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# Executive Orders

## ADDENDUM TO EXECUTIVE ORDER EWE-79-4 ISSUED MAY 3, 1979

BY VIRTUE of the power vested in me and acting under the authority of Article 4, Section 5(A) and(J) of the Louisiana Constitution of 1974 and the Louisiana Disaster Act of 1974, I, EDWIN EDWARDS, do hereby extend the effect of Executive Order EWE-79-4 for an indefinite period not to exceed thirty days from this date.

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 3rd day of July, A.D. 1979.

Edwin Edwards  
Governor of Louisiana

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Health and Human Resources Office of Family Security

In accordance with the provisions of R.S. 40:29, the Department of Health and Human Resources, Office of Family Security, has adopted the Voluntary Quit Provisions in accordance with federal regulations as specified in the *Federal Register*, Volume 44, Number 58, Friday, March 23, 1979, pages 17,982 - 17,985. The Voluntary Quit Provision is stated below:

Voluntary Quit. No applicant household whose primary wage earner voluntarily quit his/her most recent job without good cause shall be eligible to participate as specified below:

1. When the household files an application, the eligibility worker shall determine if any currently unemployed (i.e., employed less than twenty hours per week or receiving less than weekly earnings equivalent to the federal minimum wage multiplied by twenty hours) household member who is required to register for full-time work has quit his/her most recent job (i.e., employment involving twenty hours or more per week or having received weekly earnings equivalent to the federal minimum wage multiplied by twenty hours) without good cause within the last sixty days. Changes in employment status that result from reducing hours of employment while working for the same employer, terminating a self-employment enterprise, or resigning from a job at the demand of the employer will not be considered as a voluntary quit.

2. If a determination of voluntary quit is established, the eligibility worker shall then determine if that member is the household's primary wage earner. The primary wage earner shall be the household member, age eighteen or over, who was acquiring the greatest amount of earned financial support for the household at the time of the quit. The primary wage earner is

determined by comparing the projected earnings of the member who quit employment in the month the voluntary quit occurred as if he/she had not ceased employment against the actual or, if not available, the projected earnings of the remaining household members.

3. Upon determination that the primary wage earner voluntarily quit employment, the eligibility worker shall determine if the voluntary quit was with good cause. If the voluntary quit was not for good cause, the household's application for participation shall be denied for a period of two months beginning with the month of the quit. The household shall be advised of the reason for the denial and of its right to reapply and/or request a fair hearing.

4. If an application for participation is filed in the second month of disqualification, the eligibility worker shall use the same application for the denial of benefits in the remaining month of disqualification and certification for any subsequent month(s) if all other eligibility criteria are met. Exemptions from Voluntary Quit. The following persons are exempt from voluntary quit provisions:

1. Primary wage earners in households certified for food stamps at the time of the quit.

2. Person exempt from full-time work registration provisions. Good Cause. Good cause for leaving employment shall include:

1. Discrimination by an employer based on age, sex, color, handicap, religious beliefs, national origin or political beliefs.

2. Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule.

3. Acceptance by the primary wage earner of other employment, or enrollment of at least half-time in any recognized school, training program, or institution of higher education that requires the primary wage earner to leave present employment.

4. Acceptance by any household member of employment or enrollment of at least half-time in any recognized school, training program or institution in another parish which requires the household to move and thereby requires the primary wage earner to leave employment.

5. Resignations by persons under the age of 60 which are recognized by the employer as retirement.

6. Employment which becomes unsuitable by not meeting the criteria after the acceptance of employment.

7. Acceptance of a bona fide offer of employment of more than twenty hours a week or in which the weekly earnings are equivalent to the federal minimum wage multiplied by twenty hours which, because of circumstances beyond the control of the primary wage earner, subsequently either does not materialize or results in employment of less than twenty hours a week or weekly earnings of less than the federal minimum multiplied by twenty hours.

8. Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another such as migrant farm labor or construction work. There may be some circumstances where households will apply for food stamp benefits between jobs, particularly in cases where work may not yet be available at the new job site. Even though employment at the new site has not actually begun, the quitting of the previous employment shall be considered as with good cause if part of the pattern of that type of employment.

Verification. The eligibility worker shall request verification of the household's statement to the extent that the information given by the household is questionable. The primary responsibility for providing verification rests with the household. If it is difficult or impossible for the household to obtain documentary evidence in a timely manner, the eligibility worker shall offer assistance to the household to obtain the needed verification.

Acceptable sources of verification include but are not limited to the previous employer, employee associations, union representatives and grievance committees or organizations. Whenever documentary evidence cannot be obtained, a collateral contact shall be substituted. The eligibility worker is responsible for obtaining verification from acceptable collateral contacts provided by the household.

If the household and the eligibility worker are unable to obtain requested verification from these or other sources because the cause of the quit resulted from circumstances that for good reason cannot be verified, such as a resignation from employment due to discrimination practices or unreasonable demands by an employer or because the employer cannot be located, the household will not be denied access to the Food Stamp Program.

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

### DECLARATION OF EMERGENCY

#### Department of Health and Human Resources Office of Family Security

In accordance with the provisions of R.S. 40:29 the Department of Health and Human Resources, Office of Family Security has adopted, effective June 28, 1979, maximum allowable costs (MAC) for the following drugs when dispensed on prescriptions.

Amoxicillin 250 mg. caps	\$0.2108 per capsule
Amoxicillin 500 mg. caps	0.3942 per capsule
Hydrochlorothiazide 25 mg.tabs.	0.0250 per tablet
Hydrochlorothiazide 50 mg. tabs.	0.0306 per tablet

In no case may a recipient be required to provide payment for any differences in a prescription price that may occur with the implementation of MAC, nor may our office use a cost which exceeds the established maximums except as follows.

The Department of Health, Education and Welfare's regulations provide that when a physician certifies that a specific brand is medically necessary for a particular patient, then the MAC limitations for that medication will not apply. In this case their specific guidelines provide that:

1. The certification must be in the physician's handwriting;
2. The certification may be written directly on the prescription, or on a separate sheet which is attached to the prescription;
3. A standard phrase written on the prescription, such as "brand necessary" will be acceptable;
4. A printed box on the prescription blank that could be checked by the physician to indicate brand necessity is unacceptable;
5. A handwritten statement transferred to a rubber stamp and then stamped on the prescription blank is unacceptable.

This action has been taken in order to comply with federal regulations which were published in the *Federal Register*, Volume 44, Number 94, page 28,104, Monday, May 14, 1979.

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

### DECLARATION OF EMERGENCY

#### Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has adopted the increases to the maximum allow-

able income standards, an increase in the standard deduction to seventy dollars, an increase in the shelter deduction or in combination with the dependent care deduction not to exceed ninety dollars, and increases in the Thrifty Food Plan amounts, in accordance with federal regulations promulgated in the *Federal Register*, Volume 44, Number 93, Friday, May 11, 1979, pages 27,641 through 27,643.

Due to the length of the material, the Department of the State Register has exercised its option under R.S. 49:954.1C to omit publication in the *Louisiana Register*. Copies of this material may be secured from the Office of Family Security, Planning and Policy Formulation Section, Box 44065, Baton Rouge, Louisiana 70804.

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

### DECLARATION OF EMERGENCY

#### Department of Health and Human Resources Office of Family Security

In accordance with the provisions of R.S. 40:29, the Department of Health and Human Resources, Office of Family Security, has increased, effective July 1, 1979, the maximum level (cap rate) for long term care eligibility for an individual to \$624.60, and for a couple occupying the same room in a long term care facility the double cap rate of \$1,249.20

This increase will allow the Medical Assistance Program to be in compliance with federal regulation 42 CFR 435.230 and 435.1011 which sets the cap rate at three hundred percent of the Supplemental Security Income payment amount. Effective July 1, 1979 the Social Security Administration increased this amount to \$208.20

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

## Rules

### RULES

#### Department of Agriculture Office of Agricultural and Environmental Sciences

##### Rules and Regulations for Recertification of Pesticide Applicators for the Enforcement of The Louisiana Pesticide Control Act

1. The Federal Insecticide, Fungicide, and Rodenticide Act requires that persons who apply restricted-use pesticides after October 21, 1977, be certified. The initial certification period is three years beginning October 21, 1977. The State Plan for the Certification of Pesticide Applicators requires recertification of pest management consultants and commercial applicators every three years and private applicators whenever the Pesticide Advisory Commission determines that changing technology deems it to be necessary.

2. A commercial applicator or a pest management consultant who desires recertification may meet this requirement by two methods. He may be retested if he so desires or he may attend a subject matter meeting. The agenda at such meeting must prove acceptable to the certifying agency as adequate training for recertification. The applicant will submit to the certifying agency an

application on which will be listed those subject matter meetings he attended. This will qualify him for recertification in the appropriate category(ies). Evidence of his attendance at the listed meetings must accompany the application.

3. Private applicators will become eligible for recertification by attending a subject matter meeting conducted by personnel of the Louisiana Cooperative Extension Service or the Louisiana Department of Education Vocational Agriculture/Agribusiness. The private applicator, when qualified, will make application for recertification on a form supplied by the certifying agency and available from the parish extension office. Verification of his qualification will be attested to by the signature of the county agent or vo-ag instructor on the application. A private applicator may also elect to be recertified by filling out a self-study questionnaire provided by the Louisiana Department of Agriculture and obtained through the county agent's office. The questionnaire will be mailed to the Louisiana Department of Agriculture by the private applicator.

4. Organizations, associations, agencies, chemical companies, or other related groups who so desire may develop training programs designed for training members and other attendees. Programs will be submitted to the certifying agency and the Louisiana Cooperative Extension Service Pesticide Coordinator for subject matter content of the planned training program to determine its suitability for recertification.

5. The certifying agency and the Louisiana Cooperative Extension Service Pesticide Coordinator will accept, on a case by case basis, recertification for those commercial applicators and/or pest management consultants who hold certification in more than one category. It is anticipated that training sessions will be designed to afford the applicator and/or pest management consultant an opportunity for recertification in multiple categories. Such training sessions may be held in the course of, but not limited to, national meetings such as the Entomological Society of America, American Phytopathological Society, Southern Weed Society and others of equal rank. The same procedure as outlined above will be followed by the commercial applicator or pest management consultant with regard to verifying that he has met recertification requirements.

6. The Louisiana Department of Agriculture will accept, on a reciprocal basis, recertification programs in other states and will consider these as having met the requirements for recertification in Louisiana.

7. The organizations listed below under each category represent the major associations or organizations, but do not necessarily exclude other similar groups or agencies from sponsoring or holding training sessions in a particular category or categories.

Categories:

1. Agricultural Pest Control.
  - a. Louisiana Pesticide Applicators' Association.
  - b. Louisiana Aerial Applicators' Conference.
  - c. Pest Management Consultants' Workshop.
  - d. Louisiana Agricultural Consultants' Association.
  - e. Louisiana Agricultural Chemical Association.
2. Forest Pest Control.
  - a. Louisiana Cooperative Extension Service.
  - b. Louisiana Chapter of American Foresters' Association.
3. Ornamental and Turf Pest Control.
  - a. Louisiana Turf Grass Association.
  - b. Louisiana Association of Nurserymen.
4. Seed Treatment.
  - a. Louisiana Seedsmen's Association.
5. Aquatic Pest Control.
  - a. Louisiana Pesticide Applicators' Association.
  - b. Louisiana Aerial Applicators' Conference.
6. Right-of-way Pest Control.
  - a. Louisiana Pesticide Applicators' Association.
  - b. Louisiana Aerial Applicators' Conference.

7. Industrial, Institutional, Structural, and Health Related Pest Control.

- a. Louisiana Cooperative Extension Service.
8. Public Health Pest Control.
  - a. Louisiana Mosquito Control Association.
  - b. Office of Health Services and Environmental Quality.
  - c. United States Department of Agriculture.
9. Regulatory Pest Control, Demonstration and Research Pest Control, and Pest Management Consultants.
  - a. Louisiana Entomological Society.
  - b. Entomological Society of America.
  - c. Southeast Branch, Entomological Society of America.
  - d. Louisiana Agricultural Consultants' Association.
  - e. Pest Management Consultants' Workshop.
  - f. American Phytopathological Society.
  - g. Southern Division of American Phytopathological Society.
  - h. Louisiana Association of Plant Pathologists and Nematologists.
  - i. Weed Science Society of America.
  - j. Southern Weed Society.
  - k. Louisiana Agricultural Chemicals Association.

E. A. Cancienne, Director  
Pesticide Commission

## RULES

### Department of Agriculture Office of Agricultural and Environmental Sciences Seed Commission

#### Lespedeza Seed Certification Standards

- I. Application and Amplification of General Standards.
  - A. The General Seed Certification Standards as adopted by the Louisiana Seed Commission are basic and together with the following specific standards constitute the standards for certification of lespedeza seed.
    - B. The General Standards are amplified as follows to apply specifically to lespedeza seed. Eligibility requirements: a field is eligible for certification if grown from foundation or registered seed stock approved by the Louisiana Seed Commission.
  - II. Number of Varieties.
    - A. Only one variety shall be grown per farm.
    - B. All of one variety produced on a farm must be inspected for certification.
  - III. Land Requirements.
    - A. A variety will not be eligible for certification if planted on land where lespedeza other than a crop eligible for certification and of the same variety has had opportunity to mature seed during the previous five years.
      - B. A land inspection will be made before the ground is prepared for seeding.
  - IV. Field Inspection.
    - A. Seed fields will be inspected by a representative of the Louisiana Department of Agriculture when the crop is approaching maturity.
      - B. A crop automatically becomes ineligible for certification if harvested before field inspection is made.
  - V. Field Standards.
    - A. General
      1. Unit of Certification: A field or portion of a field may be certified. If a field is to be divided for the purposes of certification it shall be separated by a strip at least five feet wide mowed before the time of field inspection.

2. Isolation: All fields for certification shall be separated from other fields by a definite boundary of ten feet free of lespedeza.

3. Management: Poor stands, lack of vigor, evidence of poor cultural care or other conditions that would bring certified seed into disfavor shall be cause for rejection.

**B. Specific Requirements.**

Factor	Maximum Permitted in each Class		
	Foundation	Registered	Certified
Other Varieties	1:1000	1:400	1:100
Other Crops (inseparable)	1:500	1:200	1:100
Noxious Weeds	none	none	none

  

Factor	Maximum Permitted in each Class		
	Foundation	Registered	Certified
Pure Seed (Minimum)	98.0%	98.0%	98.0%
Other Varieties (Maximum)	0.1%	0.25%	1.0%
Other Crops (Maximum)	0.1%	0.25%	0.5%
Inert Matter (Maximum)	2.0%	2.0%	2.0%
Weed Seeds (Maximum)	0.5%	1.0%	1.0%
Noxious Weeds	none	none	none
*Total Objectionable Weeds (minimum)	0.05%	0.1%	0.15%
Germination	80.0%	80.0%	80.0%
Total Other Crop Seeds (Maximum)	0.2%	0.5%	1.5%

\*Objectionable weeds; the seed of which is difficult to separate by mechanical means, not to exceed good farming practices.

**\*Objectionable Weeds**

Digitaria spp	(Crabgrass)
Ambrosia artimisiifolia	(Ragweed)
Polygonum spp	
Paspalum spp	
Chenopodium spp	(Goosefoot, Pigweed)
Solanum spp	
Daucus carota	(Wild Carrot)
Setaria spp	(Foxtail)

VII. Penalties. Breeder, foundation, registered and/or certified lespedeza seed that has been shipped into Louisiana and is mislabeled or misbranded, or does not meet the requirements of this regulation, shall be confiscated as breeder, foundation, registered and/or certified lespedeza seed, or shipped out of Louisiana, at the option of the owner or shipper; and any person, firm or corporation found guilty of violating the provisions of this regulation shall be subject to the penalties provided for by Part 1 of Chapter 11 of Title 3 of the Louisiana Revised Statutes of 1950.

VIII. The above regulation may be revised or amended at any time that conditions warrant.

IX. The above regulation shall be effective on and after July 20, 1979.

Richard Carlton, Secretary  
Seed Commission

**RULES**

**Governor's Special Commission on Education Services**

**State Student Incentive Grant Program**

Rule 2.a: Students are expected to be in good standing academically for a State Student Incentive Grant (SSIG). High school graduates are required to have at least "C" average grades (2.0 on a 4.0 system) in the high school academic subjects of

English, mathematics, social studies, and the sciences, or an ACT composite score of at least 18.

\* \* \* \*

Rule 2.f: The student aid officer (SAO) shall certify that the student meets one of the academic requirements stated above. A copy of the student's transcript or academic record will not be required.

\* \* \* \*

Rule 3.e: The commission will return approved copy of certification form together with SSIG check for each semester or quarter to the SAO at the school for distribution.

\* \* \* \*

Rule 3.f: If student is not present at school, SSIG award check should be returned to the Commission with certification of another eligible student.

\* \* \* \*

Rule 5.e: Funds will be interchangeable between the continuing and initial fund allocations at discretion of the SAO except that priority must be given to continuing students as required by federal regulations.

\* \* \* \*

Rule 6.a: The amount of SSIG for any academic year shall not be more than seven hundred dollars, nor less than two hundred dollars. If the student does not qualify for at least two hundred dollars annually, the student is ineligible for any SSIG.

\* \* \* \*

Rule 8.a(3): In connection with the use of the income tax method for dependent students, the expected family contribution calculated according to this system is an amount equal to the amount of income tax paid by the parents of such dependent student, plus five percent of such parents' net assets in excess of \$12,500, or \$25,000 if such assets include farm or business assets, plus any amount the student is reasonably able to contribute.

\* \* \* \*

Rule 8.c: If the student is entitled to a Basic Educational Opportunity Grant (BEOG), the SAO must consider the amount available to this student under BEOG as a resource, whether applied for or not.

\* \* \* \*

Rule 10.b: A student who has not received and will not receive financial assistance of more than seven hundred fifty dollars from the parent(s) in the calendar year in which aid is received and the calendar year prior to the academic year for which aid is requested.

\* \* \* \*

Rule 10.c: A student who has not lived or will not live for more than six weeks in the home of a parent during the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested.

\* \* \* \*

Rule 11: Substantial financial need shall be defined as the difference between a student's cost of education and the sum of (1) that student's expected family contribution plus (2) other student aid the student is due to receive. The difference thus computed must exceed ninety dollars.

**State Guaranteed Student Loan Program**

Rule 2.a: Students are expected to be in good standing academically to be eligible for a student loan. High school graduates are required to have at least "C" average grades for four years in the academic subjects of English, mathematics, social studies, and the sciences; or an ACT composite score of at least 18.

Richard W. Petrie, Director, Loan/Grant Division  
Governor's Special Commission on Education Services

## RULE

### Board of Elementary and Secondary Education

*Editors Note: The Department of the State Register will not publish the texts of Rule 6.01.13, Rule 3.05.01, and Rule 3.01.03, described below, in accordance with R.S. 49:954.1C. Copies of any of these plans and programs may be obtained from the Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.*

#### Rule 4.02.04

The Board adopted a policy directing that parishes provide an individual education plan both to the impartial hearing officer and to the Board for all appeal cases submitted to the Board under P.L. 94-142 and Act 754 of 1977.

#### Rule 6.01.13

The Board adopted Local Education Agency Personnel Evaluation Programs as submitted by the Department of Education.

#### Rule 3.05.01

(Replaces policy presently in effect.) The Board approved for adoption the Migrant Education State Plan for Fiscal Year 1980.

#### Rule 4.01.60

The Board approved for final adoption Regulations to Standards for State Approved Elementary Summer Schools.

#### Standards for State Approved Elementary Summer Schools

The following regulations govern the operation of approved summer programs in elementary schools.

##### Purpose.

1. To enable students who have failed in subjects to remove deficiencies and be considered for promotion to the next grade.
2. To enable students to become stronger in subjects where a need has been recognized.
3. To enable students to participate in offerings that are not provided in the regular curriculum during the school year.

##### Administration.

1. A summer school shall be organized and operated under the administrative and supervisory control of the chief administrative officer of the school system.
2. Summer school shall be conducted in an approved school building.
3. The Local Education Agency (LEA) will set up policies that will control requirements for satisfying successful completion of subjects offered.
4. Summer schools shall be operated under the direct supervision and administration of the LEA. However, summer schools having seven or more teachers shall have a certified principal.

##### Application.

1. The LEA shall apply to the State Department of Education for approval of each summer school program.
2. An application for approval of each summer school's offering shall be filed no later than the end of the first week after the summer session begins.
3. The application forms, provided by the State Department of Education, shall be submitted to the director of the Bureau of Elementary Education.
4. The application shall carry the approval of the chief administrative officer of the school system, and the principal of the summer school, if applicable.
5. In order for summer schools to be accepted, an on-site evaluation shall be made by personnel from the State Department of Education to verify information submitted on the report and to evaluate the quality of the instructional program.

Faculty.

1. Certification of the faculty shall be equal to that required during the regular session for subjects offered for removal of deficiencies.

2. The teaching load shall not exceed twenty students per class.

3. A teacher shall not teach for more than four clock hours daily.

##### Instruction.

1. A teacher will be allowed to teach only one subject for removal of deficiencies or remediation during a single time period.

2. A student attending summer school for promotional purposes cannot enroll for more than two subjects.

3. The library or library books as well as all regular teaching aids and equipment shall be available for summer school use.

4. Textbooks, supplementary materials and supplies adequate for effective instruction shall be provided.

a. Textbooks used during the summer school shall be chosen from the state approved list.

b. No fee shall be charged for textbooks used during summer school.

##### Attendance.

1. The minimum attendance for an elementary student to receive credit or pass a subject shall be sixty hours for one subject.

2. Students attending summer school for promotional purposes must have written consent by the principal of the last school he attended.

3. The LEA may impose a more strict minimum attendance policy.

##### Time Requirements.

1. A summer school term shall be operated for a minimum period of thirty-five days (five days per week for seven weeks).

2. Daily time requirements as follows:

Program	35 Days	Total Hours
Removal of Deficiencies	120 min. per subject	70
Remedial/Enrichment	90 min. per subject	52

Deviations. Deviations from the above time allotments and/or policies must be approved by the State Department of Education.

#### Rule 9.00.50a

The Board adopted Rules for Bus Riders, to be added to Bulletin 1191, *School Transportation Handbook*.

#### Rules for Bus Riders

##### Do

1. Cooperate with the driver—your safety depends on it!
2. Be on time—the bus will not wait.
3. Cross the road cautiously when waiting for and leaving the bus.
4. Follow driver's instructions when loading and unloading.
5. Remain quiet enough not to distract the driver.
6. Have written permission and be authorized by the principal to get off at a stop other than your own.
7. Be courteous, be safety-conscious, protect your riding privilege—enjoy your ride.

##### Do Not

1. Stand when a seat is available and bus is in motion.
2. Extend arms, head, or objects out of windows or doors.
3. Throw objects in the bus nor out windows or doors.
4. Use the emergency door except for emergencies.
5. Eat or drink on the bus.

6. Damage the bus in any way.

7. Use the following items on the bus: tobacco, matches, cigarette lighters, obscene material.

The following items are not allowed on the bus: alcohol, drugs; pets (cats, dogs, etc.); glass objects (except eye-glasses); weapons (including knives); objects too large to held in your lap or placed under your seat.

**Rule 3.01.03**

The Board adopted 1979-80 State Plan for Coordination of Technical Assistance to Bilingual Education Programs.

**Rule 3.03.10d**

The Board approved for final adoption a policy increasing the maximum number of hours of evening extension classes that a full-time instructor of preparatory classes is permitted to teach from nine to twelve hours.

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

**RULES**

**Board of Supervisors of  
Louisiana State University**

The first paragraph of Article III, Section 1 of the Bylaws shall read as follows:

Section 1. Chairman and Vice-Chairman. At the first regular meeting of the Board in the third quarter of each calendar year, the Chairman-elect shall automatically become Chairman of the Board and the Board shall elect a Vice-Chairman, who shall be Chairman-elect. They shall serve for a term of one year. Should a vacancy occur in the Vice-Chairmanship, the Board shall elect such other officers as it may deem necessary.

\* \* \* \*

The following two sections of Chapter IV the *University Regulations* have been amended to read as follows:

Section 4-3. Retirement Plans. All nonstudent regular employees of the University System will be members of one of the following retirement plans, unless ineligible by provisions of the retirement system.

A. LSU Retirement System. The LSU Retirement System as provided by R.S. 17:1611, et seq. was abolished effective January 1, 1979, by the provisions of Act 643 of the 1978 Louisiana Legislature. Members of the LSU Retirement System on December 31, 1978, continuing in employment, were required under the provisions of Act 643 of 1978 to become members of either the Teachers' Retirement System of Louisiana or the Louisiana State Employees' Retirement System.

B. LSU Retirement Plan. Employees who were members of this plan on December 31, 1978, except certain employees referred to in D. below, were required to become members of either the Teachers' Retirement System of Louisiana or the Louisiana State Employees' Retirement System effective January 1, 1979. Provisions for benefits from this plan are contained in "LSU Retirement Plan" authorized by the Board.

C. Teachers' Retirement System of Louisiana and the Louisiana State Employees' Retirement System. Persons becoming employed by any unit of the LSU System on or after January 1, 1979, shall as a condition of employment, if eligible, become a member of either the Teachers' Retirement System of Louisiana or the Louisiana State Employees' Retirement System.

D. United States Civil Service Retirement System. Personnel of the Cooperative Extension Service who are required to become members of the United States Civil Service Retirement

System shall be members of that system. Such personnel whose date of employment was prior to December 15, 1950, (and who were employees of the Cooperative Extension Service on that date) shall also be members of the LSU Retirement Plan, notwithstanding their membership in the United States Civil Service Retirement System. Such personnel whose date of employment was subsequent to December 14, 1950, may be entitled to supplemental benefits from the Teachers' Retirement System of Louisiana in accordance with the provisions of that system. Section 4-4. Conditions of Retirement.

A. Eligibility for retirement will be in accordance with the provisions of the respective retirement systems.

B. Retirement of all employees except law enforcement personnel shall be compulsory at attained age of seventy years, provided, however, that extension may be granted to the end of the academic session or fiscal year, as appropriate, during which age seventy was attained. Retirement of law enforcement personnel shall be compulsory at the attained age of sixty-five years unless specific extension of employment is granted under appropriate state law and System policy; and any such extension will be given only when it is to the advantage of University System, and shall be on a year-to-year basis which in no instance shall extend beyond the end of the fiscal year during which age seventy was attained (Reference Act 160 of 1978).

Camille R. Aertker, Assistant Administrative Secretary  
Board of Supervisors of Louisiana State University

**RULES**

**Board of Regents**

**Section II. Finance  
Capital Projects**

3.4 (Rev.) All changes to any institution or system's physical facilities that add to, improve, change the utilization of, or that remove from use such facilities, will first be submitted to this Board for review, comment and approval prior to beginning any such project; provided, however, that exception(s) will be made for certified emergency projects of a nonrecurring nature requiring immediate attention. Any such emergency project certified to by the appropriate management board's chief administrative officer may be approved by the Commissioner of Higher Education if concurred in by the Chairman of the Board and the Chairman of the Finance Committee. Any such action(s) taken will be reported to the full Board at its next meeting. Funding limits for emergency projects of this type are as established by state statute. Minor repairs and minor construction costing less than fifty thousand dollars will not be subject to individual approval by the Board of Regents provided adequate funds are available, all existing emergencies are being satisfied, and these projects are approved by the appropriate management board.

**Professional Qualifications of  
Institutional Master Planners**

Policy 3.12.

A. Definition. A physical plant master plan for an institution of higher education may be defined as an integrated series of documents which present in graphic, narrative, and tabular form the present layout of a campus and its utility systems and a plan for their orderly and comprehensive development in an efficient and economical manner over a five- to ten-year period.

B. Phases of Master Planning.

1. Phase I is principally an accounting and evaluation of existing facilities, including a land inventory, mapping of utility

lines and a space inventory as outlined in the Board of Regents Facilities Manual.

2. Phase II is an analysis and plotting of future requirements, relating them to an institution's role and scope. This phase should show proposed new buildings and land acquisitions, buildings scheduled for conversion and buildings scheduled for demolition.

3. Phase III consists of continual updating of Phase I in keeping with completed Phase II requirements.

#### C. Selection of Professionals for Facilities Master Planning.

1. Each person recommended by a higher education institution to be retained to develop a facilities master plan shall be selected from properly licensed architects, engineers, landscape architects, or other qualified professionals.

2. The following criteria among other factors that may be deemed appropriate, shall be used by higher education institutions in recommending professionals to the appropriate selection board:

a. Past and current professional accomplishments in the field of higher education facilities master plans in accordance with the characteristics of such plans as listed in Part A and B above.

b. Capacity for timely completion of work, taking into consideration the person's or firm's current and projected workload and professional and support manpower.

William Arceneaux  
Commissioner of Higher Education

## RULES

### Department of Health and Human Resources Air Control Commission

The Air Control Commission Regulations were revised on June 26, 1979, at a public hearing in New Orleans, in order to incorporate the permit fee system into the permit regulation and to make some minor revisions to the hydrocarbon emission regulation.

The Legislature has authorized the Louisiana Air Control Commission to charge permit fees in order to recover the reasonable cost of operating the permit system for new source review. The cost of the permit system is approximately \$350,000 per year. The State of Oregon's permit fee system was used as a model. It uses Standard Classification Codes to determine the permit fees.

The Department has determined that the following regulation changes are needed to implement the permit fee system:

(1) Regulation 6.1 is revised to refer to Table 8 (The fee schedule).

(2) Regulation 6.1.6. is added to describe the method used to issue permits to facilities with more than one process.

(3) Regulation 6.1.7 describes how the permit fees will be accessed.

Each new or modified facility will be required to remit the required permit fees prior to permit approval. Only the filing fee is not refundable. A permit request for more than one industrial process for a facility will be charged on the basis of the sum of the fees for each process. For example, the permit fee for a new refinery would be \$1,525. The permit fee for a new redimix concrete plant would be \$100.00. The fees are for individual processes rather than facilities, permits issued, or individual sources of emissions.

If a new facility has several different processes then its fee would be the sum of the individual fees for each process. Example: If a facility has a sulphuric acid plant, a phosphoric acid plant and a fertilizer production unit, then the fee would be as follows:

2819 sulfuric acid, \$275.00

2874 phosphatic fertilizer, \$275.00

2819 industrial inorganic and organic chemicals manufacture; not elsewhere classified, \$275.00

Total: \$825.00

Existing major industries will be required to pay an annual compliance determination fee. This fee is required to cover the cost of determining if a facility is operating in compliance with Louisiana Air Control Commission Regulations. Minor sources will pay the compliance determination fee only a maximum of once per year and only when they have been inspected. New sources will have to pay the fee when the new process comes on line. The compliance determination fee is listed in Table 8. The annual compliance fee will be based on the sum of the fees for each different process listed in Table 8 for facilities with two or more different processes.

Using 1977 data, approximately \$331,640 would have been collected using the proposed fee schedule (total of all fees). The fees will be adjusted yearly to insure adequate funds are collected to cover the reasonable expenses involved.

#### Revisions to Air Control Commission Regulations

Revise text in Section 6.1 to read:

6.1 ...Said report shall be prepared in accordance with the general rules, which follow, for submission of industrial waste reports, and no construction or modification or operation of a facility which ultimately may result in emission of air contaminants as defined in Section 4.4 shall be started until the report has been approved, an appropriate permit fee paid (as listed in Table 8) and a certificate of approval (permit) for the work has been received from the Louisiana Air Control Commission....

\* \* \* \*

Add the following Subsections to Section 6.0 to read as follows:

6.1.6 Multiple process permits.

When a single site includes more than one process, a single permit may be issued to include all processes at the site. For uniformity, such applications shall separately identify each process.

When a single industrial process (included in a multi-source permit) is subject to permit modification, revocation, suspension, or denial, such action by the Louisiana Air Control Commission or Technical Secretary shall only affect that individual source without affecting other processes subject to the permit.

6.1.7 Permit Fees

(1) All persons required to obtain a new permit shall be subject to a two part fee consisting of a uniform nonrefundable filing fee of twenty-five dollars and an application processing fee, listed in Table 8. The amount equal to the filing fee and application processing fee, shall be submitted as a required part of any application for a new permit. The amount indicated in Table 8 for a modified permit fee shall also be submitted with any application for modification of a permit. The annual compliance determination fee for a new source will be paid prior to the time the processes specified in the permit come on line.

(2) The Standard Industrial Classification (SIC) codes listed in Table 8 shall be used to assess fees.

(3) In the event there is a minor modification to an existing permit which does not require Commission action or Technical Secretary approval no fee shall be collected.

(4) Applications for multiple process permits shall be subject to a single twenty-five dollar filing fee. The application processing fee for multiple-source permits shall be equal to the total amounts required by the individual processes involved, as listed in Table 8.

(5) The annual compliance determination fee for major sources shall be paid by the end of January of each year. Failure to timely remit the annual compliance determination fee in accordance with the above shall be considered grounds for

revoking an existing permit. Minor sources may or may not receive an annual compliance determination inspection. Consequently, minor sources will be notified of any compliance determination fee (based on Table 8 permit fee schedule) upon completion of an annual inspection and evaluation. In this case the compliance determination fee must be paid within thirty days of the notification by the agency. Only one such fee shall be charged annually.

(6) When the agency accepts an application for review, the filing fee shall become nonrefundable.

(7) If a temporary or conditional permit is issued in accordance with adopted procedures, fees submitted with that application for permit shall be retained and be applicable to the regular permit when it is acted upon.

(8) All remittances shall be made payable to the State of Louisiana Department of Health and Human Resources.

(9) If a process is not listed in Table 8, and is not a source type exempted from fees by this regulation, then the Department shall assign a fee based on the most similar processes in Table 8

or add this process to the exempt list as applicable. The Department shall analyze each permit request to determine the number of processes involved and the permit fees associated with each.

(10) In September of each year, the Department shall reevaluate the permit fee schedule based upon the previous fiscal year's reasonable costs and shall adjust fees in Table 8 so as to recover the reasonable costs involved in the operation of the permit system and submit such revised schedule to the Commission for approval action.

(11) A permit fee exempt list shall be presented to the Commission annually for approval. The permit fee exempt list shall be in the offices of the Commission staff and shall be available for public inspection. Any person may request permit fee exemption for a source class by application to the Technical Secretary. Sources listed in the permit fee exempt list shall be exempt from the permit fee (Table 8) and from having to obtain a permit. The Technical Secretary may grant initial approval or denial of the class exemption pending consideration by the Commission.

TABLE 8-LOUISIANA PERMIT FEE SCHEDULE

	AIR CONTAMINANT SOURCE	SICC	FILING FEE	PRO-CESSEING FEE	ANNUAL COMPLIANCE DETERMINATION	NEW APPLI-CATION	MODI-FIED PERMIT FEE
1	COTTON GIN	724	25	50	20	75	40
2	BITUMINOUS COAL AND LIGHTITE MINING	1211	25	150	60	175	90
3	CRUDE AND NATURAL GAS PRODUCTION	1311	25	100	40	125	70
4	NATURAL GAS LIQUIDS	1321	25	105	70	130	70
5	CONSTRUCTION SAND AND GRAVEL	1442	25	50	20	75	40
6	INDUSTRIAL SAND	1446	25	50	20	75	40
7	SULFUR MINING	1477	25	175	80	200	110
8	RICE MILLING	2044	25	50	20	75	40
9	ANIMAL FEED PREPARATION	2048	25	100	40	125	70
10	CANE SUGAR, EXCEP REFINING ONLY	2061	25	200	80	225	120
11	CANE SUGAR REFINING	2062	25	250	70	275	140
12	COTTONSEED OIL MILLS	2074	25	50	20	75	40
13	SOYBEAN OIL MILLS	2075	25	150	70	175	90
14	ANIMAL & MARINE FATS AND OIL (RENDERING) 10000 OR MORE TPY	2077	25	250	100	275	140
15	ANIMAL & MARINE FATS AND OIL (RENDERING) LESS THAN 10000 TPY	2077	25	50	30	75	40
16	SHORTENING, TABLE OILS, MARGERINE AND- OTHER EDIBLE FATS AND OILS	2079	25	150	40	175	90
17	MALT BEVERAGES	2082	25	150	40	175	90
18	COFFEE ROASTING	2095	25	150	40	175	90
19	SAWMILL AND/OR PLANING a) 25000 OR MORE Bd.Ft/Shift	2421	25	100	60	125	70
20	SAWMILL AND/OR PLANING b) LESS THAN 25000 Bd.Ft/Shift	2421	25	50	40	75	40
21	HARDWOOD MILLS	2426	25	50	40	75	40
22	SPECIAL PRODUCT SAWMILLS, N.E.C.	2429	25	50	40	75	40
23	MILLWORK WITH 10 EMPLOYEES OR MORE	2431	25	50	40	75	40

TABLE 8-LOUISIANA PERMIT FEE SCHEDULE

AIR CONTAMINANT SOURCE		SICC	FILING FEE	PRO-CESSEING FEE	ANNUAL COMPLIANCE DETERMINATION	NEW APPLI-CATION	MODI-FIED PERMIT FEE
24	HARDWOOD VENEER AND PLYWOOD	2435	25	100	60	125	70
25	SOFTWOOD VENEER AND PLYWOOD	2436	25	100	60	125	70
26	WOOD PRESERVING	2491	25	50	20	75	40
27	PARTICLEBOARD MANUFACTURING	2492	25	500	190	525	270
28	HARDBOARD MANUFACTURING	2499	25	500	120	525	270
29	FURNITURE AND FIXTURE	2511	25	150	100	175	90
30	a) 100 OR MORE EMPLOYEES FURNITURE AND FIXTURE b) LESS THAN 100 BUT MORE THAN 10 EMPLOYEES	2511	25	100	60	125	70
31	PULP MILLS	2611	25	1500	670	1525	770
32	PAPER MILLS, EXCEPT BUILDING PAPER	2621	25	1500	670	1525	770
33	PAPERBOARD MILLS	2631	25	1500	670	1525	770
34	ALKALIES AND CHLORINE MANUFACTURING	2812	25	300	170	325	170
35	INDUSTRIAL GASES	2813	25	200	80	225	120
36	INORGANIC PIGMENTS	2816	25	125	60	150	80
37	SULPHURIC ACID MANUFACTURE	2819	25	250	140	275	140
38	VINYL CHLORIDE MANUFACTURE	2819	25	500	190	525	270
39	INDUSTRIAL INORGANIC AND ORGANIC CHEMICALS MANUFACTURING H.E.C.	2819	25	250	120	275	140
40	CALCIUM CARBIDE MANUFACTURE	2819	25	300	190	325	170
41	NITRIC ACID MANUFACTURE	2819	25	250	140	275	140
42	SYNTHETIC RESIN MANUFACTURING	2821	25	300	140	325	170
43	CHARCOAL AND GUM AND WOOD CHEMICALS	2861	25	200	110	225	120
44	ALUMINA MANUFACTURE	2873	25	250	110	275	140
45	NITROGENOUS FERTILIZER MANUFACTURE	2873	25	250	110	275	140
46	PHOSPHATIC FERTILIZER MANUFACTURE	2874	25	250	110	275	140
47	HERBICIDE MANUFACTURING	2879	25	500	170	525	270
48	CHEMICALS AND CHEMICAL PREPARATIONS NOT ELSEWHERE LISTED	2899	25	250	120	275	140
49	PETROLEUM REFINING(MORE THAN 30,000 BPD)	2911	25	1500	670	1525	770
50	PETROLEUM REFINING(30,000 BPD OR LESS)	2911	25	750	170	775	390
51	ASPHALT BLOWING PLANTS	2951	25	200	120	225	120
52	ASPHALTIC CONCRETE PAVING PLANTS	2951	25	150	70	175	90
53	a) STATIONARY ASPHALTIC CONCRETE PAVING PLANTS	2951	25	100	30	125	70
54	b)PORTABLE ASPHALT FELTS AND COATING	2952	25	200	160	225	120
55	BLENDING,COMPOUNDING OR REFINING OF LUBRICATING OILS AND GREASES	2992	25	175	80	200	110
56	CEMENT MANUFACTURING	3241	25	625	560	650	330
57	GLASS CONTAINER MANUFACTURING	3241	25	200	120	225	120
58	RED MIX CONCRETE	3273	25	75	40	100	60

TABLE 8-LOUISIANA PERMIT FEE SCHEDULE

	AIR CONTAMINANT SOURCE	SICC	FILING FEE	PRO-CESSEING FEE	ANNUAL COMPLIANCE DETERMI-NATION	NEW APPLI-CATION	MODI-FIED PERMIT FEE
59	LINE MANUFACTURING	3274	25	300	140	325	170
60	GYPSUM PRODUCTS	3275	25	150	70	175	90
61	ROCK CRUSHER	3295	25	175	80	200	110
62	a) STATIONARY ROCK CRUSHER b) PORTABLE	3295	25	175	110	200	110
63	GRAY IRON AND STEEL FOUNDRIES 3500 OR MORE TPY PRODUCTION	3321	25	500	160	525	270
64	GRAY IRON AND STEEL FOUNDRIES b) LESS THAN 3500 TPY	3321	25	500	160	525	270
65	INLELEBLE IRON FOUNDRIES a) 3500 OR MORE TPY PRODUCTION	3322	25	500	160	525	270
66	INLELEBLE IRON FOUNDRIES b) LESS THAN 3500 TPY	3322	25	125	80	150	80
67	STEEL INVESTMENT FOUNDRIES a) 3500 OR MORE TPY PRODUCTION	3324	25	500	160	525	270
68	STEEL INVESTMENT FOUNDRIES b) LESS THAN 3500 TPY	3324	25	125	80	150	80
69	STEEL FOUNDRIES NOT ELSEWHERE CLASSIFIED a) 3500 OR MORE TPY PRODUCTION	3325	25	500	160	525	270
70	STEEL FOUNDRIES NOT ELSEWHERE CLASSIFIED b) LESS THAN 3500 TPY	3325	25	125	80	150	80
71	SECONDARY SMELTING AND REFINING OF NON-FERROUS METALS	3341	25	225	100	250	130
72	ALUMINUM FOUNDRIES(CASTINGS)	3361	25	125	80	150	80
73	BRASS,BRONZE,COPPER BASED ALLOY FOUNDRIES	3362	25	125	80	150	80
74	ELECTROPLATING, POLISHING AND ANODIZING WITH 5 OR MORE EMPLOYEES	3471	25	100	60	125	70
75	GALVANIZING AND PIPE COATING EXCLUDING ALL OTHER ACTIVITIES	3479	25	100	60	125	70
76	OIL FIELD MACHINERY & EQUIPMENT	3533	25	100	40	125	70
77	BATTERY MANUFACTURE	3691	25	125	80	150	80
78	GRAIN ELEVATORS a) 20000 OR MORE TPY	4221	25	200	140	225	120
79	GRAIN ELEVATORS b) LESS THAN 20,000 TPY	4221	25	75	60	100	60
80	ELECTRIC POWER GENERATION a) GREATER THAN 25MW	4911	25	1000	370	1025	520
81	ELECTRIC POWER GENERATION b) 25 MW AND LESS	4911	25	350	190	375	190
82	NATURAL GAS TRANSMISSION(PIPE LINE) GREATER THAN 1000 H.P.	4922	25	150	60	175	90
83	GAS PRODUCTION AND/OR MANUFACTURING NOT NATURAL GAS FROM OIL AND GAS FIELDS	4925	25	375	100	400	210
84	INCINERATORS a) 1000LBS/HR. AND GREATER CAPACITY	4953	25	100	60	125	70
85	INCINERATORS LESS THAN 1000 TO 40 LBS/HR	4953	25	50	20	75	40
86	NATURAL GAS FIRED BOILERS GREATER THAN 250 MILLION BTU/HR	4961	25	25	10	50	30
87	DISTILLATE OIL FIRED BOILERS a) >=250 MILLION BTU/HR	4961	25	150	60	175	90
88	DISTILLATE OIL FIRED BOILERS b) >=5 MILLION BUT <250 MILLION BTU/HR	4961	25	25	30	50	30
89	RESIDUAL OIL, WOOD,OR COAL FIRED BOILERS a) >=250 MILLION BTU/HR	4961	25	150	60	175	90
90	RESIDUAL OIL,WOOD OR COAL FIRED BOILERS b) >=5 MILLION BUT <250 MILLION BTU/HR	4961	25	100	40	125	70
91	RESIDUAL OIL,WOOD OR COAL FIRED BOILERS c) <5 MILLION BTU/HR	4961	25	25	30	50	30
92	WHOLESALE DISTRIBUTION OF COAL,COKE AND OTHER BULK GOODS(NOT GRAIN)	5052	25	175	120	200	110

TABLE 8-LOUISIANA PERMIT FEE SCHEDULE

	AIR CONTAINANT SOURCE	SICC	FILING FEE	PRO-CESSEING FEE	ANNUAL COMPLIANCE DETERMI-NATION	NEW APPLI-CATION	MODI-FIED PERMIT FEE
93	GRAIN ELEVATORS-TERMINAL A) 20000 OR MORE TPY	5153	25	500	160	525	270
94	GRAIN ELEVATORS-TERMINAL b) LESS THAN 20,000 TPY	5153	25	150	60	175	90
95	WHOLESALE DISTRIBUTION OF CHEMICALS AND ALLIED PRODUCTS	5161	25	100	60	125	70
96	PETROLEUM BULK TERMINAL	5171	25	200	110	225	120
97	PETROLEUM BULK PLANTS	5171	25	50	20	75	40

\* \* \* \* \*

In Section 22.3 revise the first sentence to read as follows: No person shall place, store or hold in any stationary tank, reservoir, or other container of more than 40,000 gallons (151,400 liters) capacity any volatile organic compounds unless such tank, reservoir or other container is a pressure tank capable of maintaining working pressures sufficient at all times under normal operating conditions to prevent vapor or gas loss to the atmosphere or is designed and equipped with a submerged fill pipe and one of the following vapor loss control devices:

\* \* \* \* \*

Add the following sentence to the end of Section 22.5: This regulation is not applicable to ship and barge loading operations.

William A. Cherry, M.D., Chairman  
Air Control Commission

**RULES**

**Department of Health and Human Resources  
Board of Chiropractic Examiners**

The Board has repealed the following:

II. Professional signs must be located on the property occupied by the professional office unless otherwise approved by the Board.

VI. A licensee may not permit his name or office to be listed in the yellow pages of the telephone directory as being a member of any professional association or trade organization or as being approved by such organizations or to permit such organizations to recommend or otherwise solicit patronage for him.

\* \* \* \* \*

The Board has adopted the following rules:

II. A chiropractor may advertise only the professional organizations or associations with which he is affiliated.

VI. Advertising should not compare one chiropractor with another, one technique with another technique, nor one profession with another profession.

VII. A chiropractor may not advertise gifts to attract patients.

VIII. A chiropractor may not advertise the college from which he graduated.

IX. A chiropractor may not advertise the chiropractic technique he uses.

X. If a chiropractor advertises that a certain number of patient's symptoms are alleviated by chiropractic care, the source of the statistics must be provided in that advertisement.

XI. Although testimonials may be used, the name of the doctor may not be used in the testimonial. However, the name

of the doctor may appear or be used with the testimonial reflecting that said doctor paid for the advertisement.

Fred E. Bates, President  
Board of Chiropractic Examiners

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, has adopted, effective August 1, 1979, policy in regard to reimbursement for emergency medical transportation outside the provider's geographical base rate region. Reimbursement, not to exceed twenty-five miles, will be made for travel outside the provider's geographical base rate region. The Office of Family Security will establish the reimbursement rate. In exceptional situations state office may approve payment for mileage in excess of twenty-five miles if evidence is submitted by the provider which clearly establishes that the hospital is the nearest one with appropriate facilities for the necessary care.

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

**RULES**

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

Beginning June 1, 1979, the Department of Health and Human Resources, Office of Family Security, has adopted a policy to allow standard deductions from gross earnings for expenses incidental to employment for Long Term Care patients, employed in intermediate care facilities for the mentally retarded (ICF/MR) activity centers. The policy reads as follows:

Long Term Care patients who have earned income (except public ICF/MR activity center earnings) shall be eligible for a standard deduction from their gross earned income to allow for incidental expenses related to their employment. The amounts allowed in the standard deductions include both personal and nonpersonal expenses which are incurred because of extra need and upkeep due to employment or self-employment, such as required deductions for withholding taxes and social security deductions, required union dues and retirement deductions, tools, supplies, uniforms, work gloves, goggles, and special shoes.

The amount of standard deduction is based on the amount of gross earnings as is specified by the following chart.

<b>Gross earnings from employment or profit from self-employment</b>	<b>If employed, deduct</b>	<b>If self-employed, deduct</b>
\$ 0 to \$ 29.99	\$ 9.00	\$ 9.00
30.00 to 44.99	11.00	11.00
45.00 to 69.99	12.00	12.00
70.00 to 119.99	15.00	14.00
120.00 to 199.99	28.00	25.00
200.00 and over	30.00	30.00

If the recipient claims expenses higher than the standard deduction and can document the claim, the actual documented expenses are to be used in arriving at net income.

The cost of transportation is not included in the above standard deduction amount. If free transportation to employment is not available the actual cost of transportation shall be deducted.

Long term care patients with earnings from sheltered workshops participation are eligible for a twenty dollar monthly protected income allowance. This twenty dollar disregard is deducted from gross earnings as the first step in determining earned income to be applied in computing long term care applicable income. The appropriate standard deduction for the gross earnings is then deducted.

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

## **RULES**

### **Department of Health and Human Resources Office of Human Development**

The Department of Health and Human Resources, Office of Human Development, has adopted a manual of rules and policies and procedures for the implementation of the client placement system mandated by Act 786 of 1978.

The Department of the State Register has determined that the manual would be unduly cumbersome to publish, and has therefore omitted its publication in accordance with R.S. 49:954.1C. Copies of the manual may be obtained from Mr. Don Fuller, Director, Division of Evaluation and Services, Box 44065, Baton Rouge, Louisiana 70804.

Melvin Meyers, Jr., Assistant Secretary  
Office of Human Development

## **RULES**

### **Department of Health and Human Resources Office of the Secretary**

#### **Part A. General Provisions**

1. Purpose. These rules implement Section 7 of Title 44 of the Louisiana Revised Statutes by establishing procedures whereby medical records may be exhibited to or copied by persons legitimately and properly interested in the disease or condition of patients.

2. Policy. It is the policy of the Department to protect, to the fullest extent possible, the privacy of individuals, while permitting the disclosure of medical information as is required to fulfill the administrative responsibilities of the Department, to further scientific research, and to assist the patient.

3. Applicability. These rules apply to every agency within the Department which maintains or makes use of medical information concerning individuals. If an agency is governed by federal regulations which provide stricter standards of confidentiality, these rules

shall be deemed superseded by the federal regulations, to the extent that they are in conflict with the federal regulations.

#### 4. Definitions.

a. "Agency" means each hospital, clinic, institution, school for the mentally deficient, mental health facility, office, bureau, division, board, commission, or other entity which has been placed within the Department of Health and Human Resources, which maintains or makes use of medical information concerning individuals.

b. "Department" means the Department of Health and Human Resources.

c. "Designated representative" is a physician or mental health professional selected by a patient to review the patient's medical record for the purpose of determining what information in the patient's record will be disclosed to the patient.

d. "Medical emergency" means a situation where, in competent medical judgment, disclosure of medical information is reasonably necessary and any delay in attempting to procure the patient's consent to disclosure of medical information would jeopardize the life or health of the patient or could reasonably result in disfigurement or impairment of faculties.

e. "Medical information" means and includes the charts, records, reports, documents, and other memoranda prepared by physicians, surgeons, psychiatrists, nurses, and employees of the public hospitals, public mental health facilities, public schools for the mentally deficient, public health facilities and other agencies to record or indicate the past or present, mental or physical, condition of patients.

f. "Mental health professional" means and includes psychiatrists, psychiatric social workers, psychiatric nurses and psychologists.

g. "Minor" means any unemancipated individual who has not attained the age of eighteen years.

h. "Patient identifying information" means the name, address, social security number, or similar information by which a patient's identity can be determined with reasonable accuracy and speed.

i. "Person" means any individual, partnership, corporation, association, organization, state or federal department, or state or federal agency.

j. "Superintendent" means the superintendent of any hospital that is an agency of the Department and includes the director or the highest ranking official of an agency not headed by a superintendent.

k. "Tutor" means and includes either parent of a minor, where both parents are living and married to each other; the parent having legal custody of the minor, where the parents are separated or divorced; the surviving parent of the minor if one of the parents is deceased; any court appointed tutor or guardian; and the secretary of the Department where custody of the minor has been awarded to an office or agency of the Department.

5. Confidentiality of medical information. Medical records shall be confidential and may only be disclosed as authorized by these rules.

6. Continuance of confidentiality. A patient's medical records shall continue to be confidential after the patient is discharged from an agency or is no longer receiving treatment from an agency.

7. Secondary medical information. Secondary medical information shall be disclosed in the same manner as primary medical information for disclosures made pursuant to Part C of these rules. For disclosures made pursuant to Parts B and D, an agency shall disclose secondary medical information only if such disclosure is clearly intended by the patient and if the preparer of the secondary medical information authorizes its disclosure. Whenever an agency denies a request for disclosure of secondary medical information pursuant to this rule, the agency shall refer the person requesting

the secondary medical information to the preparer of the information. For purposes of this rule, primary medical information means medical information that has been prepared by a person who is an employee of or a contractor with the agency which has custody of the information. Secondary medical information means medical information that is contained in the agency's patient record that

was prepared by someone who is not an employee of or a contractor with the agency.

8. Extent of disclosure. Any disclosure made pursuant to these rules, whether with or without the patient's consent, shall be limited to information necessary in light of the need or purpose for the disclosure, as is determined by the superintendent.

**Disclosure Record  
For**

**(Name of Patient)**

Time and Date of Disclosure	Information Disclosed	Basis for Disclosure	Purpose of Disclosure	Person to Whom Disclosure Made	Person by Whom Disclosure Made	Remarks