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EXECUTIVE ORDERS

EXECUTIVE ORDER EWE-78-5

WHEREAS, during the remainder of 1978 and throughout the year 1979, there will be legislative, senatorial, congressional, gubernatorial and other campaigns and elections for public offices throughout Louisiana, and

WHEREAS, in recent times it has become apparent that there has been a growing tendency during election years for appointed public officials and unclassified public employees in the executive branch of government to become involved, directly and indirectly, in such campaigns and elections, and

WHEREAS, it has become clear that there has been increasing involvement in campaigns and related election activities by appointed public officials and unclassified employees, and particularly by those of the executive branch of State government, and

WHEREAS, such activities and involvement inevitably and by their very nature have an adverse effect, quantitatively and qualitatively, on the work performance of such officials and employees, and

WHEREAS, the demands and commitments expected of such officials and employees by candidates and their supporters often cause embarrassment or financial hardship, or both, to those engaged in public service employment, and

WHEREAS, it has been and is the policy of this administration to require and expect that all officials and employees of State government fully perform the duties and obligations imposed upon them by law and expected of them by the taxpayers and citizens who employ them, and

WHEREAS, the Governor of Louisiana as its chief executive officer is constitutionally charged with the duty of seeing that the laws of this State are faithfully executed and that the officials and employees of the executive branch of State government respond fully to the requirements and expectations of the people, and

WHEREAS, direct and indirect involvement in political campaigns by the appointed officials and unclassified employees of this State often becomes incompatible and inconsistent with their duties and responsibilities, and

WHEREAS, to insure and guarantee that such officials and employees in the executive branch of government render the services expected of them and to be certain that they are not hampered or restrained in their obligation to render loyal and faithful service to their employer, the people of Louisiana,

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the power vested in me by the Constitution and laws of this State hereby order and decree that it shall be the firm policy of my administration for the remainder of my term of office that every officer and unclassified employee holding his or her position by appointment or employment in the executive branch of government shall perform fully and satisfactorily the work for which he or she has been employed to perform and shall fully and completely discharge the duties and obligations of his office or employment.

FURTHER, in order that there will be no misunderstanding about the position of this administration with respect to participation, directly or indirectly, in the political campaigns conducted and the elections held in 1978 and 1979 throughout the state of Louisiana, I hereby establish the following rules, regulations, orders, and directives which shall be applicable to all appointed State officials and unclassified employees who are regularly employed in the executive branch of State government:

(1) No such person shall be a candidate for any political office.

(2) No such person shall actively, directly or indirectly, support any candidate for public office. This shall include attending fund-raising functions or political rallies and participation in organizational programs or in any campaign activities.

(3) No such person shall make, solicit, or accept contributions to or on behalf of any candidate for public office.

FURTHER, nothing in this order is to be construed to prevent any appointed public officer or employee in the executive branch of State government from engaging in political activities which the Constitution and the laws of this State authorize and permit officers and employees in the classified service to engage in and perform with respect to any candidate, campaign or election.

FURTHER, if any such official or employee decides to engage in any campaign, election or related activity prohibited by this order, such activity shall be preceded by resignation or retirement from his or her State position.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to have affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 17th day of March, A.D. 1978.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-78-6

WHEREAS, by Executive Order No. 71 dated August 27, 1974, I, Edwin Edwards, by virtue of the authority vested in me under the Constitution and laws of the State of Louisiana, as Governor thereof, did accept on behalf of the State of Louisiana the beneficial interest in the public trust authority entitled the Louisiana Public Facilities Authority; and

WHEREAS, the provisions of the Indenture of Trust creating the Louisiana Public Facilities Authority provide for the appointment of successor trustees to fill vacancies on the Board of Trustees of the Authority; and

WHEREAS, by virtue of the resignation of Dr. Norman C. Francis as a member of the Board of Trustees of the Authority, there does presently exist a vacancy on the Board of Trustees of the Authority; and

WHEREAS, the Authority, pursuant to the provisions of Article IV of the Indenture of Trust creating the Authority, has submitted to the Office of the Governor a list of three eligible names for consideration as a successor trustee to fulfill the vacancy created by the resignation of Dr. Norman C. Francis as a member of the Board of Trustees of the Authority.

NOW, THEREFORE, I, EDWIN EDWARDS, by virtue of the authority vested in me under the Constitution and laws of the State of Louisiana, as Governor thereof, and pursuant to the provisions of the Louisiana Public Trust Act, R.S. 9:2341-47, as amended by Act 699 of the 1976 Regular Session of the Louisiana Legislature do hereby constitute and appoint Ernest J. Wright, New Orleans, Louisiana, as a member of the Board of Trustees of the Louisiana Public Facilities Authority with his term of office to commence upon his compliance with the provisions of Article VI of the Indenture of Trust creating the Authority, the term of office of said appointee to expire at 12:01 a.m. on September 1, 1979.

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 30th day of March, A.D. 1978.

Edwin Edwards
Governor of Louisiana

EMERGENCY RULES

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education at its regular meeting on March 23, 1978, exercised the emergency rule-making provision of the Administrative Procedures Act, R. S. 49:953B, to modify its guidelines for the administration of Act 20 and to extend application of the guidelines to those applying for tuition exemption for the 1978 summer session. This action was taken to prevent the economic loss and hardship which would have resulted from delaying modification of the Act 20 guidelines.

Rule 5.00.80(2)a

The Board adopted a revision to Act 20 guidelines, which appeared as an emergency rule in the March issue of the *Louisiana Register*, to amend Item 3.B, interpretation of "teacher" to read as follows:

Any employee listed on the annual school report as a member of the faculty of an elementary and secondary school whose position requires a standard teacher certificate and who possesses such a certificate.

James V. Soileau, Director
Board of Elementary and Secondary Education

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 repealed effective April 3, 1978, the emergency rule adopted effective March 1, 1978, which rule amended portions of the Standards for Payment to Skilled Nursing Facilities and Intermediate Care Facilities I and II Participating in the Louisiana Medical Assistance Programs (Title XIX). Notice of said emergency rule, which appeared in the *Louisiana Register*, Volume 4, Number 3, of March 20, 1978, on page 67, column 2, is herewith rescinded.

This action is taken to comply with a declaration judgment rendered on April 3, 1978, by the United States District Court for the Eastern District of Louisiana in that suit entitled "Jane Doe, et al. vs. William Cherry, M.D., et al.," docket number 78-905, which judgment held that the above described emergency rule is invalid, as having been promulgated in violation of the notice and hearing requirements of Title 45 of the Code of Federal Regulations.

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, does hereby exercise the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to adopt effective

April 3, 1978, the following amendment in the vendor payment day care program policy.

The vendor payment made by Office of Family Services (OFS) for day care services covers the full cost of care, including transportation that may be provided by the center. Day care centers shall not charge any fees to parents of OFS vendor payment children.

If a center's monthly rate of care is less than the maximum rate of \$92.40 and the parent is currently being charged for transportation, it may be possible to adjust the vendor payment rate to cover the cost of transportation. However, in no case shall the vendor payment exceed \$92.40.

This action is being taken as a result of monitoring of the Title XX out-of-home child care services by Department of Health, Education, and Welfare and a subsequent interpretation issued on January 13, 1978, which said Louisiana could not receive Federal financial participation for vendor payments made to day care centers which charged the parents for transportation. Payment made by the parent to the center for the cost of transportation was considered to be a fee for service which is not allowed in Louisiana's Title XX Comprehensive Annual Services Program Plan.

While the Office of Family Services does not agree with this Federal interpretation and is presently protesting it, the withholding of Federal funds has occurred. Therefore, to avoid the threatened loss of additional Federal funds, immediate adoption of the policy change is necessary.

The owners/operators of participating day care centers have been advised of the amendment to the policy.

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

Effective April 1, 1978, the Department of Health and Human Resources has amended subsection D of Section II of the Standards for Payment to Skilled Nursing Facilities and Intermediate Care Facilities I and II Participating in the Louisiana Medical Assistance Programs (Title XIX), to read as follows:

D. Facility shall be responsible for arranging for transportation for medical care, and other needed transportation. Office of Family Services Social Service staff is available to assist with such arrangements. Emergency medical transportation shall be arranged by facility with duly qualified and participating Title XIX providers; the cost of such transportation will be paid by the Office of Family Services in accordance with the provisions of Section 19-850 through 19-855 of the Medical Assistance Manual.

The above amendment was adopted to comply with the Standards for Emergency Medical Transportation Providers Under Title XIX (Medicaid), which were placed into effect on an emergency basis on April 1, 1978. The effect of the above amendment is to make emergency medical transportation a cost to be paid by the Office of Family Services, rather than by the facility.

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

RULES

RULES

Department of Agriculture Office of Agricultural and Environmental Sciences Seed Commission

Rules and Regulations For The Enforcement of the Louisiana Seed Law

I. Definitions.

A. The following terms are defined in addition to those in the Act:

1. "Treated" means given an application of a substance or subjected to a process designed to reduce, control, or repel disease organisms, insects, or other pests which attack seeds or seedlings growing therefrom.

2. "Prohibited noxious weed seed" means the seeds of perennial weeds such as not only reproduce seed, but also spread underground roots or stems, and which, when established, are highly destructive and difficult to control in this state by ordinary good cultural practices.

3. "Restricted noxious weed seed" means seeds of such weeds as are very objectionable in fields, lawns, or gardens of this state, but can be controlled by good cultural practices.

4. "Processing" means cleaning, scarifying or blending to obtain uniform quality and other operations which would change the purity or germination of the seed and, therefore, require retesting to determine the quality of the seed, but does not include operations such as packaging, labeling, blending together of uniform lots of the same kind or variety without cleaning, any of which would not require retesting to determine the quality of the seed.

5. "Hybrid seed corn" as applied to field corn, sweet corn, or popcorn means the first generation seed of a cross produced by controlling the pollination, and by combining two, three, or four inbred lines, or by combining one inbred or a single cross with an open pollinated variety. Hybrid designations shall be treated as variety names.

6. "Declaration" means a written statement of a grower, shipper, processor, dealer, or importer, giving for any lot of seed the kind, variety, type, origin, or the use for which the seed is intended.

7. "Seed gathered in elevators" means seed gathered in elevators or other establishments to be sold for planting purposes by farmers or others that are subject to the provisions of the law.

II. Seed Commission; Creation, Members; Employment of Necessary Personnel.

III. Sampling.

The manner of sampling and handling seed in the field and analyzing and testing seed in the laboratory, greenhouse, and trial plots shall be the same as that recommended in the latest Rules for Testing Seed adopted by the Association of Official Seed Analysts.

IV. Tolerances.

A. The same tolerances published in the latest Rules and Regulations for Testing Seed by the Association of Official Seed Analysts, shall be recognized in the administration of the Louisiana Seed Law.

B. Germination tolerances: The following tolerances which are recognized by the Federal Seed Act are adopted and are applicable to the percentage of germination and also to the sum of the germination plus the hard seed.

Found by Test

96 or over
90 or over but less than 96
80 or over but less than 90
70 or over but less than 80
60 or over but less than 70
Less than 60

Tolerance

5
6
7
8
9
10

V. Germination Standards for Vegetable Seed.

Germination standards for vegetable seed shall be the same as those published under United States Department of Agriculture Service and Regulatory Announcements No. 156, and subsequent amendments. Minimum germination of vegetable or garden seed shall be as follows:

Artichoke	60%
Asparagus (including hard seed)	70
Beans (except lima)	75
Beans (lima)	70
Beets	65
Broccoli	75
Brussels sprouts	70
Cabbage	75
Cardoon	60
Carrot	55
Cauliflower	75
Celery or celeriac	55
Chicory	65
Citron	65
Collards	80
Corn	75
Cress, garden	40
Cucumber	80
Dandelion	45
Eggplant	60
Endive	70
Fetticus (Cornsalad)	70
Kale	75
Kohlrabi	75
Leek	60
Lettuce	80
Muskmelon	75
Mustard	75
Mustard, Spinach	75
Mustard, vegetable	75
Okra (including hard seed)	50
Onion	70
Pak-choi	75
Parsley	60
Parsnip	60
Peas	80
Pepper	55
Pe-tsai or Chinese Cabbage	75
Pumpkin	75
Radish	75
Rhubarb	60
Rutabaga	75
Salsify	75
Sorrel	60
Spinach (except New Zealand)	60
Spinach, New Zealand	40
Squash	75
Swiss Chard	65
Tomato	65
Tomato, husk	50
Turnip	80
Watermelon	70
Water Cress	35

VI. List and Limitations of Noxious Weed Seed.

Name	Limitations
1. Field Bindweed (<i>Convolvulus arvensis</i>)	Prohibited
2. Hedge Bindweed (<i>convolvulus sepium</i>)	Prohibited
3. Nutgrass (<i>cyperus rotundus</i>)	Prohibited
4. Wild Onion and/or Wild Garlic (<i>Allium</i> sp.)	9 per lb.
5. Johnson Grass (<i>Sorghum halepense</i>)	100 per lb.
6. Blueweed (<i>helianthus ciliaris</i>)	200 per lb.
7. Dodders (<i>cuscuta</i> sp.)	100 per lb.
8. Canada Thistle (<i>cirsium arvense</i>)	100 per lb.
9. Quack Grass (<i>agropyron repens</i>)	100 per lb.
10. Russian Knapweed (<i>Centaurea picris</i>)	100 per lb.
11. Bermuda Grass (<i>Cynodon dactylon</i>)	300 per lb.
12. Cheat or Chess (<i>Bromus secalinus</i>)	300 per lb.
13. Darnel (<i>Lolium temulentum</i>)	300 per lb.
14. Corncockle (<i>Agrostemma githago</i>)	300 per lb.
15. Horsenettle (<i>Solanum carolinense</i>)	300 per lb.
16. Purple Nightshade (<i>Solanum elaeagnifolium</i>)	300 per lb.
17. Buckhorn Plantain (<i>Plantago lanceolata</i>)	300 per lb.
18. Bracted Plantain (<i>Plantago aristata</i>)	300 per lb.
19. Dock (<i>Rumex</i> sp.)	300 per lb.
20. Sheep Sorrel (<i>Rumex acetosella</i>)	300 per lb.
21. Red Rice (<i>Oryza</i> var.)	100 per lb.
22. Cocklebur (<i>Zanthium</i> sp.)	5 per lb.
23. Purple Moon Flower (<i>Calonyction muricatum</i>)	9 per lb.
24. Spearhead (<i>Rhynchospora</i> sp.)	5 per lb.
Sum total noxious weed (Subject to above limitations)	500 per lb.

Limitations on noxious and prohibited weeds are listed on individual certified crop seed regulations.

VII. Tag Requirements.

A. The analysis tag shall be a No. 6 standard shipping tag, minimum size, and shall carry the information required by the Louisiana Seed Law, arranged as follows:

Kind & Variety _____
 Where Grown _____ Net Wt. _____ Lot No. _____
 Pure Seed _____ % Germination _____ %
 Inert Matter _____ % Hard Seed _____ %
 Crop Seed _____ % Total Germ & Hard Seed _____ %
 Weed Seed _____ % Date of Test _____
 Name & No. of Noxious Weed Seed per lb. _____

Name _____
 Address _____

B. Tags for certified seed, foundation seed, or registered seed, shall be adopted by the certifying agency, approved by the Commissioner and meet the requirements of the Louisiana Seed Law.

C. All information required on the seed analysis tag or label shall be placed on one side of the tag or label without intervening matter.

VIII. Application Fee for Certification; Inspection Fee for Certification; Lab Fees.

A. A grower of certified seed shall submit an application fee of ten dollars per crop for the first variety, and the grower shall submit an additional application fee of two dollars and fifty cents for each additional variety.

B. A grower of certified seed shall pay at the time he submits the application the sum of ten cents per acre inspection fee. A grower of certified seed shall pay a fee of fifteen dollars for reinspection of a field.

C. A person shall pay for lab services as follows:

1. Lab fee—Certified Seed	
Germination	\$ 1.00 each
Purity	\$ 1.00 each
2. Lab fee—Services Seed (Small seed)	
Germination	\$ 2.00
Purity	\$ 2.50
Lab fee—Service Seed (Large seed)	
Germination	\$ 2.00
Purity	\$ 2.00
3. Vigor Test	
Accelerated aging	\$10.00
Tetrazolium	\$ 3.50
4. Texas Cool Test	
Cold Test	\$ 5.00
5. Certified Tags	
Tags	2 cents each.

IX. Standard for Agricultural Seed.

A. No agricultural seed shall be offered for sale if the germination percentage, including hard seed, is below sixty percent, except dallis grass. Dallis grass shall not be offered for sale if the pure live seed percentage (purity times germination) is below ten percent.

B. No agricultural and vegetable seed shall be sold, offered for sale, or exposed for sale containing in excess of two and one-half percent, of total weed seed.

X. Invoices and Records.

Each person handling agricultural seed subject to this Act shall keep for a period of three years complete records of each lot of agricultural seed handled. When there is evidence of a violation of this Act, invoices, records of purchases and sales, and any other records pertaining to the lot or lots involved shall be accessible for inspection by the Commissioner or his authorized agent in connection with the administration of this Act at any time during customary business hours.

XI. Labeling of Seed.

A. Information required to be shown on the label:

1. A word or statement in type no smaller than eight points indicating that the seed has been treated.

2. The commonly accepted coined, chemical (generic), or abbreviated chemical name or a description of any process (other than application of a substance) used in such treatment in type no smaller than eight points.

3. A caution statement if the substance used in such treatment in the amount remaining with the seed is harmful to humans or other vertebrate animals.

(a) Seed treated with a mercurial or similarly toxic substance, if any amount remains with the seed, shall be labeled to show a statement such as "Poison," "Poison treated," or "Treated with Poison." The word "Poison" shall be in type no smaller than eight points and shall be in red letters on a distinctly contrasting background. In addition, the label shall show a representation of a skull and crossbones at least twice the size of the type used for the name of the substance and the statement indicating that the seed has been treated.

(b) Seed treated with other harmful substances (other than mercurials or similarly toxic substances), if the amount remaining with the seed is harmful to humans or other vertebrate animals shall be labeled to show a caution statement, in type no smaller than eight points, such as "Do not use for food, feed, or oil," except;

(1) Seed treated with substances other than mercurials or similarly toxic substances and in containers of four ounces or less need not be labeled to show caution statement; and,

(2) The following substances shall not be deemed harmful if present at a rate less than the number of parts per million (ppm) indicated: Allethrin, 2ppm; Malathion, 8ppm; Methoxychlor, 2ppm; Piperonyl butoxide, 8ppm on oat and sorghum and 20 ppm on all other seeds; and Pyrethrins, 1ppm on oat and sorghum and 3ppm on all other seeds.

B. It shall be unlawful for any person to sell, or offer for sale within the state any seed labeled "Foundation seed," "registered seed", or "certified seed," unless it has been produced and labeled in compliance with the Rules and Regulations of a seed certifying agency approved by the Commissioner.

C. When more than one component is required to be named on the label, the word "mixture" or the word "mixed" shall be shown conspicuously on the label.

D. The label on hybrid corn shall show the state where grown.

E. Abbreviation of names: the name and kind of variety of seed shall not be abbreviated, but shall be written out in full.

F. Trucks and other carriers transporting seed for delivery or sale, or to be sold or delivered to consumers in this state, on the public highways, or at public auctions, shall have available for examination at any time a bill of lading, waybill, or a delivery receipt showing:

1. The name of the shipper, or party from whom purchased.
2. The name and address of the party to whom the seed are to be delivered.
3. The kind and amount of each separate lot of seed.
4. The name of the truck line or owner and driver of the truck or other carrier making delivery or transporting the seed.

G. No seed shall be sold or offered for sale from any bag container bearing a germination label dated more than six months prior to the time such seed is offered for sale. Provided that this period shall be extended to nine months on standard packets of vegetable and flower seed of eight ounces or less. The owner shall be responsible for the relabeling after the six months period. Under the provisions of this regulation any person, firm, or corporation possessing a seedsman's permit shall have the right to label such seed after it has been retested, stating the true germination thereof. A new tag or label shall be used to bring the germination up to date. The original tag shall not be changed in any way.

Richard Carlton, Secretary
Seed Commission

RULES

Department of State Civil Service

Following its public hearing on April 5, 1978, the State Civil Service Commission adopted amendments to the following Civil Service Rules: 4.1(d) (1), 4.1(d) (4), 6.28, and repealed Chapter 17 in its entirety.

The rules, as amended, read as follows:

4.1 Classified and Unclassified Positions.

(d) 1. The Director, upon submission by an employing agency of written justification deemed adequate by him, may add to the unclassified service positions involving duty assignments which are seasonal, temporary, intermittent or part-time.

* * * * *

4. Repealed, effective April 20, 1978.

* * * * *

6.28 Pay Upon Change from Unclassified Service to Classified Service.

When the status of an employee, while he occupies the same position, is changed from the unclassified to the classified State

service, the Director, upon request of the appropriate appointing authority, may fix his rate of pay at such step or intermediate step in the range for his class of position for which he would have attained eligibility under the provisions of Rule 6.15 had his status been classified during his unclassified service; provided:

* * * * *

Chapter 17 repealed, effective April 20, 1978.

George Hamner, Director
Department of State Civil Service

RULE

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education has adopted the following policy amendment limiting pay increment to those Second Language Specialist teachers who teach a second language part time or full time which will result in quality programs of both second language instruction and bilingual education, as local school systems will be selective of the teachers whom they employ; thus providing a control of both quantity and quality.

Rule 6.00.53a

The Board adopted policy amendment limiting eligibility for Second Language Specialist pay increment to those certified Second Language Specialist teachers teaching a second language part time or full time, as defined by the Board in its interim guidelines for the implementation of second language programs under Act 714 of 1975, or second language teachers teaching in a bilingual program. This policy becomes effective beginning with the 1978-79 school session.

Definition of Terms

Second Language. Any language other than the child's home language. This would include English for students whose home language is other than English.

Second Language Specialist. A regularly certified elementary classroom teacher or a certified secondary teacher of foreign languages who has completed the Second Language Specialist Teacher-Training Program and has been certified by the Director of Teacher Certification and Higher Education.

Second Language Specialist Teacher, Full-time. A certified Second Language Specialist Teacher itinerant in one or more schools with a full teaching schedule of second language classes.

Second Language Specialist, Part-time. A regularly assigned classroom teacher who teaches one or more classes of a second language in addition to his/her regular assignment. A part-time Second Language Specialist can teach up to three twenty-minute classes in addition to his/her own class by "swapping off" or exchanging with other classroom teachers for art, music, physical education, etc.

Second Language Specialist, Secondary Level. A certified secondary teacher of foreign languages who has completed the Second Language Specialist Teacher-Training Program and has been certified as a Second Language Specialist Teacher. This teacher can then be utilized in grades one through twelve. Regularly assigned foreign language teachers are eligible for the Second Language Specialist increment only after completing the Second Language Specialist Program and gaining Second Language Specialist certification.

James V. Soileau, Director
Board of Elementary and Secondary Education

RULES

Board of Regents

The *Louisiana Register* is publishing under separate cover this month the Board of Regents' Master Plan for Higher Education in Louisiana. *Register* subscribers will receive the Master Plan via a separate mailing. Additional copies may be obtained at a cost of four dollars each by sending payment to the Department of the State Register, Box 44095, Baton Rouge, Louisiana 70804.

RULES

Board of Regents

The Louisiana Board of Regents amended its *Rules for the Internal Operation and the Transaction of Business for the Board of Regents for the State of Louisiana*, Article III, Section 3.2 and Article IV, Section 4.2, as follows:

Article III

3.2 Chairman of the Board. It shall be the duty of the Chairman of the Board to preside over all meetings of the Board; to appoint, subject to the approval of the Board, the members of all standing and special committees, and to expand any standing committee in accordance with provisions of Article IV, Section 4.2.

* * * *

Article IV

4.2 Standing Committees. The Standing committees of the Board shall be:

- a. Finance,
- b. Academic Affairs,
- c. Planning and Research,
- d. Personnel,
- e. Legislation.

Upon five days written notice, the Chairman of the Board may expand a standing committee to include the entire Board for a specified time. At meetings thereof, the officers of said committee shall continue to serve in their respective capacities.

William Arceneaux
Commissioner of Higher Education
Board of Regents

RULE

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 policy.

Effective July, 1978, checks will be issued to recipients of assistance through the Cuban Refugee and American Repatriated Citizens Programs on the sixteenth day of the month, rather than the sixth day of the month.

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

RULE

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, has adopted the maximum income level (cap rate) for long term care eligibility for an individual to be \$533.40 or

the facility fee if less. This revision allows the Medical Assistance Program to comply with Federal regulation 248.2 (d) and 248.4 (e).

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

RULES

Department of Health and Human Resources Office of Family Services

(Editor's Note: The Department of the State Register has elected not to publish the form that accompanies the following standards. Copies may be obtained from the Office of Family Services, Department of Health and Human Resources, Box 44065, Baton Rouge, Louisiana 70804.)

The Department of Health and Human Resources, Office of Family Services, has adopted Standards for Emergency Medical Transportation Providers Under Title XIX. The standards are an effort by the Office of Family Services to set forth the minimum standards for participation in the Medicaid Program by providers of emergency medical transportation. The primary objective of the standards is to make them compatible with current laws and Federal regulations and to ensure that the application of the standards is uniform statewide.

Standards for Participation in the Emergency Medical Transportation Program

A. Definitions.

1. "Ambulance" means any private or publicly owned land, air, or water vehicle that is designed, constructed, reconstructed, maintained, equipped or operated, or issued for, or intended to be used for air, land, or water medical transportation or persons in emergency situations.

2. "Emergency Situation" means an unforeseen combination of circumstances which apparently demand immediate attention at a medical facility to prevent permanent injury or loss of life; when a mental patient is unmanageable or needs restraint; when a patient has medical condition such as possible heart attack, coma, hemorrhage, loss of consciousness, debilitating condition, transfer of a patient requiring the administration of intravenous fluids, for which the patient would be susceptible to injury using other methods of transport.

3. "Emergency Medical Technician (EMT)" means any person who possesses a valid emergency medical technician's certificate; who has completed a Department of Transportation approved eighty-one hour EMT course of instruction, and as approved by the State Board of Medical Examiners.

4. "First Aid Certificate" refers to a certificate in the Advanced First Aid and Emergency Care course issued by the American National Red Cross or to any certificate issued by the Bureau of Mines wherein it is stated that the person to whom it is issued has successfully completed the required training and met the established standards of such organizations.

5. "Provider" means any authorized emergency transportation service designated by the Department of Health and Human Resources as meeting the Standards approved for participation under the Medical Assistance Program.

B. Application for Participation—A provider wishing to apply for participation in the Medical Assistance Program must request application from the Office of Family Services (OFS) (Provider Enrollment Unit, State Office). If the provider is not certified, application to the Department of Health and Human Resources

must be made simultaneously. To be certified, the following conditions must be met:

1. No person either as owner, agent, or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise engage in or profess to engage in providing ambulance services for the Medical Assistance Program, Emergency Medical Transportation Services, unless that person holds a currently valid provider permit to do so.

2. The application to the Department of Health and Human Resources (DHHR) for certification shall be made annually and include:

(a) The name and business address of the operator and owner of the medical transportation vehicle service or provider ambulance service.

(b) The name under which the applicant will operate.

(c) A list of the names and addresses of all officers and directors, and all authorized agents in Louisiana if incorporated; or if the organization is an unincorporated association, a list of the names and addresses of all officers and directors.

(d) A description of each ambulance to be used, including the make, model, year of the vehicle, mileage, motor and chassis numbers, passenger capacity, size and gross weight of each vehicle, State or Federal aviation or marine registration number where applicable, and the color scheme, insignia, name, monogram, and other distinguishing characteristics to be used to designate the applicant's vehicles.

(e) The location and description of the place or places from which an ambulance service will operate.

(f) A statement reasonably describing the geographic area or areas and the population to be served by the applicant.

(g) Such other information as the Office of Family Services deems reasonable and necessary.

(h) The Department of Health and Human Resources shall have verified as eligible for participation any applicant complying with the following requirement: All ambulances shall be equipped with the minimum essential life support items contained in the appendix.

(i) The applicant has furnished evidence of adequate insurance coverage for claims arising out of injury or death to persons and damage to the property of others resulting from any cause for which the owner of said business or service would be liable.

C. Certification and Standards for Personnel.

1. Every ambulance when transporting a medicaid patient in an emergency situation shall be occupied by at least two persons, one of whom is either a licensed physician, registered nurse, or emergency medical technician, who must be present in the patient compartment of the vehicle and the other person is either an EMT or holder of a valid First Aid Certificate.

2. Any person desiring certification as an emergency medical technician shall make application to the DHHR. The DHHR shall determine whether the applicant meets the prescribed qualifications as set forth in the regulations promulgated by the Secretary of DHHR and issue a certificate or a provisional certificate.

D. Required Insurance Coverage.

1. No ambulance shall operate in this program unless the following insurance coverages are in effect at the time of application:

(a) For injury to or death of individuals resulting from any cause to which the owner of the ambulance would be liable regardless of whether the vehicle was being driven by the owner or his agent, and for damages to the property of another in the amounts specified in these rules and regulations.

(b) The applicant shall provide insurance for not less than

the following limits of liability: for each accident causing bodily injury (including death at any time resulting therefrom) \$100,000 for each person; \$300,000 for each accident; and \$50,000 property damage sustained in any one accident.

2. No insurance coverage shall be satisfactory unless issued by an insurance company authorized to write such coverage in this state.

E. Inspection.

1. The Department of Health and Human Resources shall make all investigations and inspections necessary for the enforcement of these rules and regulations.

2. These inspections are mandatory for providers of emergency medical transportation services and may include all their personnel, vehicles, and associated equipment including required life support equipment. Inspections may be made on a regular or special basis and at such times and places as the DHHR shall deem necessary.

F. Certificate, Permit, License: Transfer or Assignment Prohibited—No certificate, provisional certificate, permit, or license issued under the provisions of these rules and regulations shall be assignable or transferable by the person to whom issued.

G. Suspension or Revocation of License or Permit; Procedures; Appeals—The Secretary, or his designated representative, is authorized to suspend or revoke any license, permit or provider agreement issued in any case where he determines that there has been a substantial failure by a holder of a license, permit, or provider agreement to comply with the requirements and rules of the Medical Assistance Program.

Appendix

Equipment for

Emergency Medical Transportation Vehicles

1. Portable suction apparatus with wide-bore tubing and rigid pharyngeal suction tip.

2. Hand operated bag-mask ventilation unit with adult, child, and infant-size masks.

3. Oropharyngeal airways in adult, child, and infant sizes.

4. Mouth to mouth artificial ventilation airways for adults and children.

5. Portable oxygen equipment with adequate tubing and semiopen, valveless, transparent masks in adult, child, and infant sizes.

6. Mouth gags, either commercial or made of three tongue blades taped together and padded.

7. Universal dressings, approximately ten inches by thirty-six inches, compactly folded and packaged in convenient sizes.

8. Sterile gauze pads, four inches by four inches.

9. Soft roller self-adhering type bandages, six inches by five yards.

10. Roll of aluminum foil, eighteen inches by twenty-five feet, sterilized and wrapped.

11. Two rolls of plain adhesive tape, three inches wide.

12. Two sterile burn sheets.

13. Hinged half-ring lower extremity traction splint (ring nine inches in diameter, overall length of splint forty-three inches) with commercial limb-support slings, padded ankle hitch, and traction strap.

14. Two or more padded boards, 4½ feet long by 3 inches wide, and two or more similarly padded boards, 3 feet long. Two or more fifteen-inch padded wooden splints for fractures of the forearm.

15. Uncomplicated air splints in addition to Item 14 above or as substitute for the short boards.

16. Short and long spine boards with accessories.

17. Triangular bandages.

18. Large-size safety pins.

19. Shears for bandages.

20. Sterile, disposable, obstetrical kit.
21. Poison kit.
22. Blood pressure manometer, cuff, and stethoscope.

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

RULE

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, has expanded the Medical Assistance Program by allowing reimbursement for emergency medical transportation.

The term "emergency medical transportation" means transportation being provided for an unforeseen combination of circumstances which apparently demands immediate attention at a medical facility to prevent serious impairment or loss of life; when a mental patient is unmanageable or needs restraint; when a patient has a medical condition such as possible heart attack, coma, hemorrhage, loss of consciousness, a debilitating condition, transfer of a patient requiring the administering of intravenous fluids, for which the patient would be susceptible to injury using other methods of transportation.

Vendor payment shall be made for emergency medical transportation as subject to the following conditions:

A. The emergency medical transportation service is provided one way to the nearest appropriate hospital. The equipment, its personnel, and its capabilities to provide the services necessary to support the required medical care designates the hospital as appropriate.

B. The medical necessity of the emergency medical transportation service is verified by:

- (1) A physician (for Medicaid eligibles who have Medicare Part B coverage, this verification is mandatory); or
- (2) A designated medical professional supervising emergency intake in the treating facility; or
- (3) A designated party in the admitting area of a medical facility. (Admission to the facility is usually ordered by admitting physician and the medical need for service is dated, signed, and referenced to admitting physician.)

C. The receiving treating facility shall be the nearest appropriate facility providing the necessary medical care.

D. There are no arbitrary limitations as to the number of emergency medical transportation services for which payment will be made.

Payment for these services is in the amount of the provider's rate for the service established by the Office of Family Services for that provider. Reimbursement of one dollar per mile, not to exceed twenty-five dollars, is made for travel outside the provider's geographical base rate region.

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

RULES

Department of Health and Human Resources Board of Medical Examiners

The Louisiana State Board of Medical Examiners, within the Department of Health and Human Resources, has adopted the following Rules and Regulations governing certification of physician's assistants and the provision of health care services by physician's assistants in the State of Louisiana.

Rule 1 Scope of Rules

These rules govern the provision of health care services by physician's assistants in the State of Louisiana.

Rule 2 Definitions

As used in this part, the following terms shall have the meanings specified:

(a) The term "applicant" means a person on whose behalf the Board has received an application for certification as a physician's assistant.

(b) The term "approved application" means all of the information, representations, terms, restrictions, and documents contained in or submitted with an application upon which the Board has issued a physician's assistant certificate.

(c) The term "Board" means the Louisiana State Board of Medical Examiners.

(d) The term "independent medical judgment," means the implementation or effectuation of any medical determination where such medical determination is made without the informed concurrence of a physician responsible to the patient for such determination.

(e) The term "physician" means a person possessing a current license to practice medicine in the State of Louisiana.

(f) The term "physician's assistant" means a person possessing a current physician's assistant certificate issued under this part.

(g) The term "proposed supervising group of physicians," or "proposed supervising group," means a professional partnership, corporation, or other association which has submitted to the Board an application for approval as a supervising group of physicians.

(h) The term "proposed supervising physician" means a physician who has submitted to the Board an application for approval as a supervising physician.

(i) The term "Secretary" means the Secretary of the Louisiana State Board of Medical Examiners.

(j) The term "supervising group of physicians" or "supervising group," means a professional partnership, corporation, or other association approved by the Board under this part to employ and supervise one or more physician's assistants.

(k) The term "supervising physician" means a person approved by the Board under this part to employ and supervise a physician's assistant.

Rule 3 Necessity for Certificate

(a) No person may act as or undertake to perform the functions of a physician's assistant unless he has in his personal possession a current physician's assistant certificate issued to him under this part.

(b) Any person who acts as or undertakes to perform the functions of a physician's assistant without a current physician's assistant certificate issued under this part shall be deemed to be engaging in the practice of medicine; provided, however, that none of the provisions of this part shall apply to:

(1) Any person employed by, and acting under the supervision and direction of, any commissioned physician or surgeon of the United States Armed Services, or Public Health Service, practicing in the discharge of his official duties;

(2) Practitioners of allied health fields, duly licensed, certified, or registered under other laws of this State, when practicing within the scope of such license, certificate or registration.

Rule 4 Qualifications for Certification and Approval

(a) To be eligible for certification under this part, an applicant shall:

- (1) Be at least twenty years of age;
- (2) Be of good moral character;

(3) Have successfully completed a four-year course of instruction in a high school or its equivalent; and

(4) Demonstrate his competence to provide patient services under the supervision and direction of a supervising physician by:

(i) Presenting to the Board a valid diploma certifying that the applicant is a graduate of a physician's assistant training program accredited by the Council on Medical Education of the American Medical Association or its successors; or

(ii) Presenting or causing to be presented to the Board satisfactory evidence that the applicant has successfully passed the national certificate examination administered by the National Commission on the Certification of Physician's Assistants or its successors, together with satisfactory documentation of certification or recertification by said Commission within one year prior to the date of application; or

(iii) Presenting to the Board a valid, current physician's assistant license, certificate or permit issued by any other state of the United States; provided, however, that the Board is satisfied that the certificate, license or permit presented was issued upon qualifications and other requirements substantially equivalent to the qualifications and other requirements set forth in this part; or

(iv) Demonstrating to the satisfaction of the Board that, by education, clinical training, or otherwise, the training and experience of the applicant is the equivalent of such specialized training as would be evidenced by qualification under subsections (i) or (ii) of this paragraph. The Board may, in its discretion, require an applicant not qualified under (a) (4) (i), (ii), or (iii) hereof to successfully pass an examination administered by the Board to determine the qualifications of the applicant. The costs of such examination shall be borne by the applicant and/or his supervising physician. Applications for certification under the provision of this subpart shall be considered only if received by the Board on or before April 21, 1979.

(b) To be eligible for approval under this part, a proposed supervising physician shall, as of the date of the application,

(1) Possess an unrestricted license to practice medicine in the State of Louisiana; and

(2) Have been in active practice for at least five years.

(c) The burden of satisfying the Board as to the eligibility of the applicant and proposed supervising physician for certification and approval shall be upon the applicant and proposed supervising physician.

Rule 5

Application for Certification; Procedure

(a) Application for certification as a physician's assistant and for approval as a supervising physician must be made upon forms supplied by the Board and must be submitted by the proposed supervising physician.

(b) Application for certification and approval under this part must include:

(1) Proof, documented in a form satisfactory to the Board as specified by the Secretary, that the applicant possesses the qualifications set forth in Rule 4 of this part;

(2) A detailed description of the proposed supervising physician's professional background and specialty, if any; the nature and scope of his medical practice; the geographic and demographic characteristics of his medical practice; the address of all office locations used by the proposed supervising physician; the address or location of the office where the applicant is to be employed;

(3) A job description, setting forth in detail the specific activities to be delegated to the applicant, the way in which the

applicant will be utilized as a physician's assistant, and the methods to be used by the proposed supervising physician to insure responsible direction and control of the activities of the applicant as a physician's assistant;

(4) Affidavits, notarized and properly executed by the applicant and proposed supervising physician, certifying the truthfulness and authenticity of all information, representations and documents contained in or submitted with the completed application; and

(5) Such other information and documentation as the Board may require.

(c) All documents required to be submitted to the Board must be the original or certified copy thereof. For good cause shown, the Board may waive or modify this requirement.

(d) The Board may reject or refuse to consider any application which is not complete in every detail, including submission of every document required by the application form. The Board may in its discretion require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

(e) Each application submitted to the Board by a proposed supervising physician shall be accompanied by a fee of \$155.00, of which the sum of \$20.00 will represent a nonrefundable processing fee.

(f) Upon submission of a completed application form, together with the documents required thereby, and the payment of the application fee, the applicant and proposed supervising physician shall make a personal appearance before a member of the Board, designated by the Secretary or his delegate, to be interviewed regarding their qualifications for certification and approval under this part and their understanding of the authority, limitations, obligations, and responsibilities imposed on physician's assistants and supervising physicians by laws and regulations applicable thereto.

Rule 6

Advisory Committees

The Board may appoint or designate an advisory committee of physicians and physician's assistants, possessing appropriate qualifications, to review and evaluate the qualifications and competence of any applicant and proposed supervising physician, to review and evaluate job descriptions, whether approved or proposed, and to submit advisory reports and recommendations pertaining thereto. Such committee shall be comprised in the majority by physicians currently engaged in the active practice of medicine in the State of Louisiana.

Rule 7

Issuance of Certificate; Classes and Ratings

(a) If the qualifications, requirements and procedures of Rules 4 and 5 are met to the satisfaction of the Board, the Board shall certify the applicant as a physician's assistant.

(b) Each physician's assistant certificate issued under this part shall be endorsed as class I or class II, as follows:

(1) A physician's assistant—class I certificate shall be issued to an applicant who, being otherwise completely qualified for certification, demonstrates his competence under Rule 4 by satisfying the requirements of both (a) (4) (i) and (a) (4) (ii) thereof.

(2) A physician's assistant—class II certificate shall be issued to an applicant who, being otherwise completely qualified for certification, does not meet the qualifications and requirements for class I endorsement.

(c) Each physician's assistant—class II certificate issued under this part shall be further endorsed with one or more rating, to be designated by the Board, descriptive of the specialty or primary field of practice within which the applicant has demonstrated competence and to which his activities will be restricted. In addition to

those specialties recognized by the American Board of Medical Specialties, the Board may adopt and designate additional ratings descriptive of the restricted competence of the applicant.

(d) Notwithstanding the foregoing provisions of this rule, applications for certification under the provisions specified by Rule 4 (a) (4) (iv) shall be considered only if received by the Board on or before April 21, 1979.

(e) Issuance of certification under this part shall constitute approval of the proposed supervising physician identified in the application to act as a supervising physician in accordance with the class, rating, and restrictions of such certification.

(f) Issuance of certification under this part shall constitute approval of the proposed supervising group of physicians identified in the application to employ the certified physician's assistant and to act as a supervising group of physicians in accordance with the class, rating, and restrictions of such certification.

(g) Every certificate issued under this part, of whatever class or rating, is expressly subject to the terms, restrictions, and limitations set forth in the approved application.

Rule 8

Consent to Examination; Waiver of Privileges; Examining Committee of Physicians

(a) An applicant or physician's assistant shall, by applying for or accepting certification under this part, be deemed to have given his consent to submit to physical or mental examinations when so directed by the Board and to waive all objections as to the disclosure or admissibility of findings, reports, or recommendations pertaining thereto on the grounds of privileged communication or other personal privileges provided by law.

(b) The Board may appoint or designate an examining committee of physicians, possessing appropriate qualifications, to conduct physical and mental examinations of a physician's assistant, to otherwise inquire into the physician's assistant's fitness and ability to provide services with reasonable skill and safety to patients, and to submit advisory reports and recommendations to the Board, when the Board has reasonable cause to believe that the fitness and ability of such physician's assistant is affected by mental illness or deficiency, or physical illness, including but not limited to deterioration through the aging process or the loss of motor skills, and/or excessive use or abuse of drugs, including alcohol.

Rule 9

Termination of Certification; Renewals; Modification

(a) Initial certification shall expire as of the last day of the year in which such certificate was issued.

(b) Every certificate issued under this part shall be renewed annually on or before January first by submitting to the Board an application for renewal upon forms supplied by the Board, together with satisfactory documentation of current certification or recertification by the National Commission on the Certification of Physician's Assistants. Each application for renewal shall be accompanied by a fee of twenty-five dollars.

(c) Any certificate issued under this part, whether an initial certificate or renewal thereof, shall terminate on and as of any day that:

(1) The supervising physician no longer possesses a current license to practice medicine in the State of Louisiana;

(2) The supervising physician, for whatever reason whether voluntarily or involuntarily, ceases the active practice of medicine; or

(3) The employment relationship between the physician's assistant and the supervising physician or supervising group is terminated.

(d) The Board may in its discretion, at the time of and upon application for renewal of certification, require a review of the current accuracy of the information provided in the approved

application and of the physician's assistant's performance thereunder and may modify or restrict any recertification in accordance with the findings of such review.

(e) No temporary certification will be issued by the Board.

Rule 10

Employment by Supervising Group of Physicians

(a) A physician's assistant may be employed by a supervising group of physicians provided that, with respect to any applicant to be so employed, a member, partner or employee of the proposed supervising group is designated in the application as the proposed supervising physician, and such proposed supervising physician meets and satisfies all of the qualifications, procedures and other requirements of this part to the same extent as if the applicant were to be employed individually by the proposed supervising physician.

(b) With respect to any physician's assistant employed by a supervising group of physicians, all duties, obligations, and responsibilities imposed by statute or by the rules of this part on the supervising physician shall be equally and independently assumed and borne by the designated supervising physician and the supervising group.

(c) When an applicant is to be employed by a supervising group of physicians, the proposed supervising physician may designate any other member, partner, or employee of the proposed supervising group as locum tenens, provided that such designee meets the qualifications of Rule 14 of this part and the designation otherwise complies with said rule.

(d) A supervising group of physicians may not employ, at the same time, a greater number of physician's assistants than the number of physicians in the group.

Rule 11

Employment Relationship; Compensation

(a) The physician's assistant shall, with respect to the exercise of any privileges provided for by certification under this part, be the employee, servant, and agent of the supervising physician and of the supervising group, if applicable.

(b) A physician's assistant may receive compensation, salary, or wages only from the supervising physician or supervising group of physicians and may neither render a statement for services directly to any patient nor receive any payment, compensation, or fee for services directly from any patient; nor shall any physician's assistant receive any compensation, salary, wage, or commission calculated as a percentage of the fee rendered to any patient or based upon the number of patients to whom the physician's assistant provides services.

Rule 12

Authority and Limitations of Physician's Assistant

(a) The authority of a physician's assistant pursuant to certification under this part is strictly limited to the functions, activities, and services specified by the supervising physician in the approved application.

(b) The following list provides an illustrative enumeration of functions which the Board may consider authorizing the physician's assistant to perform. Such listing, however, is not intended to and shall not be construed to authorize any physician's assistant to perform any activities, functions, or services beyond or in addition to those specifically enumerated in the job description of his approved application. A physician's assistant may be authorized by the Board to screen patients to determine need for medical attention; elicit routine patient histories; review patient records to determine health status; perform routine physical examinations; record pertinent patient data; perform developmental screening examinations on children; make preliminary decisions regarding data gathering and appropriate management and treatment of patients being seen for initial evaluation of a problem or follow-up evaluation of a previously diagnosed and stabilized condition;