. Needs Accommodation

1. A special Louisiana driver's license or identification card shall be issued to any applicant upon request who needs accommodation. The designation shall be issued by the Department and exhibited on the driver's license or identification card.

2. A "Needs Accommodation" designation shall be exhibited on a personal class or chauffeur's class license or identification card.

3. Only applicants with a physical, mental or developmental disability documented as required in Paragraph A.4. of this section are eligible for the designation "Needs Accommodation."

4. All applications for a "Needs Accommodation" designation shall be accompanied by a statement, on a form provided by the Department, from a qualified medical professional licensed in Louisiana or another state or territory of the United States, stating the medical information which establishes the mental, physical, or developmental disability required to obtain the designation authorized in this section.

5. If the holder of a driver's license or identification card with a "Needs Accommodation" designation no longer wishes to have the designation displayed on the driver's license or identification card, the holder shall return the credential the department for cancellation.

6. No additional fee shall be charged to include such a designation. The charge for a "Needs Accommodation" driver's license or identification card shall be the same as for regular driver's license.

B. Deaf or Hard of Hearing

1. A special Louisiana driver's license card shall be issued to any applicant who is deaf or hard of hearing.

2. A restriction code will be placed on the driver's license for deaf or hard of hearing and these codes will be inclusive of a restriction 41 as well.

3. Only applicants who are deaf or hard of hearing documented as required in Paragraph B.4. of this section are eligible to have the restriction code placed on their driver's license

4. All applications for a deaf or hard of hearing restriction shall be accompanied by a medical examination form from a qualified medical, audiologist, or speech

pathologist professional licensed in Louisiana stating the medical information which establishes the applicant is deaf or hard of hearing.

5. No additional fee shall be charged to include such restriction. The charge for a driver's license inclusive of the restrictions shall be the same as for regular driver's license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:412(O) and R.S. 32:403.3.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles, LR 44:

Public Comments

Interested Person. Interested persons may submit written comments to Harrietta J. Bridges, Stephen Quidd, or Jennifer Del Murray, by mail at Post Office Box 66614, Baton Rouge, LA 70896, or by fax at (225) 925-4624. Written comments will be accepted through the close of business, August 27, 2018.

Public Hearing

A public hearing is tentatively scheduled for August 30, 2018 at 10 a.m. at 7979 Independence Blvd. Suite 301, Baton Rouge, LA 70806. Please call or e-mail in advance to confirm the time and place of meeting, as the meeting will be cancelled if the requisite number of comments is not received.

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 rules. 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.

Small Business Analysis

1. 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.

2. 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.

Poverty 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.

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.

Lt. Col. Jason Starnes
Chief Administrative Officer

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Fire Marshal
Uniform Construction Code Council**

Uniform Construction Code Update
(LAC 55:VI.701)

In accordance with the provisions of R.S. 40:1730.26 and R.S. 40:1730.28, relative to the authority of the Louisiana State Uniform Construction Code Council (LSUCCC) to promulgate and enforce rules and in accordance with R.S. 49:953(B), the Administrative Procedure Act, the Department of Public Safety and Corrections, Office of the State Fire Marshal, Louisiana State Uniform Construction Code Council (LSUCCC) hereby gives notice that it proposes to amend the following Rule. The purpose of amending the current Rule is to have a more unified process for the registration of code enforcement officers.

Title 55

PUBLIC SAFETY AND CORRECTIONS

Part VI. Uniform Construction Code Enforcement

Chapter 7. Certificates of Registration

§701. General

A. On and after January 1, 2007, no person shall practice as a code enforcement officer in this state unless registered with the Louisiana State Uniform Construction Code Council (council). A person desiring to be registered as a parish or municipality building code enforcement officer or a third party provider shall apply to the council for a certificate of registration. The applicant shall apply on the application form prescribed by the council. An applicant shall furnish satisfactory proof to the council of valid certification. A certificate of registration is valid for one year and expires on the last day of the month of issuance. Those possessing certificates of registration must renew their certificates in order to remain in good standing with the council. After the initial registration year expires the renewal expiration dates shall be as follows. Building code enforcement officers whose last names begin with A through M will expire on December 31 and last names which begin with N through Z will expire on January 31. All third party providers and wind mitigation surveyors shall expire on July 31.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:292 (February 2007), amended LR 35:2819 (December 2009), repromulgated LR 36:327 (February 2010); amended the Department of Public Safety and Corrections, Office of the State Fire Marshal, State Uniform Construction Code Council, LR 44:

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

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Designations or Restrictions on Driver’s
Licenses and Identification Cards**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will not result in any costs or savings to state or local governmental units. The proposed rule change codifies the “Need Accommodation” designation on a driver’s license and identification card pursuant to Act 74 of the 2017 Regular Legislative Session and the deaf or hard of hearing restriction on a driver’s license pursuant to Act 514 of the 2014 Regular Legislative Session.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change 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)**

The proposed rule change will have no effect on costs 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 and employment.

LT. Col. Jason Starnes
Undersecretary
1807#045

Evan Brasseaux
Staff Director
Legislative Fiscal Office

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 rules. 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 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 Analysis

1. 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.

2. 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 Melinda L. Long, by mail at Post Office Box 66614, Baton Rouge, LA 70896, by fax at (225) 925-4624, or by e-mail at Melinda.long@la.gov.

Written comments will be accepted through the close of business, August 27, 2018.

Lt. Col. Jason Starnes,
Chief Administrative Officer

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Uniform Construction Code Update

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will not result in any costs or savings to state or local governmental units. The proposed rule change modifies the expiration dates for certificates of registration issued by the Louisiana State Uniform Construction Code Council (LSUCCC).

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. There is no fee associated with the LSUCCC registration.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will have no effect on costs or economic benefits to directly affected persons or non-governmental units.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment.

Lt. Col. Jason Starnes
Chief Administrative Officer
1807#046

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Workforce Commission Plumbing Board

Plumbers—Introductory Information; Licenses
(LAC 46:LV.101)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:953, the Louisiana State Plumbing Board (board), hereby determines that the implementation of an amendment to LAC 46:LV.101 is necessary to be in compliance with recent legislative changes designated as Act No. 253 of 2018. The proposed Rule change clarifies applicable law to specify what “works or business” is excluded from the statutory definition of “gas fitting”, R.S. 37:1377(K). This adjustment will be effective upon final publication in the *Louisiana Register*.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LV. Plumbers

Chapter 1. Introductory Information

§101. Definitions

* * *

Gas Fitting—the work or business of installing, repairing, improving, altering, or removing natural gas piping, fittings, valves, or tanks used for conveying fuel gas for appliances on or in premises or in buildings annexed to immovable property. For purposes of this Chapter, gas fitting does not include the following:

1. the installation or maintenance of piping by any entity of a municipal or gas district system that is subject to the regulatory authority of the Public Service Commission,

the New Orleans City Council, or the Office of Pipeline Safety in the Department of Natural Resources;

2. any work done by a person who is licensed by the Louisiana Liquefied Petroleum Gas Commission or any other services performed pursuant to such a license.

3.a. Piping connection, disconnection, or reconnection from the outlet side of the appliance shutoff valve to the appliance inlet.

b. The following persons or entities shall not be construed as a gas fitter or master gas fitter for any purpose of this Chapter solely due to the performance of services described in 3.a.:

i. Any person or business entity licensed by the State Licensing Board for Contractors as a mechanical contractor.

ii. Any person or business entity classified under the heating, air conditioning, ventilation, duct work, and refrigeration subclassification of mechanical contractors pursuant to R.S. 37:2156.2.

* * *

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 by the Workforce Commission, Plumbing Board, LR 42:575 (April 2016). LR 43:541 (March 2017), LR 43:972 (May 2017, LR 44:633 (March 2018), amended by the Workforce Commission, Plumbing Board, LR 44:

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 Analysis

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 Ashley Jones Tullier, Executive Director of the Board, 11304 Cloverdale Avenue, Baton Rouge, LA, no later than 5 p.m., August 10, 2018.

Ashley Jones Tullier
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Plumbers

Introductory Information; Licenses

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The board anticipates one-time implementation costs as a result of the proposed rule change estimated to be approximately \$2,000. There are approximately 3,441 gas fitters who will need to be notified of the rule change via United States Postal Service, plus the cost of materials, and the time for board staff to develop and implement the notice. Additionally, there will be costs to the board for board counsel to review and file both the NOI and Fiscal Impact Statement, however those costs are indeterminable until the submittal is complete.

The proposed rule change incorporates the provisions of Act 253 of 2018 into the board's administrative code. This act amends the definition of gas fitting and no longer requires individuals to hold a gas fitting license if individuals are solely providing services related to piping connection, disconnection, or reconnection from the outlet side of the appliance to the appliance inlet. Affected groups include any person or entity licensed by the state Licensing Board for Contractors as a mechanical contractor or any person or business entity classified under the heating, air conditioning, ventilation, duct work, and refrigeration sub classification of mechanical contractors pursuant to R.S. 37:2156.2.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The board anticipates a decrease in revenues in FY 19 and potentially in future years as a result of the proposed rule change, however the exact amount is indeterminable, as it is unknown how many of the 3,441 currently licensed gas fitters will be impacted by the proposed rule. Because some of the currently licensed gas fitters will be relieved of the obligation to continue licensure, revenues currently received from exam and licensure fees will decrease. Currently, gas fitting licenses range from \$40 to \$190 dependent upon classification and the current status of the licensee, and exams range from \$100 - \$500 dependent upon whether special accommodations are necessary. Depending upon the cost of the exam, the board only collects a portion of the revenues, while the remaining dollars go to the testing provider. Additionally, the board collects \$25 for each licensee from the third party continuing education providers. To the extent the individual is not dual licensed the board will no longer collect this revenue.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Individuals currently licensed as gas fitters who will no longer be required to be licensed will be relieved of the costs associated with licensure and the continuing education requirements associated with gas fitting.

Third party providers offering continuing education classes and the gas fitting exam will experience a reduction in revenues since fewer individuals will participate in the continuing education classes, and no longer need to take the exam.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition and employment as a result of the proposed rule change.

Louis L. Robein
Board Attorney
1807#028

Evan Brasseaux
Staff Director
Legislative Fiscal Office

Administrative Code Update

CUMULATIVE: January-July 2018

Location:					Location:						
LAC Title	Part #.Section #	Action	Month	LR 44 Page #	LAC Title	Part #.Section #	Action	Month	LR 44 Page #		
7	III.101	Amended	Mar.	437	35	III.5704, 5706, 5710, 5714, 5724, 5764	Adopted	May	913		
	III.Chapter 5	Adopted	Mar.	437		III.5707, 5709, 5713, 5723	Amended	May	913		
	V.Chapter 29	Amended	Mar.	440		XI.9905, 9909	Amended	May	916		
	XV.127	Amended	Mar.	439							
10	XV.111	Amended	June	1009	37	XIII.Chapter 3	Amended	Jan.	64		
	17	I.Chapter 1	Amended	Jan.		75	XIII.1945	Repromulgated	Apr.	784	
						XIII.325	Adopted	Jan.	64		
19	VII.107,109	Amended	Feb.	229	XIII.Chapter 155	Adopted	Jan.	68			
	VII.117	Adopted	Feb.	229	40	I.6605,6613	Amended	Jan.	102		
22	I.207	Amended	Mar.	608		I.6665	Repromulgated	Apr.	798		
	III.Chapter 47	Amended	June	1007		I.6665,6667	Adopted	Jan.	102		
	V.203,211	Amended	Mar.	574		III.501	Adopted	Jan.	102		
	V.203	Amended	June	1006	III.502	Adopted	June	1097			
28	XI.102,303,307,510,701,703,711	Amended	Mar.	574	42	I.Chapter 17	Amended	Apr.	788		
	XIII.503	Amended	Feb.	270		I.1785	Adopted	Apr.	788		
28	I.503,1107,1303	Amended	Apr.	744	43	I.133	Adopted	Feb.	345		
	III.103,1701,2301	Amended	June	1005		XIII.Chapters 1-65	Amended	June	1021		
	IV.Chapters 1-23	Amended	Mar.	484		XIII.329, 1935, 2940, Chapters 67-85	Adopted	June	1021		
	IV.501,503,1207,1209,1407,1409,1501	Repromulgated	Mar.	484	XIII.6311	Repealed	June	1021			
	IV.703	Amended	June	1004	46	I.Chapter 22	Adopted	Feb.	268		
	IV.1217,1419,1619,1803	Repealed	Mar.	484		XXXI.Chapter 3	Amended	May	908		
	IV.1307	Adopted	Mar.	484		XXXI.308, 507, 1110, 1201	Adopted	May	908		
	IV.1507-1513,1603,1611,1617,1803,1809	Repromulgated	Mar.	484		XXXI.310, 1111	Repealed	May	908		
	IV.2003,2301	Repromulgated	Mar.	484		XXXI.502, 503, 709, 713, 901, 903	Amended	May	908		
	XI.101,301,405,409,413,601-709,903,1101	Amended	Mar.	446		XXXI.1101, 1105, 1109, 1705, 1707, 1709	Amended	May	908		
	XI.303,515-521,611-613,708,1107,1605	Repealed	Mar.	446		XXXIII.134	Adopted	Jan.	45		
	XI.305,411,501,503,901,905-911,1601	Adopted	Mar.	446		XXXIII.306,706,1607,1611,1613,1709	Amended	Jan.	45		
	XI.1102,1105,1301,1603,2401,2501,2505	Amended	Mar.	446		XXXIII.1505	Repealed	Jan.	45		
	XI.1607,2101,4005,4310	Repealed	Mar.	446		XXXIII.1511	Amended	June	1010		
	XI.2901,3101,3103,3301,3303,3901-4301	Amended	Mar.	446		XXXIII.1711	Amended	Jan.	45		
	XI.4503	Amended	Feb.	230		XLI.725	Amended	May	915		
	XI.5105-5109,5305-5312,5315,5501,5511	Amended	Mar.	461		XLV.125,311,404,417	Amended	Mar.	585		
	XI.5701,5901-5907,6101-6115,6803,6811	Amended	Mar.	461		XLV.Chapter 40	Adopted	Apr.	771		
	XI.6155-6801,6804,6831,6900,7000,7001	Repealed	Mar.	461		XLV.6931,6933,6935,6937	Adopted	Feb.	271		
	XI.6813-6821,6825-6903,6911-7101,7209	Amended	Mar.	461		XLV.Chapter 79	Adopted	Feb.	272		
	XI.7005-7041,7203,7205,7400,7901-8101	Repealed	Mar.	461		XLVII.3331	Amended	June	1010		
	XI.7311-7503,8301-8307,8503,8507	Amended	Mar.	461	XLVII.4505,4513	Amended	Feb.	275			
	XXXIX.103,305,501,503,507,513,705,707	Amended	Mar.	479	XLVII.3419	Amended	May	919			
	XXXIX.503,703,705,707	Amended	June	1003	LIII.903	Repromulgated	Jan.	49			
	XXXIX.701,703	Adopted	Mar.	479	LV.101,312,1001,1002	Amended	Mar.	633			
	XXXIX.901	Amended	Mar.	479	LXI.Chapters 1-33	Amended	Mar.	611			
	XXXIX.903-915,1101	Repealed	Mar.	479	LXI.1309	Repromulgated	Mar.	611			
	CXV.333,2318	Amended	Feb.	263	LXVII.1805	Amended	Apr.	770			
	CXXXI.203,901-911	Amended	Feb.	264	LXX.6105,6206,6207,6304,6307	Amended	Jan.	44			
	CXXXI.305,311	Amended	Apr.	745	LXX.6312	Adopted	Jan.	44			
	CXXXIX.Chapters 3-40	Amended	Feb.	230	LXXXV.403,1015,1227	Amended	Mar.	587			
	CXXXIX.311,313,519,2805,4001,4003	Adopted	Feb.	230	LXXXV.1019	Repealed	Mar.	587			
	CXXXIX.512,518,523,1502,3501	Repealed	Feb.	230	48	I.Chapter 40	Amended	June	1015		
	CXXXIX.4005	Adopted	Feb.	230		I.Chapter 62	Amended	Apr.	773		
	CLXI.103,701-707,713,1105,1301,1307	Amended	Feb.	247		I.6297	Adopted	Apr.	773		
	CLXI.505,507,509,1701,1703,1705	Repealed	Feb.	247		I.Chapter 82	Amended	Mar.	588		
	CLXI.1509,1515,1709-1717,1721-1725	Amended	Feb.	247		I.8216,8246	Adopted	Mar.	588		
	CLXI.Chapter 18	Adopted	Feb.	247		I.8249,8251	Repealed	Mar.	588		
	CLXI.1903,1907,1909,1919,2103	Amended	Feb.	247		I.Chapter 90	Amended	Feb.	287		
	CLXV.103,309,311-315,505,509,513,521	Amended	Feb.	257		I.12501,12503	Amended	Feb.	280		
	CLXV.310	Adopted	Feb.	257		I.12524	Adopted	Feb.	280		
	CLXV.103,511,515,519	Amended	Apr.	800		I.19707	Amended	Jan.	63		
	CLXV.512	Adopted	Apr.	800		V.Chapter 85	Amended	Jan.	71		
	CLXV.903	Amended	Feb.	262		V.8512,8514	Adopted	Jan.	71		
	33	I.501	Amended	Jan.		43	50	I.1501	Amended	May	920
		III.321	Adopted	Jan.		42		I.3111	Adopted	Feb.	283
		III.502	Amended	Apr.		748		I.3507	Amended	Jan.	61
III.505,507,2160,3003,5116,5122,5311		Amended	Apr.	746		I.Chapter 37		Amended	Feb.	285	
III.5901		Amended	Apr.	746		II.Chapter 5		Amended	June	1018	
V.108,1101,1109,1111,1113,1901,2245		Amended	Jan.	39	II.10101,10156	Amended		June	1019		
V.2299,4105,4301		Amended	Jan.	39	V.115	Adopted		Jan.	60		
V.10303		Amended	May	921	V.301	Repealed		Mar.	607		
V.Chapters 301-305		Amended	June	1021	V.2715	Adopted		Feb.	276		
V.30139		Repealed	June	1021	VII.32917	Repealed		Mar.	608		
V.30143,30591		Adopted	June	1021	VII.32969	Amended		Jan.	60		
34	III.313	Amended	Mar.	577	VII.32969	Amended	Apr.	744			
	V.Chapters 1-33	Amended	Apr.	749	VII.33103	Amended	Jan.	61			
	V.111	Adopted	Apr.	770							

LAC Title	Part #,Section #	Action	Location:		LAC Title	Part #,Section #	Action	Location:		
			Month	LR 44 Page #				Month	LR 44 Page #	
50	IX.15110	Adopted	Jan.	62	61	V.1501,1503,2503,3501	Amended	Mar.	577	
	IX.15113	Amended	Jan.	62		67	I.201,203	Amended	June	997
	IX.15151, 15153	Amended	May	920			I.Chapter 3	Repealed	June	997
	XIII.101,103,301,303,305,501	Amended	Jan.	58			III.301,307,309,313,1209,1229,1987,1988	Amended	Mar.	442
	XV.10701	Amended	Jan.	63			III.403	Amended	Jan.	23
	XV.25501	Amended	Mar.	588			III.1255,5345	Repealed	Mar.	442
	XIX.4334	Amended	Feb.	283			III.1999,2103,2107,5307	Amended	Mar.	442
	XXI.Chapters 137-143	Amended	Jan.	50			III.2514	Amended	Jan.	24
	XXI.13702,14202	Adopted	Jan.	50			III.Chapter 69	Adopted	Jan.	24
	XXI.13931	Repromulgated	Feb.	282			V.1101,1111	Adopted	June	997
	XXI.13933	Repealed	Jan.	50			V.1103,1105	Amended	June	997
	XXIX.949	Amended	June	1020			V.1135	Adopted	Jan.	22
	XXXIII.6103,6301,6303,6305,6307,6501	Amended	June	1014			V.2301	Repealed	Mar.	442
	51	I.101	Amended	Apr.			783	70	V.3901	Amended
I.109,120		Adopted	Apr.	783	V.3903		Repealed		May	908
XII.101,105,107,319		Amended	Feb.	296	76	IX.Chapter 15	Adopted		May	922
XII.111-191,201-279		Adopted	Feb.	296		IX.1521	Adopted		May	822
55	I.Chapters 5,27	Amended	Jan.	95		XI.101	Amended	Feb.	347	
	I.1101	Amended	Feb.	347		61	I.317	Amended	Apr.	798
61	I.103	Adopted	Jan.	98	V.130		Amended	May	929	
	I.1115	Adopted	Apr.	785	VII.149		Amended	Feb.	347	
	I.1501	Amended	June	1062	VII.346		Amended	Jan.	102	
	V.101,303,304,701,703,907,1103,1307	Amended	Mar.	577	VII.367		Amended	Jan.	100	
	V.706,1504	Adopted	Mar.	577	VII.370		Adopted	June	1090	
	V.907, 2503	Repromulgated	May	917						

Potpourri

POTPOURRI

Department of Environmental Quality Office of the Secretary Legal Affairs and Criminal Investigations Division

State Implementation Plan for Regional Haze Program Periodic Progress Report

Under the authority of the Louisiana Environmental Quality Act, R. S. 30:2001 et seq., the secretary gives notice that the Office of Environmental Assessment, Air Planning and Assessment Division, will submit a proposed revision to the State Implementation Plan (SIP) for the Regional Haze Program as required under the Clean Air Act (CAA), 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. (1807Pot1)

On December 21, 2017, pursuant to the CAA, the US Environmental Protection Agency finalized the SIP revisions that addressed the requirements to prevent any future and remedy any existing anthropogenic impairment of visibility in mandatory Class I areas (national parks and wilderness areas) caused by emissions of air pollutants from numerous sources located over a wide geographic area. Following this approval, the LDEQ is required to provide an evaluation of the reasonable progress goal. The state has determined that the existing plan requires no further substantive revision.

All interested persons are invited to submit written comments concerning the SIP revision no later than 4:30 p.m., September 4, 2018, to Vivian H. Aucoin, Office of Environmental Assessment, Box 4314, Baton Rouge, LA 70821-4314, Fax (225) 219-3482, or e-mail at vivian.aucoin@la.gov. A public hearing will be held upon request. The deadline for requesting a public hearing is August 3, 2018.

A copy of the proposal may be viewed on the LDEQ website or at LDEQ headquarters at 602 North 5th Street, Baton Rouge, LA 70802.

Herman Robinson
General Counsel

1807#015

POTPOURRI

Coastal Protection and Restoration Authority

Notice of Availability of the Deepwater Horizon Oil Spill Louisiana Trustee Implementation Group Final Restoration Plan/Environmental Assessment #2—Provide and Enhance Recreational Opportunities

Action: Notice of Availability

Summary: In accordance with the Oil Pollution Act of 1990 (OPA) and the National Environmental Policy Act (NEPA), the Federal and State natural resource trustee

agencies for the Louisiana Trustee Implementation Group (Louisiana TIG) have prepared the Final Restoration Plan and Environmental Assessment #2: Provide and Enhance Recreational Opportunities (Final RP/EA #2). The Final RP/EA #2 describes and, in conjunction with the associated Finding of No Significant Impact (FONSI), selects four preferred project alternatives considered by the Louisiana TIG to compensate for recreational use services lost as a result of the Deepwater Horizon oil spill. The Louisiana TIG evaluated alternatives under criteria set forth in the OPA natural resource damage assessment (NRDA) regulations, and evaluated the environmental consequences of the restoration alternatives in accordance with NEPA. The selected projects are consistent with the restoration alternatives selected in the Deepwater Horizon oil spill Final Programmatic Damage Assessment and Restoration Plan/Programmatic Environmental Impact Statement (PDARP/PEIS). The Federal Trustees of the Louisiana TIG have determined that implementation of the Final RP/EA #2 is not a major federal action significantly affecting the quality of the human environment within the context of NEPA. They have concluded a FONSI is appropriate, and, therefore, an Environmental Impact Statement will not be prepared. The purpose of this notice is to inform the public of the approval and availability of the Final RP/EA #2 and FONSI.

Addresses: Obtaining Documents: You may download the Final RP/EA #2 and FONSI at any of the following sites:

- <http://www.gulfspillrestoration.noaa.gov>
- <http://www.la-dwh.com>

Alternatively, you may request a CD of the Final RP/EA #2 and FONSI (see **For Further Information Contact**). You may also view the document at any of the public facilities listed at <http://www.gulfspillrestoration.noaa.gov>.

For Further Information Contact:

- Louisiana—Joann Hicks, 225-342-5477
- EPA—Tim Landers, 202-566-2231

Supplementary Information

Introduction

On April 20, 2010, the mobile offshore drilling unit Deepwater Horizon, which was being used to drill a well for BP Exploration and Production, Inc. (BP), in the Macondo prospect (Mississippi Canyon 252–MC252), experienced a significant explosion, fire, and subsequent sinking in the Gulf of Mexico, resulting in an unprecedented volume of oil and other discharges from the rig and from the wellhead on the seabed. The Deepwater Horizon oil spill is the largest off shore oil spill in U.S. history, discharging millions of barrels of oil over a period of 87 days.

The Trustees conducted the natural resource damage assessment for the Deepwater Horizon oil spill under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.). Under OPA, Federal and State agencies act as trustees on behalf of the public to assess natural resource injuries and losses and to determine the actions required to compensate the public for those injuries and losses. OPA further instructs the designated trustees to develop and implement a plan for the

restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources under their trusteeship, including the loss of use and services from those resources from the time of injury until the time restoration to baseline (the resource quality and conditions that would exist if the spill had not occurred) is complete.

The Deepwater Horizon oil spill Trustees are:

- U.S. Environmental Protection Agency (EPA);
- U.S. Department of the Interior (DOI), as represented by the National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management;
- National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S. Department of Commerce;
- U.S. Department of Agriculture (USDA);
- State of Louisiana Coastal Protection and Restoration Authority (CPRA), Oil Spill Coordinator's Office (LOSCO), Department of Environmental Quality (LDEQ), Department of Wildlife and Fisheries (LDWF), and Department of Natural Resources (LDNR);
- State of Mississippi Department of Environmental Quality;
- State of Alabama Department of Conservation and Natural Resources and Geological Survey of Alabama;
- State of Florida Department of Environmental Protection and Fish and Wildlife Conservation Commission; and
- State of Texas Parks and Wildlife Department, General Land Office, and Commission on Environmental Quality.

On April 4, 2016, the Trustees reached and finalized a settlement of their natural resource damage claims with BP in a Consent Decree approved by the United States District Court for the Eastern District of Louisiana. Pursuant to that Consent Decree, restoration projects in the Louisiana Restoration Area are now chosen and managed by the Louisiana TIG. The Louisiana TIG is composed of the following Trustees: CPRA, LOSCO, LDEQ, LDWF, LDNR, EPA, DOI, NOAA, USDA.

Background

A Notice of Availability of the Deepwater Horizon Oil Spill Louisiana Trustee Implementation Group Draft Restoration Plan and Environmental Assessment #2: Provide and Enhance Recreational Opportunities (Draft RP/EA #2) was published in the Louisiana Register on December 20, 2017. The Louisiana TIG hosted a public meeting on January 24, 2018, in New Orleans, and the public comment period for the Draft RP/EA #2 closed on February 2, 2018. The Draft RP/EA #2 proposed four restoration projects, evaluated in accordance with OPA and NEPA. In response to public comments received on the Draft RP/EA #2, the Louisiana TIG prepared a Draft Supplemental Restoration Plan and Environmental Assessment for the Elmer's Island Access Project Modification (Draft Supplemental RP/EA) to evaluate proposed changes to the Elmer's Island Access project. A Notice of Availability of the Draft Supplemental RP/EA was published in the Louisiana Register on May 20, 2018. The Louisiana TIG hosted a public meeting on May 22, 2018, in New Orleans, and the public comment period for the Draft Supplemental RP/EA closed on June 20, 2018. The Louisiana TIG considered the public comments received on both the Draft RP/EA #2, and Draft Supplemental

RP/EA, which informed the Louisiana TIG's analyses and selection of the restoration projects in the Final RP/EA #2. A summary of the public comments received and the Trustees' responses to those comments are included in Section 7 of the Final RP/EA #2.

Overview of the Final RP/EA #2

The Final RP/EA #2 is being released in accordance with OPA NRDA regulations found in the Code of Federal Regulations (CFR) at 15 CFR 990, and NEPA (42 U.S.C. 4321 et seq.). In the Final RP/EA #2, the Louisiana TIG selects the following preferred project alternatives:

- Elmer's Island Access, as modified
- Island Road Piers
- Statewide Artificial Reefs
- Lake Charles Science Center and Educational Complex

The Louisiana TIG has examined the injuries assessed by the Deepwater Horizon Trustees and evaluated restoration alternatives to address the injuries. In the Final RP/EA #2, the Louisiana TIG presents to the public its plan for providing partial compensation for lost recreational use services in the Louisiana Restoration Area. The selected projects are intended to continue the process of restoring recreational use services lost as a result of the Deepwater Horizon oil spill. The total estimated cost of the selected projects is \$22 million.

Administrative Record

The documents comprising the Administrative Record for the Final RP/EA #2 and FONSI will be available at <http://www.doi.gov/deepwaterhorizon/administrativerecord>.

Authority

The authorities for this action are the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), the National Environmental Policy Act (42 U.S.C. 4321 et seq.) the implementing Natural Resource Damage Assessment regulations found at 15 CFR 990, the Louisiana Oil Spill Prevention and Response Act (La. R.S. 30:2451 et seq.), and the implementing Natural Resource Damage Assessment Regulations found at La. Admin. Code 43:101 et seq.

Michael Ellis
Executive Director

1807#033

POTPOURRI

Coastal Protection And Restoration Authority

Notice of Availability of the Deepwater Horizon Oil Spill Louisiana Trustee Implementation Group Final Restoration Plan/Environmental Assessment #4—Nutrient Reduction (Nonpoint Source) and Recreational Opportunities

Action: Notice of Availability

Summary: In accordance with the Oil Pollution Act of 1990 (OPA) and the National Environmental Policy Act (NEPA), the Federal and State natural resource trustee agencies for the Louisiana Trustee Implementation Group (Louisiana TIG) have prepared the Final Restoration Plan and Environmental Assessment #4: Nutrient Reduction (Nonpoint Source) and Recreational Opportunities (Final RP/EA #4). The Final RP/EA #4 describes and, in

conjunction with the associated Finding of No Significant Impact (FONSI), selects twenty-three preferred project alternatives considered by the Louisiana TIG to improve water quality by reducing nutrients from nonpoint sources and to compensate for recreational use services lost as a result of the Deepwater Horizon oil spill. The Louisiana TIG evaluated alternatives under criteria set forth in the OPA natural resource damage assessment (NRDA) regulations, and evaluated the environmental consequences of the restoration alternatives in accordance with NEPA. The selected projects are consistent with the restoration alternatives selected in the Deepwater Horizon oil spill Final Programmatic Damage Assessment and Restoration Plan/Programmatic Environmental Impact Statement (PDARP/PEIS). The Federal Trustees of the Louisiana TIG have determined that implementation of the Final RP/EA #4 is not a major federal action significantly affecting the quality of the human environment within the context of NEPA. They have concluded a FONSI is appropriate, and, therefore, an Environmental Impact Statement will not be prepared. The purpose of this notice is to inform the public of the approval and availability of the Final RP/EA #4 and FONSI.

Addresses: Obtaining Documents: You may download the Final RP/EA #4 and FONSI at any of the following sites:

- <http://www.gulfspillrestoration.noaa.gov>
- <http://www.la-dwh.com>

Alternatively, you may request a CD of the Final RP/EA #4 and FONSI (see **For Further Information Contact**).

You may also view the document at any of the public facilities listed at <http://www.gulfspillrestoration.noaa.gov>.

For Further Information Contact:

- Louisiana—Joann Hicks, 225-342-5477
- EPA—Doug Jacobson, 214-665-6692

Supplementary Information

Introduction

On April 20, 2010, the mobile offshore drilling unit Deepwater Horizon, which was being used to drill a well for BP Exploration and Production, Inc. (BP), in the Macondo prospect (Mississippi Canyon 252–MC252), experienced a significant explosion, fire, and subsequent sinking in the Gulf of Mexico, resulting in an unprecedented volume of oil and other discharges from the rig and from the wellhead on the seabed. The Deepwater Horizon oil spill is the largest offshore oil spill in U.S. history, discharging millions of barrels of oil over a period of 87 days.

The Trustees conducted the natural resource damage assessment for the Deepwater Horizon oil spill under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.). Under OPA, Federal and State agencies act as trustees on behalf of the public to assess natural resource injuries and losses and to determine the actions required to compensate the public for those injuries and losses. OPA further instructs the designated trustees to develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources under their trusteeship, including the loss of use and services from those resources from the time of injury until the time restoration to baseline (the resource quality and conditions that would exist if the spill had not occurred) is complete.

The Deepwater Horizon oil spill Trustees are:

- U.S. Environmental Protection Agency (EPA);
- U.S. Department of the Interior (DOI), as represented by the National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management;
- National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S. Department of Commerce;
- U.S. Department of Agriculture (USDA);
- State of Louisiana Coastal Protection and Restoration Authority (CPRA), Oil Spill Coordinator's Office (LOSCO), Department of Environmental Quality (LDEQ), Department of Wildlife and Fisheries (LDWF), and Department of Natural Resources (LDNR);
- State of Mississippi Department of Environmental Quality;
- State of Alabama Department of Conservation and Natural Resources and Geological Survey of Alabama;
- State of Florida Department of Environmental Protection and Fish and Wildlife Conservation Commission; and
- State of Texas Parks and Wildlife Department, General Land Office, and Commission on Environmental Quality.

On April 4, 2016, the Trustees reached and finalized a settlement of their natural resource damage claims with BP in a Consent Decree approved by the United States District Court for the Eastern District of Louisiana. Pursuant to that Consent Decree, restoration projects in the Louisiana Restoration Area are now chosen and managed by the Louisiana TIG. The Louisiana TIG is composed of the following Trustees: CPRA, LOSCO, LDEQ, LDWF, LDNR, EPA, DOI, NOAA, USDA.

Background

A Notice of Availability of the Deepwater Horizon Oil Spill Louisiana Trustee Implementation Group Draft Restoration Plan and Environmental Assessment #4: Nutrient Reduction (Nonpoint Source) and Recreational Opportunities (Draft RP/EA #4) was published in the Louisiana Register on April 20, 2018. The Louisiana TIG hosted a public meeting on April 24, 2018, in New Orleans, and the public comment period for the Draft RP/EA #4 closed on May 21, 2018. The Draft RP/EA #4 proposed twenty-three restoration projects, evaluated in accordance with OPA and NEPA. The Louisiana TIG considered the public comments received on the Draft RP/EA #4 which informed the Louisiana TIG's analyses and selection of the restoration projects in the Final RP/EA #4. A summary of the public comments received and the Trustees' responses to those comments are included in Chapter 7 of the Final RP/EA #4.

Overview of the Final RP/EA #4

The Final RP/EA #4 is being released in accordance OPA, the NRDA regulations, the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the DWH Consent Decree, and the Final PDARP/PEIS.

In the Final RP/EA #4, the Louisiana TIG selects the following preferred project alternatives:

Nutrient Reduction (Nonpoint Source):

- Nutrient Reduction on Dairy Farms in St. Helena and Tangipahoa Parishes

- Nutrient Reduction on Dairy Farms in Washington Parish
- Nutrient Reduction on Cropland and Grazing Lands in Bayou Folse
- Winter Water Holding on Cropland in Vermilion and Cameron Parishes Plus Agricultural Best Management Practices

Recreational Use:

- Pass-a-Loutre Wildlife Management Area Crevasse Access
- Pass-a-Loutre Wildlife Management Area Campgrounds
- Grand Isle State Park Improvements
- Chitimacha Boat Launch
- Sam Houston Jones State Park Improvements
- Montegut S1/S2 Access/Pointe-aux-Chenes Fishing Piers
- WHARF Phase 1
- Bayou Segnette State Park Improvements
- Atchafalaya Delta Wildlife Management Area Access
- Atchafalaya Delta Wildlife Management Area Campgrounds
- Rockefeller Piers/Rockefeller Signage
- St. Bernard State Park Improvements
- Cypremort Point State Park Improvements
- The Wetlands Center
- Recreational Use Improvements at Barataria Preserve in Jefferson Parish, Jean Lafitte National Historical Park and Preserve, Barataria Unit
- Des Allemands Boat Launch
- Middle Pearl Boat Launch
- Improvements to Grand Avoille Boat Launch
- Belle Chasse Boat Launch

The Louisiana TIG has examined the injuries assessed by the Deepwater Horizon Trustees and evaluated restoration alternatives to address the injuries. In the Final RP/EA #4, the Louisiana TIG presents to the public its plan for providing partial compensation for lost recreational use services and reducing nutrients from nonpoint sources in the Louisiana Restoration Area. The selected projects are intended to continue the process of using restoration funding to reduce nutrients (nonpoint source) and restore recreational use services lost as a result of the Deepwater Horizon oil spill. The total estimated cost of the selected projects is \$47.5 million.

Administrative Record

The documents comprising the Administrative Record for the Final RP/EA #4 and FONSI will be available at <http://www.doi.gov/deepwaterhorizon/administrativerecord>.

Authority

The authorities for this action are the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), the National Environmental Policy Act (42 U.S.C. 4321 et seq.) the implementing Natural Resource Damage Assessment regulations found at 15 CFR 990, the Louisiana Oil Spill Prevention and Response Act (La. R.S. 30:2451 et seq.), and the implementing Natural Resource Damage Assessment Regulations found at La. Admin. Code 43:101 et seq.

Michael Ellis
Executive Director

1807#018

POTPOURRI

**Department of Health
Board of Veterinary Medicine**

Fall/Winter Examination Dates

The Louisiana Board of Veterinary Medicine will administer the State Board Examination (SBE) for licensure to practice veterinary medicine on the first Tuesday of every month. Deadline to apply for the SBE is the third Friday prior to the examination date desired. SBE dates are subject to change due to office closure (i.e. holiday, weather).

The board will accept applications to take the North American Veterinary Licensing Examination (NAVLE) which will be administered through the International Council for Veterinary Assessment (ICVA), formerly National Board of Veterinary Medical Examiners (NBVME), and the National Board Examination Committee (NBEC), as follows:

Test Window Date	Deadline To Apply
November 12 - December 8, 2018	August 1, 2018
April 2019	February 1, 2019

The board will also accept applications to take the Veterinary Technician National Examination (VTNE) which will be administered through American Association of Veterinary State Boards (AAVSB), for state registration of veterinary technicians as follows.

Test Date	Deadline To Apply
November 15 – December 15, 2018	October 15, 2018
March 15 – April 15, 2019	February 15, 2019
July 15 – August 15, 2019	June 15, 2019

Applications for all examinations must be received on or before the deadline. No late application will be accepted. Requests for special accommodations must be made as early as possible for review and acceptance. Applications and information may be obtained from the board office at 301 Main Street, Suite 1050, Baton Rouge, LA 70801 and by request via telephone at (225) 342-2176 or by e-mail at admin@lsbvm.org; application forms and information are also available on the website at www.lsbvm.org.

Wendy D. Parrish
Executive Director

1807#003

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
Apollo Energy, L.L.C.	Happytown	L	Iberville Land Co B	001	22713
Apollo Energy, L.L.C.	Happytown	L	Iberville Land Co swd	003	24911
Apollo Energy, L.L.C.	Happytown	L	Iberville Land Co B	004	70895
Apollo Energy, L.L.C.	Happytown	L	Iberville Land Co B	005	137041
Apollo Energy, L.L.C.	Happytown	L	Iberville Land Co A	001	178425
Apollo Energy, L.L.C.	Happytown	L	NB 3 ra sua; Iberville Ld Co	001	178498
Apollo Energy, L.L.C.	Happytown	L	Iberville Land Co A	002	185831
Bdd Oil Company, Llc	Le Blanc	L	S2 ra sua; Adele Roberts et al	001	189902
Bdd Oil Company, Llc	Le Blanc	L	Adele Roberts et al swd	2	224509
C & M Operating Company	Caddo Pine Island	S	Haynes	001	248465
Eric Slaton	Monroe	M	Mashaw	001	178194
Destin Resources Llc	Bills Branch	L	Weyerhaeuser	002	227658
Destin Resources Llc	Bills Branch	L	Weyerhaeuser	004	233633
Field Petroleum Corp.	Darrow	L	Leola M Many	002	207690
Field Petroleum Corp.	Darrow	L	Leola M Many	001	210416
Field Petroleum Corp.	Darrow	L	Leola M Many	003	211392
Field Petroleum Corp.	Darrow	L	Melancon swd	006	975021
Foothills Petroleum Operating, Inc.	Houston River	L	HBV ra sua; Labokay Corp	001	250006(29)

Operator	Field	District	Well Name	Well Number	Serial Number
Marshall R. Young Drilling Company	Wildcat-No La Monroe Dist	M	Olin et al	025	90556
Middle States Petroleum Corp	Southwest Lisbon – Put In Lisbon In 1963	S	Unit	023-5	37063
Needham Resources, Inc.	Beacons Gully	L	Beverly V Broussard	001	203928(29)
Perdura Energy L.L.C.	Lake Arthur	L	Hughes A 5 swd	006	139259(30)
Southern Coastal Operating, Llc	Anse La Butte	L	Dale Degeyter	001	250007
Stinson Gas Company, L.L.C.	Monroe	M	Exxon	001	154809
Stinson Gas Company, L.L.C.	Monroe	M	Exxon	002	154810
Stinson Gas Company, L.L.C.	Monroe	M	Exxon	003	154825
Stinson Gas Company, L.L.C.	Monroe	M	Exxon	004	155513
Stinson Gas Company, L.L.C.	Monroe	M	Exxon	005	155541
Stinson Gas Company, L.L.C.	Monroe	M	Exxon	007	156202
Stinson Gas Company, L.L.C.	Monroe	M	Roan	001	156496
Stinson Gas Company, L.L.C.	Monroe	M	Roan	003	156498
Stinson Gas Company, L.L.C.	Monroe	M	K S Thompson est	002	156948
Stinson Gas Company, L.L.C.	Monroe	M	F R Rogers	001	158966

Operator	Field	District	Well Name	Well Number	Serial Number
Stinson Gas Company, L.L.C.	Monroe	M	F R Rogers	002	158967
Stinson Gas Company, L.L.C.	Monroe	M	F R Rogers	003	158968
Stinson Gas Company, L.L.C.	Monroe	M	F R Rogers	004	158969
Stinson Gas Company, L.L.C.	Monroe	M	Roan	002	158970
Stinson Gas Company, L.L.C.	Monroe	M	Roan	004	158971
Stinson Gas Company, L.L.C.	Monroe	M	Roan	005	158972
Stinson Gas Company, L.L.C.	Monroe	M	Roan	006	158973
Stinson Gas Company, L.L.C.	Monroe	M	J T Savage	001	159226
Stinson Gas Company, L.L.C.	Monroe	M	Edwards	002	161622
Stinson Gas Company, L.L.C.	Monroe	M	Read	001	161624
Stinson Gas Company, L.L.C.	Monroe	M	Edwards	003	171801
Stinson Gas Company, L.L.C.	Monroe	M	Edwards	004	171802
Stinson Gas Company, L.L.C.	Monroe	M	Read	003	171803
Stinson Gas Company, L.L.C.	Monroe	M	Virginia Yelton	001	171804

Operator	Field	District	Well Name	Well Number	Serial Number
Stinson Gas Company, L.L.C.	Monroe	M	Read	002	171865
Stinson Gas Company, L.L.C.	Monroe	M	Frank Yelton	001	171984
Stinson Gas Company, L.L.C.	Monroe	M	Thomas Smith	001	172025
Stinson Gas Company, L.L.C.	Monroe	M	Bertrand Dean	001	173128
Stinson Gas Company, L.L.C.	Monroe	M	A J Jones	001	173129
Stinson Gas Company, L.L.C.	Monroe	M	A J Jones	003	174160
Stinson Gas Company, L.L.C.	Monroe	M	Bertrand Dean	002	174161
Stinson Gas Company, L.L.C.	Monroe	M	Rabun	001	176065
Stinson Gas Company, L.L.C.	Monroe	M	Rabun	002	176066
Stinson Gas Company, L.L.C.	Monroe	M	Rabun	003	176134
Stinson Gas Company, L.L.C.	Monroe	M	Rabun	004	176135
Stinson Gas Company, L.L.C.	Monroe	M	Exxon A	001	178659
Stinson Gas Company, L.L.C.	Monroe	M	Exxon A	002	178660
Stinson Gas Company, L.L.C.	Monroe	M	Exxon A	004	178884

Operator	Field	District	Well Name	Well Number	Serial Number
Stinson Gas Company, L.L.C.	Monroe	M	Exxon A	006	178886
Stinson Gas Company, L.L.C.	Monroe	M	A J Jones	004	179586
Stinson Gas Company, L.L.C.	Monroe	M	A L Ham	002	181655
Stinson Gas Company, L.L.C.	Monroe	M	B H Savage est	001	184700
Stinson Gas Company, L.L.C.	Monroe	M	C S Roan	006	189097
Stinson Gas Company, L.L.C.	Monroe	M	Charles Savage	001	189357
Stinson Gas Company, L.L.C.	Monroe	M	C S Roan	007	199582
Stinson Gas Company, L.L.C.	Monroe	M	Wanda Hevron et al	001	199866
Stinson Gas Company, L.L.C.	Monroe	M	Edwards	005	206629
Stinson Gas Company, L.L.C.	Monroe	M	Edwards	006	206630
Stinson Gas Company, L.L.C.	Monroe	M	Read	004	206631
Stinson Gas Company, L.L.C.	Monroe	M	T C Smith A	001	206632
Stinson Gas Company, L.L.C.	Monroe	M	Edwards	007	206749
Stinson Gas Company, L.L.C.	Monroe	M	Rupert Savage	002	207395

Operator	Field	District	Well Name	Well Number	Serial Number
Stinson Gas Company, L.L.C.	Monroe	M	Edwards	008	217300
Stinson Gas Company, L.L.C.	Monroe	M	Edwards	009	217301
Stinson Gas Company, L.L.C.	Monroe	M	Roan	008	217304
Stinson Gas Company, L.L.C.	Monroe	M	Edwards	011	218290
Stinson Gas Company, L.L.C.	Monroe	M	Exxon	001	154809
Stinson Gas Company, L.L.C.	Monroe	M	Exxon	002	154810
Stinson Gas Company, L.L.C.	Monroe	M	Exxon	003	154825
Stinson Gas Company, L.L.C.	Monroe	M	Exxon	004	155513
Stinson Gas Company, L.L.C.	Monroe	M	Exxon	005	155541
Vinton Petroleum Co Of Texas	Vinton	L	Harmony	014	8453

Richard P. Ieyoub
Commissioner

1807#038

POTPOURRI

**Department of Public Safety and Corrections
Oil Spill Coordinator's Office**

Green Canyon 248 Oil Spill

Action: Notice of Intent to Conduct Restoration Planning and Notice of Availability of a Consent Decree for Natural Resource Damages—LOSCO NRDA case file #LA2016_0512_0630 [Green Canyon 248]. The Consent Decree for Natural Resource Damages is available for public review and comment for 30 days.

Agencies: Louisiana Oil Spill Coordinator's Office, Department of Public Safety and Corrections (LOSCO); Louisiana Department of Environmental Quality (LDEQ); Louisiana Department of Natural Resources (LDNR); Louisiana Department of Wildlife and Fisheries (LDWF); Louisiana Coastal Protection and Restoration Authority (CPRA); United States Department of Commerce's National Oceanic and Atmospheric Administration (NOAA); and the United States Department of the Interior (DOI) through the United States Fish and Wildlife Service (FWS).

Authorities: The Oil Pollution Act of 1990 (OPA), 33 U.S.C. 2701 et seq., and the Louisiana Oil Spill Prevention and Response Act of 1991 (OSPRA), La. Rev. Stat. 30:2451 et seq., are the principal federal and state statutes, respectively, authorizing federal and state agencies and tribal officials to act as natural resource trustees for the recovery of damages for injuries to trust resources and services resulting from an oil spill. The natural resource trustees for this incident include NOAA, DOI, FWS, LOSCO, LDNR, LDEQ, LDWF, and CPRA (collectively, the "Trustees"). NOAA, DOI and FWS are designated as Trustees pursuant to Section 1006(b)(2) of OPA, 33 U.S.C. § 2706(b)(2), Subpart G of the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP") (40 C.F.R. §§ 300.600, *et seq.*) and Executive Order 12580 (3 C.F.R., 1987 Comp. p. 193, 52 Fed. Reg. 2923 (January 23, 1987) as amended by Executive Order 12777 (56 Fed. Reg. 54757 (October 19, 1991)). LOSCO, LDNR, LDEQ, LDWF, and CPRA are designated as Trustees by the Governor of Louisiana pursuant to Section 1006(b)(3) of OPA, 33 U.S.C. § 3706(b)(3), and subpart G of the NCP. These same agencies serve as State Trustees under OSPRA according to La. R.S. 30:2451, *et seq.* and La. Admin. Code tit. 43, pt. XXIX, *et seq.* Shell Offshore Inc., as the owner and operator of the pipeline that discharged oil, is the identified Responsible Party and is therefore liable according to 33 U.S.C. § 2702 and La. Rev. Stat. 30:2480 for natural resource damages resulting from the Incident.

Summary of Incident: On or about May 11, 2016, oil was discharged from Shell's Green Canyon Block 248 subsea oil production system in the Gulf of Mexico, located approximately 97 miles off the coast of Louisiana. The oil leaked from a piping system that is used to transport oil from a production well on the sea floor. Shell reported to DOI's Bureau of Safety and Environmental Enforcement that the incident resulted in an estimated discharge of 1,926 barrels of oil, or 80,892 gallons, into the waters of the Gulf of Mexico. Overflights revealed oil and oil sheen on the water surface. The surface oil generally traveled west-northwest sweeping through an area of over 1,270 square miles over 5 days. Shell, the State, and the United States Coast Guard responded to the spill, including use of mechanical recovery vessels and other assets. Response efforts concluded on May 16, 2016. All of the foregoing events are referred to as the "Incident." Natural resources within the area that provide services to the public were adversely impacted by the discharged oil and response actions, including, but not limited to, the water column around the spill site, as well as aquatic and avian resources.

Following the Incident, the Trustees and Shell executed a Cooperative Pre-Assessment Agreement to determine if the Trustees had jurisdiction to pursue restoration under OPA

and OSPRA, and, if so, whether it was appropriate to do so. The Trustees and Shell worked collaboratively for over 1.5 years to, among other things, collect and analyze (1) data reasonably expected to be necessary to make a determination of jurisdiction and/or a determination to conduct restoration planning, (2) ephemeral data, and (3) information needed to design or implement anticipated assessment activities as part of restoration planning. Activities included, among other things, identifying the data and modeling procedures that were most applicable to this Incident, evaluating the potential impacts to natural resources, and identifying actions to restore affected natural resources. As a result of that process, the Trustees have made several determinations.

Determinations:

Determination of Jurisdiction: The Trustees have made the following findings pursuant to 15 C.F.R. § 990.41 and La. Admin. Code tit. 43, pt. XXIX, § 101:

1. The Incident resulted in the discharge of oil into or upon navigable waters of the United States. Such occurrence constitutes an "incident" within the meaning of 15 C.F.R. § 930.30.

2. The Incident was not authorized under a permit issued pursuant to federal, state, or local law; was not from a public vessel; and was not from an onshore facility subject to the Trans-Alaska Pipeline Authority Act, 43 U.S.C. § 1651, *et seq.*

3. Natural resources under the trusteeship of the Trustees have been injured as a result of the Incident.

As a result of the foregoing determinations, the Trustees have jurisdiction to pursue restoration under OPA and OSPRA.

Determination to Conduct Restoration Planning: The Trustees have determined, pursuant to 15 C.F.R. § 990.42(a), that:

1. Data collected pursuant to 15 C.F.R. § 990.43 demonstrate that injuries to natural resources have resulted from the Incident, as described above.

2. The response actions did not adequately address the injuries resulting from the Incident.

3. Feasible primary and/or compensatory restoration actions exist to address injuries from the Incident.

Based upon the foregoing determinations, the Trustees intend to proceed with restoration planning for this Incident.

Purpose: The Trustees prepare and issue a Notice of Intent to Conduct Restoration Planning (NOI) if they determine conditions that confirm the jurisdiction of the Trustees and the appropriateness of pursuing restoration of natural resources have been met. This NOI announces that the Trustees have made the determination to proceed with restoration planning and will develop plans for restoring, rehabilitating, replacing, and/or acquiring the equivalent of natural resources and services injured, lost, or destroyed as a result of the Incident. The United States and the State of Louisiana are coordinating restoration efforts. The Trustees will be opening an Administrative Record (AR) that will be available to the public and will document the basis for the Trustees' decisions pertaining to injury and selection of restoration alternatives.

Furthermore, pursuant to La. Admin. Code tit. 43, pt. XXIX, *et seq.*, notice is also hereby given that a document entitled, "Consent Decree for Natural Resource Damages" (CD) is available for public review and comment. In lieu of

conducting further assessment activities, Shell and the Trustees propose a cash settlement amount to expedite restoration for this Incident and to resolve Shell's liability for natural resource damages under Section 1002(a) and (b) of OPA, 33 U.S.C. § 2702(a) and (b), and Section 2480 of OSPRA, La. R.S. 30:2480. The mutual objectives of Shell and the Trustees in entering into the proposed Consent Decree are: (i) to provide funding by Shell to the Trustees to restore, replace, or acquire the equivalent of the natural resources injured, destroyed, or lost as a result of the Incident; (ii) to provide payment by Shell to the Trustees to reimburse the remaining unpaid natural resource damage assessment costs incurred by the Trustees; and (iii) to resolve the Trustees' claims against Shell for natural resource damages under OPA and OSPRA as provided herein.

The CD is available to the public for a 30-day comment period, which will begin on the date of this public notice announcing availability of the document for public review. The Trustees invite the public to review the CD and submit comments to the address listed below. The Trustees will consider comments received during the public comment period on the CD before finalizing the document. Once the CD is approved and payment has been received from Shell, the Trustees will identify and evaluate potential restoration projects that will appropriately address injuries to natural resources resulting from the Incident.

Public Participation: Interested members of the public are invited to view the CD via the internet at <http://www.losco.state.la.us> (look under Newsflash/current news for Shell Green Canyon 248 NRDA Consent Decree Available) or by requesting a copy of the document from Gina Muhs Saizan at the address provided below:

Gina Muhs Saizan
Louisiana Oil Spill Coordinator's Office
Department of Public Safety and Corrections
P.O. Box 66614
Baton Rouge, LA 70896
(225) 925-6606
Gina.Saizan@la.gov

The Trustees also hereby invite the public to participate in restoration planning for this Incident. Public participation is encouraged. Opportunities to participate in the process include public availability of AR documents as well as an opportunity for the public to review and comment on draft restoration planning documents that will identify the Trustees' preferred restoration project(s) for this Incident. A restoration plan(s) will be finalized and released to the public identifying the selected compensatory restoration project(s) to be implemented by the Trustees. Public participation is consistent with all state and federal laws and regulations that apply, including Section 1006 of OPA, 33 U.S.C. § 2706; the OPA regulations, 15 C.F.R. Part 990; Section 2480 of OSPRA, La. Rev. Stat. 30:2480; and the OSPRA regulations, La. Admin. Code tit. 43, pt. XXIX, et. seq.

Comment Submittals: Comments to the CD must be submitted in writing or digitally to Gina Muhs Saizan on or before the end of the 30-day comment period.

For Further Information: Contact Gina Muhs Saizan at (225) 925-6606 or by email at Gina.Saizan@la.gov.

Marty J. Chabert
Oil Spill Coordinator

1807#042

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