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Executive Orders

EXECUTIVE ORDER EWE-79-9

WHEREAS, the Louisiana Highway Safety Commission was created as a division of the office of the Governor by Act 275 of 1968 and Act 278 of 1977, and was subsequently transferred to the Department of Public Safety pursuant to Act 83 of 1977; and

WHEREAS, the membership of the Commission was fixed by said Acts at twenty-one members to be appointed by the Governor; and

WHEREAS, there are certain departments and officials, the functions, activities, and legal responsibilities of which involve or affect highway safety and whose experience, expertise, and guidance are invaluable to the statewide program;

THEREFORE, the membership of the Louisiana Highway Safety Commission is increased to include five ex-officio members: the Adjutant General of Louisiana, the Secretary of the Department of Public Safety, the Deputy Secretary of the Department of Public Safety, the Assistant Secretary for the Office of Highways, Department of Transportation and Development, and the Judicial Administrator of the Supreme Court of Louisiana.

IN TESTIMONY 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 25th day of September, A.D. 1979.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-79-10

WHEREAS, due to natural and incidental man-made catastrophes and disasters which have resulted and will continue to result from the torrential rains, high water levels and flooding of certain areas of the State of Louisiana, causing, or threatening to cause, widespread and severe damage and injury, including loss of life or property; and

WHEREAS, citizens of these areas have been or will be driven from their homes; and

WHEREAS, the state and federal governments have declared these areas a major disaster; and

WHEREAS, when such conditions exist, it is necessary and appropriate, under the Constitution and laws of this State, for the Governor to take such action as he considers necessary and appropriate to protect lives and property to the end that existing hazards, danger and delays will be decreased and hopefully eliminated; and

WHEREAS, the Chief Executive of Louisiana is required to act in the public interest in times of emergency, catastrophe, and disaster.

NOW, THEREFORE, by virtue of the powers vested in me to preserve law and order, to curtail and reduce injury and damage to persons and property resulting from catastrophe and disaster, and to expedite relief, I, EDWIN EDWARDS, acting under the authority granted to me and the duties imposed upon me by Article 4, Sections 5 (A) and (J) of the Louisiana Constitution of 1974, Act 636 of 1974 as amended by Section 1 of Act 645 of 1975 (The Louisiana Disaster Act of 1974) do hereby, and for an

indefinite period not to exceed thirty days from this date for the purposes of administering the Temporary Housing Program, suspend all provisions of any regulatory statutes prescribing the procedures for purchases of services, supplies, and equipment.

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 25th day of September, A.D. 1979.

Edwin Edwards
Governor of Louisiana

AMENDMENT AND ADDENDUM TO EXECUTIVE ORDER NO. 56 of 1974

BY VIRTUE of the power vested in me and acting under the authority of Article 4, Section 5 (A) of the Louisiana Constitution of 1974, I, EDWIN EDWARDS, do hereby add the following provision to Executive Order 56 of 1974, such provision to be designated as subsection 11.4:

11.4 Educational Leave

The four higher education boards—the Board of Regents, the Board of Supervisors of Louisiana State University, the Board of Supervisors of Southern University and the Board of Trustees for State Colleges and Universities may adopt rules, procedures, or criteria for the granting of academic, educational, administrative, or sabbatical leave, with or without pay, for their respective unclassified employees. Unclassified employees of other state agencies may be granted educational leave in accordance with Civil Service rules and regulations.

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 7th day of September, 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 expanded the list of drugs eligible for payment by the Medical Assistance Program. Effective October 15, 1979, persons under age twenty-one who are recipients in the Medicaid (Title XIX) Program are eligible for payment of pancreatic enzymes through the drug program. The following are the enzymes that will be covered by the program: Cotazym, Ilozyme, Ku-zyme HP, Pancrease, Pancreatin, and Viokase.

This action will allow the Medical Assistance Program the capability of providing these potentially life sustaining medications.

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 provision of R.S. 40:29, the Department of Health and Human Resources, Office of Family Security has expanded the list of drugs for which Maximum Allowable Costs (MAC) are required by federal regulations. Effective October 15, 1979, the MAC has been established as follows: Diphenoxylate hydrochloride/atropine sulfate 2.5 mg./0.025 mg. tablet, \$0.0491 per tablet; Doxepin, 100 mg. capsule, 0.2900 per capsule; Methocarbamol, 500 mg. tablet, 0.0496 per tablet; Methocarbamol, 750 mg. tablet, 0.0640 per tablet; Oxyphenbutazone, 100 mg. tablet, 0.0847 per tablet; Penicillin G, 400 mu. tablet, 0.0237 per tablet; Penicillin G, 800 mu. tablet, 0.0640 per tablet; Sulfisoxazole, 500 mg. tablet, 0.0273 per tablet; and Tetracycline Hcl, 125 mg./5 ml. syrup, 0.0104 per ml.

In no case may a recipient be required to provide payment for any difference in a prescription price that may occur with the implementation of MACs, nor may our office use a cost which exceeds the established maximums except as follows. HEW'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 will allow the Medical Assistance Program to be in compliance with federal regulation 45 CFR 19.5. These new regulations were published in the *Federal Register*, Volume 44, Number 169, page 50651. Compliance with these regulations assures continued federal financial participation in Louisiana's Medical Assistance Program.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Licensing and Regulation Division of Health Planning and Development

In accordance with the provisions of the FY 1979-80 agreement between the Louisiana Department of Health and Human Resources (DHHR) and the United States Department of Health, Education and Welfare (DHEW) to conduct a program in Louisiana to review capital expenditures by health care facilities

under Section 1122 of the Social Security Act, the following rules were adopted by the Department of Health and Human Resources in its capacity as the State Health Planning and Development Agency under Public Law 93-641 and as the Designated Planning Agency under Public Law 92-603 (Section 1122).

An Emergency Rule was necessary in order that the Department of Health and Human Resources could ensure uninterrupted operation of the review of capital expenditures by health care facilities under Section 1122 of the Social Security Act. Effective September 24, 1979, this Department has adopted policies in regard to Section 1122 which will ensure continued operation of that program.

Section 1122 Guidelines

Section 1122 of the Social Security Act, as amended by Public Law 92-603, the Social Security Amendments of 1972, requires that a health facility which proposes to make a capital expenditure obtain prior approval by a designated planning agency in order to be reimbursed for expenses related to the capital expenditure under the Medicare, Medicaid, and Maternal and Child Health programs. The purpose of this provision is to assure that federal funds are not used to support unnecessary capital expenditures by health care facilities.

The state agency designated to carry out the provisions of this law in Louisiana is the Division of Health Planning and Development (DHPD), which is the state agency organized under P.L. 93-641.

In making its review of proposed capital expenditures DHPD will consult with the appropriate health systems agency in addition to the Division of Licensing and Certification and any other appropriate state agency.

For the purpose of this Section (1122), "health care facility" includes hospitals, psychiatric hospitals, tuberculosis hospitals, skilled nursing facilities, kidney disease treatment centers including freestanding hemodialysis units, intermediate care facilities, and ambulatory surgical facilities, but does not include Christian Science sanatoriums operated or listed and certified by the First Church of Christ, Scientists, Boston, Massachusetts.

Capital expenditures covered are those which are not properly chargeable as expenses of operation and maintenance and which exceed \$100,000 or change the bed capacity of the facility, or substantially change the services of the facility. Any questions regarding applicability of expenditures to review should be directed solely to DHPD for an official determination.

When making a determination of the total amount of any capital expenditure discussed herein, DHPD shall consider the cost of studies, surveys, designs, plans, working drawings, specifications and other activities essential to the acquisition, improvement, expansion or replacement of the plant and equipment with respect to which such expenditure is made.

Proposals for the acquisition of facilities or equipment by lease or comparable arrangement or through donation may be subject to review under Section 1122. DHPD should be contacted for a determination of applicability and assistance in computing amounts subject to Section 1122 review.

Any capital expenditure for which the obligation is incurred by or on behalf of a health care facility after December 31, 1972, is subject to review under these provisions.

An expenditure for which an obligation was incurred before January 1, 1973, is not subject to review requirements of Section 1122.

The statute permits an exception to any health care facility providing services as of December 18, 1970, which as of that date was committed to a formal plan of expansion or replacement as approved by the facility's board of trustees. This can only occur if

the facility spent \$100,000 or more during the three-year period ending December 17, 1970, for preliminary items on the plan including payments for studies, surveys, designs, plans, working drawings, specifications and site acquisition. In such a case, Section 1122 shall not apply to capital expenditures made in conformity with that plan. The exception shall, however, not apply to capital expenditures which are not included in the plan.

The Division of Health Planning and Development may, at its option, elect not to review certain proposed capital expenditures which have been determined to be subject to review under Section 1122 of the Social Security Act. A decision to elect not to review shall be equivalent to a determination by DHPD that such expenditure is in conformity with applicable standards, criteria or plans.

In order to be eligible for election not to review, a proposal must meet all of the following criteria:

1. There will be no substantial change in services offered by the health care facility as a result of the proposed expenditure, except that proposals costing less than \$100,000 which result in the addition or termination of a clinically related service may be considered for election not to review.

2. The bed complement of the facility will not be changed by more than ten beds or ten percent of the total number of licensed beds, whichever is less, as a result of the proposed expenditure.

3. Total costs of the proposal do not exceed \$500,000, except that in the case of a proposal for the acquisition of non-medical equipment, election not to review may be considered if total costs do not exceed \$1,000,000. Regardless of costs stipulated, the following shall apply to proposed expenditures for the acquisition of a health care facility by purchase, lease or comparable arrangement: All such proposals shall be subjected to full review under Section 1122, except that proposals for the acquisition of skilled nursing facilities and intermediate care facilities will be considered eligible for election not to review on a case by case basis.

4. The proposed expenditure is not a discrete component of a larger capital expenditure or a part of a phased project, the total cost of which would disqualify that proposal from election not to review according to the criteria set forth in this section.

DHPD may, at its option, subject any proposal to full review, including proposals which meet all of the above criteria.

A person proposing a capital expenditure by or on behalf of a health care facility, which expenditure may qualify for election not to review according to the above criteria, should submit in writing to DHPD notice of intent to make the capital expenditure. After examining the information contained in such notification, and any additional information DHPD may request, a determination will be made by DHPD whether or not to elect not to review the proposed expenditure.

If DHPD determines that such proposal shall require full review, the applicant will be notified of such decision and will be supplied with appropriate application forms to provide information adequate for full review of the proposal.

The procedures for review are as follows:

1. Any person, agency, organization, or health care facility which proposes to make a capital expenditure subject to review under the provisions of Section 1122 of the Social Security Act should request an application from DHPD.

2. DHPD will promptly send a copy of this booklet and a questionnaire to the applicant.

3. The appropriate health systems agency concerned will be notified of the proposed expenditure (and the applicant will be notified of the health systems agency covering the area in which his project is located).

4. The applicant should fill out the questionnaire in coordination with the appropriate health systems agency. When ready for submittal for review, the applicant must provide three copies of the application to DHPD and simultaneously provide twenty-five copies of the application to the appropriate health systems agency. All copies submitted must be identical.

5. An application must be received by DHPD and determined to be complete at least sixty days prior to the date upon which the applicant expects to incur an obligation to make the expenditure. If DHPD determines that the application is incomplete, the applicant will be notified within fifteen days of additional information needed. This determination is made in coordination with the appropriate health systems agency.

6. The applicant must provide additional information as requested in Part A. 5., above, again with the provision that requested information be received by DHPD at least sixty days prior to the expected date of obligation to make the expenditure.

7. The review period will not exceed ninety days unless the applicant agrees to a longer time period. The review period will begin upon receipt by DHPD of a complete application. Procedures governing incomplete applications are found in Parts 5. and 6. above.

8. DHPD will issue a press release of its receipt of the complete application.

9. DHPD will send copies of the application to the Division of Licensing and Certification and any other state agency deemed appropriate by DHPD.

10. The appropriate health systems agency (HSA) will review the application at a public meeting of an appropriate committee. Notice of the meeting will be publicized in the local newspaper. In addition, the applicant will be given sufficient notice of the date of the meeting and will be invited to attend to explain his application. The review committee will make its recommendations to the board of directors or executive committee, which body shall make the final decision of the HSA and send its findings and recommendations to DHPD.

11. The Division of Licensing and Certification and other state agencies from which comments have been requested will review the application and send their recommendations to DHPD.

12. Findings and recommendations pursuant to Parts 10. and 11. above will be received by DHPD no later than sixty days after start of the review period. In the case of an application which specifies that an obligation to make the capital expenditure will be incurred sixty days after start of the review period, DHPD will coordinate with the HSA and the Division of Licensing and Certification to establish a date by which findings and recommendations will be received by DHPD. Such date should allow sufficient time for HSA and Division of Licensing and Certification review, as well as a period for consideration of those findings and recommendations by DHPD.

13. DHPD will then complete the review and send its findings and recommendations to the applicant, the Secretary of DHEW, the HSA, the Division of Licensing and Certification, and the Secretary of the Department of Health and Human Resources of Louisiana. This step shall be completed not more than ninety days after the date DHPD has received the completed application unless the applicant has indicated an earlier date for obligation of the expenditure. However, a minimum of sixty days must be allotted for completion of the review. At an applicant's request or concurrence, the review period may be for a longer period of time as agreed.

14. DHPD will issue a news release of the final finding.

15. In the case of a negative recommendation by DHPD, the applicant may request an appeal, which request must be

made in writing and received by DHPD within thirty days after the applicant has received notice in writing of the notice of disapproval.

16. DHPD will notify the Attorney General of the State of Louisiana who is responsible for conduct of the appeal hearing.

17. The Attorney General will select a hearing date and notify DHPD, and the hearing shall be commenced within thirty days after receipt of the request for a hearing by the applicant (or later, at the option of the person requesting the hearing).

18. DHPD will notify the applicant of the hearing date.

19. DHPD will issue a news release of the hearing.

20. As soon as possible, but not later than forty-five days after the conclusion of the hearing, the Attorney General will notify the applicant, DHPD and the Regional Health Administrator (DHEW) of the appeal decision.

21. DHPD will issue a press release of the appeal decision.

Evidence of obligation to make the capital expenditure must be received by DHPD within one year after approval of the project, or the approval will expire.

As provided in the regulations, the one year approval period may be extended for up to six months at the discretion of DHPD in consultation with the HSA upon the showing of good cause by the proponent.

A progress report to DHPD on the project is required six months after approval.

As provided in the regulations, an obligation to make a capital expenditure shall be incurred not more than one year following the date of approval. An obligation shall be deemed to have been incurred by or on behalf of a health care facility or health maintenance organization:

A. When an enforceable contract is entered into by such facility or organization or by a person proposing such capital expenditure on behalf of such facility or organization for the construction, acquisition, lease or financing of a capital asset; or

B. Upon formal internal commitment of funds by such facility or organization for a force account expenditure which constitutes a capital expenditure; or

C. In the case of donated property, the date on which the gift is completed in accordance with applicable Louisiana law.

It is the sole responsibility of the proponent to keep DHPD informed of its progress during the one year approval period and to submit documentary evidence as proof that at least one of the above conditions has been fulfilled. The following conditions have been established regarding the acceptance of certain documents as proof of an obligation:

A. In the case of a construction contract, such document must be fully consummated and filed with a local clerk of court's office in accordance with applicable state law and must indicate a commencement date of not more than 180 days from the date of the contract. Failure to begin vertical construction on or before the specified starting date will result in the determination of approval to be deemed expired, if such date is beyond the one year approval period. There is no provision for extension of the 180-day period within which construction must commence.

B. In the case of a purchase or lease arrangement, a signed purchase or lease agreement with a specified time limitation of not more than 180 days when the purchase or lease is to be executed, will be accepted. If such purchase or lease is not completed on or before the 180-day period, the determination of approval will be deemed expired, if such date is beyond the one year approval period. There is no provision for extension of the 180-day period within which the purchase or lease must be completed.

C. In the case of a financial commitment, such commitment must be a documented binding commitment from a lending institution for permanent or interim financing accompanied by an acceptance signature from the proponent. Such financial commitment must have an expiration date of not more than 180 days. (Loan guarantees do not fulfill the requirements set forth above). If such commitment is not executed on or before the 180-day period, the determination will be deemed expired, if such date is beyond the one year approval period. There is no provision for extension of the 180-day period within which the financial commitment must be executed.

D. In the case of bonds, an obligation is deemed to have been incurred whenever the bonds have been approved for sale or issuance by either an election or board action of an official public body acting on behalf of a health care facility. Sale of bonds must be completed within 180 days of the issuance of approval for their sale or the determination of approval will be deemed expired, if the one year approval period has elapsed. There is no provision for extension of the 180-day period within which the sale of bonds must be completed.

If DHPD recommends that the capital expenditure not be made, the Secretary of HEW shall, in determining the federal payments to be made under Titles V, XVIII and XIX of the Social Security Act to the health care facility, ordinarily exclude certain expenses related to such capital expenditure. However, if the Secretary, after submitting the matters involved to the National Advisory Council on Health Planning and Development and after taking into consideration the recommendations of DHPD and other reviewing agencies, determines that an exclusion of expenses for a capital expenditure would discourage the operation or expansion of a health care facility (or any facility of such an organization) which has demonstrated capability to provide comprehensive health care services efficiently, effectively, and economically or would otherwise be inconsistent with the effective organization and delivery of health services or the effective administration of Titles V, XVIII, and XIX, he shall include such expenses in federal payments under such titles.

When DHPD has good cause to believe that an obligation for a capital expenditure has been incurred by or on behalf of a health care facility and that timely notice of at least sixty days was not provided, DHPD shall send written notification to such health care facility, the Secretary, the Health Systems Agency in the concerned area, and all other agencies deemed appropriate by DHPD of a proposed finding that an obligation for a capital expenditure subject to review has been incurred and that timely notice was not provided. Procedures for processing such a finding shall be according to Section 100.108 (a) of the regulations, and the policy on lack of timely notice as published January 26, 1977, in the *Federal Register*, Volume 42, Number 17.

In the case of disapproved project, the applicant will be entitled to a reconsideration by DHPD of its finding: (a) whenever there is a substantial change in existing or proposed health facilities or services of the type proposed in the area; or (b) upon a substantial change in the need for facilities or services of the type proposed in the area; or (c) at any time following the expiration of three years from the date of the finding of DHPD or of its last reconsideration of such finding pursuant to this paragraph, whichever is later.

If DHPD finds, after such reconsiderations, that the facilities or services provided by the capital expenditure involved are in conformity with the applicable standards, criteria, or plans, and so notifies the Secretary of DHEW, the Secretary will include, in determining future payments under Titles V, XVIII, and XIX, expenses related to such capital expenditure. However, such expenses will be included only for payments following the date of notification to the Secretary by DHPD of its reconsideration.

In making recommendations concerning projects reviewed under Section 1122 of the Social Security Act, the review body or agency at each level designated in the review process shall consider, but not be limited to, the following criteria, as required under P.L. 93-641 and implementing rules and regulations:

1. The relationship of the health services being reviewed to the applicable Health Systems Plan and Annual Implementation Plan and the State Health Plan adopted pursuant to the provisions of P.L. 93-641.

2. The relationship of services reviewed to the long range development plan (if any) of the person providing or proposing such services.

3. The need that the population served or to be served by such services has for such services. In considering the need for a proposed project, DHPD and the Health Systems Agency will review, but not be limited to, the following information:

A. The availability of similar facilities, services and institutional beds within the service area, including but not limited to:

(1) Number of similar facilities, services and beds in the service area.

(2) Ratio of institutional beds to the population, as a whole and where appropriate, to age groups.

(3) Comparison of service area bed ratio with other health service areas in the state and other relevant areas.

(4) Distribution of institutional beds, services, and facilities within the area.

B. Accessibility of the target population of the proposed project to existing and proposed facilities and services. (This would include physical and financial accessibility.)

C. Measures of utilization of existing facilities and services:

(1) Admission rates per 1,000 persons.

(2) Occupancy rate: $\frac{\text{Average Daily Census}}{\text{Number of beds}}$

(3) Length of stay (average): $\frac{\text{Census} \times 365}{\text{Annual Admissions}}$

(4) Other appropriate utilization material.

D. Projects of utilization.

E. A delineation of the proposed service area.

F. Various projections of bed need.

G. The projected population growth or lack of growth of the proposed service area.

4. The availability of alternative, less costly, or more effective methods of providing such services.

5. The immediate and long term financial feasibility of the proposal.

6. The relationship of the services proposed to be provided to the existing health care system of the area in which such services are proposed to be provided. The HSA and DHPD will review, but not be limited to, documentation of coordination and/or linkage agreements between the applicant and existing or planned health care institutions and/or providers within the service area.

7. The availability of resources (including health manpower, management personnel, and funds for capital and operating needs) for the provision of the services proposed to be provided and the availability of alternative uses of such resources for the provision of other health services. The Health Systems Agency and DHPD will review, but not be limited to, the following information regarding Health Care staffing:

A. Present and projected—availability of physicians in the service area.

B. Present and projected—availability of nursing personnel in the service area, and adequacy of proposed staffing according to required standards.

C. Present and projected—availability of management and other personnel in the service area.

8. The relationship, including the organizational relationship, of the health services proposed to be provided to ancillary or support services.

9. The special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas. Such entities may include medical and other health professionals schools, multi-disciplinary clinics, and specialty centers.

10. The special needs and circumstances of health maintenance organizations for which assistance may be provided under Title XIII of the Act.

11. The special needs and circumstances of biomedical and behavioral research projects which are designed to meet a national need and for which local conditions offer special advantage.

12. In the case of a construction project, the cost and methods of the proposed construction, including the costs and methods of energy provision, and the probable impact of the construction project reviewed on the cost of providing health services by the person proposing such construction project.

The criteria adopted for reviews in accordance with the above may vary according to the purpose for which a particular review is being conducted or the type of health service reviewed.

An approval issued in accordance with Section 1122 of the Social Security Act in no way relieves an applicant of responsibility for fulfilling other state and/or federal requirements.

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

DECLARATION OF EMERGENCY

Department of Natural Resources Office of Conservation

The Department of Natural Resources, Office of Conservation, has adopted effective September 28, 1979, an emergency Interim Regulation No. 14, Governing the Provisions of Section 607 of Act 732 of the 1979 Regular Session of the Legislature. The regulation provides guidance to producer—sellers to facilitate sales of natural gas. Because of the approaching winter season, any delay of gas movements into the natural gas market may cause serious injury to the public health, safety, and welfare. The emergency rule follows:

Interim Regulation No. 14 Governing the Provisions of Section 607 of the Act (Act 732, 1979)

A. This regulation shall only apply to the requirements of R.S. 30:607.

B. No person shall dedicate natural gas to or introduce said natural gas into interstate commerce or connect said person's intrastate natural gas pipeline as defined herein with an interstate pipeline without first obtaining a certificate of public convenience and necessity issued by the Commissioner of Conservation. No certificate of public convenience and necessity shall be issued to a producer-seller unless:

1. In the case of natural gas which is the subject of an intrastate sales contract that will expire subsequent to September 7, 1979, the producer-seller has first offered such gas to the person who is the purchaser of such gas at the same price at which

the gas could be sold to any other person pursuant to arm's length negotiations and under other terms, conditions, and circumstances as favorable as those which could be obtained for the sale of such gas to any other user in the state of Louisiana, including intrastate natural gas transporters.

2. In those cases where (a) the offer provided for in Paragraph 1 above has been refused and (b) where the natural gas was not the subject of an intrastate sales contract, the producer-seller has made a bona fide offer to sell such natural gas to intrastate natural gas transporters capable of taking delivery within a reasonable time.

C. As used in this regulation, the words and phrases defined herein shall have the following meanings:

1. Gas committed or dedicated to interstate commerce:

a. shall mean gas which is subject to federal jurisdiction under the Natural Gas Act, 15 U.S.C. 717, et seq., or

b. shall mean all gas dedicated or contractually committed to interstate commerce before September 7, 1979, or

c. shall mean such quantities of natural gas that a producer-seller is required to commit to interstate commerce pursuant to an order issued by the Federal Power Commission or the Federal Energy Regulatory Commission prior to September 7, 1979.

2. Bona fide offer: for purposes of R.S. 30:607C(2) and this regulation, a bona fide offer shall be deemed made by a producer-seller when he notifies all intrastate natural gas transporters on file with the Commissioner that he will entertain bids for the purchase of natural gas at the same price, terms, conditions, and circumstances as the producer-seller could obtain in interstate commerce. Such bids must be received by the producer-seller within thirty days of the date the notice is sent.

3. Natural gas: shall mean all gas capable of being produced or which is produced within the state of Louisiana which is not subject to federal jurisdiction under the Natural Gas Act, 15 U.S.C. 717, et seq., including natural gas transported through the use of interstate pipelines where such use of interstate pipelines is or may hereafter be exempt from the control of the Federal Energy Regulatory Commission under the Natural Gas Act or rules and regulations promulgated by the Federal Energy Regulatory Commission thereunder; and gas, wherever produced, which is or may be transported into this state and delivered into an intrastate pipeline system in this state to be used or consumed wholly within this state.

4. Intrastate natural gas pipeline: shall mean all facilities located within the state of Louisiana which may be or are utilized for the production, gathering or transportation of intrastate natural gas and which are not subject to federal jurisdiction under the Natural Gas Act, 15 U.S.C. 717, et seq., including, but not limited to, wellhead facilities, gathering facilities, pipeline facilities, and all facilities connected thereto or utilized therewith.

5. Intrastate natural gas transporter: shall mean a person as defined in R.S. 30:503(6).

6. Interested parties:

a. shall, for an application for an exclusion, be the interstate purchaser and any other persons whose facilities are used in processing or transporting such natural gas.

b. shall, for an application for a certificate of public convenience and necessity, be the intrastate natural gas transporters who have responded pursuant to request for purchase of natural gas as provided hereinabove, the interstate purchaser, and any other persons whose facilities are used in processing or transporting such gas.

c. shall, for a letter of objection pursuant to R.S. 30:607C(3), be the parties to the contract.

D. For all natural gas committed or dedicated to interstate commerce before September 7, 1979, which has not been connected to or introduced into an interstate pipeline on said date, the Commissioner may, upon receipt of due proof of said commitment or dedication, issue an order excluding the producer-seller hereunder and authorizing the producer-seller to make such connection with or to introduce such natural gas into the applicable interstate pipeline. The Commissioner after review may administratively issue said order. Intrastate natural gas pipelines and gas gathering lines which were subject to Article IX, Section 2 of the Louisiana Constitution of 1974, prior to September 7, 1979, shall not enjoy this exclusion.

E. An application to the Commissioner for an order under Paragraph D or for a certificate of public convenience and necessity shall be made by the producer-seller in writing, verified under oath by an individual having authority to execute same and contain the following information:

1. Order under Paragraph D.

a. a certified copy of the executed contract.

b. a completed Form PL 3.

c. a general description and diagrammatic sketch of facilities required to effect the movement of contracted gas from the wellhead to the point of delivery into interstate commerce; including the names and addresses of any other persons whose facilities are used in the processing or transporting of such natural gas.

2. Certificate of public convenience and necessity.

a. the exact legal name of the applicant; its principal place of business; and the name, title, and mailing address of the person or persons to whom communications concerning the application are to be addressed.

b. all information required to be filed under Paragraph E.1 above.

c. proof that a bona fide offer was made to sell such contracted natural gas.

The Commissioner may request such additional information as in his opinion is reasonably necessary to properly evaluate the application.

F. If a person who is a party to an intrastate gas sales contract subject to R.S. 30:607C(3) files a letter of objection with the Commissioner of Conservation alleging noncompliance with this regulation and Section 607C(3), the Commissioner shall proceed under Rule 5 of the Commissioner's Rules of Procedure to resolve all matters of controversy. The producer-seller shall bear the burden of establishing that it has, pursuant to arm's length negotiations, made an offer to the present purchaser of said gas, to continue said sale at the same price, at which the gas could be sold to any other person, except where otherwise provided by law, and under other terms, conditions, and circumstances as favorable as those which could be obtained for the sale of such gas to any other user in the state of Louisiana, including intrastate natural gas transporters. The producer-seller shall make the offer to the purchaser of gas under an intrastate natural gas contract no less than forty-five days prior to the termination of said contract. A letter of objection by either party must be filed with the Commissioner at least twenty days prior to the termination date of the contract. Should the matter require hearing the person filing the letter of objection shall submit a filing fee of one hundred dollars by check payable to the Louisiana Office of Conservation. All parties shall provide such additional information as the Commissioner in his opinion deems reasonably necessary to properly evaluate the matter.

G. In determining the public interest, the Commissioner shall take into consideration pertinent circumstances surrounding the producer-seller, user and intrastate natural gas transporter, with

due consideration being given to the economics and lease obligations.

H. Except as indicated in Paragraph D above, no order, ruling, or finding may be made or other action taken with respect to this regulation without a public hearing after due notice to all interested parties unless the right to a public hearing is waived pursuant to the provisions of the Administrative Procedures Act, as amended (R.S. 49:951 et seq.)

R. T. Sutton
Commissioner of Conservation

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

At its regular meeting held in New Orleans on September 25, 1979, the Louisiana Wildlife and Fisheries Commission took emergency action to close Black-Clear Lake in Natchitoches Parish and Saline Lake in Winn Parish to commercial webbing during drawdown; specifically - gill nets, trammel nets and hoop nets.

This action was taken at the request of the Northwest Game and Fish Preserve Commission and the Saline Lake Game and Fish Preserve Commission, both Commissions having been advised by biologists of the Louisiana Department of Wildlife and Fisheries that commercial fish populations were very low and that the commercial gear could be injurious to game fish populations as well as alligators while the lake was being drawn down for control of bothersome aquatic vegetation.

The Northwest Game and Fish Preserve Commission met on August 20, and the Saline Lake Game and Fish Preserve Commission on August 30, both Commissions taking action at these meetings to begin drawdowns on the respective lakes beginning September 4. Requests from these agencies were received by the Louisiana Department of Wildlife and Fisheries on August 27 and September 24 respectively. The late date of receipt of these requests plus late availability of biological data precluded full compliance with the Administrative Procedures Act and necessitated emergency action at the September meeting in order that the enforcement personnel of the Louisiana Department of Wildlife and Fisheries have full authority to enforce the net prohibition regulation. A copy of the resolution adopted by this Department follows:

Whereas, the Northwest Game and Fish Preserve Commission and the Saline Lake Game and Fish Preserve Commission have requested that Black-Clear Lake and Saline Lake respectively be closed to commercial nets during the 1979-80 drawdown period, and

Whereas, data collected as a result of fish population surveys indicate there is a very low commercial fish population in both lakes, and

Whereas, extensive use of commercial gear would probably be injurious to the game fish population as well as alligators in both lakes.

Therefore be it resolved, the Louisiana Department of Wildlife and Fisheries does hereby close Black-Clear and Saline Lakes to commercial netting; specifically - gill nets, trammel nets and hoop nets, from September 25, 1979, through September 15, 1980.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

Rules

RULES

Department of Agriculture Seed Commission

In accordance with the provisions of Revised Statutes of 1950, Title 3, Part I, Chapter 11, as amended by Act 439 of 1954, the following regulation regulates certification of seed rice in bulk. This regulation is supplemental to and does not supersede or cancel any of the provisions covering sampling, bagging, tagging, or other standards for certification of seed rice not sold in bulk.

Regulation Governing Certification of Seed Rice in Bulk

I. Application. Initial application for approval of certification of bulk seed rice shall be on a form furnished by the Seed Commission and shall be submitted thirty days prior to seed entering bins to be certified. Application shall designate an individual who shall be responsible for all records and procedures required to complete certification of bulk seed rice. At any time the person designated is replaced for any reason, the Commission shall immediately be furnished the name of the successor.

II. Storage Facilities. Primary storage facilities must be so constructed as to allow for bulk sampling according to provisions of the Bulk Sampling Regulation (Certified Seed Regulation Number 28 as amended May 20, 1979) and allow for sealing all seed ingress to the facility. All storage facilities and conveyors must be so constructed to allow for complete clean out and all other procedures to assure maintenance of purity. Primary storage must be labeled to show lots contained within and all lot numbers from a given bin must contain a prefix peculiar to that bin. The operation of secondary facilities must include procedures to identify by lot number the seed contained within at all times.

III. Sampling Procedures. Sampling certified rice for sale in bulk will comply with provisions of the Bulk Sampling Regulation (Certified Seed Regulation Number 28 as amended May 20, 1979). Each official certified sample transcript will include the number of lots contained in the bin.

IV. Tagging. Each container of bulk certified rice seed other than primary and secondary storage, will have attached a tag which complies with certified and seed law regulations. The tag will be attached in such a manner as to assure its remaining on the container until it reaches the consumer. Each container of certified bulk seed rice will be sealed in such a manner as to prevent contamination.

V. Sale of Bulk Certified Seed Rice. (Certified Seed Regulation Number 28 as amended May 20, 1979).

A. Sale of bulk certified seed rice will be restricted to the blue tagged certified class only and will not be eligible for recertification.

B. Sale of bulk certified seed rice will be limited to sale by the processor to the final user except when in containers which can be sealed and lend themselves to normal storage. Bulk certified seed rice shall not be bagged for resale as certified seed, unless retested and retagged according to the certification regulation.

VI. Penalties. Any person, firm, or corporation found guilty of violating the provisions of this regulation shall be subject to the penalties provided for by Revised Statutes of 1950, Title 3, Parts I, II, and III, Chapter 11.

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

VIII. Effective Date. The above regulation shall be effective on and after October 20, 1979.

Richard Carlton, Secretary
Seed Commission

RULE

**Department of Agriculture
Seed Commission**

In accordance with Section 1432 of Title 3 of the Louisiana Revised Statutes of 1950, as amended, and the provisions of the Administrative Procedures Act, R.S. 49:951-968, as amended, the Louisiana Seed Commission hereby promulgates the following amendment to Certified Seed Regulation 29 titled Regulation Governing Tagging of All Classes of Certified Seed.

**Regulation Governing Tagging
of all Classes of Certified Seed**

I. Definition of Terms.

C. "Lot" shall mean the permanent identity given to a certain quantity of seed entered for certification, which is uniform in its quality and has been field inspected and found to meet the field standards for its class of certified seed.

IV. Tagging Requirements.

A. Before any seed sold as certified seed leaves the premises of the certified grower or processor of certified seed, each bag must be tagged and the lot numbers on the certified tags must conform to the lot numbers already marked on the bags.

Richard Carlton, Secretary
Seed Commission

RULE

**Department of Agriculture
Structural Pest Control Commission**

The Louisiana Structural Pest Control Commission has amended Rule III A1. This amendment will allow regular quarterly meetings of the Structural Pest Control Commission to be held at any location within the domicile of the Commission, East Baton Rouge Parish. Particular meetings may still be held at any location after due notification is given.

Rule III. Enforcement and Administration; Employment of Necessary Personnel. (Section 1263)

A. Place and frequency of meetings.

1. All meetings shall be held in the domicile of the Commission, East Baton Rouge Parish, unless a change of place is determined desirable for particular meetings which will be indicated in the notices calling same.

Richard Carlton, Secretary
Structural Pest Control Commission

RULES

**Department of Commerce
Racing Commission**

Amend LAC 11-6:19.7 to read:

§19.7 A trainer shall not enter or start a horse which is not in serviceably sound racing condition, has been trachea-tubed, or

has been nerved. However, horses which have had a posterior digital (heel nerve) neurectomy or cryosurgical intervention in the areas reserved for posterior digital neurectomies performed on one or more feet, may be permitted to race. All horses which have undergone either of the above procedures shall be so designated on the foal certificate and be certified by the practicing veterinarian. All horses which have undergone either of the above procedures prior to the adoption of this rule must also be certified, and it is the responsibility of the trainer to see that either of such procedures will be carried on the foal certificate. All nerved horses, high or low, and all horses having had a cryosurgical intervention, as aforesaid, must be published on the bulletin board in the racing secretary's office. Any horse which is high nerved shall not be permitted to enter in a race. Except as provided herein, a trainer shall not enter or start a horse which has been "nerve blocked" or treated with, or been given any drug internally, externally or by hypodermic injection, except as permitted in LAC 11-6:54. Nor shall a trainer enter or start a horse which is not properly plated, is blind or whose vision is seriously impaired in both eyes, is on a stewards', veterinarian's, starter's, or disqualified list or is permanently barred from racing in any jurisdiction.

Amend LAC 11-6:45.11 to read:

§45.11 When a claimed horse has had posterior digital (heel nerve) neurectomy or cryosurgical intervention in the areas reserved for posterior digital neurectomies, performed prior to the claim, the claimant shall have forty-eight hours from the moment the horse leaves the paddock to protest the claim in writing to the stewards. Cryosurgical intervention in the areas reserved for posterior digital neurectomies shall be considered "heel nerved."

Albert M. Stall, Chairman
Racing Commission

RULE

Board of Trustees for State Colleges and Universities

Section 7.5D, Leaves of Absence, of the Policies and Procedures of the Board of Trustees for State Colleges and Universities is deleted in its entirety, and Sections 7.5E and 7.5F are renumbered to 7.5D and 7.5E, respectively.

Section 7.8A, Colleges and Universities, is amended to read:

A. Seeking and Holding Public Office—Every employee has the constitutional right to seek and hold public office. In so doing, the employee must meet the following conditions: a) notify the president of his/her intention prior to the date of qualification; b) continue normal workload, including teaching and all other duties and office hours required by the institution; or c) if unable to meet condition b above, take annual leave or leave without pay for the appropriate period of time, in accordance with the leave policies of the Board. Additionally, such an employee should be accurate in his/her statements and make every effort to indicate that he/she is not a spokesman for the institution.

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

RULES

Governor's Special Commission on Education Services Loan/Grant Division State Guaranteed Student Loan Program

Rule 11a has been changed to read as follows:

a. All undergraduate and vocational students are eligible to apply for \$2,500 within the fiscal year, \$1,250 for one semester; graduate college students, \$2,500 within the fiscal year, \$1,250 for one semester; medical, dental, and veterinary students may apply for \$5,000 for the fiscal year, \$2,500 for one semester; maximum guarantee of all loans for any undergraduate or vocational student at any one time is \$7,500; graduate college student, \$15,000 (including medical, dental, and veterinary). Summer session: undergraduate and graduate college, \$625; Louisiana Tech, \$800, when authorized.

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

RULE

Board of Elementary and Secondary Education

Editor's Note: The Department of the State Register will not publish the texts of Rule 3.01.06 and Rule 5.00.80(1), described below, in accordance with R.S. 49:954.1C. Copies of these rules may be obtained from the Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.

Rule 3.01.06

The Board adopted the Title II State Plan.

Rule 3.01.51n

The Board adopted a revision of implementation dates for completion of requirements for high school graduation, to be effective with students entering the ninth grade in the 1979-80 school year for nonpublic and public schools.

Rule 5.00.80(1)

(This policy replaces present policy in effect.) The Board adopted Bulletin 1533, *Guidelines for Tuition Exemption Continuing Education Program for Teachers*.

Rule 5.03.13

The Board adopted the following policy relative to school calendars for vocational-technical schools:

Vocational-technical schools will be open a minimum of two hundred thirty days per fiscal year, inclusive of the annual workshop. Personnel not attending the annual workshop are required to be at their respective schools or on annual, sick, or some other type of approved leave.

Annual, sick, compensatory, or some other type leave will be charged for any times personnel are not at their respective schools other than those days which are listed on the approved school calendar as being holidays with the school closed.

Calendars will be submitted to the Department of Education prior to June 1 of each fiscal year.

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

RULES

Department of Health and Human Resources Air Control Commission

The Air Control Commission has added the following to its Regulations:

22.17 Refinery Vacuum Producing Systems.

A. Emissions of volatile organic compounds from steam jet ejectors and mechanical vacuum pumps shall be controlled by one of the applicable methods specified in Section 22.8.

B. Emissions of volatile organic compounds from a hotwell with a contact condenser shall be controlled by covering the hotwell and controlling the vapors by one of the applicable methods specified in Section 22.8.

Sources affected by this Section of the Regulations shall achieve compliance promptly according to a compliance schedule approved by the Louisiana Air Control Commission, but in no event later than December 31, 1982.

22.18 Refinery Process Unit Turnaround. Emissions of volatile organic compounds from petroleum refinery process unit turnarounds shall be controlled by pumping the liquid contents to storage and depressurizing the processing units to five psig (pounds per square inch gauge) or below before venting to the atmosphere. Control of the vapors during the depressurization prior to venting to atmosphere shall be accomplished by one of the applicable methods specified in Section 22.8.

Sources affected by this Section of the Regulations shall achieve compliance promptly according to a compliance schedule approved by the Louisiana Air Control Commission, but in no event later than December 31, 1982.

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

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 November 1, 1979, a policy to allow Title XIX reimbursement for removable partial dentures, when required to fulfill the requirement for balancing occlusion. The patient must be Title XIX eligible and have less than the required four posterior teeth in the arch opposing a full denture or less than a combination of eight anterior and posterior teeth in the arch opposing a full denture. The patient's potential abutment teeth must be caries free, and within reason, periodontally sound. Patients qualifying under the above criteria will have all missing teeth in the arch replaced by a partial denture.

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

RULES

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources (DHHR), Office of Family Security, has adopted effective November 1, 1979, a policy to revise the standards for participation in the Emergency Transportation Program. The revised standards are listed below:

A. Definitions.

1. "Ambulance" means any privately or publicly owned land, air, or water vehicle that is designed, constructed, or reconstructed, maintained, equipped or operated, or issued for, or intended to be used for air, land, or water medical transportation of 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 a medical condition such as possible heart attack, coma, hemorrhage, loss of consciousness, debilitating condition; transfer of a patient requiring the administration of intravenous (IV) fluids, for which the patient would be susceptible to injury using other methods of transport.

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

4. "First aid certificate" refers to a certificate in the Advanced First Aid and Emergency Care Course issued by the Bureau of Mines or American Red Cross 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. "Certified 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. Provider Certification Requirements.

1. Service Requirements.

a. Certified providers must offer twenty-four-hour a day personnel availability and service during the certification period.

b. No ambulance shall operate in this program unless the following insurance coverages are in effect at the time of application and during the period of certification.

2. Insurance Requirements.

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) one hundred thousand dollars for each person, three hundred thousand dollars for each accident, and fifty thousand dollars property damage sustained in any one accident.

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

3. Personnel Requirements.

a. Every ambulance when transporting a Medicaid, or Part B eligible patient shall be occupied by at least two persons, one of whom is either a licensed physician, registered nurse, licensed practical nurse, or emergency medical technician, who must be present in the patient compartment of the vehicle and a vehicle driver who is, as a minimum, the holder of a valid advanced first aid certificate.

b. Any person desiring certification as an emergency medical technician shall make application to the BEMS. The

BEMS shall determine whether the applicant meets the prescribed qualifications as set forth in the regulations promulgated by the Secretary of DHHR. The applicant shall be issued a certificate if found to be fully qualified.

4. Vehicle Requirements.

a. Each vehicle certified must have on board the essential equipment for ambulances as recommended by the Committee on Trauma, American College of Surgeons:

(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.) Uncomplicated inflatable splints.

(15.) Short and long spine boards with accessories.

(16.) Triangular bandages.

(17.) Large-size safety pins.

(18.) Shears for bandages.

(19.) Sterile obstetrical kit.

(20.) Poison kit.

(21.) Blood pressure manometer, cuff, and stethoscope.

(22.) Compartmentalized pneumatic trousers with inflation equipment.

(23.) Two-way radio allowing direct communication between EMT and the emergency department of the hospital.

C. Application for Participation. A provider wishing to apply for participation in the Medical Assistance Program must apply to the Department of Health and Human Resources, Office of Family Security (Provider Enrollment Unit). If the provider is not certified, application to the Department of Health and Human Resources, Bureau of Emergency Medical Services, 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 Ambulance 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 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 proposed ambulance service.

b. The name under which the applicant will operate.

c. A list of the names and address 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 the ambulance service will operate.

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

g. 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 in the limits established herein.

h. A list of currently certified EMT's and their registry numbers.

i. A completed, verifiable list of equipment as required by the regulations.

j. Such other information as the Office of Family Security deems reasonable and necessary.

D. 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 Ambulance Transportation Services, that participate in the Medical Assistance Program, 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 Department of Health and Human Resources deems necessary.

E. 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 transferrable by the person to whom issued.

F. 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.

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

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 November 1, 1979, a policy to ensure that the Medicaid Program makes no payment for

transportation services which exceeds the maximum payment which Medicare would make for the same service. The Medicaid Program will make payment for the usual and customary charge by the provider or the amount Medicare would pay, whichever is lower.

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

RULE

Department of Natural Resources Office of the Secretary

Pursuant to authority granted under Title 56 of the Louisiana Revised Statutes, Sections 700.1 through 700.5 (Fishermen's Gear Compensation Fund); and after public hearing held on October 8, 1979, following publication of notice thereof, as required by the Louisiana Administrative Procedures Act, the following rules and regulations are promulgated by the Secretary, Department of Natural Resources, as being reasonably necessary to carry out the provisions of said Act.

Section 1, Assessment of Fees

Effective November 1, 1979, in order to establish the Fishermen's Gear Compensation Fund, a fee in the amount of three hundred dollars is levied upon each lessee of a state mineral lease, and each grantee of a state right-of-way which is located within the coastal zone boundary as described in R.S. 49:213.4.

For definition herein:

A. A "lessee of a state mineral lease" means the owner of the right to sever minerals from state owned water bottoms whether or not such right is derived by lease, operating agreement, or otherwise.

B. A "grantee of a state right of way" means the owner of a pipeline right-of-way grant and no other.

William C. Huß, Secretary
Department of Natural Resources

RULES

Department of State Board of Election Supervisors

Rules of Procedure for the Removal of Registrars of Voters

1. Proceedings relative to the removal of registrars of voters for cause, as enumerated in R.S. 18:53, shall be conducted in accordance with the provisions of the Administrative Procedures Act (R.S. 49:951, et seq.), as clarified by these rules.

2. The person filing the complaint shall be responsible for the presentation of his case and shall be required to prove his allegations by a preponderance of evidence. The Board shall act as impartial judge only.

3. No proceeding for the removal of a registrar shall be commenced except by written complaint filed with the Board by one or more natural persons of legal age who reside within the parish served by the registrar whose removal is sought.

4. The complaint shall include:

A. The name and mailing address of each complainant.

B. The name of the registrar whose removal is sought and the parish he serves.

C. Reference to the specific grounds for removal as set out in R.S. 18:53, upon which the complaint is based.