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Executive Orders

SUPPLEMENT TO EXECUTIVE ORDER EWE-77-12

Executive Order EWE-77-12 which creates the Natural Gas Advisory Commission is hereby supplemented so as to increase its membership from eleven members to fifteen members by adding the following four additional members:

1. Mr. Gilbert J. Sevier, Jr.
312 Pere Marquette Building,
New Orleans, Louisiana 70112
2. Senator Oswald Decuir
Box 1466, New Iberia, Louisiana 70560
3. Mr. Miller D. Dial
Box 468, Donaldsonville, Louisiana 70346
4. Representative Raymond J. Laborde
310 North Main Street, Marksville, Louisiana 71351

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 17th day of November, A.D. 1977.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-77-20

WHEREAS, the people of Louisiana require State government to plan and operate effectively for the economic future of Louisiana; and

WHEREAS, the present planning, development, and implementation of economic development goals and strategies are lacking in comprehensive coordination; and

WHEREAS, the Governor's Office of Federal Affairs and Special Projects is charged with the development of a planning process for statewide economic development for the State of Louisiana; and

WHEREAS, the coordination of public and private interests on a statewide level is essential to assist the Governor in carrying out his responsibility as chief executive; and

WHEREAS, the economic development strategies of the immediate future will necessitate interagency and intergovernmental coordination and cooperation on projects impacting economic development.

NOW, THEREFORE, I, Edwin Edwards, Governor of the State of Louisiana, by the authority vested in me by the Constitution and the laws of the State, do hereby create and establish, in the Office of the Governor, the State Economic Development Advisory Council (SEDAC), as an agency of the State and a public body.

SEDAC shall be an interagency body with the responsibility of recommending to the Governor innovative and improved methods to coordinate statewide governmental policies and programs which impact directly or indirectly the State's economy and its growth; of advising on the nature, level, and quality of governmental services; and of submitting proposed management processes and proposed legislation for the increased economical and efficient operation of government and for the development and stimulation of the economy of Louisiana.

The Council shall be composed of twenty-three members as follows:

1. The Executive Secretary to the Governor, who shall be ex officio chairman;

2. the Lieutenant Governor, who shall be ex officio vice chairman;

3. the Director of the Governor's Office of Federal Affairs and Special Projects;

4. the Commissioner of Agriculture;

5. the Superintendent of Education for Public Elementary and Secondary Education;

6. the Secretaries of the Department of Commerce; the Department of Corrections; the Department of Culture, Recreation and Tourism; the Department of Health and Human Resources; the Department of Labor; the Department of Natural Resources; the Department of Revenue and Taxation; the Department of Transportation and Development; the Department of Urban and Community Affairs; the Department of Wildlife and Fisheries; and

7. a representative, selected as herein provided, of each of the eight economic planning and development districts of the state as established by R.S. 33:140.62.

A State official or secretary may designate an officer from his respective department to attend a particular meeting of the Council as his proxy, provided the member notifies the Chairman in advance of such proxy. A proxy shall have full voting privileges. Each economic planning and development district shall be represented on the Council by either its president or executive director as determined by its board of directors; the other officer shall serve as proxy for the district. The district member shall also notify the Chairman of his proxy.

At any time the Council is called to vote upon any motion to resolve an issue, a policy, or a report or recommendation, each elected official and departmental secretary shall have one vote and the eight district representatives shall have one vote only. The district representatives shall determine in advance the person by whom and the manner in which the shared vote shall be cast; the district representatives shall so inform the Chairman. The Chairman shall vote only in the event of a tie vote.

The Council shall meet at least four times annually on a regular schedule agreed upon by the Council, and on call of the Chairman at any other times for special meetings.

The Council shall be responsible for and be authorized to perform the following functions:

1. Provide interagency and intergovernmental coordination of the planning, development, and formulation of comprehensive economic development goals, their objectives and the strategies to achieve these, for use by the Governor and the Legislature as well as by local governmental officials;

2. Propose an annual agenda for the State on the strengthening of the economy for the Governor's use;

3. Submit recommendations on matters of economic development, its planning and its implementation from the State level to the district (sub-state) level;

4. Develop and review alternative policy options;

5. Develop and review methods to maximize the coordination of the resources, personnel, and capabilities of the respective departments, their offices and agencies for the most effective strengthening of the State's development;

6. Make recommendations to integrate the coordinated State growth and development plans, policies, and programs into the executive operating and capital budgets; and

7. Provide interagency and intergovernmental coordination for the continued improvement and implementation of present policies, plans and programs, mandated by law or directed by executive order and policy memorandum, which have or may have significant impact on economic development.

The Governor's Office of Federal Affairs and Special Projects, through the Economic Development Division, shall

provide the following to the Council, as directed by the Chairman:

1. Issue papers and alternatives for the annual agenda of State economic growth and development;
2. Analysis and issuance of papers on Federal and State legislative proposals;
3. Analysis and recommendations for the integration of economic growth and development policies into the executive budgets and policy statements;
4. Recommend actions for state economic growth and development policy for multi-agency coordination on economic growth and development issues, for the procedure for the integration of State economic growth and development policies and programs with Federal and local policies and programs, and for assurance of public participation in the formulation of State growth and development policies and programs;
5. Service to the Council in developing, researching, and preparing of studies pertinent to economic development and the impact of State governmental plans, policies or programs; and,
6. The review of governmental plans, policies and programs with the Council of Economic Advisors to identify conflicting goals and objectives.

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 29th day of November, A.D. 1977.

Edwin Edwards
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, will adopt effective January 1, 1978, revisions to the Standards for Payment to Skilled Nursing Facilities and Intermediate Care Facilities I and II so that the Medicaid payment to these facilities shall include the following care items: (a) any form of disposable pads or diaper service, (b) irrigation trays, drainage bags and tubing, and (c) sheepskins.

The nursing facility shall no longer be able to charge Medicaid recipients and/or their families for these items.

The nursing homes shall be responsible for providing, for Medicaid recipients as part of the vendor payment, laxatives (any one type of the following): (a) milk of magnesia, (b) mineral oil, (c) cascara, (d) glycerin suppositories.

This action shall be taken pursuant to R.S. 49:953B. Copies of the emergency rule are available for public examination at the Department of Health and Human Resources, Office of Family Services, 755 N. Riverside Mall, Baton Rouge, Louisiana.

William A. Cherry, M. D., Secretary
Department of Health and Human Resources

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, has adopted effective November 1, 1977, policy that permits only incurred expenses for the following types of necessary medical or remedial care and services to be deducted from the medically needy applicant's excess income.

1. Inpatient hospital services, including mental and tuberculosis hospitals.
2. Outpatient hospital services.
3. Laboratory and X-ray services.
4. Diagnostic and treatment components of EPSDT program for under age twenty-one including dental services and eyeglasses. State Office approval for dental services under age twenty-one is not necessary for spend-down, but is required for the Office of Family Services (OFS) to participate on spend-down date.
5. Family planning services and supplies for individuals of childbearing age (such services covered under physician and pharmacy services).
6. Licensed physician services, including injections, but OFS will not participate in payment for therapeutic injections on spend-down date.
7. Chiropractic services.
8. Optometrists' services for cataract glasses only and for eye examinations for glasses and purchase of glasses for individuals under age twenty-one.
9. Home health services.
10. Licensed medical clinic services, including mental health centers, alcoholism clinics.
11. Licensed skilled nursing facilities.
12. Licensed intermediate care facilities, including institutions for mentally retarded.
13. Prescription drugs, but OFS will participate only in payment for covered legend drugs, i.e., those drugs that can only be purchased with a prescription, with certain exceptions.
14. Durable medical equipment, including artificial limbs, eyes, braces, hearing aids, wheelchairs, hospital beds, lifts, commodes, walkers. OFS State Office approval is not necessary for spend-down, but is required for OFS to participate on spend-down date.
15. Rehabilitation center services—OFS State Office approval is not necessary for spend-down but is required for OFS to participate on spend-down date.

This action shall be taken pursuant to R.S. 49:953 B. Copies of the emergency rule are available for public examination at the Department of Health and Human Resources, Office of Family Services, 755 Riverside, Baton Rouge, Louisiana 70804.

William A. Cherry, M. D., Secretary
Department of Health and Human Resources

DECLARATION OF EMERGENCY

Department of Natural Resources

The Secretary of the Department of Natural Resources has exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to formulate the following policies of the State and the Department with regard to development through mineral leases of State-owned properties and related rules necessary for the implementation of said policies, all effective November 18, 1977:

Whereas, the national energy program is currently in a state of uncertainty and the national policy with respect to

offshore leasing of minerals in the Federal domain is and has been uncertain for a considerable length of time and,

Whereas, oil and gas is in increasing demand and the supplies thereof are dwindling and corresponding increased attention to the leasing of State-owned minerals is essential for the orderly development of the State's natural resources and for the public welfare, and,

Whereas, it is essential that all of those in the petroleum industry that are interested in the development of minerals on State properties be informed as to what policy considerations will be followed by the State setting forth the conditions whereby leases will be granted and,

Whereas, R.S. 36:354(2) (b) directs the Secretary of the Department of Natural Resources to review all proposals for lease of State lands to determine if same meet current policies of the State and the Department with regard to development of such property and resources and,

Whereas, there are now pending and anticipated future applications to the State requesting it to offer for mineral lease various State properties in accordance with prevailing statutes and,

Whereas, the prudent husbanding of remaining supplies of oil and gas is essential and the orderly development vital to the citizens of this State,

Now therefore, the Secretary of the Department of Natural Resources formulates and adopts the following policies and rules designed to stabilize the energy policies of the State of Louisiana and promote the orderly and proper development with respect to the citizens of the State and the oil and gas industry and, in particular, in the leasing of State-owned minerals.

I. Upon receipt of a proposal for the leasing or use by other contractual means of State properties for exploration, production, and maintenance of oil and gas or other minerals, the Secretary shall review and evaluate such proposal in any manner that he should deem proper and sufficient including but not limited to an inspection of such property and all geophysical and geological surveys and/or any other evaluations in order to determine whether or not said property meets substantially with the following standards and considerations, which are determined as being the policy of the State and Department:

A. Such properties should be in the vicinity of existing intrastate pipeline facilities or applicant should provide information as to future availability and economic feasibility of such intrastate facilities.

B. Properties adjacent to the offshore three mile line as presently determined shall not be considered for leasing except in exceptional instances.

C. The size of the property shall be considered and after evaluation the size may be reduced if it is determined by such evaluation that it is proper and sufficient that only a portion of the property need be leased so as not to restrict the further development of the remaining portion.

D. Properties that are suspect of being drained by other existing wells will be given favorable consideration.

E. Where contiguous properties in one area are proposed for lease the State may, after evaluation, submit the tracts or portions of the tract together with other State tracts for leasing in a manner designed to promote proper development of the area to the maximum benefit of the State.

F. Applicants are encouraged to submit properties for leasing of heretofore undeveloped areas.

G. Wherein the title is in dispute more favorable consideration will be given those properties where the State's title is the strongest.

H. Properties submitted that are within fields or areas previously dedicated to presently existing gas contracts

calling for minimum prices or interstate delivery will not be submitted for lease bids except upon a formal release of such obligation.

I. Commitments in applications to drill deep wells (i.e. geological objectives heretofore undrilled) are encouraged and will be looked upon favorably despite other possible policy deficiencies.

II. The Secretary may require any applicant to submit such other information that he may determine necessary and useful to properly evaluate any proposal which is submitted.

III. Upon completion of the evaluation the Secretary will direct the Office of Mineral Resources to implement his findings with respect thereto and shall advise the State Mineral Board through its chairman, whether the property meets the policies of the State and Department and should therefore be placed for lease by the Mineral Board or whether or not on the other hand the property does not meet the policies of the State and Department and should therefore not be placed for lease.

William C. Huls, Secretary
Department of Natural Resources

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries

The Louisiana Wildlife and Fisheries Commission at its last regular public meeting, November 15, 1977, exercised the emergency provisions of the Administrative Procedures Act (R.S. 49:953B) to place into effect a change in the raccoon hunting and trapping seasons on Russell Sage Wildlife Management Area (Ouachita Parish). This action was taken to assist in equalizing the hunting and trapping pressure on the area. The total number of days were not changed but the dates were.

New dates for raccoon hunting and trapping as set by the Commission are:

1. Trapping: December 16-January 15, 1978, and February 16-February 28, 1978. Permit—Monroe District Office.

2. Hunting: December 1-December 15, 1977, and January 16-February 15, 1978. Permit—Monroe District Office.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

Rules

RULES

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

The Louisiana Department of Agriculture, Structural Pest Control Commission, has adopted a policy as follows establishing criteria to be followed between the licensed operator at the branch office and the routeman, who is a registered employee:

1. All supplies are distributed through the branch office.

2. All employees draw their pay from the main office or branch office and Social Security and withholding taxes

are deducted and maintained at the main office or branch office.

3. All billing must be through the main office or branch office.

4. All insurance must be paid by the main office or branch office.

5. All records concerning accounts serviced shall be current at the home and/or branch office, and all routes shall originate from the home and/or branch office a minimum of three out of each five working days or weekly.

Richard Carlton, Secretary
Structural Pest Control Commission

RULES

Department of Commerce Office of Financial Institutions

Direct lease-financing transactions are valid and proper activities that Louisiana State banks may engage in, in their course of business under the following:

1. A Louisiana State bank may become the owner and lessor of personal and real property upon the specific request of and for the use of a lessee-customer.

2. The leasing agreement is to serve as the functional equivalent of an extension of credit to the lessee while preserving to the banks such lessor's rights as are contained in the lease.

3. The lease must provide for definite monthly payments, the total of which, together with a reasonable "residual", will return to the lessor bank its full investment in the property, its cost of financing and a reasonable profit.

4. The lease must be on a nonoperating basis whereby the lessee assumes all expenses of maintaining the property.

5. The term of the lease shall in no event exceed ten years.

6. The total investment by a bank for the benefit of any customer engaged in a lease-financing transaction shall at no time exceed ten percent of the capital and surplus of such bank.

7. The total investment by a bank in leasing shall not exceed three percent of total assets.

8. The Commissioner may at any time inspect and review any and all lease-financing transactions engaged in by State banks in Louisiana

Kenneth E. Pickering
Commissioner of Financial Institutions

RULE

Board of Elementary and Secondary Education

Rule 3.01.51c

Revision to Bulletin 741, Standards for School Approval of Special Schools, page 112 paragraph 1 as follows:

"Special schools, as used in the context of these standards, shall refer specifically to any special education program which serves primarily those exceptionalities identified on page 122 of this document and whose organizational structure is approved by the State Board of Elementary and Secondary Education. Further, such organizational structure shall exist apart from the regular school environment."

Rule 3.01.51d

Revision to Bulletin 741, Standards for School Ap-

proval of Alternative Schools, page 107, with the following addition: "Special education programs as defined on page 112 are not eligible for alternative school approval."

Bro. Felician Fourrier, S.C., Acting Director
Board of Elementary and Secondary Education

RULES

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, has adopted the following revised Minimum Standards for Licensure of Child Caring Agencies. The standards shall be effective January 1, 1978.

Minimum Standards for Licensure of Child Caring Agencies Introduction

Licensing Authority: The State of Louisiana, Department of Health and Human Resources, Office of Family Services, is charged with the responsibility for developing and publishing standards for the licensing of child caring agencies. Compliance with these standards shall be mandatory in all child caring agencies in order to qualify for licensure or annual renewal of license. These standards represent current practices which are considered necessary to promote healthy child development and to insure suitable care for those children whose needs cannot be met in their own families and who can benefit from group living. While requirements are minimum, it is hoped that the agencies will be encouraged to exceed the minimum in order to provide the best care possible.

The licensing authority of the Office of Family Services is established by R.S. 46:1401-1411 (Act 367 of 1956 and amended by Act 152 of 1962 and Act 241 of 1968) making mandatory the licensing of all child welfare agencies. A child caring agency is defined as "any institution, society, agency, corporation, or facility operating for the primary purpose of providing full-time care for children outside their own homes." The Act does not apply to agencies primarily serving mentally retarded children. The Act provides a penalty for a child caring agency, subject to license, which operates without being licensed. The penalty for operation without a license is a fine "of not less than \$25 nor more than \$200 for each day of operation without a license." (R.S. 46:1405)

According to law (R.S. 46:1410), it shall be the duty of the Office of Family Services, "through its duly authorized agents, to inspect at regular intervals, without previous notice, all child caring agencies as defined in R.S. 46:1401." The staff of the Office of Family Services who license and relicense child caring agencies shall hold a Master of Social Work (MSW) degree.

Licensing Procedure: The original application for a license is made on a form provided by the Office of Family Services. The application form shall be submitted after completion to the State of Louisiana, Department of Health and Human Resources, Office of Family Services, Box 44065, Baton Rouge, Louisiana 70804. After receipt of the application, the Office of Family Services' regional licensing worker will visit the child caring agency and make a licensing study. There is no charge for the licensing service.

Child caring agencies must also meet the requirements of other offices and departments, such as health, fire, and zoning regulations, where applicable.

The licensing worker's study will be referred to the child caring agency administrator for review in order to eliminate any inaccuracies. The study is then submitted to the Assistant Secretary, Office of Family Services, for review and decision. When it is determined that the child caring agency

meets the requirements, a license is issued. If it is determined that the child caring agency does not meet the minimum requirements, the license is refused.

A license is valid for the period for which it is issued, but may be revoked if the practice of the agency falls below minimum requirements. The Assistant Secretary of the Office of Family Services is authorized to determine the period during which such a license will be effective. Ordinarily a license will be issued for a period of one year, but a license will be extended when there is a delay in completion of a relicensing study or in determining eligibility for a new license. If a child caring agency does not meet standards, but is attempting to do so, the Assistant Secretary of the Office of Family Services, at his discretion, may issue a ninety day provisional license.

If a child caring agency administrator thinks a particular standard is not applicable to the agency's operation, a request for waiver or modification of the standard may be submitted by the licensing worker, in writing, to the Assistant Secretary of the Office of Family Services for consideration.

Licensing Study: A licensing study is a cooperative procedure between the Office of Family Services and the administrator and staff of the agency. The study is begun as soon as possible after receipt of the application, at a time convenient to the representative of the Office of Family Services and the administrator of the agency. It is the responsibility of the administrator to request inspections by the State Fire Marshal and the Office of Health (OFS Form 95) and to require medical reports from the staff.

The licensing worker and the administrator will evaluate cooperatively the operation of the facility, its policies and procedures in relation to the licensing requirements and recognized standards of child care. The worker will expect to review a sample of case records, statistical and other reports which reflect the work of the agency. The chairman of the governing body and other staff members may be asked to participate in the study.

Relicensing Procedure: The procedure for a relicensing study is similar to the original study. The administrator is expected to have reports from the State Fire Marshal and Office of Health prior to the start of the study, and have all case records, medical reports, and other information in readiness.

The relicensing study covers developments during the prior year. It may give emphasis to certain important phases of the program rather than attempt to cover the entire program in detail. In instances where the facility has been licensed for a number of years and is operating smoothly, the licensing worker may recommend that a license be issued for two years.

Child caring agencies presently licensed will have one year from the date of promulgation to comply with the minimum standards adopted in 1977.

Appeal Procedure: If the license is refused, suspended, or revoked because an agency is not suitable, or not properly managed as such, or does not meet minimum standards, the procedure is as follows:

a. The Assistant Secretary of the Office of Family Services, by registered letter, shall advise the agency of the reasons for refusal, suspension, or revocation.

b. The child caring agency administrator may appeal this decision by submitting a written request to the Assistant Secretary of Family Services. This written request must be postmarked within thirty days of the administrator's receipt of the above notification.

c. The Appeal Section of the Office of Family Services shall set a hearing to be held within thirty days after receipt of such a request. The hearing shall be held in the immediate vicinity of the appellant.

d. An appeal hearing officer of the Office of Family Services shall conduct the hearing. Within ninety days after the date the appeal is filed, the Office of Family Services shall advise the appellant by registered letter of the decision, either affirming or reversing the original decision. If the license is refused or revoked, the center shall be given thirty days to terminate operation.

e. If the agency continues to operate without a license, the Office of Family Services shall give written notice of the violation to the District Attorney in the parish in which said violation occurs.

Upon refusal of Office of Family Services to grant a license or upon revocation of a license, the agency shall have the right of a mandamus suit against the Assistant Secretary of Office of Family Services (R.S. 46:1407).

Child Caring Agencies

Minimum Standards for Licensure

A child caring agency is a person, group, or organization operating one or more facilities which provides full time, out of home care to ten or more children. For the purposes of these requirements, an agency licensed by another State agency to care for children shall not be required to meet these licensing requirements.

I. Organization and Administration.

A. Purpose.

1. The Child Caring Agency shall have a written statement adopted by the governing body specifying objectives, purposes, agency function, and services offered. When the agency operates under a charter or articles of incorporation all of its purposes shall be stated therein.

An unincorporated agency whether a sole proprietorship or partnership shall state clearly its purposes, objectives, functions, and services in a written plan of operation.

Compliance Requirement: Submission of the written documents such as charter and/or bylaws.

2. Evidence must be shown by the agency that services and programs as stated in the operational plan are being implemented.

Compliance Requirement: Agency's records must document the services and programs provided to individual children.

3. When an agency adds a new function or service to its program, its governing body shall adopt a supplementary statement of such function.

Compliance Requirement: Presentation in writing to the licensing body within ninety days of implementation of the new services, programs, etc.

B. Governing Body.

1. All corporations shall have a governing body which is responsible for and has authority over the policies and activities of the child caring agency. If incorporated in Louisiana, the governing body shall consist of a minimum of nine members, the majority of whom must be Louisiana residents. If not incorporated in Louisiana, there shall be a local advisory board of seven members, the majority of whom are Louisiana residents.

2. The governing or local advisory board shall consist of one of the following:

a. A board of local citizens elected or appointed for the purpose;

b. A board or committee comprised of members of a religious or charitable organization such as a church, lodge, veterans organization, etc.;

c. A public authority.

3. In the case of a partnership or sole proprietorship, there shall be a local advisory board of at least seven members, the majority of whom are Louisiana residents.

Compliance Requirements: Corporations will provide the licensing authority with the names, addresses,

telephone numbers and titles of the members of the governing body and/or local advisory board; partnerships and sole proprietorships shall provide the names and addresses and telephone numbers of each of the owners and the names, addresses and telephone numbers of the local advisory board.

4. The governing body shall be responsible for the program and standard of services of the agency.

Compliance Requirement: The governing body shall review and approve all policies of the agency. The approval will be recorded in the official minutes of the governing body or a written statement or summary of the minutes.

5. The governing body of an incorporated agency shall identify in writing who has the power to appoint and dismiss the executive of the agency as well as the duties and responsibilities of the director.

Compliance Requirement: Written documentation of the responsibilities of the director.

6. The governing body shall determine who has authority to employ and dismiss personnel.

Compliance Requirement: Written documentation.

7. Any policies and/or administrative decisions of the governing body which would change the purpose of the agency will be made known to the licensing agency before implementation.

Compliance Requirement: Written notification to the licensing authority at least thirty days prior to proposed date of implementation.

8. The governing body and/or local advisory board shall meet as often as necessary but no less than twice a year to insure the proper operation of the agency and care provided to children. Minutes shall be made of each meeting of the governing body or local advisory board and shall be kept on file. The minutes of an incorporated body shall be signed by an officer of the board.

Compliance Requirement: Applicable minutes or summary of minutes shall be on file for review.

9. The governing body shall complete a written annual evaluation of the administrator.

Compliance Requirement: Written statement by the governing body or appropriate members certifying that the evaluation has been prepared.

C. Resources.

1. The governing body shall be responsible for the funding of the program and shall prepare a financial statement and/or audit including the annual operational and capital budgets.

2. A new agency seeking licensure shall prepare an annual budget for its fiscal year and shall indicate all sources of income and expenditure.

Compliance Requirement: Presentation of either an annual financial statement, audit or budget to the licensing authority.

3. A facility dependent on contributions from parents of its children or other outside funding for the care of individual children shall have funds to operate for thirty days should all funding processes cease. An agency's funding should be sufficient to prevent the children from feeling their security or placement is in jeopardy.

Compliance Requirement: Documentation of the funds on hand or sources of credit available to the facility.

II. Personnel.

A. Personnel Qualifications.

All employees shall present a written statement from a licensed physician which documents the individual is free from communicable disease.

1. Administrator—Every newly appointed administrator shall have a Bachelor's degree from an accredited

college or university and a minimum of four years experience in a social agency offering direct services to children. One year of administrative experience in social services may be substituted for two years of regular experience. A Master's degree plus two years of social service experience may be substituted for the four years of experience. An alternative may be a Bachelor of Social Work (BSW) degree or professional equivalent with three years experience working with children, one year of which may be experience in administration, or three years experience working with children and a

2. Social Work Staff—The social worker shall have a minimum of a Bachelor's degree in a behavioral science. Bachelor's degree social work staff shall be supervised by an individual with a Master of Social Work (MSW) degree or have consultation on a regular basis from a Board Certified Social Worker (BCSW). A facility with thirty or more children shall have a person with a Master of Social Work degree on the staff to supervise the social service program.

3. Direct Child Care Staff—Direct child care staff shall be at least eighteen years of age, have a high school diploma or equivalency, or, in lieu of a diploma, experience supervising children's activities other than in one's own home may be substituted.

Compliance Requirement: The qualifications of all the above staff shall be documented in their personnel records. This shall include a brief summary of the personal interviews and at least three written references attesting to character and previous employment. References shall not be obtained from relatives of the prospective employee. A written statement by the administrator verifying compliance with these requirements is acceptable.

4. Volunteers—Volunteers who assume direct child care responsibilities shall be carefully screened by the agency.

Compliance Requirement: A statement from a licensed physician certifying that the individual is free from communicable diseases; letters of personal reference attesting to the individual's character and reputation in the community shall be on file.

B. Personnel Responsibilities.

1. Administrator—The administrator shall be responsible for implementing and complying with the following: policies adopted by the governing body; the ongoing operations of the agency; and all Federal and State laws and regulations pertaining to the operation of the agency.

The administrator's specific or delegated responsibilities shall include:

a. Directing the agency program.

b. Representing the agency in the community.

c. Delegating appropriate responsibilities to other staff including the responsibility of being in charge of the facility(ies) during the administrator's absence.

d. Recruiting qualified staff and employing, supervising, evaluating, training, and terminating employment of staff.

e. Providing leadership and carrying authority in relation to all departments of the agency.

f. Providing consultation to the governing body in carrying out their responsibilities; interpreting to them the needs of children; making needed policy revision recommendations, and assisting them in periodic evaluation of the agency's services.

g. Preparing the annual budget for the governing body's consideration, keeping that body informed of financial needs, and operating within the established budget.

h. Supervising the facility's management including building, maintenance, and purchasing.

i. Participating with the governing body in interpreting the agency's need for financial support.

j. Establishing effective communication between staff and children and providing for their input into program planning and operating procedures.

Compliance Requirements: A written job description for the position of administrator shall be adopted by the governing body that will include the above responsibilities and shall be available to the licensing authority. An organizational chart which specifies lines of authority within the agency structure shall be on file.

2. Social Worker—The social worker shall be responsible for planning the most effective use of available resources toward meeting the prescribed treatment goals for each child in the facility. Specific responsibilities include:

a. Determining if the services provided by the facility are the most appropriate services available to meet the needs of the referred child.

b. Prepare the child and his/her parents for the placement and assist them in coping with their problems of separation.

c. Gather and properly document in the child's case record all necessary and pertinent social, medical, and educational information.

d. Help the child and his/her family make the best use of the placement in the facility.

e. Provide direct treatment and/or refer the child to other appropriate therapists when indicated.

f. Coordinate all staff conferences regarding child's progress in program, evaluation of treatment goals, and future planning.

g. Maintain accurate and current case records on each child as later prescribed by Section VII, A, 1.

Compliance Requirements: A written job description for the position of social worker shall include the above responsibilities and shall be available to the licensing authority. Case records shall be available for review.

3. Direct Child Care Staff—The direct child care staff is responsible for the daily care and supervision of the child in the living group to which the child care worker is assigned. He/she must assume many of the daily child caring responsibilities that parents usually perform. Such responsibilities will take precedence over any other duties. Included in the specific job responsibilities are:

a. Training the child in good habits of personal care, hygiene, grooming, eating, and social skills.

b. Protecting the child from harm.

c. Handling routine problems arising within the living group.

d. Representing adult authority to the children in the living group and exercising this authority in a mature, firm, compassionate manner.

e. Enabling the child to meet his/her daily assignments.

f. Participating in all staff conferences regarding child's progress in program, evaluation of treatment goals, and future planning.

g. Participating in the planning of the facilities program and scheduling such program into the operation of the living group under his/her supervision.

h. Maintaining prescribed logs of all important events that occur during his/her tour of duty; significant information about the performance and development of each child in the group.

Compliance Requirements: A written job description for the position of child care staff which includes the above responsibilities shall be available to the licensing authority; logs maintained by child care staff shall be available to the licensing authority.

C. Personnel Training.

1. The agency shall provide orientation for all new social work and child care staff. The orientation shall provide training which relates to the specific job function for which the employee was hired as well as relating to the needs of children.

Compliance Requirement: A written orientation plan.

2. At least fifteen hours of in-service training shall be provided annually for all social work and child care staff. The content of training shall include, but is not limited to, helping staff understand the individual needs of children, children's growth and development, the meaning of separation to the child and the family, and State licensing standards.

Compliance Requirement: In-service training provided for social work and child care staff shall be documented in writing and include the date, the subject and method of training, and the name of the person who conducted the training. The licensing authority representative may also document in-service training by direct observation of the training session.

3. First aid training is mandatory for all new child care staff and shall be updated at least every three years.

Compliance Requirements: All child care staff shall have a written statement documenting first aid training received or in progress. Training shall be provided by a Red Cross instructor or a licensed health professional.

D. Personnel Staffing Standards.

1. The child care agency shall provide staff necessary to insure the proper care, treatment, and safety of the residents.

2. An overall staffing pattern must be developed to insure that there will be at least one direct child care staff person on duty in a general area of the facility where children are present.

3. Child care staff required to supervise children during waking hours shall not be less than is represented in the following ratio:

Age of Child	Staff-Child Ratio
0-6 years	1 to 6 (waking hours)
6-11 years	1 to 8 (waking hours)
12 years and older	1 to 10 (waking hours)

4. Child care staff required to supervise children during sleeping hours shall not be less than is represented by the following ratio:

Age of Child	Staff-Child Ratio	Number on Duty (Awake)	Number on Call (On premises asleep)
0-6 years	1 to 12	1	0
6 years and older	1 to 20	0	1
	2 to 40	1	1
	3 to 60	1	2
	4 to 80	2	2

Compliance Requirement for Items 1-4: Current personnel roster, staff schedules, and resident rosters on file in the office of the agency.

5. There shall be a licensed registered nurse or a licensed practical nurse employed at least eight hours during the day, if six or more children under two years of age are under care in the facility. The nurse will be responsible for carrying out the health program as outlined by the administration and attend to the health needs of the children.

6. There shall be a licensed registered nurse or a licensed practical nurse on call during the night hours if six or more children under two years of age are under care in the facility.

7. There shall be sufficient domestic and maintenance workers that those employed to give direct care to children shall not have their duties interfered with by other responsibilities to the extent that they are unable to give adequate supervision to children in their care.

8. Staff below the age of sixteen may be hired to augment the regular child care staff at the discretion of the administrator.

Compliance Requirement for Items 5-8: Personnel contracts or documented evidence of contract arrangement on file in the office of the agency.

III. Intake, Acceptance and Admission of Children.

A. Intake Study.

1. Except in the case of an emergency care placement, the facility shall not accept a child for care until an intake study has been made by the facility, an agent for the facility, the referring agency, or qualified professional in the community. A child shall not be admitted until the facility has determined that the placement meets the needs and best interests of the child and his or her family.

Compliance Requirements: a. The intake study shall include, as a minimum, the following information: (1) A description of the family's relationships, social, economic and cultural circumstances making the placement necessary. (2) The child's developmental and medical history, including current immunization record. (3) A description of the child's personality, behavior, needs, and interests. (4) The child's school history. (5) Any history of previous placements outside the child's own home. (6) Verification of the child's identity and legal status. (7) The reason for choosing group care and care in this particular facility as opposed to other alternatives such as foster care. (8) The immediate and long range goals of the placement. (9) Name of family members, guardian, or legal custodian who will carry primary responsibility for the ongoing relationship with the facility and the child. (10) Special psychological, educational, and psychiatric evaluations as appropriate to assess the child's individual needs. (11) A physical examination within fifteen days of placement. b. A sample copy of the application form shall be submitted to the licensing authority.

2. The intake study shall be done by the administrator, or by a person having a Master of Social Work degree, or by a person with at least two years experience in children's services and a Bachelor's degree from an accredited college or university.

Compliance Requirement: The qualifications of the facility staff member or an agent for the facility who is responsible for gathering the necessary documents and information for the intake study shall be stated in writing.

3. The intake process, when appropriate, shall include an interview with the child and his or her parents, legal custodian and/or the placing agency.

Compliance Requirement: This discussion shall include the following which shall be documented in the intake study: (a) The reasons for placement. (b) The parents or guardian's or placing agency's expectations of

placement. (c) The child's understanding and, if appropriate, expectations of placement.

4. The appropriate personnel shall review the intake study and determine whether admission is appropriate.

Compliance Requirement: The personnel responsible for the review of the intake study and responsible for determining which applicants shall be admitted shall be documented in the facility's policies and procedures.

5. At the time of placement, there shall be a written placement agreement between the agency and the child's parents or placement agency which provides for:

a. Written authorization for the facility to care for the child according to agency's written child care policies.

b. Written authorization for the facility to obtain medical care for the child.

c. Written financial agreement when a charge is made for the care of the child.

d. Written rules regarding visits, mail, gifts, and telephone calls.

e. Nature and frequency of reports to the child's family, guardian, or the placing agency.

Compliance Requirement: A copy of this agreement shall be in the child's record.

6. The facility shall have a written plan for orientation of children.

Compliance Requirement: Written documentation of the above.

B. Limitations on Acceptance.

1. A facility shall accept only those children who meet the conditions outlined in the facility's admission policies and for whom the facility has an operational program.

Compliance Requirement: The conditions of the admission policies and the appropriateness of the operational program for the child shall be observed.

2. A facility shall not offer at the same time and in the same facility, two types of care that conflict with the best interests of the children in the facility, with the use of staff or the use of the facility.

Compliance Requirement: It shall be the facility's responsibility to provide documentation that there is no conflict to the best interest of the children.

3. A facility shall accept a child for care only from his parents, a court, or a person or agency holding court custody. If persons legally responsible for the child cannot be located, the facility shall ask the appropriate court for temporary custody. A child cannot be accepted from one parent alone where there is joint custody and the other parent is available.

Compliance Requirement: This requirement shall be documented by a birth certificate, court order, and/or written statement from a single parent in the child's record.

4. No child under five years of age shall be accepted for placement except when it is in the child's best interest to meet his or her particular needs in group care, such as keeping siblings together.

Compliance Requirement: If a child under five years of age is in care, the intake study and the plan of service shall document why this plan of care was in the child's best interest.

5. No child shall be denied admission to a facility based on race or national origin.

Compliance Requirement: The facility shall have on file a written statement to this effect.

6. An agency shall not accept more children than the maximum specified on the license unless prior approval has been obtained from the licensing authority.

Compliance Requirement: If additional room or other changes warrant an increase in the number of children for which a facility is licensed, the licensee shall apply to the

licensing authority for an increase in the number of children prior to accepting additional children.

7. The agency shall not keep a child in care unless the child has had a medical examination within fifteen days prior to admission or within fifteen days after admission.

Compliance Requirement: Documentation shall be in the child's medical record.

8. All children three years of age or older shall have had a dental examination within the six months prior to admission or arrangements shall be made within thirty days after admission for such an examination.

Compliance Requirement: Documentation shall be provided in the child's medical record.

9. All children shall have a test for tuberculosis within thirty days prior to admission or within seven days after admission. If the test is positive, a chest X-ray is required.

Compliance Requirement: A report of the tuberculosis test and/or chest X-ray shall be in the child's medical record.

IV. Child Care, Development, and Training.

A. Individual Service Plan.

1. A service plan which specifies the child's particular needs and the way these needs will be met shall be developed and recorded in the child's case record.

a. The service plan shall document the needs of the child and specify the plan for meeting these needs. The following are examples of resources which may be included in the service plan: special education, psychological testing, individual tutoring, vocational training, recreational therapy, communication skills training, family therapy, etc.

b. The service plan shall include the objectives to be attained through institutional placement and the anticipated length of stay.

c. The service plan shall include specific instructions for treatment and shall be shared with all staff involved in the service plan.

d. A written appraisal of the child's educational and vocational needs shall be a part of the service plan. Career guidance shall be offered to older adolescents.

Compliance Requirement: A written service plan which addresses the above components shall be on file in the child's case record.

2. The service plan shall be reviewed at least every six months by the facility, and made available to the referring agency, the child's parent or legal guardian, and the child. Results of the review shall be recorded in the child's case record.

Compliance Requirement: a. Periodic reviews of the service plan shall be documented in the child's record. The review shall note progress toward achieving objectives based on increased information about the child. b. Case records shall indicate that all appropriate persons were involved in the review of each service plan or indicate reasons for those not involved.

3. Procedures shall be established which give parents of legal guardians the opportunity for consultation in the formulation of their children's service plan.

Compliance Requirement: These procedures shall be stated in writing and made available to parents or legal guardians.

4. When a child's service plan indicates the need for professional consultation or treatment, the agency shall be responsible for obtaining those specified services.

Compliance Requirement: a. When professional services are obtained, documentation shall be included in the child's case record. b. A schedule indicating when needed services not yet provided are planned to be provided shall be included in the child's case record.

B. Daily Aspects of Care.

1. The daily schedule shall be developed in relation to the needs of the children.

Compliance Requirement: a. The agency's written general child care policies shall reflect how a child's daily schedule is developed to meet his or her needs. b. A copy of the daily schedule shall be available for school, nonschool, and vacation periods.

2. Children shall be given training in good habits of personal care, hygiene, and grooming, they shall be supplied with personal care, hygiene, and grooming items and supplies.

Compliance Requirement: The general child care policies on the child's daily schedule shall reflect how training in personal care is met.

3. The agency shall make available to each child an adequate number of supervised recreational activities.

Compliance Requirement: Activity schedules shall be available which indicate the inclusiveness of each activity and by whom supervised.

C. Clothing.

The facility shall see that each child is supplied with his or her own clothing. Each child shall be provided with clothing that is properly fitted, appropriate for the child's age and sex, and comparable to the majority of children's clothing in the community.

Compliance Requirement: a. Each child's clothing shall be identifiable by some type of labeling system. b. Children shall be permitted to help in selecting their own clothing.

D. Health Aspects of Care.

1. Responsibility for the health supervision of the facility shall be placed with one physician. The agency shall have written policies and procedures for obtaining diagnosis and treatment of medical and dental problems.

Compliance Requirement: a. Copies of the policies and procedures shall be available to the licensing authority. b. The agency shall ensure access to twenty-four hour, seven day per week medical coverage by hospitals, physicians, and dentists. c. The agency shall make known to all staff members the policies and procedures to be followed in an emergency.

2. All children shall be examined annually by a licensed physician. Treatment shall be provided as indicated.

3. All children three years old or older shall have a dental examination at least once a year.

4. Immunization shall be given according to recommendations of a physician or the schedule established by the State Office of Health.

Compliance Requirement for Items 2-4: Current medical, dental, and immunization records shall be maintained as follows: a. A medical consent form signed by a person authorized to give consent. b. Record of medical examinations. c. Record of dental examinations. d. Immunization records. e. Record of each visit to physician or dentist and recommended treatment.

5. Facilities for medical isolation shall be available.

Compliance Requirement: Space for isolation purposes shall be designated.

6. Medication shall be prescribed only by a licensed physician and administered under his direction.

Compliance Requirement: Medication records shall include the medication given, the time, the dosage, and the name of the person administering the medication.

E. Food and Nutrition.

1. Planning, preparation, and serving of foods shall be in accordance with the nutritional, social, and emotional needs of the children in care. The diet shall include a variety of food attractively served. Children