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Executive Orders

EXECUTIVE ORDER NO. DCT 83-18

WHEREAS, drug abuse is one of the major causes of violent and nonviolent crimes in the State of Louisiana; and

WHEREAS, the Governor and the Legislature of Louisiana recognize this serious problem and have enacted legislation in the past three years which has been designed to assist law enforcement agencies in the seizure of illegal drugs and in the pursuit, apprehension and conviction of those persons engaged in their sale; and

WHEREAS, such legislation, considered by many to be effective weapons in the war on illegal drugs, has enabled state and local law enforcement officials to seize a significantly greater volume of illegal drugs and apprehend those who attempt to distribute them; and

WHEREAS, it is important to determine the effect of such legislation and to develop additional legislation, if necessary, to enable law enforcement officials to combat the sale of illegal drugs even more effectively;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority and power invested in me by the Constitution and applicable statutes of the State of Louisiana, do hereby create the Governor's Task Force on Drug Enforcement.

Such task force shall study the applicable statutes pertaining to drug enforcement, assess the effectiveness of such statutes, consider alternative measures to combat the sale of illegal drugs, develop legislation, if necessary, to implement such options; and report its recommendations to the Governor prior to April 14, 1984.

Such task force shall be composed of a chairman and members who shall be appointed by the Governor and shall serve at his pleasure.

The task force shall be organized under the Office of the Governor.

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 24th day of August A.S., 1983.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER NO. DCT 83-20

Charity Hospital in New Orleans has long played an important role in the delivery of health care to indigent and other eligible persons. Because of changing circumstances over the past several years, principally the effect that changing federal policies have had, and will have in the future, there is a need for a current assessment of all aspects of the role which Charity Hospital is playing, and which it should play in the future.

TO THAT END, and pursuant to the authority vested in me as Governor by the Constitution and laws of this state, I am hereby

establishing a task force on the future of Charity Hospital in New Orleans, and charge the task force as follows:

1. Evaluate the present role of Charity in the delivery of medical services in the New Orleans area, and identify and make recommendations with regard to the efficient delivery of medical services at Charity.

2. Assess, evaluate and make recommendations regarding the administration and management of Charity Hospital.

3. Survey, assess and evaluate the various studies and proposals which have been made with regard to the physical facilities of Charity Hospital

The task force should take into account the educational role of Charity as a teaching hospital associated with the Tulane and LSU medical schools, and how well Charity will continue to meet the needs of these two schools.

The task force is requested to provide me a report by January 16, 1984, in order that it may be considered prior to the next regular session of the Louisiana Legislature. However, I will welcome any interim report, particularly with respect to resolution of any current operational problems which may be identified in the course of the study and deliberations of the task force.

The task force should be made up of, but not limited to, the following:

Lee Frazier, State Representative and former director of Charity Hospital, Chairman

Charles Mary, M.D., former director of Charity Hospital

John Walsh, Chancellor, Tulane Medical School

Allen Copping, Chancellor, Louisiana State Medical School

Robert Burch, M.D., President of Orleans Parish Medical Society

Merril Hines, M.D.

Armand LeGardeur

Rosemary Loving

Mitty Terral

Paul Montelepre

Tipton McKnight, M.D., Deputy Secretary of DHHR.

The Department of Health and Human Resources shall provide whatever staff is necessary and appropriate for the task force, and all agencies of state government are hereby directed to cooperate fully in providing information and other assistance to the task force.

The task force shall be organized in the Department of Health and Human Resources.

IN WITNESS WHEREOF, I have herewith set my hand officially and consent to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 16th day of September, A.D., 1983.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER NO. DCT 83-21

WHEREAS, pursuant to Executive Order No. 83-13, a Task Force on Saltwater Finfish Management was created, and

WHEREAS, it has come to my attention that additional representation from interested groups is desired and appropriate while still maintaining a balance of interests being represented,

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, do hereby amend Executive Order 83-13

to add three additional members, one to be appointed to represent each of the following:

- (a) commercial fishing interests,
- (b) sports fishing interests, and
- (c) seafood restaurant interests.

IN WITNESS WHEREOF, I have herewith set my hand officially and consent to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 20th day of September, A.D., 1983.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER NO. DCT 83-22

WHEREAS, the United States Government, pursuant to Presidential Executive Orders 12372 and 12416, wishes to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for the State and local government coordination and review of proposed Federal financial assistance and direct Federal development; and

WHEREAS, the Louisiana State Planning Office, at my direction and in consultation with Federal, State, and local government officials, has developed a process for State and local government review and coordination of Federal financial assistance applications, Federally required State plans, and proposed Federal direct development activities; and

WHEREAS, the Louisiana State Planning Office, by its mandates in L.R.S. 49:1054 et seq., is the State's plan and program review and coordination agency, thereby making it the appropriate agency to administer the aforementioned review process;

NOW THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby order and direct the Louisiana State Planning Office to establish and maintain the process it has developed for State and local government review and coordination of Federal financial assistance applications, Federally required State plans, and proposed Federal direct development activities.

FURTHER, I, DAVID C. TREEN, Governor of the State of Louisiana, do, in accordance with the Federal agencies' regulations implementing the President's executive orders, designate the Louisiana State Planning Office through its Executive Director, as this state's single point of contact between the state and the Federal agencies, for purposes of carrying out this review process.

IN WITNESS WHEREOF, I have hereunto set my hand and officially caused to be affixed, the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 29th day of September, A.D. 1983.

David C. Treen
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Commerce Board of Examiners of Certified Shorthand Reporters

The Board of Examiners of Certified Shorthand Reporters, at a regular meeting held on September 29, 1983, unanimously adopted an amendment to Rule XI C, increasing the fee for renewal of certificates for 1983 from \$25 to \$50. The Board found that imminent peril to public welfare requires adoption of the Rule change as an Emergency Rule pursuant to R.S. 49:953B for the following reasons:

Until its amendment by Act 612 of 1983, R.S. 37:2558 limited the renewal fee to \$20. The board recognized long ago that it could not discharge its responsibilities to the state and to the public unless it could increase its fee collections. As soon as Act 612 of 1983 became effective the Board moved to increase its fee, but unless immediate relief is obtained it can no longer operate. Current liabilities slightly exceed current assets and without the increase in renewal fees the board will be forced to give up its office space and terminate its only (part-time) employee. Effective regulation of the court reporting profession will come to an end as will the Board's ability to administer the provisions of R.S. 37:2551 et seq.

Patrick M. Schott
Chairman

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting of September 22, 1983, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and adopted the following item as an Emergency Rule:

Revision of school credit for college courses in Vocational Education as required in Bulletin 741 (page 35-b) as follows:

HIGH SCHOOL CREDIT FOR COLLEGE COURSES IN VOCATIONAL EDUCATION

(Applies to Students Attending College Part-Time)

1. The granting of high school credit for college courses shall be limited to students who have earned 12 or more high school units of credit toward graduation.
2. These students shall be in attendance in at least one high school class while enrolled in college courses.
3. The principal of the school shall approve the advanced offering to be taken by the student in college.
4. The high school administrator shall establish a procedure with the college to receive reports of the students' class attendance and performance at six- or nine-week intervals.
5. The awarding of Carnegie units of credits will be in accordance with individual program requirements as stated in Bulletin 741.

If the course content is equivalent to the content of a vocational education course offering listed under Standards 2.105.23--2.105.31, the unit(s) of credit shall be reported on the student's transcript by that title. If the course content is not equivalent to a course listed under Standards 2.105.23 — 2.105.31, the unit(s) of credit shall be reported by the postsecondary title.

6. College courses shall be counted as high school subjects for students to meet eligibility requirements in order to participate in extracurricular activities governed by voluntary State organizations.

This item was adopted as an Emergency Rule because students from St. Bernard, Orleans and Jefferson Parishes are enrolled in Trade and Industrial Education courses at Delgado Community College. The present policies of Bulletin 741 do not allow these students to receive Trade and Industrial Education credit. Therefore, there was a dire need to revise Bulletin 741 and allow these students to continue in these programs; otherwise, the schools would have had to reschedule them at this late date into other courses.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Offices of Family Security, has exercised the emergency provisions of the Administrative Procedure Act, R. S. 49:953B, to adopt the following amendment to a Rule Published in Volume 8, Number 1, page 89 of the January 20, 1982 *Louisiana Register* regarding Retrospective Budgeting and Monthly Reporting in the Aid to Families with Dependent Children and Refugee Resettlement Programs. This amendment is adopted effective September 15, 1983 in order to timely implement provisions of this Rule.

EMERGENCY RULE

Beginning September 27, 1983, recipients whose cases were closed for failure to submit a complete monthly report by the final due date but who submit a complete monthly report by the tenth day of the next month, or the next working day if the tenth day of the month is a holiday or weekend shall have their eligibility for benefits determined without being required to reapply.

Office of Family Security policy shall be amended accordingly.

This Emergency Rule is necessary in order to comply with the decision entered August 23, 1983, in the *French vs. Fischer* suit, 81-4853, Section G, United States District Court, Eastern District of Louisiana.

Roger P. Guissingier
Secretary

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Offices of Family Security, has exercised the emergency provisions of the

Administrative Procedure Act, R.S. 49:953B, to amend the Emergency Rule promulgated on September 2, 1983, and published in the *Louisiana Register* Vol. 9, Number 9, dated September 20, 1983 regarding Retrospective Budgeting and Monthly Reporting in the Food Stamp Program as mandated by Federal Regulations 7 CFR 272 et seq., as published in the *Federal Register* of Tuesday, May 25, 1982, Vol. 47, No. 101, pages 22684-22701, regarding Monthly Reporting and Retrospective Budgeting. In order to timely implement the provisions of this Rule, this amendment is effective September 15, 1983.

RULE

Beginning September 27, 1983, recipients whose cases were closed for failure to submit a complete monthly report by the final due date but who submit a complete monthly report by the tenth day of the next month, or the next working day, if the tenth day of the month is a holiday or weekend, shall have their eligibility for benefits determined on the basis of the information supplied in that report without being required to reapply.

The Office of Family Security policy shall be amended accordingly.

This Emergency Rule is necessary as a result of the decision entered August 23, 1983, in the *French vs. Fischer* suit, 81-4853, Section "G", U.S. District Court, Eastern District of Louisiana.

Roger P. Guissingier
Secretary

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 exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 B, to adopt the following Rule in the Food Stamp Program as mandated by federal regulations as published in the *Federal Register*, Tuesday, June 21, 1983, Vol. 48, No. 120, pp. 28190-28193. The Rule entitled "Standard Utility Allowance for the Food Stamp Program" which was published in the *Louisiana Register* of February 20, 1983, Vol. 9, No. 2, page 64, is hereby amended.

Effective October 1, 1983, the standard utility allowance in the Food Stamp Program shall be \$145.

A cooling cost is a verifiable utility expense relating to the operation of air conditioning systems or room air conditioners.

It is necessary to adopt this Emergency Rule to allow for timely implementation of federally mandated regulations.

Roger P. Guissingier
Secretary

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 exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, to adopt the following amendment to a Rule published in Volume 8, Number 1, Page 89 of the January 20, 1982, *Louisiana Register* regarding

Retrospective Budgeting and Monthly Reporting in the Aid to Families with Dependent Children and Refugee Resettlement Programs. This amendment is adopted effective September 15, 1983, in order to timely implement the provisions of this Rule. This amendment is authorized by 45 CFR 233.37 (c) as published in the *Federal Register* of Friday, February 5, 1982, Volume 47, Number 25, pages 5679 and 5680.

EMERGENCY RULE

Beginning October 1, 1983, timely reporting for AFDC and Refugee recipients shall be defined as follows:

AFDC and Refugee recipients will meet the timely requirement if:

(1) Changes in circumstances are reported within 10 days of the knowledge of the change

AND

(2) Earned income is reported and verified monthly on a monthly report received by the monthly reporting timely due date.

If an AFDC or Refugee recipient fails without good cause to report earned income in accordance with the above, the earned income disregards shall not be applied to the earning not timely reported.

GOOD CAUSE

Good Cause (reason) for failure to timely report in accordance with the above shall exist when circumstances beyond the recipient's control, which could not have reasonably been anticipated, prevent the client from timely reporting.

OFS policy shall be amended accordingly.

This Emergency Rule is necessary in order to comply with the decision entered August 23, 1983, in the *French vs. Fischer* suit. 81-4853 Section G, U.S. District Court, Eastern District of Louisiana.

Roger P. Guissing
Secretary

Rules

RULE

Department of Commerce Board of Examiners of Certified Shorthand Reporters

The Board of Examiners of Certified Shorthand Reporters, pursuant to Notice of Intent published in the *Louisiana Register* on April 20, 1983, and in accordance with the authority granted under La. R.S. 32:2551, et seq., adopted the following Rules and Regulations at a public hearing held on September 29, 1983, at 7:30 p.m. at the offices of the Board, 4441 Utica Street, Suite 200, Metairie, LA. 70002:

RULES AND REGULATIONS OF THE BOARD OF EXAMINERS OF CERTIFIED SHORTHAND REPORTERS

I. APPLICATION FOR CERTIFICATION

An applicant for a certificate shall file an application on a form provided by the Board, accompanied by any applicable fees, and such evidence, statements or documents required by said

form. If an examination is required, said application must be filed with the Board at least 14 days prior to an examination date. A new application is required for each examination.

II. QUALIFICATIONS FOR CERTIFICATION

Any person over the age of 18 years, who has not committed any acts or crimes constituting grounds for suspension or revocation of license described in R.S. 37:2557(A), who has a high school education or its equivalent as determined by the Board, and who has satisfactorily passed the examination described in Section III below, shall be entitled to a certificate.

III. EXAMINATIONS

A. Applications for Examinations

1. Examinations shall be held at such times and places as the Board may designate.

2. Applications must be received by the Board at least 14 days prior to the examination date.

3. In order to qualify to take an examination, the applicant must present a certificate from a licensed court reporting school, certifying that the applicant has passed a qualifying examination. The qualifying examination must consist of five minutes of two-voice testimony, new material, at 225 words per minute, standard word count, with 95 percent accuracy. The qualifying examination must be taken within one year of the Board examination date.

4. Applicants who have been found to be qualified for the examination shall be notified in writing of the time and place of their assigned examination.

5. An applicant who fails to timely appear for examination after being notified of his eligibility shall be deemed to have abandoned his application. In order again to become eligible for an examination, such person shall file a new application, and otherwise comply in all respects with the provisions of the Act and these regulations in the same manner as required of an original applicant.

6. An applicant who commences but does not finish his assigned examination, or who otherwise fails such examination, shall not be eligible for any future examination except upon filing a new application and otherwise complying in all respects with the provisions of the Act and these regulations in the same manner as required of an original applicant.

B. Examination to Be Under Direction of the Board

1. The examination shall be under the direction and control of the Board, but the Board may employ assistants to prepare the questions, conduct the examination and submit recommended grades.

2. Examination questions, together with the answers or keys, shall not be disclosed prior to the announced results of the examination.

3. The identity of each candidate shall be and remain unknown to the Board until after final results are announced. Before the commencement of the examination an identifying number shall be assigned to each candidate. The candidate shall enter such number on each group of papers used in the examination and shall not enter his name at any place on the examination papers.

C. Notification

Each examinee shall be notified in writing whether he has passed or failed the examination.

D. Content of Examination

The examination shall consist of (i) A general knowledge test; (ii) Dictated tests at the following speeds: (aa) Five minutes at 180 WPM (Literary, one voice); (bb) Five minutes at 200 WPM (Jury charge, one voice); (cc) Five minutes at 225 WPM (Q & A, two voices).

The medical portion of the general knowledge test will consist of the dictation of 25 medical terms, to be transcribed with the use of a medical dictionary or any other reference materials

applicant desires to bring, and will be dictated immediately following the dictated tests. The sections of the general knowledge test on English grammar, spelling, punctuation and legal terminology will be multiple choice and the use of reference materials will not be allowed. These sections along with the dictated medical section will constitute 100 percent of the general knowledge test.

Completion time for the written general knowledge test is one hour. One and one-half hours is allowed for transcribing each of the three segments of the dictated tests. Transcription time for the medical section is one hour. Transcripts must be typed.

Candidates may be required to read aloud any part of the dictated matter required by the Board.

No candidate will be allowed to use electronic recording equipment, except stenomask, during the examination.

Upon completion of the examination all shorthand notes, transcripts and other examination papers shall become the property of the Board

E. Grading of Examination

Each candidate's examination will be graded on the basis of his ability to accurately transcribe his notes; the time occupied in the transcription; his knowledge of court reporting procedure and its related terminology, spelling, and punctuation; and the general style of the transcript.

Seventy-five percent accuracy is required on the general knowledge test.

Ninety-five percent accuracy is required on the dictated and transcribed portions of the test.

If an examinee passes one portion of the examination (general knowledge portion or dictated portion) but fails the other, he will be exempt from taking the passed portion at the next examination. If the failed portion is not passed at that examination, both portions must be taken thereafter.

For purposes of grading, errors will be assessed in accordance with the guidelines accepted by the National Shorthand Reporters Association.

F. Review of Examinations

Examinees will have a period of 90 days from the release of the test results to review examinations in the offices of the Board. Written notification of an examinee's intent to review his examination must be received at the Board's office five days prior to the review of the examination. Examinations may be reviewed only during normal working hours.

G. Failure of Examination

1. Petition for Regrading. Within 15 days after receipt of notice from the Board that applicant has failed the examination, the applicant may petition for regrading by sending a written notice of the request for regrading to the Board.

2. Review Committee. Within 30 days of receipt of a petition for regrading, the Board shall submit applicant's examination to a Review Committee approved by the Board.

3. Regrading Procedure. The applicant's prenumbered examination shall be submitted to the Board with no indication as to applicant's identity. The Review Committee shall review the entire examination of any applicant requesting a regrading. The Review Committee may raise applicant's grade, leave the grade as originally determined by the graders, or lower the grade.

4. Request for Hearing. If the applicant is not satisfied with the results of the Review Committee's action, the applicant may request a hearing before the Board. Such request for hearing shall be in writing and shall be filed with the Board within 10 days after receipt of notice of the Board.

5. Hearing Procedures. The rules set forth in Section X hereof shall govern appeals taken by an applicant who fails an examination.

H. Reapplication to Take Examination

An applicant denied certification by reason of failure to pass

the examination administered by the Board may apply for re-testing at any time such tests are conducted in the future.

IV. NSRA EXAMINATIONS

The Board will accept as an examination under Section 2554 A an NSRA-RPR and/or a CM examination with the equivalent or higher standards than the CSR examination given in January 1983. Upon proper application, and upon satisfactory proof that applicant has passed such an examination, a certificate shall be issued.

V. EXPIRATION OF CERTIFICATE

All certificates shall be suspended as of 12 p.m. on December 31 of each year if not, in each instance, renewed. To renew a certificate, the certificate holder shall, on or before the date on which the certificate would otherwise be suspended, pay the renewal fee established by the Board. A suspension under this paragraph shall be effective until all delinquent fees have been paid in full.

VI. TEMPORARY CERTIFICATES

A. Upon proper application, those persons who are practicing general reporting or free lance reporting and who hold a valid C.S.R. Certificate from another state, will be issued a 15 month temporary certificate.

B. Upon a proper application, those persons who present satisfactory proof of passing a qualifying examination as defined in Paragraph II.A.3. of these Rules will be issued a temporary certificate which shall expire upon receipt of the results of the next CSR examination. Provided, however, that if such an application is received within the 30 days preceding a CSR examination, such temporary certificate will expire on release of the test results from the second CSR examination given subsequent to the filing of the application.

VII. CAUSE FOR SUSPENSION, REVOCATION, OR NON-ISSUANCE OF CERTIFICATE

The causes for suspension, revocation, or non-issuance of certificate shall consist of one or more of the following:

A. Conviction of a felony;

B. Conviction of misdemeanor involving moral turpitude;

C. Fraud, dishonesty, corruption, willful violation of duty, or gross incompetency in the practice of the profession.

VIII. HEARINGS

The Board may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation, investigate the actions of any person who applies for, or holds or represents that he holds a certificate. Such person is hereinafter called the accused.

The Board shall, before refusing to issue, suspending or revoking any certificate, at least 10 days prior to date set for the hearing, notify in writing the accused of any charges made and shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by delivery of the same personally to the accused person, or by mailing the same by registered or certified mail to the address last theretofore specified by the accused person in his last notification to the Board. At the time and place fixed in the notice, the Board shall proceed to hearing of the charges and both the accused person and the complainant shall be accorded ample opportunity to present in person, or by counsel, such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Board may continue such hearing from time to time. If the Board shall not be sitting at the time and place fixed in the notice or at the time and place at which hearing shall have been continued, the Board shall continue such hearing for a period not to exceed 30 days.

A. Subpoena of Witnesses-Administration of Oaths.

The Board shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Chairman, and any member of the Board shall each have power to administer oaths to witnesses at any hearing which the Board is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Board.

B. Attendance of Witnesses.

Upon the application of the accused person or complainant or of the Board, by order duly entered, the Board may require the attendance of witnesses and the production of relevant books and papers before the Board in any hearing relative to the application for or refusal, recall, suspension or revocation of certificate or registration, and the Board may compel obedience to its order by proceedings for contempt.

C. Record of Proceedings.

The Board, at its expense, shall provide a shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate may be revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motion filed in the proceedings, the transcript of testimony, the report of the Board and the orders of the Board shall be the record of such proceedings. The Board shall furnish a transcript of such record to any person interested in such hearing upon payment therefor of \$3 per page for each original transcript and \$1.50 per page for each carbon copy thereof ordered with the original.

D. Report of Findings and Recommendations.

The Board shall present to the Chairman its written report of its findings and recommendations. A copy of such report shall be served upon the accused person and the complainant, either personally or by registered or certified mail.

E. Appeal.

An appeal of the decision of the Board must be filed with a court of competent jurisdiction within 30 days from notice of either suspension, revocation, or refusal.

F. Expiration of Appeal Time.

At the expiration of the time specified for filing an appeal in a court of competent jurisdiction the Chairman shall have the right to take the action recommended by the Board. Upon the suspension or revocation of a certificate, certificate holder shall be required to surrender his certificate and seal to the Board, and upon his failure or refusal so to do, the Board shall have the right to seize the same.

G. Restoration of Certificate.

At any time after the suspension or revocation of any certificate, the Board may restore it to the accused person without examination but only at an official meeting of the Board, after written notice, and by vote of a majority of the members of the Board present and voting.

H. Other Remedies.

Nothing herein shall be deemed to limit the Board's authority to seek enforcement of the law through a court of competent jurisdiction.

IX. FEES

The following fees shall be paid the the Board:

A. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate as a certified shorthand reporter is \$30. Any applicant failing to pass his examination shall have the right to be reexamined once within two years without further fee.

B. The fee to be paid upon the issuance of a certificate or registration without examination is \$30.

C. The fee to be paid upon the renewal of the certificate or registration is \$20.

D. The fee to be paid for the reinstatement of a certificate shall be the payment of all delinquent fees.

E. The fee to be paid for regrading an examination shall be \$30.

Patrick M. Schott
Chairman

RULE

**Department of Commerce
Office of Financial Institutions**

Pursuant to authority granted by LSA-R.S. 6:170, the Commissioner of Financial Institutions adopts the following Rules for the purpose of providing a record retention schedule for those banks subject to his supervision.

Rule

Bank Records Retention Schedule

1. The following periods of time for the retention of records shall apply to all banks subject to the supervision of the Office of Financial Institutions:

TYPE OF RECORD	RETENTION PERIOD
Accounting and Auditing	
Accrual Records	3 years
Assessment Report	7 years
Audit Reports	2 years
Bank Call Reports	3 years
Bills Paid/Expense Vouchers	10 years
Consolidated Financial Statements	10 years
Daily Reserve Computation	1 year
Difference Record	2 years
Income and Dividends	3 years
Reconcilements of Bank (due to) Reports	1 year
Reconcilements - Bank Control Records	1 year
Reports to Directors/Executive Committee	6 years
Securities Vault (in and out tickets)	1 year
Tax Records	7 years
Fixed Asset Record	permanent

Administrative	
Attachments/Garnishments	2 years from close
Bank Examiners Reports	permanent
Chargeoff Asset Records	5 years
Court Case Records	10 years from close
Minute Books of Meetings	permanent
Articles of Incorporation, By-laws	permanent
Insurance Records	10 years
Capital	
Stock Certificates (records, stubs, receipts)	10 years
Stock ledger	permanent
Stock Transfer Ledger	10 years
Dividend Checks/Register	6 years
Proxies	3 years
Deposits - Certificate of Deposits	
Certificates Paid	5 years
Ledger Cards, Computer Cards, Reports	5 years
Trial Balance	5 years
Deposits - Checking	
Account Analysis	3 years
Checks Paid (microfilm)	6 years
Deposit Tickets (microfilm)	6 years
Daily Report of Overdrafts	4 years
Short Lists (bookkeepers daily list of checks charged in total to customer accounts)	2 years
Undelivered Statements	5 years
Stop Payment Orders	2 years
Resolutions	10 years
Signature Cards (closed accounts)	10 years
Statement Receipt Cards	2 years
Deposits - Savings	
Signature Cards (closed accounts)	10 years
Deposit and Withdrawal Slips	5 years
Ledger Sheets	5 years
Regulation E Statement of Compliance	2 years
Trial Balances (if no alternate record)	5 years
Christmas Club Accounts	5 years
Collections	
Collection Receipts (carbon)	2 years
Installment Contract Records	3 years
Letters	1 year
E or EE Bond Materials	2 years
Loans	
Applications - Accepted	5 years
Applications - Rejected	25 months
Collateral Purchase Agreements	7 years
Credit Files (closed)	5 years
Statement of Borrower (federal regulation U, Z, etc.)	5 years
Liability Ledger	5 years
Loan Committee Minutes	10 years
Note or Discount Register/Tickler	5 years
Journal as Original Entry Book	5 years
Resolutions	5 years
Coupon Receipts (collateral)	10 years
Bankruptcy Notices	permanent
Letter of Credit Applications/Ledger Sheets	6 years
Customer Service	
Broker Correspondence	2 years
Night Depository Receipts	1 year
Safekeeping Records	5 years
Credit Cards	
Applications	2 years
Sales Tickets (microfilm)	5 years

Statements (microfilm)	5 years
Merchants Agreements (closed)	2 years
Accounts	2 years
Credit File (closed)	5 years
Due From Banks	
Advices from Correspondent	6 months
Bank Statements	2 years
Drafts	5 years
Draft Register	5 years
Reconcilements Register	1 year
Due to Banks	
Copies of Advices	optional
Country Bank Ledger	5 years
Cash Letters	2 years
Resolutions, Signature Cards	5 years
General Ledger	
General Journal (if book of original entry)	5 years
General Ledger Sheets	15 years
General Ledger Tickets	5 years
Official Checks and Drafts	
Cashier Checks (paid)	5 years
Cashier Checks Register	5 years
Certified Checks (paid)	5 years
Certified Checks Register	5 years
Drafts and Register	5 years
Expenses Checks (paid) and Register	5 years
Expenses Vouchers	6 years
Money Orders and Registers	5 years
Personnel	
Attendance Records	3 years
Records for Employees (terminated)	6 years
Applications Rejected	2 years
Salary Ledger	3 years
Salary Receipts	3 years
Affirmative Action Records	6 years
EEO Information	permanent
OSHA Reports	5 years
W-2, Etc.	5 years
Safe Deposit Vault	
Access Tickets	2 years
Cancel Signature Cards (closed account)	10 years
Copies of Rent Receipts	2 years
Leases or Contracts, Closed Accounts	2 years
Correspondence	2 years
Records and/or Contents of Drilled Box	10 years
Registered Mail Record	3 years
Trust Department	
Advices of payment	
Securities Department Bond and Coupon Collections	6 months
Amortization schedules	Destroy when securities are disposed of
Buy and Sell Orders	3 years
Canceled Bonds and Canceled Coupons	return to issuing corporation or cremate, retaining receipt or cremation certificate until the account is closed
Cash Trial Balances	6 months
Corporate Trust Ledger	7 years
Correspondence	
Corporate Trust (bond issues)	3 years
Dividend	3 years

General	3 years
Irregular Transfer	3 years
Cost, Cards, Securities	5 years
Coupon Collection Record	3 years
Coupon Envelopes	3 years
Daily Statement of Trust Department	3 years
Dividend Check Tapes (adding machine)	optional
Dividend Record Cards (closed)	8 years
Dividend and Coupon Ledger	until closed
Dividend and Interest Disbursement Checks	5 years
Dividend and Interest Disbursement List	optional
Document Files	3 years
Fee Cards	until closed
Journal Sheets, Accounting Division and Stock Transfer	5 years
Ledger Records: asset ledger, cash ledger, investment ledger; stock transfer ledger and mutual income foundation	5 years after close
Listing for Form 1099	1 year after filing
Minute Books, Trust Committee and Trust Investment Committee	50 years
Original Trust Entries (daily debits and credits and multiple forms)	2 years
Paid Invoices: tradesman, professional (excluding attorney) and miscellaneous	3 years
NOTE: In probate accounts retain three years after expiration of time of appeal from order closing account.	
Probate Slips	destroy original when account is closed destroy duplicate after circulation
Registered Mail Report	3 years
Registered Journals	until closed
Rent Collections, Mortgage and Land Contract Collection (file accountant's copy)	5 years
Signature Files	7 years
Stock Transfer Change-of-address Authority	3 years
Stock Transfer Memos	2 years
Stock Transfer Receipts	3 years
Stockholders List	optional
Supporting Papers to Transfers	10 years
NOTE: Except recorded instruments and agreement from banks - return to transferor.	
Surety Bonds	10 years
Tax Returns	
Ad Valorem Tax Returns	2 years after filing
Estate Tax Returns	15 years after filing
Federal and State Income Tax Returns	5 years after filing
Intangible Tax Returns	2 years after filing
Social Security Returns	5 years after filing
Tellers' Daily Blotter	18 months
Transfer Instructions	5 years
Transfer Journal Tapes	2 years
Transfer Tax Waivers	until closed
Trust Checks	until closed
Trust Register	until closed
Vouchers, Probate Trust	3 years after expiration of time of appeal from order closing account

2. The provisions of this Rule shall apply to National banks to the extent permitted by federal law.

Hunter O. Wagner, Jr.
Commissioner

RULE

**Department of Culture, Recreation and Tourism
Office of Cultural Development
Division of the Arts**

The Department of Culture, Recreation and Tourism, Office of Cultural Development, Division of the Arts, and Louisiana State Arts Council, pursuant to the authority in LRS 49:951, et seq., Act 687 of 1983, and in accordance with the Notice of Intent published in the July 20, 1983 issue of *Louisiana Register*, adopted the amendments to the program guidelines for the funding and administration of the state's arts grant program.

Copies of the complete set of grant program guidelines, as amended for 1984-85, are available from the Division of the Arts, 666 North Foster, Baton Rouge, LA. The revisions of the guidelines for 1984-85 consist of: Changing deadlines and requirements for submitting applications for grants-in-aid, including a change from two to one deadline per year for Sponsorship applications; changing the name from "Sponsorship" to "Presenter" program and adding a new professional advisory panel for reviewing Presenter applications; adding a new Folklife Program; changing base of allowable request under Block Grant Program to 25 percent of organization's prior year actual income instead of prior year actual expenditures; establishing a set amount of \$5,000 for each artist fellowship under newly specified categories; adding a "State-Local Partnership Program" under Special Services; and other minor changes of a technical nature to clarify and/or improve narrative in current guidelines.

Interested persons may obtain a copy of the revised *Program Guidelines for State Arts Grants: 1984-85* by written request from the Division of the Arts, Box 44247, Baton Rouge, LA 70804.

Mrs. Lawrence H. Fox
Secretary

RULE

**Department of Health and Human Resources
Board of Examiners for Nursing Home Administrators
(Louisiana R.S. 37:2501-2511)**

In accord with provisions of the Administrative Procedure Act, R.S. 49:951 et seq., the Louisiana State Board of Examiners for Nursing Home Administrators has adopted the following Rules and Regulations relating to the practice of nursing home administration.

The following Rules and Regulations are adopted:

RULE 10: C

"The Board may periodically conduct courses on Nursing Home Administration, especially designed for licensure applicants, when the demand is sufficient to defray expenses. Applicants who desire this course will pay \$5 per hour of instruction."

RULE 27: Code of Ethics

"Every person licensed as a nursing home administrator shall subscribe to and practice by the Code of Ethics established by the Board. The Board shall supply Code of Ethics forms to each administrator."

Winborn E. Davis
Executive Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security, adopts the following amendment to a Rule published in Volume 8, Number 1, Page 89 of the January 20, 1982 *Louisiana Register* regarding Retrospective Budgeting and Monthly Reporting in the Aid to Families with Dependent Children and Refugee Resettlement Programs. This amendment is authorized by 45 CFR 233.36 (a) and (b) as published in the *Federal Register* of Friday, February 5, 1982, Volume 47, Number 25, Page 5679. This Rule formally adopts the Emergency Rule published in the September 20, 1983, *Louisiana Register*, Volume 9, Number 9, Page 608.

Effective October 1, 1983, only AFDC and Refugee Resettlement recipients included in certifications with the following characteristics shall be included in Monthly Reporting:

- (1) Earned income.
- (2) Stepparent in the home.
- (3) Voluntary Contributions.
- (4) Unemployment compensation.
- (5) Certifications in which deprivation is based on incapacity.
- (6) Cases with recent work history (defined as those cases certified in which any member of the income unit was employed within the three prior months).

(7) AFDC and Refugee Resettlement cases in which the payee is the head of an NPA Food Stamp household required to monthly report.

(8) Cases losing characteristics (1) through (5) above will remain in monthly reporting for 3 months subsequent to the loss of the characteristic.

NOTE: AFDC and E related Medically Needy Program certifications and discontinued AFDC and E type cases are excluded from Monthly Reporting. AFDC categories to be included in Monthly Reporting are based on waiver requests submitted to and approved by the United States Department of Health and Human Resources.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security, hereby amends the Title XIX State Plan, Methods and Standards for Payment for Medical and Remedial Care and Services - Skilled Nursing and Intermediate Care Facilities.

Effective July 28, 1983, Attachment 4.19-D, Page 103 after paragraph 4 and Page 114 after paragraph 4 D. was amended as follows:

RULE

Page 103.

5. For the FY 1983-84 only, rates established for the FY 82-83 shall apply.

Page 114.

4.E. For the FY 1983-84 only, rates established for the FY 82-83 shall apply.

The intent of the regulation is to ensure reasonable rates for care provided during the FY 83-84.

As a result of problems identified in establishing allowable costs and the time required to resolve these conflicts, this method is established.

This Rule became effective July 28, 1983, by use of the Emergency Rulemaking provision of the Administrative Procedures Act. The Emergency Rule was published in the August 20, 1983, issue of the *Louisiana Register*, Volume 9, No. 8, page 533.

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, shall adopt amendments to the following Rules regarding Retrospective Budgeting and Monthly Reporting in the Food Stamp Program as mandated by Federal Regulations 7 CFR §271 et. seq., as published in the *Federal Register* of Tuesday, May 25, 1982, Vol. 47, No. 101, pp. 22684-22701 regarding Monthly Reporting and Retrospective Budgeting. This Rule formally adopts the Emergency Rule published in the *Louisiana Register*, September 20, 1983, Vol. 9, No. 9 pages 608-609.

Rule

The Rules entitled "Implementation of Monthly Reporting and Retrospective Budgeting in the Food Stamp Program", which were published in the *Louisiana Register* Vol. 8, No. 7, page 342, dated July 20, 1982, and in Vol. 8, No. 12, page 649, dated December 20, 1982, are hereby amended in their entirety.

A. Effective October 1, 1983, only the following Food Stamp households shall be required to monthly report:

(1) Households containing at least one member receiving earned income.

(2) Households containing at least one member receiving contributions.

(3) Households containing at least one member receiving Unemployment Compensation Benefits.

(4) Households whose head of household is required to monthly report for AFDC purposes.

(5) Households containing at least one member who is subject to work registration and who has recent work history. "Recent Work History" is defined as having been employed within the three months prior to the month of application.

Households in Mail Codes 10 and 11 with one of the above characteristics will continue to monthly report without interruption.

Any household which loses one of the stated Monthly Reporting inclusion characteristics will remain in Monthly Reporting for three months subsequent to the loss in accordance with OFS policy.

Food Stamp recipients subject to monthly reporting will be required to submit a monthly report of household circumstances including verification of income to the local Office of Family Security (OFS).

The monthly reports shall be submitted to the local Office of Family Security by the tenth day of each month or the next working day if the tenth is a holiday or weekend. Failure to submit a complete report, including verification each month, may result in suspension or closure of the case.

Migrant farmworker households, as defined in Section 12-200 of the OFS Food Stamp Program Operating Guidelines, shall not be subject to the monthly reporting requirement, while in the migrant job stream.

Households that have no earned income and in which all adult members are elderly or disabled as defined in Section 12-200 of the Food Stamp Program Operating Guidelines shall not be subject to the monthly reporting requirements.

The categories of recipients to be included in Monthly Reporting are based on a waiver received from the United States Department of Agriculture.

(B) Effective October 1, 1983, all food stamp households shall be subject to retrospective budgeting except migrant farmworker households, as defined in the Section 12-200 of the OFS Food Stamp Program Operating Guidelines, while in the migrant job stream.

Eligibility will be determined prospectively. The amount of benefits for food stamp recipients will be based on the actual income or circumstances which existed in the second prior month, with the exception of the following types of income which require special treatment:

(1) Income from self-employment which is received other than monthly shall be annualized as set forth in the OFS Food Stamp Program Operating Guidelines, Section 12-239;

(2) Annual income received by contract in less than one year shall be prorated over the period the income is intended to cover as set forth in the OFS Food Stamp Program Operating Guidelines, Section 12-237; or

(3) Non-excluded scholarships, deferred educational loans, fellowships, veterans educational benefits, and other educational grants shall be prorated over the period they are intended to cover as set forth in the OFS Food Stamp Program Operating Guidelines, Section 12-236.

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources Office of Family Security

The Louisiana Department of Health and Human Resources (DHHR), Office of Family Security has amended the application for the Low Income Home Energy Assistance Program (LIHEAP) Block Grant federal funding for FY 1983-84 by adding a new Section I to the Block Grant application as follows:

RULE

I. Low cost weatherization activities are provided through the Weatherization Assistance Program administered by the Louisiana Department of Urban and Community Affairs, Office of Community Services. Fifteen percent of the Low Income Home Energy Assistance Program's total Block Grant amount will be allocated to the Department of Urban and Community Affairs for residential weatherization of eligible low income households.

The LIHEAP Block Grant is administered in accordance with Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, and with federal regulations as set forth in the *Federal Register* Vol. 47, No. 129, Tuesday, July 6, 1982, pages 29472-29493.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security hereby adopts the following Rule in the Medical Assistance Program.

Rule

Effective for service beginning November 1, 1983, the Medical Assistance Program shall increase the amount paid for mileage for Ambulance Transportation providers to \$2 per mile. Emergency mileage is not to exceed 25 miles beyond the provider's geographical base region. In exceptional situations approval for payment of mileage in excess of 25 miles may be approved by the State Office of Family Security if evidence is submitted by the provider which clearly establishes that the hospital is the nearest one with appropriate facilities for the necessary care.

Roger P. Guissinger
Secretary

RULE

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

The Office of Family Security in coordination with Office of Human Development and Department of Labor shall implement the Work Incentive Program in East Baton Rouge parish effective November 1, 1983.

The Work Incentive Program (WIN) is currently operative in Caddo, Ouachita, Rapides, and Orleans Parishes. The WIN Program is a means of assisting parents or other relatives supporting dependent children to develop the capability for obtaining employment which will lead to self-support and ultimate removal from the welfare rolls. The WIN Program is regulated by 45 CFR 224. The WIN Program in East Baton Rouge will be governed by existing WIN Policy.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of the Secretary, Division of Narcotics and Dangerous Drugs, has adopted the following revisions to Regulations pertaining to Controlled Dangerous Substances as authorized by R. S. 40:972.

PART I

Section 1

(a) Licensing of manufacturers, wholesalers, distributors, researchers or dispensers of controlled dangerous substances. Any person who manufactures, distributes or dispenses controlled dangerous substances must be licensed by the State Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs, as of the anniversary date of initial licensing each year.

(b) Any person who engages or proposes to engage in any of the activities mentioned in "a" above in more than one establishment where controlled dangerous substances are routinely stored (warehoused) must hold a valid license for each such establishment.

(c) Exemption from license requirements:

1) A workman contract carrier, warehouseman or any employee thereof whose handling of controlled dangerous substances is in the usual course of his business or employment.

2) Any person who obtains or possesses a controlled dangerous substance pursuant to a valid prescription, either for his own use or for the use of a member of his household or for administration to an animal owned by him or by a member of his household.

3) A pharmacist who dispenses controlled dangerous substances in a pharmacy which has been licensed by the State Board of Pharmacy, and has a valid narcotic license issued by the State of Louisiana, Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs.

4) An agent or employee of any licensed manufacturer, distributor, wholesaler, dispenser or researcher in the course of his employment and only in the premises of his employer, but not a sales representative, detail man or manufacturer's medical service representative.

Section 1.1 Term of license.

This license shall be issued on a yearly basis and shall extend for one year from the date of its issuance, unless sooner revoked in accordance with the provision of the Uniform Controlled Dangerous Substance Law and the regulations, and shall be renewed annually thereafter on the anniversary of its issuance unless revoked, suspended, or surrendered in the interim.

Section 2 Applications for Licensure.

Persons wishing to obtain a license to engage in any activity for which a license is required must send an application to the State Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs. This form is obtainable at the Division of Narcotics and Dangerous Drugs Office, Box 3776, Baton Rouge, LA 70821.

Section 2.1

The application shall be completed in full by the applicant and forwarded to the Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs at least 30 days prior to the expiration date stated in his current license. The applicant will enclose a check or money order (no cash) made payable to the State of Louisiana in an amount proportional to his class of business which shall be as follows:

(a) Manufacturer	\$100.00
Broker	50.00
Hospital	50.00
Wholesaler (Distributor)	50.00
Practitioner	20.00
Researcher	30.00
Manufacturer's Medical Service Representative (also known as Detail Man or Sales Representative)	20.00

(b) Persons who knowingly or intentionally submit a false or fraudulent application, or an application any part of which is false or fraudulent, shall be deemed to have committed a prohibited act under Section 975 of the Act.

Section 3 Denial of application for license.

(a) The Secretary of the Department of Health and Human Resources may deny application for license if the applicant has committed a prohibited act under Section 975 of the Act, or if he has not qualified as provided in these regulations.

(b) If the Secretary of the State Department of Health and