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# Executive Orders

## EXECUTIVE ORDER EWE-77-5

WHEREAS, present ferry transportation crossing of the Mississippi River services the communities of Lutchter and Vacherie in St. James Parish and the communities of Reserve and Edgard in St. John the Baptist Parish, as well as adjacent areas; and

WHEREAS, potential economic development, increased mobility of the people, increased use of the ferry, traffic hazards on the river, and other factors appear to justify the construction of a single fixed bridge crossing in order to service these parishes and surrounding communities; and

WHEREAS, a fixed crossing to replace the outmoded ferry service should enhance and stimulate the commercial and industrial development of the parishes of St. James and St. John the Baptist, as well as surrounding and adjacent areas; and

WHEREAS, such a river crossing facility would improve the social and human standards of safety, and would stimulate and foster the well-being and convenience of the citizens of these developing river parishes.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby direct the Secretary of the Department of Transportation and Development and the commission hereby established to study the economic feasibility of constructing and maintaining a bridge, located in either St. James or St. John the Baptist parishes, or both, to cross the Mississippi River, and, in connection therewith, to use such powers, discharge such duties and perform such functions as may be required, in accordance with the provisions of R.S. 48:1093, and other laws which may be applicable to such a project.

FURTHER, I do hereby create and establish the St. James-St. John the Baptist Bridge Authority as an advisory commission to me and to the Legislature. Such commission shall be composed as follows: The Secretary of the Department of Transportation and Development (who shall serve as Chairman), two members who are electors of and domiciled in St. James Parish, and two members who are electors of and domiciled in St. John the Baptist Parish, and such other members the Governor may appoint from time to time. The initial members shall be Durel J. Matherne, Jr. and Monseigneur Arthur

J. Lieux, of St. James Parish, and Donald J. Boudreaux and Janice Meadox, of St. John the Baptist Parish. Members shall serve at the pleasure of the Governor and without compensation.

This authority shall report periodically to the Governor and the Legislature on its findings.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 9th day of March, 1977, A.D.

**EDWIN EDWARDS**

**Governor of Louisiana**

# Emergency Rules

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

The following emergency policy was adopted by the State Board of Elementary and Secondary Education at its regular meeting on March 24, 1977, in order to guarantee due process to schools under the provisions of Act 274 of 1975; thereby, delay cutting off of transportation and other services and materials to any schools in Louisiana as provided in the Attorney General's Opinion No. 77-479.

#### Rule 4.01.11

Adoption of Attorney General's Opinion No. 77-479, dated March 21, 1977, as policy and procedure regarding bus transportation, thereby rescinding and setting aside any present policy.

Earl Ingram, Director  
Board of Elementary and  
Secondary Education

\* \* \* \*

Opinion No. 77-479  
March 21, 1977

Brother Felician Fourrier, S.C.  
Member, State Board of Elementary  
and Secondary Education  
P. O. Box 2028  
Baton Rouge, Louisiana 70821

Dear Brother Fourrier:

You have requested an opinion from this office which has as its subject matter the public bus transportation of children attending nonpublic schools. Your concern is with our State law that limits this service to the children attending only those nonpublic schools which have been approved by the Board of Elementary and Secondary Education (BESE).

Specifically, your question is whether or not, at this particular point in time, either BESE or any local school board may properly discontinue the providing of public bus transportation for the benefit of students attending a nonpublic school which has been adjudged by either BESE or the Department of Education as not meeting the requirements for approval of such school.

It is our understanding that, at the present time, BESE through the Department of Education has defined the academic standards that must be met by public schools in order to obtain State approval. These academic standards and requirements are specifically set out in Bulletin 741. Your concern is the legality of the action by BESE or the Department of Education in applying Bulletin 741 to nonpublic schools as State academic standards for approval.

It is opinion that BESE cannot, constitutionally or legally, deny approval to any nonpublic schools unless and until it adopts proper criteria for such approval consistent with the mandate of the Louisiana Constitution of 1974.

Essentially, the Constitution, as adopted, provides that:

"Article VIII, Section 4. Upon application by a private elementary, secondary, or proprietary school with a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools, the State Board of Elementary and Secondary Education shall approve the private school. A certificate issued by an approved private school shall carry the same privileges as one issued by a state public school."

This section of Article VIII makes it abundantly clear that BESE is mandated by the Constitution to approve any private school upon its providing the Board satisfactory evidence that such a school has implemented a sustained curriculum of a quality at least equal to that prescribed for similar public schools.

It is our opinion that this mandate clearly implies that the Board must, of necessity, create and adopt appropriate regulations and procedures for the evaluation of private schools, and that such evaluation must be based upon the singular consideration of whether the sustained curriculum of that school is of a quality at least equal to that of similar public schools. By further implication, this constitutional mandate necessarily precludes BESE from implementing standards of criteria for approval which addresses any other aspect of the operation and conduct of the private school other than in the area of what the Constitution has termed "sustained curriculum".

We find it necessary at this time to clarify Opinion No. 76-1878 issued by this office on January 13, 1977. The sole impact of Opinion No. 76-1878 is to the effect that a local school board does not have the power to provide bus transportation to any student attending a school which is not approved by BESE. It is not, by

implication or otherwise, authority for BESE to disapprove nonpublic schools under its existing regulations and standards as set out under Bulletin 741.

An even cursory examination of Bulletin 741 leads one to conclude that the requirements thereof relate to a variety of criteria other than a mere examination of school curriculum. Furthermore, the language of the Constitution implicitly mandates the Board to create standards for nonpublic school approval of a different nature than the standards which they have adopted for the public schools.

Were this not the case the Constitution would have merely provided that private schools shall be approved upon their meeting the same standards as BESE would fix for the public sector. However, when the Constitution speaks in terms of standards which are measured by the quality of the curriculum of the private school being equal to that of the quality of the curriculum in a similar public school, this concept must be interpreted as meaning BESE cannot apply Bulletin 741 in toto, as the measure by which nonpublic schools should be approved.

The Board has clearly recognized this self-evident constitutional limitation in implementing the provisions of Act 274 of 1975 (R.S. 17:11) in that they have appointed a nonpublic advisory committee to submit to the Board a proposed set of standards and guidelines for the approval of nonpublic schools.

We find it necessary to suggest that an imminent curtailment of bus transportation to children of nonpublic schools constitutes a disastrous and serious irreparable injury to countless citizens of this state without their being afforded any adequate due process of law in terms of review process of the suitability of the schools which their children attend for approval.

With these considerations in mind, it is our opinion that the Board of Elementary and Secondary Education cannot within the limitations of the Constitution of 1974, either approve or disapprove any nonpublic schools on the basis of the criteria as contained in Bulletin 741, and BESE should, therefore, defer any consideration of nonpublic schools' approval until such time as they have adopted criteria by way of regulations or amendments to Bulletin 741 and an administrative due process procedure for review of these schools' application. Meanwhile, under our existing laws and the Constitution, it is imperative that public bus transportation be continued to the children on nonpublic schools without interruption pending appropriate criteria as above mentioned.

After approval, these children are entitled, under our Constitution, to the same privileges and rights, as any other child attending school in our state, be it public or private.

If this office can be of any further assistance, please do not hesitate to contact us.

William J. Guste, Jr.  
Attorney General

## Rules

### RULES

#### Board of Trustees for Colleges and Universities

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*(Editor's Note: The following rules were adopted by the Board of Trustees for Colleges and Universities on March 25, 1977, to become effective on April 20, 1977.)*

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Part I, Bylaws of the Board of Trustees for State Colleges and Universities, Article III, Section 1, Election of Officers, shall read as follows:

#### "Section 1. Election of Officers

At the first regular or special meeting of the Board in the calendar year, the Board shall elect a President and a Vice-President. The President and Vice-President shall be members of the Board. Each of these officers shall hold office for one year or until a successor has been elected."

Part II, General Operating Procedures, Section 2.7, Committees, shall read as follows:

"A. The Board shall have seven standing committees: 1. Finance, 2. Physical Plants, 3. Academic Affairs, 4. Student Affairs, 5. Athletic, 6. Grievance, and 7. Legislative.

Each committee shall be composed of at least five members appointed by the President."

(This is a technical amendment to bring Section 2.7 into conformity with the Bylaws passed in public hearing on June 25, 1976).

Part VII, Faculty and Staff Policies and Procedures, Section 7.1 shall read as follows:

**A. Extension Beyond Age Sixty-five for Non-classified Personnel**

1. The policy of retirement at age sixty-five shall be retained with the option of requesting, on a year by year basis, an extension of service for not more than three years when the applicant shall reach the age of sixty-eight. The applying faculty member shall submit the request for extension of employment by September 30 of the fiscal year in which he/she becomes eligible.
2. Each college or university shall form a Faculty Review Committee composed of five members:
  - a. The current Student Government Association President shall appoint a senior-level student from within the appropriate department;
  - b. The faculty shall elect annually from within its ranks seven members. Three of these seven faculty will serve on the Review Committee. In order to arrive at the three committee members, the applying faculty member and the college or university administration will, on a rotating basis, each withdraw two of the seven elected faculty members; and
  - c. The President of the college or university shall appoint one member of the Review Committee who shall serve as chairman.
3. The Committee shall be charged with the responsibility of interviewing the applicant, recording testimony from any interested faculty or student of the college or university, or any person called upon to testify before the Committee, and of securing all required application forms including records from two physicians attesting to the mental and physical fitness of the applicant. The Chairman of the Committee shall write the committee report and forward this to the college or university President.
4. The President shall receive all information from the Review Committee and shall make his recommendation for approval or disapproval and forward all information to the Board of Trustees for State Colleges and Universities for its action.

**B. Extensions Through Summer Sessions**

Persons reaching age sixty-five before June 30 who are currently teaching summer school shall be allowed to continue teaching the remainder of that summer session only.

**C. Extension Beyond Age Sixty-Five for Board Staff**

1. The Executive Director of the Board shall make recommendation to the full Board for staff extension of service beyond age sixty-five.

**D. President Emeritus**

Remuneration for the rank of president emeritus shall be discontinued with attrition taking care of those presidents presently drawing president emeritus pay.”

Part IX, Athletic Policies. Section 9.11A(5) shall read as follows:

- (5) Faculty and Full-time Employees—Reduced price on purchase of season tickets only.”

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

**RULES**

**Board of Elementary and Secondary Education**

**Rule 3.01.51a**

Revision to Bulletin 741, Handbook for School Administrators, Revised 1977, Requirements for High School Graduation.

Adoption of requirements of Act 83 of the 1976 Legislature which mandates a one-semester or one-half credit in the Free Enterprise System as a prerequisite to graduation for all students graduating from Louisiana public high schools during and after the 1977-78 school session.

Approved teachers certified in social studies, business education, and distributive education to teach the Free Enterprise System Course.

Earl Ingram, Director  
Board of Elementary and  
Secondary Education

**RULE**

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

The Department of Health and Human Resources, Office of Family Services, has adopted regulations to allow reimbursement under Title XIX for medically necessary services rendered at an ambulatory surgical center. The recommended policy and procedures are as follows:

**I. Definition of Ambulatory Surgical Center Services.**

The services rendered must be medically necessary preventative, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished to an outpatient by or under the direction of a physician, osteopathic physician or dentist (for emergency and life threatening situations and for early and periodic screening, diagnosis, and treatment eligibles with prior authorization) in a facility which is not part of a hospital but which is organized and operated to provide medical care to patients.

This type facility will not provide services or other accommodations for patients to stay overnight. Therefore, the ambulatory surgical center shall have a system to transfer patients requiring emergency admittance or overnight care to a fully licensed and certified Title XIX hospital following any surgical procedure performed at the facility.

**II. Basis of Payment.**

Reimbursement for services rendered at an ambulatory surgical center to eligible Title XIX patients will be paid on a per diem basis per patient. This fee covers all operative functions attendant to medically necessary surgery performed at the center by a private physician, osteopathic physician or dentist; including admitting and laboratory tests, patient history and physical, operating room staffing and attendants, recovery room cases, and discharge. It includes all supplies related to the surgical care of the patient while in the center. The per diem payment excludes the physician fee, the radiologist fee, or the anesthesiology fee.

William H. Stewart, M.D., Secretary  
Department of Health and Human Resources

**RULE**

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

The Department of Health and Human Resources, Office of Family Services, has adopted a rule which limits to eighteen the number of days per calendar year for which the Medicaid program will make payment for the reservation of a bed in all intermediate care facilities for the mentally retarded (IFC/MR).

William H. Stewart, M.D., Secretary  
Department of Health and Human Resources

**RULE**

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

The Department of Health and Human Resources, Office of Family Services (OFS), has adopted rules and regulations pertaining to eligibility requirements for implementation and administration of that part of Public Law 94-401(1976 Amendments to Title XX of the Social Security Act) which provides for grants to child day care providers to employ welfare recipients. Public Law 94-401 was administratively detailed in the Federal Register, Volume 42, No. 20, page 5,864, January 31, 1977.

The time period for which grants may be paid to child day care providers for employing welfare recipients dates retroactively from September 7, 1976, and continues through September 30, 1977. The limited period in which the program is operative made it urgent to implement the program timely in Louisiana.

Grants are made by the Office of Family Services to qualified child day care providers for employment of eligible welfare recipients. A qualified child day care provider is defined as an individual in whose facility at least twenty per cent of the total number of children regularly served are partly or totally funded under Title XX. In addition, the day care facility must have a day care license issued by the Office of Family Services.

An eligible welfare recipient is defined as an individual who meets the following requirements:

1. Must have been certified for Aid to Families With Dependent Children continuously during the ninety-day period immediately preceding the date on which the employee was hired.

2. Must have been employed by the day care provider on or after September 7, 1976.
3. Must have been a full-time employee of the center for a period in excess of thirty calendar days before the center can bill OFS for reimbursement.
4. Must not have displaced any other individual from employment in the center.
5. Is not a migrant worker.

Grants (reimbursement of expenses related to employment of AFDC recipients) may be paid to qualified public, nonprofit private, and proprietary child day care providers, through contracts with the Office of Family Services, for salaries paid to employ eligible welfare recipients provided the grants do not exceed the following amounts: (1) \$5,000 to public and nonprofit private providers for each recipient per year, and (2) \$4,000 to proprietary providers for each recipient per year.

Implementation and administration of this employment program has been accorded a high priority within the Office of Family Services in order that eligible AFDC recipients may participate in the program.

William H. Stewart, M.D., Secretary  
Department of Health and Human Resources

## RULES

### Department of Natural Resources Office of Conservation

In Volume 2, Number 9, of the Louisiana Register of September 20, 1976, and in the Official State Journal of September 17, 1976, the Commissioner of Conservation gave notice of intention to give approval of a complete revision of the Louisiana Radiation Regulations and to hold a public hearing thereon.

The public hearing was held on October 14, 1976, with several members of the public giving oral testimony before the Commissioner and members of the Nuclear Energy Advisory Committee. In addition, numerous written comments were submitted prior to the hearing.

All substantive comments were given careful consideration, and the proposed revision of the Louisiana Radiation Regulations was reviewed by the Nuclear Energy Advisory Committee.

Having received a favorable recommendation for adoption by the Nuclear Energy Advisory Committee,

the Commissioner of Conservation hereby announces the adoption and promulgation of this revision of the Louisiana Radiation Regulations, to take effect immediately.

The Department of the State Register has exercised its option under R.S. 49:954.1C to decline publication of the new Radiation Regulations in the Louisiana Register. Copies of the Radiation Regulations may be obtained after printing from: Office of Conservation, Division of Radiation Control, P. O. Box 14690, Baton Rouge, Louisiana 70808.

R. T. Sutton  
Commissioner of Conservation

## RULES

### Board of Nursing

#### Unit I

##### 1.01 Statement of Purpose.

The Louisiana State Board of Nursing is a legally created administrative agency acting within the governmental structure of the State and possessing legal power. To safeguard life and health of the citizens of Louisiana, the Law Governing the Practice of Nursing, Louisiana Revised Statutes of 1950, as amended by Act 351 of 1976, delegates to this Board the responsibility to establish and publish standards of nursing practice; to regulate the practice of nursing by the registered nurse; to provide for examination and licensure of the nurse practicing as a registered nurse; and to establish standards for educational programs preparing individuals for nursing practice.

##### 1.02 Purpose of Rules.

The purpose of these rules and regulations is to assist in the transaction of the business of administering and implementing the spirit and intent of the Law Governing the Practice of Nursing in accordance with Chapter 11 of Title 37 of Louisiana Revised Statutes of 1950, as amended by Act 351 of 1976.

##### 1.03 History

Louisiana nurses were among the first in the nation to recognize the value of having a nurse practice act administered by a board of nursing to set standards for nursing education, to examine candidates, and to license practitioners. The first proposal for a nurse practice act



in Louisiana in 1904 was unsuccessful. Prior to 1904 only three states had boards of nursing.

The Louisiana State Board of Nursing came into existence in July, 1912, when Act 138 became law. At that time the name was "The Louisiana Nurses' Board of Examiners." Five physicians were designated to administer the provisions of that law because women were not permitted to hold public office. They could not vote.

The original Act was amended in 1922 and stipulated that there should be at least one nurse member. By that time women could vote. The Act was subsequently amended in 1926 to provide for three registered nurse members and two physician members. The Board became known as "The Louisiana State Board of Nurse Examiners" in 1942 when the Act was amended. The 1966 amendment called for five registered nurses and two physicians. Act 351 of 1976 designated seven registered nurse members and two physicians to serve as ex officio nonvoting members of the Board. The name was changed to "The Louisiana State Board of Nursing."

#### 1.04 Philosophy.

The Board of Nursing, both by virtue of its legal status and its professional character, is dedicated to the belief that its purpose is to serve the people of Louisiana and to protect their health and welfare.

The Board members believe that their major responsibility is to see, in so far as possible, that those persons who practice nursing are competent and safe.

Further, they believe that sound nursing education is a prerequisite for the attainment of high standards of nursing practice. They believe that each member is obligated to demonstrate personal integrity, impartial judgment, wisdom and dedication to a high standard of service in Board activities.

### Unit II

2.01 Duties of the Board directly related to nursing education programs as cited in Section 918 of Act 351.

The Board shall:

1. Establish and publish minimum curriculum requirements and standards for persons seeking to be licensed.
2. Approve schools which meet the licensing requirements of the Board.
3. Provide for hearings for nurse education programs when approval is withdrawn or denied.
4. Adopt and revise rules and regulations.

5. Have all other powers necessary and proper to the performance of their duties.

#### 2.02 Definitions

1. Approval: The program has fulfilled requirements set forth in Board rules and regulations. Graduates from Board-approved programs are eligible to apply for registered nurse licensure.
2. Board: The Louisiana State Board of Nursing.
3. Clinical facility: An institution, agency or organization whose primary purpose is to provide care or services supportive to the promotion or maintenance or restoration of health.
4. Cooperating agency: An organization, institution or agency which by agreement accepts students for educational experiences selected by the nursing program.
5. Course: A distinct unit of instruction which has been organized for presentation within a specific time frame. In a nursing course this refers to all the related learning experiences deemed necessary by the faculty to meet the stated objectives.
6. Curriculum: The planned studies and learning activities designed to lead to graduation and eligibility for registered nurse licensure.
7. Director: The registered nurse with the authority and responsibility for the administration of the program and implementation of the curriculum. This title is used regardless of the person's official title in the controlling institution.
8. Faculty: The group of persons employed for administration, teaching, guidance or research functions in the program preparing candidates for registered nurse licensure.
9. Objectives: The aims, goals, or purposes of the nursing program.
10. Philosophy: A statement which includes and identifies the beliefs accepted by the faculty and the controlling institution about nursing education.
11. Recommendations: Statements of desirable standards for the development of quality program. Strongly urged by the Board, but not mandatory.
12. Requirements: Mandatory standards with which schools shall comply in order to be approved.
13. School or Nursing Education Program: These terms are used interchangeably to designate an educational unit whose purpose is to prepare practitioners of nursing and whose graduates are eligible to apply to write the registered nurse licensing examination.
  - A. Associate: A program leading to an associate degree in nursing conducted by an educational unit that is an integral part of a college, community college or university.
  - B. Baccalaureate: A program leading to a baccalaureate degree in nursing, conducted by an

educational unit (department, division, school or college) that is an integral part of a college or university.

C. Diploma: A program leading to a diploma in nursing conducted by a single purpose unit controlled by a hospital, a corporation, or other authority.

14. Shall: Requirements which must be met.
15. Should: Recommendations or desirable standards that are not mandatory.
16. Sponsoring institution: The organization or agency responsible for the administration and operation of the nursing program.
17. Standard: A criterion by which quantity, quality, and extent of performance is measured.
18. Survey: The Board's collection of information for review purposes in granting, continuing, renewing, or denying approval. At the discretion of the Board, this information may be collected by such methods as on-site visits with review of records, reports and other data; or by submission of records, reports or other data as required or requested by the Board.

#### 2.03 Approval.

All nursing education programs, and courses in Louisiana preparing persons for examination, licensure, and registration to practice nursing under Title 37, Louisiana Revised Statutes, Chapter 11, as amended by Act 351 of 1976, shall meet the requirements of the Board of Nursing, in order to receive Board approval.

#### 2.04 Purposes of Approval.

1. To insure the safe practice of nursing by establishing curriculum requirements and standards for persons seeking registered nurse licensure in Louisiana.
2. To assure that graduates of these programs meet the educational and legal requirements for admission to State Board licensing examinations and to facilitate their endorsement to other states and countries.
3. To foster continuous evaluation and improvement of nursing programs and nursing education.
4. To grant legal recognition to schools which, upon survey and evaluation, are determined by the Board to have met the requirements.

#### 2.05 Types of Approval

1. Initial: Approval is granted to a new program which, upon application by the controlling institution and after survey and Board evaluation, is determined by the Board to be ready to admit students. Initial approval terminates when the Board considers the program's application for full approval upon graduation of its first class of students. The

controlling institution shall submit an application for full approval to be considered at the first regularly scheduled Board meeting following graduation of its first class of students.

2. Full: Approval is granted to a program which after survey and evaluation is determined by the Board to have complied with Section 918 and these rules. Eligibility to apply for full approval follows graduation of the first class of students.
3. Conditional: Approval is accorded for one year to any school previously having initial or full approval if there is evidence of deficiencies in meeting minimum requirements. If Board standards are not met within the defined period, they may extend the period of conditional approval or remove the school's approval status by written notice to the controlling institution.

#### 2.06 Approval Procedure.

Surveys of schools are made at least every five years or at the discretion of the Board. A written report of the survey is made by a representative of the Board and a copy is sent to the chief administrative officer of the institution, the director of the nursing program and each Board member. Directors are at liberty to submit comments, corrections, or additional materials. The report is reviewed at the next regularly scheduled Board meeting following the survey visit.

School representatives have the right to be present when their survey report is reviewed by the Board.

Action on the approval status of the program is taken following the review of the survey. The Board shall make its decision regarding the approval status of a school, based on considerations of the program's pre-survey report, annual report, and the survey report. If standards are not met, the Board shall specify the deficiencies and may make recommendations for corrective action. If deficiencies are not corrected within the specified time, and following a hearing before the Board, the Board shall exercise its legal authority to set the type of approval or to withdraw the approval status of the school.

#### 2.07 Standards and Requirements for Nursing Education Programs.

##### 2.071 Philosophy, Objectives, and Goals.

1. The nursing education program shall have a clear statement of philosophy consistent with that of the controlling institution and congruent with current concepts in nursing education.

2. The faculty shall develop, accept, periodically review, and revise philosophy as needed.
3. The philosophy shall include, but not be limited to, a definitive statement of faculty's beliefs about: (a) nursing, (b) man, (c) health, (d) society, and (e) teaching and learning.
4. There shall be a delineation of the characteristics of the graduate being prepared as differentiated from those of other types of nursing programs.
5. There shall be a written description of the competencies of the graduate. Knowledge and skills shall be appropriate to the type of graduate being prepared. Broad areas for consideration include, but are not limited to: (a) nursing process or problem solving, (b) nursing skills, and (c) role behaviors.

#### 2.072 Administration, Organization, and Control.

1. There shall be a governing body which has legal authority to conduct the nursing program, determine general policy, and assume financial support.
2. The sponsoring institution and cooperating agencies shall be approved by the appropriate accrediting bodies.
3. The program shall have comparable status with other educational units in the controlling institution.
4. The controlling institution shall have an organizational chart showing relationships and channels of communication within the institution. There shall be on file documents which show relationships with cooperating agencies.
5. The controlling institution shall have a written and current contract with each cooperating agency used by the program for clinical learning experiences.
6. There shall be a registered nurse (director) with the authority and responsibility to administer the program in compliance with established policies of the controlling institution. The director shall provide for:
  - A. Developing and maintaining productive relationships within the controlling institution and the community.
  - B. Participating in the preparation of the budget and administering monies allocated to the school. Official copies of financial and budgetary documents shall be available to the Board. A fiscal report shall be submitted to the Board annually.
  - C. Screening and recommending candidates for faculty appointment, retention, and promotion.
  - D. Evaluation and distribution of instruction responsibilities in light of quality nursing educational needs; i.e. effective and safe student/faculty ratio.
  - E. Making readily available current administrative policies.

- F. Making readily available reports and minutes of faculty committees.
- G. Storing of all school records to prevent loss, destruction, or unauthorized use.
- H. Planning learning experiences and arranging for written agreements between the administration of the nursing program and the providers of resources.

#### 2.073 Faculty and Faculty Organization.

1. Number: There shall be a faculty body adequate in numbers, qualifications and continuity of employment to implement the program in nursing in relation to its stated philosophy, purposes and objectives; number and size of classes admitted annually; experience and preparation of the faculty; the number of community health agencies used in the program as well as their geographic location. (A school-program-experiencing a nurse faculty resignation rate of more than one third of the total faculty, in any given year, shall so notify the Board and write an explanation, justification, and documentation. Action by the Board will be taken following an evaluation and/or hearing to determine the effect on the quality of the educational program. Such action may result in a program being placed on conditional approval.)
2. Qualifications: The nurse faculty members shall have academic preparation and professional work experience appropriate for their positions. In addition, each nurse faculty member shall hold a current license to practice as a registered nurse in Louisiana.
  - A. The director shall hold at least a master's degree, preferably in nursing, with experience in the areas of nursing education and administration. The Board shall be notified immediately when a director vacancy occurs and when the position is filled.
  - B. The nurse faculty member responsible for theory and clinical courses in nursing shall have a master's degree in nursing, effective after January 1, 1983.
  - C. Nurse faculty members with a minimum of a baccalaureate degree in nursing and appropriate experience may continue provided:
    - (1) They are under the direction of a nurse faculty member with master's in nursing preparation; and
    - (2) Have a specific time plan for completing master's degree in nursing; and
    - (3) Constitute less than one third of total full-time equivalent faculty after January 1, 1983. (A school in which more than one third of the faculty do not hold a master's degree, shall so notify the Board. Action by the Board will be taken following an evalua-

tion and/or hearing to determine the effect on the quality of the educational program. This may result in a program being placed on conditional approval.)

- D. Faculty shall maintain expertise in clinical or functional areas of responsibility.
  - E. Nurse faculty members shall have had a minimum of two years of clinical experience.
3. Faculty shall function under the same policies that affect other faculty members in the controlling institution.
  4. There shall be written personnel policies for faculty regarding the following: (a) qualifications for position, (b) faculty workload, (c) contract, (d) salary scale and promotion policies, (e) vacation and sick leave, (f) leave of absence for study, (g) retirement plan, (h) health service, and (i) personal and professional growth.
  5. Individual faculty members shall be furnished with a written job description.
  6. Records on faculty shall be kept current and confidential, and shall include the following data: (a) application for present position, (b) official college transcripts(s) of education received, (c) professional work experience, (d) letter(s) of appointment including areas of responsibility and teaching load, and (e) written evidence of maintenance of expertise in area of responsibility.
  7. Faculty shall be organized with written policies and procedures to guide its activities.
  8. Committees necessary to carry out the school's functions shall be established with the duties and membership of each committee clearly defined.
  9. All nonnurse faculty shall have academic and professional education and experience in the field of their specialization in accordance with the policies of the controlling institution.
  10. Selection of qualified faculty members, faculty policies and practices shall be in accord with State and Federal laws on nondiscrimination.
  11. There shall be secretarial, clerical staff, and support service sufficient to meet the needs of administrative and instructional personnel.

#### 2.074 Student Selection and Guidance.

1. Each program in nursing shall develop admission standards for entry into the nursing major.
2. Each student admitted to the nursing program shall hold a high school diploma or its equivalency.
3. All nursing programs shall have in writing and available to students, policies for:
  - A. Admission, transfer, promotion, termination, and graduation which shall be consistent with those of the controlling institution and with these rules.

- B. Student health and welfare, counseling and guidance, financial aid and scholarships.
- C. Placement and advancement in the program by means of challenge examinations, previous education, or both, provided they are consistent with the policies of the controlling institution.
- D. Reasonable rebates on tuition if the student is unable to complete the program.
- E. Keeping students informed of the approval or accreditation status of the nursing education program.
- F. Assuring that recruitment or program activities present accurate information about the program.
- G. Safeguarding the confidentiality of students' records.
- H. Complying with provisions of Federal and State laws related to nondiscrimination and individual rights to privacy.
- I. Allowing student participation in faculty committees.

#### 2.075 Educational Facilities, Resources, and Services.

1. The controlling institution shall provide facilities, resources, and services needed for effectively developing, implementing, and continuing the nursing program.
2. The location and arrangement of educational facilities shall be such that there is an identifiable center for each nursing education program. The center shall include:
  - A. Facilities for instruction based on the objectives of the program, the size of the student group and the teaching-learning strategies.
  - B. Classrooms, lecture-demonstration room, multi-purpose room, conference room, and library.
  - C. Offices for administrative personnel, faculty and secretarial staff.
  - D. Storage space for equipment and instructional materials.
  - E. Audio-visual equipment and models appropriate to instructional techniques which shall be accessible to students.
3. Library holdings shall be adequate for effective use in teaching and study by faculty members and students:
  - A. Holdings shall include reference books on nursing and related subjects, periodicals of the nursing profession and allied fields.
  - B. Materials shall be organized, maintained, and located so that they are readily available.
  - C. A qualified librarian and staff shall be employed.

4. Cooperating agencies shall be approved by the Board. When an agency is to be used for clinical practice there shall be joint planning by all parties concerned. Written evidence shall be submitted to the Board that there has been cooperative discussion and planning among all schools of nursing utilizing a specific agency thereby providing for the safety and well being of patients (clients) and assuring that learning opportunities for all students shall be safeguarded.
5. There shall be documented evidence that the faculty discusses the knowledge and skills of the graduates with nurses, employers, and consumers in the area served by the program. This discussion should include mutual concerns, mutual understanding of philosophies and goals, and appropriate utilization of the graduates.

#### 2.076 Curriculum.

1. The curriculum shall include content, instructional activities, and learning experiences to achieve curriculum and course objectives.
2. Nurse faculty shall select course content and organize learning activities to provide for continuity, sequence, and integration of learning experiences.
3. Objectives shall be developed within the framework of the philosophy and goals of the program. They shall give direction for development and implementation of courses.
4. The curriculum shall include content from the natural, physical, biological, behavioral, and socio-cultural sciences and nursing.
5. Provision shall be made for developing skills in the utilization of the nursing process essential to effective care of patients of all ages in a variety of settings. These skills include, but are not limited to:
  - A. Utilization of the problem-solving approach to make appropriate judgments.
  - B. Effective communication and interpersonal relationships with patient, family, and colleagues.
  - C. The preventive, comforting, caring and curative roles.
  - D. Essential manipulative and technical tasks.
  - E. Executing prescribed medical regimens.
  - F. Identifying the realities of the medicomoral and legal situations encountered in nursing practice.
  - G. The curriculum should provide for the development of such other knowledge and skills as deemed necessary by the faculty and/or the changing role of the registered nurse.
6. The nursing courses shall provide for classroom and clinical laboratory instruction so that concepts taught in the classroom are applied in the clinical situation. Classroom and clinical instruction shall be

concurrent. Provision shall be made for learning experiences with patients having nursing care needs in all age groups and stages of illness; with adults and children receiving medical and surgical therapy; with those having mental illness; and with mothers and infants.

#### 2.077 Instruction.

1. Nurse faculty members shall select, teach, guide, and evaluate all learning experiences in the classroom and clinical facilities.
2. Nurse faculty shall write objectives for nursing courses in behavioral terms and shall identify the changes expected in the student's behavior as a result of the learning process.
3. Nurse faculty shall recognize individual differences among students and this should be given consideration in the instructional plan.
4. Course outlines shall be written by nurse faculty. They shall be periodically reviewed and revised as indicated. They shall reflect the objectives of the specific course and shall contribute to the objectives of the program.

#### 2.078 Evaluation.

1. Faculty shall have documented evidence of on-going systematic evaluation of each component of the curriculum.
2. Evaluation shall include, but not be limited to:
  - A. Philosophy, objectives, and goals of the curriculum.
  - B. Teaching-learning experiences.
  - C. Expected competencies of the graduate.
  - D. Employment functioning of graduates.
  - E. Student's self-evaluation of courses.
  - F. Instructor's evaluations of students.
  - G. Performance of graduates on State Board test pool examinations. (A school or program experiencing a failure rate of one fifth or more of the first-time candidates on State Board examinations in any given year, shall so notify the Board. Action by the Board will be taken following an evaluation and/or hearing. Such action may result in a program being placed on conditional approval and/or removal of approval status.)
3. Written reports of Board surveys and recommendations (if any) shall be shared with faculty and students.

#### 2.079 Major Change.

1. A program shall obtain Board approval prior to instituting a major change.

2. A request for major curriculum change must be submitted and approved by the Board at a regularly scheduled Board meeting, six months prior to date of implementation. (The schedule for board meetings is published annually.)
3. The following are considered to be major changes:
  - A. Change in the controlling institution, department or division.
  - B. Change in philosophy, goals, and objectives that would result in graduate competencies different from those previously approved by the Board;
  - C. Addition or deletion of a clinical facility providing a large portion of the clinical experiences.
4. A program proposing a major change shall submit:
  - A. Evidence that the sponsoring institution has approved the curriculum change.
  - B. Rationale for the proposed change.
  - C. Course objectives, outlines, bibliographies, and other relevant materials.
  - D. A concise presentation of current and proposed curriculum.
  - E. A time table for implementation of the change.
  - F. An explanation of the anticipated effect on: (1) currently enrolled students, (2) functions and roles of graduates of the changed program.
  - G. A planned method for evaluating the results of the change.
3. The nursing education program (or in the instance of "A," the sponsoring institution) shall notify the Board in writing when:
  - A. There has been a change in administration or control of the program; when there is a director vacancy; and when the vacancy is filled.
  - B. More than one third of the faculty members resign in any calendar year.
  - C. Their State Board examination failure rate on first-time writers is more than twenty percent in any calendar year.
  - D. Changes in the objectives of the program are contemplated.
  - E. There is to be a reorganization of the curriculum.
  - F. There has been a decision to discontinue using an approved agency for clinical practice.
  - G. A new faculty member has been employed, (an official college transcript shall be on file for each faculty member).
  - H. Employment of a faculty member has been terminated.
4. The Board shall require such other reports from schools as deemed necessary to determine eligibility for continued approval.

#### 2.081 Criteria for Selection and Use of Cooperating Agencies.

- #### 2.080 Records and Reports.
1. The nursing education program shall maintain the following records: (a) student records, (b) faculty records, (c) graduates' transcripts, (d) graduates' follow-up studies, (e) minutes of faculty and committee meetings, (f) reports to sponsoring institution, (g) reports to the Board of Nursing, (h) program bulletins, (i) school's self-evaluation reports, (j) budget and fiscal accounting records, and (k) accreditation reports to voluntary agencies, when appropriate.
  2. Each nursing education program in Louisiana shall submit an annual year report to the Board on the designated date. Twelve copies shall be submitted according to guides and forms provided by the Board and shall include but not be limited to information on the following: (a) philosophy, goals, and objectives, (b) organizational structure, (c) major curriculum changes since last report, (d) evaluation of courses and overall program, (e) nurse faculty member's academic preparation, major teaching responsibility and evidence of continuing education, (f) faculty-student ratio, (g) student admissions, withdrawals, graduations, (h) copy of budget or fiscal accounting records, (i) previous Board recommendations and progress in meeting them.
  1. Board approval for use of an agency shall be secured before students are assigned for clinical practice. (Board approval is not required for agencies that are visited on field trips or in which students have limited observational experiences.) At the discretion of the Board, an on-site survey may be made by a Board representative.
  2. Agencies shall have Joint Commission on Accreditation of Hospitals (JCAH) accreditation or that of another appropriate accrediting body. The Board expects that an agency which has such approval offers competent medical and supporting services (i.e., dietary, pharmacy, x-ray, etc.) The Board expects that an agency which has such approval provides a safe and healthy work environment. The Board representative assesses the environment in which learning is expected to occur. The cooperating agency has the right to expect students and faculty to comply with the cooperating agency's policies and procedures.
  3. Four major criteria to be considered by the Board's representative in surveying an agency are:
    - A. Evidence of high quality nursing care:
      - (1) Use of individualized nursing care plans.
      - (2) Methods and criteria for making patient assignments.

- (3) Availability, completeness, and currency of the policy procedure manuals.
  - (4) Findings of nursing audit and quality control.
- B. Evidence of excellence of the nursing service department:
- (1) A stated philosophy of patient care that is utilized to give direction to nursing care activities.
  - (2) The provision of sufficient numbers of nursing personnel to meet the needs of the patients and to serve as role models for students.
  - (3) The adequacy of the preparation of nursing personnel for their roles.
  - (4) The provision for regular, planned evaluation of patient care.
  - (5) The existence of clearly defined written personnel policies including job descriptions for all categories of nursing personnel.
  - (6) The provision for means of communication between faculty and agency administrative personnel and between faculties of all schools using the agency.
  - (7) The provision for a planned program for orientation, for inservice, and for continuing education programs for nursing personnel.
  - (8) Evidence that the agency's personnel understand their relationship to faculty and students and that the responsibility for coordination is specifically identified.
- C. The availability of teaching facilities and resources:
- (1) Designated conference areas on, or in close proximity to, units utilized for students' practice.
  - (2) Classroom space with adequate seating and with teaching aids to meet the needs of the program.
  - (3) A library with standard medical and nursing references and a selection of current professional periodicals.
  - (4) Reference materials in the clinical areas such as: hospital procedure and policy manuals, medical dictionary, tests specific to the clinical specialty.
  - (5) An adequate number of patients demonstrating a sufficient variety of nursing care needs to meet the objectives established by the faculty for this experience (as evidenced by unit capacity, average daily census, patient diagnoses, nursing care plans for patients, etc.).
- D. The suitability of the physical plant as shown by the:
- (1) Provision of individual patient units and patient care areas arranged so as to facilitate nursing care.
  - (2) Adequacy of supplies needed for effective nursing care.
  - (3) Provisions made for the safety of patients and personnel.
  - (4) Overall plant maintenance.
  - (5) Accessibility of the agency to the school.
  - (6) Physical arrangements made for students and faculty (i.e., locker and dressing room, office space, food service facilities, etc.).
4. There shall be on file a current, written contract (agreement) signed by the administrative heads of the sponsoring institution and the cooperating agency.
- A. There shall be written contracts (agreements) between each clinical facility utilized for student learning and the administrative head of the sponsoring institution.
  - B. All written contracts (agreements) shall be reviewed by the Director annually and shall be signed on the date of review.
  - C. Copies of all written contracts (agreements) shall be on file.
- 2.082 Closing a Program.
- 1. The Board shall be notified when the controlling institution makes a decision to discontinue an approved program.
  - 2. All requirements for Board approval shall be maintained until all students have transferred or graduated.
  - 3. All students shall have assistance with transfers. A list of students who transfer to another program shall be submitted to the Board.
  - 4. The Board shall be notified of the arrangements for safe storage of the permanent records of the program and its students. It is recommended that the following records be retained: (a) student's application for admission to the program, (b) a copy of the student's final transcript, (c) a copy of each curriculum offered, and (d) a list of each graduation class with date of graduation.
- 2.083 Procedure for Establishing a New Program.
- 1. A controlling institution desiring to establish a new program shall submit a letter of intent to the Board.
  - 2. The letter of intent shall be accompanied by twelve copies of the following:
    - A. General information about the controlling institution.
    - B. Purpose and need for establishing the program.
    - C. Basic data on which need was determined.

- D. Organizational and administrative relationships of the controlling institution and the program.
  - E. Sources, kinds, and amounts of financial support.
  - F. Sources and locations of potential students, faculty, office, library, classrooms, clinical laboratory, conference rooms, and other resources.
  - G. Evidence of community readiness to accept and support the program in appropriate ways.
  - H. Philosophy, purposes, and approval status of the controlling institution.
  - I. The major facilities to be used for clinical laboratory experience.
  - J. Tentative time table for the next twelve months.
  - K. Any other evidence of compliance with the requirements of these rules.
  - L. Request signed by the appropriate administrative officer in the controlling institution.
3. The Board may request further information including substantiating evidence of:
    - A. Availability and adequacy of clinical facilities.
    - B. Availability and adequacy of required nursing and general education courses as prescribed in these rules.
  4. The Board, after review and evaluation of the information submitted, shall advise the controlling institution of any requirements not met and any recommendation(s) the Board may have. When all aforementioned requirements are met, the controlling institution may proceed by employing a qualified director and in no instance later than twelve months prior to the expected date of admission of students.
  5. The Director shall develop and provide the Board with:
    - A. A tentative plan for the program, including operational statements of philosophy, objectives, type of curriculum, organizational and administrative policies.
    - B. Plans for use of clinical facilities and resources.
    - C. A budget plan.
    - D. A plan describing qualifications, numbers and conditions of employment of faculty.
    - E. An organization chart indicating lines of administrative and program authorities and control and other relationships of authority and cooperation.
  6. The Director shall employ qualified faculty at least six months prior to admission of students. The faculty shall develop the program and plan for its implementation. The faculty shall write:
    - A. Statements of philosophy, purposes, and objectives.
    - B. The policies relating to organization and administration of the faculty.
    - C. The curriculum design.
    - D. The course objectives in behavioral terms.
    - E. A description of evaluation methods and tools.
    - F. A plan for the use of all assigned facilities and resources including the clinical areas in co-operating agencies.
    - G. A plan for student's rights, welfare, and guidance.
  7. The Director shall confer with and submit progress reports as directed by the Board. Twelve copies of all documents shall be submitted for consideration by the Board at least two regular scheduled Board meetings prior to the date for admitting the first class of students. (The schedule for Board meetings is published annually.)
  8. The Board shall grant initial approval when the information submitted and an on-site survey by the representative of the Board shows evidence that the Board's requirements have been met. This must occur prior to any public announcement of the opening of the program or pre-admission of students into the nursing program.

Ms. Merlyn M. Maillian, R.N.  
Executive Director  
Board of Nursing

## RULES

### Offshore Terminal Authority

#### Amendment to the Environmental Protection Plan

At a meeting of the Board of Commissioners of the Offshore Terminal Authority held on Tuesday, March 29, 1977, at 2:00 p.m. in the Executive Suite, 29th floor, International Trade Mart, New Orleans, Louisiana, the Environmental Protection Plan of the Offshore Terminal Authority (hereinafter called the "Plan") was amended. The original Plan was adopted by the Board of Commissioners of the Authority on January 15, 1974, and was filed that same date in the office of the Secretary of State. The entire text of the Plan was also published in the Official Journal of the State of Louisiana. In addition to the March 29, 1977, amendment, the Plan has been amended on September 30, 1975, August 3, 1976, and January 27, 1977. The general subject matter of the March 29, 1977, amendment to the Plan is as follows:

Chapter 1 of the Plan has been amended to change the title of Section 1 from "Scope and Purpose" to "Statutory Authority;" to revise the definitions of "act," "aromatic compounds," "board of com-



missioners," "check-off list," "erosion," "hazardous substance," "national contingency plan," "operational and contingency plan," "receiving terminal," "regional contingency plan," "safety zone," and "three directors;" to add definitions of "environmental monitoring program" and "licensee;" to delete the title and paragraphs a and b of Section 3 and to replace them with a new Section 3 entitled "Scope and Purpose;" to delete paragraph b of Section 4; and to add new Section 5 entitled "Amendment" and to add a new paragraph d thereto concerning further amendment of the Plan; to renumber Section 5 as Section 6; and to combine paragraphs a and b of Section 6 into a single paragraph.

Chapter 2 of the Plan has been amended to remove the list of studies from subsection 2 of Section 2 and to place them in a comprehensive bibliography designated Appendix B to the Plan; to change part of paragraph d of subsection 1 of Section 3 into a footnote; and to delete the last sentence of paragraph c(4) of subsection 2 of Section 3.

Chapter 3 of the Plan has been amended to delete footnotes 1, 4, 5, 6, and 7; to change footnote 2 to footnote 3 and to move it from Section 2 to Section 5; to change footnote 3 to a new footnote 1 and to revise its content based on the State and Local Coastal Resources Management Act of 1976; to eliminate from subsection 2 of Section 2 certain outdated material; to add a new footnote 2; to change paragraph b of subsection 1 of Section 2 to paragraph b of subsection 1 of Section 4; and to change footnote 8 to footnote 4.

Chapter 4 of the Plan has been amended to delete footnotes 1 and 2; to revise subsection 1 of Section 2 by deleting the first sentence of paragraph a and replacing paragraph 6 with subsection 1 of Section 3; to add paragraph b of subsection 1 of Section 2 as a new paragraph f of subsection 2 of Section 2; to subsection 1 of Section 3 and to renumber subsections 2, 3, 4, 5, 6, and 7 accordingly; to revise paragraph c(2) of Section 5 to replace the reference to owners or operators with a reference to the licensee; and to delete paragraph c(3).

Chapter 5 has been amended to delete footnote 1; to revise paragraphs b and c of Section 3 to reflect the issuance of State and Federal deepwater port licenses; to delete paragraphs d through r of Section 3; and to revise paragraphs c and h(7) of Section 4, and paragraphs b, c, and h of Section 6, to change the references to the Louisiana Wildlife and Fisheries Commission to the Department of Wildlife and Fisheries.

Chapter 7 has been amended to delete footnote 1; to change the title of Section 3 from "Federal Agencies" to "Coordination with Federal, State, and Local Agen-

cies" and to revise Section 3 to provide for coordination by the Authority with the environmental protection programs of Federal, State, and local agencies and to eliminate the descriptions of the programs and functions of the agencies discussed in former Section 3; and, to delete Section 4.

Chapter 8 has been amended by deleting from paragraph d the reference to the Division of Administration and by providing that any amendments to the Plan shall take effect as provided in the Authority's General Rules and Regulations and the Louisiana Administrative Procedures Act.

Copies of the Plan, as amended, are available and may be obtained from the Offshore Terminal Authority, 1844 International Trade Mart, New Orleans, Louisiana 70130.

The Department of the State Register has determined that the publication of these rules and regulations, as amended, would be unduly cumbersome, expensive, and otherwise inexpedient, and has accordingly exercised its right to omit them from the Louisiana Register pursuant to R.S. 49:954.1C, and has published instead this notice stating the general subject matter of the omitted rules and stating how a copy thereof may be obtained.

Shepard F. Perrin, Jr., Executive Director  
Offshore Terminal Authority

## **RULES**

### **Board of Practical Nurse Examiners**

#### **Section I General Board Policies**

1. **Organization.**  
The Louisiana State Board of Practical Nurse Examiners consists of nine members appointed by the Governor and is the regulatory agency created by statute to act with legal authority on matters related to practical nursing education and the practice of practical nursing in Louisiana as determined by R.S. 37:961-979.
2. **Location.**  
The domicile of the Louisiana State Board of Practical Nurse Examiners shall be 1408 Pere Marquette Building, New Orleans, Louisiana.
3. **Executive Staff.**  
There shall be an executive staff comprised of the