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five dollars of the emergency fee will be applicable to the current year's fee.

- D. Bond in the amount of five thousand dollars must be properly executed and submitted with application.
- E. Insurance certificate certifying automobile public liability and property damage coverage in the amount of not less than ten thousand dollars for operations in Louisiana must be submitted.
- F. All trucks entering the State of Louisiana shall be inspected by a field inspector from the staff of the Commission and certified safe.
- G. Operators of the equipment must pass appropriate examination.

Section 1.1 (b) of the Rules and Regulations is hereby declared nonapplicable to the Class VII-E permit.

Lionel T. Ortego, Director
Liquefied Petroleum Gas Commission

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries

The Louisiana Wildlife and Fisheries Commission has exercised the emergency provisions of the Administrative Procedures Act (R.S. 49:953B) to place into effect the following dates and areas for an expanded turkey hunting season:

All Louisiana land: South of U.S. Highway 80 from Tallulah to the Mississippi state line; all Louisiana land east of U.S. Highway 65 from Tallulah to State Highway 605, north and east of State Highway 605 to the junction of State Highway 608 to Point Pleasant Road, north of Point Pleasant Road to the Mississippi state line.

The season dates will be March 26 through April 10, 1977, for a sixteen-day period. Season will be for gobblers only.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

Rules

RULES

Department of Agriculture Bureau of Entomology and Plant Industry

Supplement to the Sweet-potato Weevil Quarantine and Regulations

In accordance with the authority vested in the Louisiana Department of Agriculture of Part 2 of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950, the Sweet-potato Weevil Quarantine and Regulation is hereby supplemented as follows:

III. Quarantined Areas

1. In the United States
 - a. The areas hereby quarantined on account of the sweet-potato weevil shall be the portions of all states in which sweet-potato weevil infestations are known to occur, and so officially designated as quarantined or regulated areas, by the sweet potato quarantines of the states of Alabama, Florida, Georgia, Louisiana, Mississippi, Texas and South Carolina.
2. In Louisiana
 - a. Quarantined areas in Louisiana are hereby declared to be the entire parishes of Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Rapides, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, West Baton Rouge, West Feliciana, and those parts of parishes hereinafter listed:

Bienville Parish—Ward 4; that portion consisting of a one mile radius of and including the property of Enis Lowe, Section 12, R5W, T16N, and that por-

Emergency Rules

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Services

The Louisiana Department of Health and Human Resources, Office of Family Services, exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) on March 9, 1977, to implement 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 is administratively detailed in the Federal Register, Volume 42, No. 20, page 5,864—Monday, January 31, 1977. The time period for which grants may be paid to child day care providers for employment of welfare recipients dates retroactively from September 7, 1976, and continues through September 30, 1977. The limited period in which the program is operative necessitates emergency rulemaking in order to implement the program timely.

Grants will be made by the Office of Family Services (OFS) 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 percent 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 (AFDC) 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. Five thousand dollars to public and nonprofit private providers for each recipient per year.
2. Four thousand dollars to proprietary providers for each recipient per year.

Implementation and administration of this employment program is 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

DECLARATION OF EMERGENCY

Liquefied Petroleum Gas Commission

The Louisiana Liquefied Petroleum Gas Commission has exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) and made effective February 25, 1977, the following Class VII-E (Emergency) permit.

Class VII-E

Holders of these permits may transport liquefied petroleum gases on the highways of Louisiana. These permits are valid only for ninety days from date of issue and may be secured from the office of the Director upon receipt of the following:

- A. Application must be submitted to the office of the Liquefied Petroleum Gas Commission.
- B. Check for filing fee in the amount of twenty-five dollars made payable to the Liquefied Petroleum Gas Commission must be submitted.
- C. Check for Emergency Permit (valid for ninety days only) made payable to Department of Revenue in the amount of one hundred dollars must be submitted. In the event the applicant desires to obtain a permanent Class VII, seventy

tion consisting of a one mile radius of and including the property of Henry Lowe, Section 13, R5W, T16N;

Caddo Parish—Wards 6 and 7; that portion consisting of a one mile radius of and including the property of Dr. Joe White, 115 Lucia Lane, Shreveport; that portion consisting of a one mile radius of and including the property of T. M. Boyter, Section 29, R14W, T18N; that portion consisting of a one mile radius of and including the property of Mrs. L. M. Laborde, Section 32, R13W, T16N and that portion consisting of a one mile radius of and including the property of Tony Scarpinato, Section 16, R13W, T16N;

Caldwell Parish—that portion consisting of a one mile radius of and including the property of Ed Hilburn, Section 28, R3N, T14N, and that portion consisting of a one mile radius of and including the property of Clifton Hilburn, Section 28, R3N, T14N;

DeSoto Parish—that portion south of T15N;

Jackson Parish—that portion consisting of a one mile radius and including the property of Loretta Denton, Section 26, R4W, T16N, and that portion consisting of a one mile radius and including the property of Lee Watkins, Section 11, R4W, T15N;

Lincoln Parish—that portion consisting of a one mile radius of and including the property of James Kay, Section 13, R3W, T17N;

Natchitoches Parish—that portion west and southwest of the Red River;

and/or such other area or areas as may hereafter be designated as quarantined areas by notice in the Louisiana Register and Official Journal of the State of Louisiana by the State Entomologist, with the approval of the Commissioner.

- b. Non-sweet potato areas shall be infested properties in the area north of Avoyelles and Rapides Parishes, east and northeast

of the Red River line at Grant Parish, northeast of the Red River in Natchitoches Parish, north of the Natchitoches Parish line west of the Red River and north of the Sabine Parish line, and such other area or areas as may hereafter be declared non-sweet potato areas by publication in the Official Journal and the Louisiana Register by the State Entomologist, with the approval of the Commissioner.

The above supplement to the Sweet-potato Weevil Quarantine and Regulation shall be revised effective on and after March 20, 1977.

Richard Carlton, State Entomologist
Bureau of Entomology and Plant Industry

RULES

Board of Elementary and Secondary Education

The Board of Elementary and Secondary Education adopted Bulletin 741, Handbook for School Administrators, Part I, Revised 1977 at its regularly scheduled meeting of February 24, 1977.

The Department of the State Register, in accordance with R.S. 49:954.1C, has exercised its privilege to omit from the Louisiana Register the text of the Handbook for School Administrators. The public may inspect these rules at the Board's office, Room 104, Education Building, 646 North Fourth Street, Baton Rouge, Louisiana.

Earl Ingram, Director
Board of Elementary and
Secondary Education

RULES

Department of Health and Human Resources Office of Family Services

Minimum Standards for Licensure of Child Day Care Centers

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 day care centers.

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, Act 241 of 1968, and Act 290 of 1976) making mandatory the licensing of all child welfare agencies, including day care centers. A day care center is defined as "any place operated by a person, society, agency, corporation, institution or any other group, wherein are received five or more children under seventeen years of age who are not related to such person and whose parents or guardians are not residents in the same house, for daytime control, care and food." Daytime is interpreted to mean any part of a twenty-four hour day. The Act provides a penalty for operation of a center without a valid license. The penalty for operation without a license is a fine "of not less than twenty-five dollars nor more than two hundred dollars for each day of operation without a license." (R.S. 46:1405)

According to law, 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 welfare agencies as defined in R.S. 46:1410."

Licensing Procedure—Before beginning operation, it is mandatory to obtain a license from the Office of Family Services.

Application for a license shall be made by submitting Form 92 or Form 92-B to the State of Louisiana, Department of Health and Human Resources, Office of Family Services, Post Office Box 44065, Baton Rouge, Louisiana 70804. After receipt of the application, the Office of Family Services' regional licensing worker will visit the center and make a licensing study. There is no charge for the licensing service.

Centers 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 operator 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 center meets requirements, a license is issued. If it is determined that the center 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 day care center falls below minimum requirements. The Assistant Secre-

tary of the Office of Family Services is authorized to determine the period during which such license will be effective.

A license shall not be transferrable to another person or to another location. If there is a change in location, the license shall be returned to the Assistant Secretary of the Office of Family Services and an application made immediately for a license at the new location. The same procedure applies when there is a change in ownership.

If a director or operator thinks a particular standard is not applicable to the center'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.

Relicensing Procedure—The relicensing study is similar to the original licensing study but may not be as detailed. Operators have an opportunity to review the study upon request before it is submitted to the Assistant Secretary, Office of Family Services. Ordinarily a license is issued for a period of one year. Before expiration of the license, re-inspections by the Office of Health and the State Fire Marshal shall be required.

If the study reveals that the center is not meeting minimum requirements, a recommendation will be made that a new license not be issued.

Appeal Procedure—If the license is refused or revoked because the center does not meet minimum requirements for licensure, the procedure is as follows:

1. The Assistant Secretary of the Office of Family Services, by registered letter, shall advise the day care center of the reasons for refusal or revocation, and its right of appeal.
2. The day care operator 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 operator's receipt of the above notification.
3. 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.
4. 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.

5. If the center 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.

Definitions

The following are definitions of terms used in these requirements:

“Owner” is the individual or organization that owns the center but who employs a person to be a full-time director responsible for the operation of the center.

“Operator” is the individual who owns the center and devotes full-time to being the director.

“Director” is an individual employed by the owner of the center or by a board or a church or other organization to be responsible for the operation of the day care center.

“Child care staff” is an individual directly involved in the care and supervision of the children in the center.

I. Organization and Administrative Plan

A. Application for Licensure

Application shall be in writing on the application forms furnished by the Office of Family Services and shall be submitted to the Office of Family Services.

B. Governing Body (Applicable to nonprofit organizations only)

1. There shall be a responsible governing body which shall be one of the following:
 - (a) A board of local citizens elected or appointed for that purpose.
 - (b) A board or committee comprised of members from a religious, charitable, or educational organization, etc.
 - (c) A public authority.

2. The governing body shall exercise sufficient authority so that it can be held reasonably responsible for the center’s practice.
3. The governing body shall have the power to appoint and to dismiss the director of the center.
4. The governing body shall clearly define the duties and responsibilities of the director and determine who has authority to employ and dismiss personnel.
5. The governing body shall maintain records regarding qualifications and references of the director.

C. Fund Raising

1. The responsibility of raising funds shall not interfere with the director’s administrative duties in conducting the program.
2. Children shall not be involved in campaigns or publicity efforts without the written consent of the parent.

D. Changes

The Office of Family Services shall be notified before changes are made which might have an effect upon the license, (for example, changes in age range of children to be served, changes in space).

E. Release of Children

Arrangements for the child’s return to the parent shall not include third parties or other child care facilities unless written agreement between the day care facility and the parent is on file with the center.

F. Required Records

1. Personnel records

There shall be on file at the center for each regularly employed and substitute member of the staff a record including the following information:

- (a) Name, age, address, telephone number.
- (b) Health records.
- (c) Previous work experience and training, including education.

- (d) Accidents, resulting in personal injury while on duty.
- (e) A written staff plan for the director and staff member which includes the duties to be performed, the hours of work, and the person to whom each is responsible.

Personnel records should be kept for one year after the employee leaves. Health records may be returned to the staff member upon request.

- 2. Health information regarding the persons living in a private residence, part of which is used as a day care center.
- 3. Children's records

The center shall have on file and available at all times the following records for each child in care:

- (a) All information required on the Master Card (Form 94-B). (If a center has enrollment forms which contain all the information included on the Master Card, they may be used.)
 - (b) All medical information required on the Health Card (Form 94-G). (Children's health records need not be held after the date of withdrawal and should be returned to the parents.)
- 4. Current written reports from the State Fire Marshal and the Office of Health.
 - 5. Occupational license (when applicable).
 - 6. Certificate of occupancy (zoning requirement).
 - 7. Current day care license on display.

II. Personnel

A. Qualifications

1. Director or Operator

- a. Must be a mature, competent person who can combine the duties of administration with the duties of providing an environment conducive to the physical, emotional, and social growth of children. This shall be documented by two or more unrelated

references who have knowledge of the director or operator's competence.

- b. Must be at least twenty-one years of age. During the director's absence from the center a staff member must be designated to assume the director's responsibilities. This staff member must be at least twenty-one years of age.
- c. If a director or operator or member of his immediate family has had a previous license revoked or refused, upon reapplication, applicant shall provide satisfactory evidence that the reason for such revocation no longer exists.

2. Child Care Staff

- a. Must have the skills and capability necessary to work with children in order to provide an environment conducive to the physical, emotional, and social growth of children.
- b. Should be at least eighteen years of age. Persons between the age of sixteen and eighteen enrolled in training programs approved by the Department of Education, may be employed provided the number does not exceed one-fourth of the child care staff.

3. All Center Staff (Includes the director, operator, child care staff, and any other employees of the center such as the cook, housekeeper, chauffeur.)

- a. Each staff member must be known in the community to be of good reputation.

A previous conviction of any employee of any crime of moral turpitude, felony, or any violation of a criminal statute enacted for the protection of children shall constitute sufficient reason for the denial of a license. A subsequent conviction of the employee of any of these types of offenses shall constitute sufficient reason for the immediate revocation of a license already issued, if the employee remains on the center staff. A plea of guilty to any of the above mentioned crimes shall be considered the same as a conviction.

b. Health requirements

- (1) All center staff shall be required to obtain, within two weeks before beginning work, and at least every twelve months thereafter, a written statement from a physician certifying that the individual:
 - (a) Is in good health and is physically able to care for children.
 - (b) Is free from infectious and contagious diseases.
 - (c) Has no evidence of active tuberculosis. At the time of employment, a negative skin test or a negative chest X-ray is required.
- (2) The director or operator or any center staff shall not remain at work if he has any sign of a contagious disease.
- (3) Each person living in a private residence, part of which is used as a day care facility, shall meet the same medical requirements as employed personnel and children enrolled.
- (4) Substitute workers and volunteer workers shall meet the same medical requirements as regularly employed staff.
- (5) If any staff member has been treated for a psychiatric disorder, a license shall not be granted until there is sufficient evidence that the staff person has recovered and is able to perform his duties. A written statement from the treating psychiatrist or his designated successor may be required by a licensing worker.

B. Required Child Care Staff

1. Required child care staff for centers serving ten or fewer children (including the operator's and/or staff's own preschool children):

Number	Staff
10 (if no more than two children are under age two)	1
10 (if three or more children are under age two)	2

2. Required child care staff for centers serving eleven or more children:

Children	Number	Staff
Nonwalkers and toddlers under twelve months	6	1
Toddlers (over twelve months)	8	1
Two-year olds	12	1
Three-year olds	14	1
Four-year olds	16	1
Five-year olds	20	1
School age	25	1

When the center serves children of mixed ages, excluding children under two years, an average of the staff ratio may be applied.

3. Only those staff members directly involved in child care and supervision shall be considered in assessing staff/child ratio.

C. Other Required Staff

1. When the number of children at the center exceeds ten there must be an individual immediately available in case of an emergency.
2. If the number of children exceeds forty-two, the director or operator shall give full-time to administration. The director or operator shall be on duty a minimum of eight hours a day at the center.
3. A half-time cook-housekeeper shall be required every day in centers caring for twenty-one, but less than twenty-nine children. A full-time cook-housekeeper shall be required every day in centers caring for twenty-nine or more children.
4. If day and night care are offered, there must be separate shifts.
5. If the director or operator is responsible for more than one center, there must be an individual designated as responsible for the operation of each center.
6. There shall be provisions for substitute help, if the director or any regular employee is absent from the center.

III. Plant and Equipment

A. Space Required

1. Indoor Space

- a. There shall be a minimum of indoor space of at least thirty-five square feet per child. This space shall not include toilet facilities, hallways, storage or food preparation areas, or office. Any room counted as play space must be available for play during play hours. If rooms are used exclusively for dining or sleeping, they cannot be included in play space.
- b. The number of children using a room shall be based on the thirty-five square feet requirement; except for group activities such as film viewing, parties, and dining.
- c. There shall be provision for isolating temporarily a child having or suspected of having a communicable disease so he can be removed from the other children. Movable partitions are permissible so that the space may be used for play when not needed for isolating an ill child.

2. Outdoor Play Space

- a. There shall be outdoor space adjoining the center which provides a minimum of seventy-five square feet for each child in the group at any one time. The minimum outdoor play space shall be available for at least one-half of the number of children in care.
- b. The outdoor play space shall be enclosed in such a manner as to protect the children from traffic hazards and to prevent the children from leaving the premises without proper supervision.

B. Furnishing and Equipment

1. There shall be a telephone at the center. Appropriate emergency numbers should be posted, such as fire department, police department, and medical facility.
2. Play equipment of sufficient quantity and variety for indoor and outdoor use shall be provided which is appropriate to the needs of the children. The equipment shall be maintained in good repair and shall include equipment which encourages active physical play (for example, climbing apparatus, swings, wheelt toys); and equipment which encourages quiet play or

activity (for example, sand, clay, crayon, paints, story and picture books, dolls, puzzles, music.)

3. There shall be low, open shelves within easy reach of the children for the storage of play materials in each play area.
4. There shall be individual space for each child's clothing, such as lockers or low hooks.
5. Chairs of a suitable size and table space must be available for each child two years or older.
6. Individual and appropriate sleeping arrangements must be provided for each child. (State and local health requirements regarding sleeping arrangements must be met). Each child shall be provided with a cot or crib of appropriate size, height, and material, sufficient to insure his health and safety.

Mats may be used under certain circumstances. If the area used for napping is carpeted, or if the facility is centrally heated and cooled, the operator may request an exception to the requirement for cots. The request for an exception shall be made prior to the use of the mats. If mats are permitted, they must be at least one inch thick and also of adequate size and material to provide for the health and safety of the child.

Each child's sleeping accommodations shall be assigned to him on a permanent basis and labeled.

7. Sheets shall be provided by either the center or the parent, unless the cots or mats are covered with vinyl or another washable surface. A sheet or blanket shall also be available for covering the child.
8. Cribs, cots, or mats shall be spaced at least eighteen inches apart when in use.
9. Staff smoking is allowed only when the center has a designated smoking area. Health regulations prohibit this designated area from being a food service area.

C. Sanitary Requirements

1. The plant and equipment shall conform to State and local ordinances governing sanitation, as certified by a written statement given during the preceding twelve months by an authorized

representative of the Office of Health Services. Once an application for licensure is received, the Office of Family Services shall request a sanitation inspection, if this has not been previously requested by the operator. The operator shall be notified of this action.

2. A yearly inspection by the Office of Health is required. The Office of Family Services shall request this inspection annually if the operator has not already done so.

D. Fire Safety

1. A center shall in all respects meet the requirements of the fire prevention and safety authorities who have jurisdiction over it. Once an application for licensure is received, the Office of Family Services shall request a fire inspection by the State Fire Marshal if this has not been previously requested by the operator. The operator shall be notified of this action. Thereafter, a yearly report of approval from the fire prevention and safety authorities is required.

E. Safety Requirements

1. Drugs, poisons, harmful chemicals, equipment and tools shall be locked away from children.
2. Secure railing shall be provided for flights of more than three steps and for porches more than three feet from the ground.
3. Gates shall be provided at the head or foot of each flight of stairs to which children have access when children under two years of age are in care.
4. Fences shall be provided where there are open cisterns, wells, ditches, fish ponds and swimming pools.
5. First aid supplies shall be available at the day care center. Suggestions for first aid supplies are included in the Guidelines and Enrichment Booklet.
6. The center and yard must be clean and free from hazards.

IV. Admission of Children

- A. Admission of children shall involve an interview with the parent to secure necessary information

about the child and to complete Form 94-B (master card).

- B. Prior to admission, a physician's statement that the child is free from communicable diseases is required (Physician's card, Form 94-G). The day care director shall ensure that the record on each child is available verifying the child has had or is in the process of receiving all immunizations appropriate to her/his age. These documents shall be part of the child's records. When the child leaves the day care facility, these documents shall be returned to the parent.

V. Care of Children

- A. Children shall not be cared for in a day care center for more than ten hours per day.

B. Nutrition

1. Well-balanced and nourishing meals and snacks shall be provided. Children in care for more than four hours must receive a quantity of food that will supply approximately one-half to two-thirds of the current Recommended Dietary Allowances of the National Research Council. Children in care for five or more hours must be served a hot meal. To ensure well-balanced and nourishing meals and snacks, the specified patterns for meals and snacks included under the Nutrition Section of the Enrichment Booklet must be followed.
2. Meals and snacks must be offered at two to two and one-half hour intervals.
3. Weekly menus for meals and snacks shall be posted for viewing by the parents and reviewing by the Office of Family Services.
4. Children coming in the morning without breakfast should be served this meal.
5. It is not permissible for children to bring their own food to the center with the following exceptions:
 - a. Bottled formula for infants should be supplied by the parent and should be labeled.
 - b. Children on therapeutic diets prescribed by physician may bring their own food for meals and snacks if a written request is received and kept on file.

infringement upon the State's right to certify Title XIX providers, so can the Federal government not prohibit States from refusing to certify otherwise qualified SNFs if they do not participate in Title XVIII."

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

This new opinion gives the Office of Family Services the authority to reinstate its policy of July, 1973 which required Title XVIII participation by SNFs as a prerequisite for Title XIX participation.

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

RULES

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

The Department of Health and Human Resources, Office of Family Services, has adopted Standards for Payments to Skilled Nursing Facilities and Intermediate Care Facilities I and II Participating in the Louisiana Medical Assistance Program. Because of their length, the Department of the State Register has exercised its option to forgo their publication in the Louisiana Register. The Office of Family Services will send a copy of the Standards to each Skilled Nursing Facility and Intermediate Care Facility participating in the Medical Assistance Program. Other interested parties may obtain the Standards by addressing a written request to: Office of Family Services, Medical Assistance Program, P.O. Box 44065, Baton Rouge, Louisiana 70804.

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

RULES

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

The Louisiana Department of Health and Human Resources, Office of Family Services, has adopted the following rate adjustments for Skilled Nursing Facilities, Intermediate Care Facilities I and Intermediate Care Facilities II:

New Rates	SNF	ICF-I	ICF-II
Monthly	\$608.00	\$521.00	\$426.00
Daily	\$ 20.00	\$ 17.12	\$ 14.01

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 revised standard of need for Aid to Families with Dependent Children, which takes into consideration those costs of living increases which have occurred since the last adjustment in 1969. The revised standard by size of household is as follows:

Size of Household	AFDC Need Standard
1	\$ 93.00
2	\$177.00
3	\$247.00
4	\$309.00
5	\$366.00
6	\$418.00
7	\$471.00
8	\$523.00
9	\$574.00
10	\$622.00
11	\$675.00
12	\$706.00
13	\$758.00
14	\$794.00
15	\$821.00
16	\$877.00
17	\$924.00
18	\$971.00

For each additional person in the household, add \$43.00 to the standard.

The General Assistance need standard is as follows:

Size of Household	Payment Standard	Need Standard
1	\$46 + shelter + special needs	\$77 + shelter + special needs
2	\$82 + shelter + special needs	\$135 + shelter + special needs

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

RULES

Department of Health and Human Resources Office of Health Services and Environmental Quality

State Sanitary Code Chapter VIII Water Supplies, Cold Storage and Ice Plants

Paragraphs 8.1 through 8.16.1 are hereby repealed and the following provisions adopted in place thereof:

8:1 Definitions. For the purpose of this Code the following definitions shall apply:

Auxiliary Intake: Any piping connection or other device whereby water may be secured from a source other than that normally used.

Back Siphonage: A form of backflow caused by a negative or sub-atmospheric pressure within a water system.

Backflow: (1) A flow condition, induced by a differential in pressure, that causes the flow of water or other liquid into the distribution pipes of a potable water supply from any source or sources other than its intended source. (2) The backing up of water through a conduit or channel in the direction opposite to normal flow.

Backflow Preventer: A device for a water supply pipe to prevent the backflow of water into the water supply system from the connections on its outlet end.

By-pass: Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water supply or treatment facility.

Community Water Supply: A public water system which serves at least fifteen service connections used by year-round residents or regularly serves at least twenty-five year-round residents.

Cross Connections: (1) A physical connection through which a supply of potable water could be contaminated or polluted. (2) A connection between a supervised potable water supply and an unsupervised supply of unknown potability.

Ground Water: Subsurface water occupying the saturation zone, from which wells and springs are fed. In a strict sense the term applies only to water below the water table. Also called phreatic water, plerotic water.

Interconnection: A physical connection between two water supply systems.

National Interim Primary Drinking Water Regulations: Regulations promulgated by the U.S. Environmental Protection Agency pursuant to applicable provisions of P.L. 93-523, the "Safe Drinking Water Act," and as published in the Federal Register of December 24, 1975, pages 59,566 through 59,574, and July 9, 1976, pages 28,402 through 28,409.

Noncommunity Water Supply: A public water system that is not a community water system.

Public Water Supply: A public water supply is one which is available for drinking, culinary, or ablutionary use by the public, or transients, or by persons other than the immediate family of the owner of the supply.

Source: The term "source of public water supply" shall mean any well, spring, cistern, infiltration gallery, stream, reservoir, pond, or lake from which, by any means, water is taken either temporarily or continuously for drinking, culinary, or ablutionary use by the public or transients, or by persons other than the owner.

Surface Water: A surface water supply is one derived from sources on the surface of the earth such as streams, ponds, lakes, or reservoirs.

Vacuum Breaker: A device for relieving a vacuum or partial vacuum formed in a pipeline, thereby preventing back siphonage.

Water Well (Well): An artificial excavation that derives water from the interstices of the rocks or soil which it penetrates.

8.2 General Requirements.

8.2.1 Every drinking, culinary, and ablutionary water supply which is hereafter constructed, or extensively reconstructed, or every existing water supply which, in the opinion of the State Health Officer or his duly authorized representative is unsafe, shall be made to comply with the requirements of this Code.

8.2.2 No public water supply shall hereafter be constructed or materially altered without the approval of plans and specifications by the State Health Officer, or his duly authorized representative, and without a written permit. Plans and specifications shall be submitted in duplicate by the person having responsible charge of a municipally owned water supply, or by the owner of a privately owned public water supply. The review and approval of plans and specifications sub-

mitted for issuance of a permit will be made in accordance with the latest standards for water works promulgated by the Great Lakes and Upper Mississippi Board of Sanitary Engineers. (Published by: Health Education Service, P. O. Box 7283, Albany, New York 12224.)

8.2.3 All construction shall take place in accordance with the plans as approved by the State Health Officer or his duly authorized representative.

8.2.4 Water supplied for drinking, culinary, or ablutionary purposes shall be:

- (a) Obtained from a source free from pollution; or
- (b) Obtained from a source adequately protected by natural agencies from the effects of pollution; or
- (c) Adequately protected by artificial treatment.

8.2.5 Water supplied for drinking, culinary and/or ablutionary purposes shall be safe. It shall be clear, odorless, colorless and not unpleasant to the taste. In addition each public water supply shall comply with the National Interim Primary Drinking Water Regulations, Subparts A and B, paragraphs 141.1 through 141.16. Further, the water shall not contain excessive amounts of soluble mineral matter or of chemicals used in treatment. When necessary the water shall be treated to remove objectionable characteristics.

8.2.6 Upon determination that a public water supply is not in compliance with the maximum contaminant levels or treatment technique requirements of the National Interim Primary Drinking Water Regulations, variances and/or exemptions may be issued by the State Health Officer or his duly authorized representative in accord with Sections 1415 and 1416 of the Safe Drinking Water Act, P.L. 93-523. Upon receipt of a variance and/or exemption, the owners of the public water supply shall appraise their supply and submit within one hundred eighty days compliance and implementation schedules to correct the noncompliance for which the variance and/or exemption was issued. Such compliance and implementation schedule when approved by the State Health Officer or his duly authorized representative shall be executed in accord therewith.

8.3 Responsibility of Owner. It shall be the duty of the Mayor, or the person having responsible charge of a municipally owned water supply, or the proper officer of corporations, partnerships, or individual owning a public water supply, to take all usual and also all reasonable measures and precautions to secure and

preserve the safety and wholesomeness of the water supply and he shall be held primarily responsible for the execution and compliance with regulations of this Code.

8.3.1 Plant Supervision and Control. All public water supplies shall be under the supervision and control of a competent operator. The operator in responsible charge of water supplies serving more than fifty persons shall be certified as per requirements of the State Operator Certification Act, Act 538 of 1972 (R.S. 40:1141-1151).

8.3.2 Records. Complete daily records, including reports of laboratory control tests, shall be kept of the operation of water treatment plants on forms approved by the State Health Officer or his duly authorized representative. A copy of such records shall be furnished monthly to the State Health Officer.

8.3.3 Public Notification. If a public water system fails to comply with an applicable maximum contaminant level as prescribed by paragraph 8.2.5 of this Code or fails to comply with the requirements of any schedule prescribed pursuant to a variance or exemption, or is granted a variance or exemption, or fails to perform any monitoring required by this Code, the supplier of water shall notify persons served by the system of the failure in a manner prescribed in paragraph 141.32 of sub-part D of the National Interim Drinking Water Regulations.

8.3.4 Turbidity Monitoring.

8.3.4.1 All public water supplies utilizing surface water as a source for production of water to be used for drinking, culinary and/or ablutionary purposes shall monitor turbidity of the treated water at the entry point into the distribution system daily. The measurement shall be made in accord with the latest nationally accepted method as directed by the State Health Officer or his duly authorized representative. The turbidity level shall not exceed one turbidity unit (TU) as a monthly average or five turbidity units as an average for two consecutive days.

8.3.4.2 If the result of a turbidity analysis indicates that the maximum allowable limit has been exceeded, the sampling and measurement shall be confirmed by resampling as soon as practicable and preferably within one hour. The repeat sample shall be the sample used for the purpose of calculating the monthly average. If the monthly average of the daily sample exceeds the maximum allowable limit, or if the average of two samples taken on consecutive days exceeds five TU, the supplier of water shall report such to the State Health

Officer or his duly authorized representative and notify the public as directed in Paragraph 8.3.3 of this Code.

8.4 Reporting Changes in Public Water Supplies.

8.4.1 No officer, board, corporation, or other person or group of persons owning, or having by law the management or control of any potable water supply, shall take or cause to be taken for use for potable purposes, water from any auxiliary source other than the regular source or sources of public water supply, or shall discontinue the chlorination or other treatment of such supply or shall make any change whatsoever which may affect the sanitary quality of such water supply, without first having notified by telephone or telegram the State Health Officer or his duly authorized representative. Also, any violation of the National Interim Primary Drinking Water Regulations shall be reported to the State Health Officer or his duly authorized representative within forty-eight hours.

8.4.2 A printed copy of this regulation shall be kept constantly posted in the office used by the authorities owning or having charge of a public water supply.

8.5 When any public water supply or any source of public water supply is examined by the State Health Officer and found unfit for human consumption, the public shall be notified by the posting on the source of the condemned supply of a warning metal sign (not less than six by twelve inches) with red background and white letters that may be read at one hundred twenty feet.

8.5.1 It shall be unlawful for any person to remove, cover up, take down, or otherwise destroy the sign, or other notice placed by the State Health Officer, or his duly authorized representative warning the public "Do Not Drink This Water."

8.6 The sale, or offering for sale, of chemicals which have not been approved by the State Health Officer or his duly authorized representative for use in the treatment of water to be used for drinking or culinary purposes is prohibited.

8.7 Ground Water Supplies. All ground water supplies shall comply with the following requirements:

8.7.1 Exclusion of Surface Water From Site. The site within a safe horizontal distance of the source in all directions shall not be subject to flooding and shall be so graded and drained as to facilitate the rapid removal of surface water.

8.7.2 Distances to Sources of Contamination. Every

ground water supply, and all appurtenances thereto, shall be located at a safe distance from all sources of contamination such as privies, cesspools, septic tanks, subsurface tile systems, sewers, drains, barnyards, etc., and pits below the ground surface.

8.7.3 The horizontal distance from any such possible source of pollution shall be as great as possible, but in no case less than fifty feet, except as provided under 8.7.4 or except as otherwise approved by the State Health Officer or his duly authorized representative. If bacteriological examinations or other evidence indicate actual or potential pollution, the distance shall be increased or the location of the water supply changed, as may be required by the State Health Officer or his duly authorized representative.

8.7.4 Sewerage Near Wells or Springs. No floor drain, soil pipe, main drain, or other pipe which is directly connected to a storm or sanitary sewer, or through which water or sewage from any source may back up, shall be located nearer than thirty feet to any well, spring, or other source of water supply. All pipes and drains or parts thereof through which sewage or waste water flows, or into which sewage or waste water may back up, which are located within fifty feet of any such water supply shall be constructed of cast-iron soil pipe or cast-iron water pipe with leaded joints, or be of equivalent construction approved by the State Health Officer or his duly authorized representative.

8.7.5 Leakage From Toilets and Sewers. No toilet, sewer, soil pipe or drain shall be located over or where leakage therefrom can reach, any water storage basin, reservoir, source of water supply, or pump room.

8.7.6 Pits Near Water Supply. There shall be no pits or unfilled space below level of ground surface, any part of which is within fifty feet of such water supply, except properly constructed well, pump, or valve pits as covered under 8.9.4.

8.7.7 Satisfactory Earth Formation Above the Water Bearing Stratum. The earth formations above the water-bearing stratum shall be of such character and depth as to exclude contamination of the source of supply by seepage from the surface of the ground.

8.7.8 Minimum Depth of Casings and Curbing. All well and spring basin casings or curbing shall extend a safe distance below the ground surface. The minimum depth of casing shall be not less than ten feet. In no case shall the water from wells be drawn from a depth of less than ten feet.

8.7.9 Cover or Floors. Every dug well, spring, or

other structure used as a source of water, or for the storage of water, shall be provided with a watertight cover. Covers and every pump room floor shall be constructed of concrete or similar impervious material, and shall be elevated above the adjacent ground level and sloped to facilitate the rapid removal of water so as to provide proper drainage from the cover or floor and prevent contamination of the water supply. Such cover or floor shall be constructed so that there are no copings, parapets, or other features which may prevent proper drainage, or by which water can be held on the cover.

8.7.10 If concrete is used, the floors, or cover slab shall be of portland cement concrete of such thickness and so reinforced as to carry the load which may be imposed upon it, but in no case less than four inches thick.

8.7.11 Manholes. Manholes may be provided on dug wells, reservoirs, tanks, and other similar water supply structures. Every such manhole shall be fitted with a watertight collar or frame having edges which project at least six inches above the level of the surrounding surface, and shall be provided with a solid watertight cover having edges which overlap and project downward at least two inches around the outside of the frame. Such covers shall be of standard design whenever possible, to eliminate special fittings. The cover shall be kept locked at all times, except when it is necessary to open the manhole.

8.8 Wells.

8.8.1 All wells constructed to serve a public water supply shall be constructed in accord with standards promulgated by the Louisiana Office of Public Works, Department of Transportation and Development under provisions of State Act 535 of 1972 and as published in the Louisiana Register on December 20, 1975, pages 587 through 601.

8.8.2 Height of Casing or Curbing. In wells with pipe casings, the casings shall project at least six inches above ground level or the top of the cover or floor, and the cover or floor shall slope away from the well casing or suction pipe in all directions. Dug well linings shall extend at least six inches above the ground surface and cover installed thereon. The cover shall be watertight, and its edges shall overlap and extend downward at least two inches over the walls or curbing of such wells.

8.8.3 The annular space between the well casing and the bore hole shall be tightly filled with an impervious fill material such as cement slurry, drillers mud, or other suitable material.

8.8.4 Sampling Tap. All wells shall be provided with a readily accessible faucet or tap on the well discharge line at the well for the collection of water samples. The faucet or tap shall be of the smooth nozzle type.

8.9 Construction and Installation of Pumps. All water pumps shall be so constructed and installed as to prevent contamination of the water supply.

8.9.1 Handpump Head and Base. Every hand-operated pump shall have the pump head closed by a stuffing box or other suitable device to exclude contamination from the water chamber. The pump base shall be of solid one-piece recessed type of sufficient diameter and depth to admit the well casing as hereinafter provided. The top of the casing or sleeve of every well, equipped with such a pump, shall project into the base of the pump at least one inch above the bottom thereof and shall extend six inches above the level of the platform, well cover, or pump room floor on which the pump rests. The pump shall be fastened to the casing or sleeve. The pumps shall be of the self-priming type.

8.9.2 Power-Pump Base. Where pumps, or pump motors, are placed directly over the well the pump or motor shall be supported on a base provided therefor. The well casing shall be used to support pump or motor. The pump or motor housing shall have a solid watertight metal base without openings, to form a cover for the well, recessed to admit the well casing. The well casing shall project into the base at least one inch above the bottom thereof, and at least one inch above the level of the foundation on which the pump rests, which in turn shall be at least six inches above the top of the cover, or floor, or, in lieu of such base, an arrangement for sealing the top of the well which has been approved by the State Health Officer or his duly authorized representative, provided that the base or cover may have an air vent constructed as hereinafter prescribed.

8.9.3 Where power pumps are not placed directly over the well, the well casing shall extend at least six inches above the floor of the pump house. The annular space between the well casing and the suction pipe shall be closed to prevent the entrance of contamination.

8.9.4 Well, Pump, Valve, and Pipe Pits. No well head, well casing, pump, or pumping machinery, shall be located in any pit, room, or space extending below ground level, or in any room or space above the ground which is walled in or otherwise enclosed to that it does not have free drainage by gravity to the surface of the ground, except in accordance with a design approved by the State Health Officer or his duly authorized representative; provided, that this shall not apply to a dug well properly constructed as herein prescribed.

8.10 Pump House. The pump house shall be properly constructed to prevent flooding, and shall be provided with adequate floor drainage.

8.11 Disinfection of Wells. All new wells or existing wells on which repair work has been done shall be disinfected before being put into use as prescribed in paragraph 8.26.

8.12 Lubrication of Pump Bearings. Pump bearings situated in any well below the pump room floor or platform shall be lubricated with water or oil of a safe, sanitary quality.

8.13 Priming of Power Pumps. Priming type power pumps shall be primed only with water of a safe, sanitary quality.

8.14 Priming of Hand Pumps: Buckets. Hand-operated pumps shall have cylinders submerged so that priming shall not be necessary. No pail and rope, bailer, or chain-bucket systems shall be used.

8.15 Airlift Systems. The air compressor and appurtenances for any airlift system, or mechanical aerating apparatus used in connection with a ground water supply, shall be properly installed and operated.

8.16 Abandoned Wells.

8.16.1 Water Wells which cannot be made safe by repair, reconstruction, or by treatment shall be abandoned.

8.16.2 Abandoned water wells and well holes shall be plugged in accord with standards promulgated by the Louisiana Office of Public Works, Department of Transportation and Development, under provisions of Act 535 of 1972 and as published in the Louisiana Register on July 20, 1975, pages 315 through 324.

* * * *

Paragraph 8.19 is hereby repealed and the following provision adopted in place thereof:

8.19 Storage. All reservoirs, cisterns, and storage tanks shall be of watertight construction and made of concrete, steel, or other materials approved for this purpose by the State Health Officer or his duly authorized representative. When located wholly or partly below ground, such storage basins shall be of corrosion resistant materials.

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

RULES

Department of Health and Human Resources Office of Management and Finance

(Editor's Note: The following rules and sliding billing scales were adopted by the Department of Health and Human Resources on March 9, 1977, to become effective May 1, 1977.)

Rules and Sliding Billing Scales for General Hospitals, Mental Hospitals and State Schools for the Retarded

I. Admissions

A. General Hospitals

Admissions for treatment shall be made available only to bona fide residents of the State of Louisiana that are poor, destitute, and medically indigent, provided that in no case shall persons of any description be refused emergency treatment. Persons who are not poor, destitute, or medically indigent who receive emergency treatment shall be billed in accordance with the applicable fee schedule upon leaving the hospital. Those persons who are not poor, destitute, or medically indigent shall not be admitted except for emergency treatment. Persons seeking treatment shall furnish all information requested by the Intake Screening Department of the admitting facility.

B. Other State Hospitals, Schools, and Clinics

Admissions for treatment shall be made available to all residents of the State of Louisiana needing, in the opinion of the Director or Administrator of each facility, the treatment or care offered by that facility. Residency shall be established by a permanent address within the state and an expressed intention to live within the state in the future. Persons seeking treatment in any facility shall furnish all information requested by that facility.

II. General Regulations

A. Schedules for Charges

Billing for services rendered shall be made in accordance with the applicable fee schedule for charges to the patient, the responsible person,