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# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Agriculture Market Commission

Notice is hereby given that, because of severe adverse economic impact on small businesses in the meat industry of Louisiana, the Louisiana Department of Agriculture, State Market Commission, under the authority of LSA 49:953 B, took the following action at its public hearing on August 5, 1981:

#### Suspension of Rule

Rule 7.4 of the State Market Commission's Rules and Regulations for Certification of Official State Grades of Meat and Meat Products is hereby suspended on an emergency basis to be effective immediately.

Bob Odom  
Commissioner of Agriculture

## DECLARATION OF EMERGENCY

### Department of Agriculture State Entomologist

Source: Acts 1910 No. 36 §2, Acts 1948 No. 57 §2. Title 3: Part II Crop Pests and Diseases, Sections 1651, 1652, 1653 and 1654.

Rule Title: Mediterranean Fruit Fly Rule and Quarantine Specific Reasons For Finding An Immediate Danger To The Public Health, Safety and Welfare

This rule is promulgated to provide a quarantine on the importation of host plants and materials from the State of California or any infested areas to Louisiana and to specify the conditions under which regulated articles have been treated by fumigation or cold treatment and certified as free of the Mediterranean fruit fly.

On July 8, 1981, at a joint meeting of the technical council in California and the U.S. Department of Agriculture, a recommendation was made for the aerial application of Malathion to aid in the eradication program.

The introduction into Louisiana of a single Mediterranean fruit fly larvae-infested orange, peach, grape, nectarine or tomato or any of the many other host plants from California would be sufficient to cause an infestation in the State of Louisiana which may require millions of dollars to eradicate and cause substantial financial damage to Louisiana agricultural interests. Due to the warm semi-tropical climate in Louisiana, this pest may, if allowed to enter the state, become established and overwinter, thereby causing great economic damage on an annual basis. It could also serve as a breeding ground for new infestations to either spread throughout the state or to adjacent states.

In view of the specific facts and reasons above mentioned, and in accordance with the Constitutional and statutory authority of the Commissioner of Agriculture and the Louisiana Department of Agriculture (see Louisiana R.S. 3:1651-1652 Part II), the Commissioner of Agriculture does hereby find that an immediate danger to the public health, safety and welfare exists and declares a quarantine on California host plants and materials as set forth in the emergency rule hereby promulgated.

A copy of the emergency rule may be obtained by writing to Winston Riddick, Legal Office, Department of Agriculture, 21st Floor, The State Capitol, Baton Rouge, Louisiana 70804.

- I. Definitions
- II. Purpose of Rule
- III. Areas Quarantined
  - A. Areas Quarantined by Promulgation of this Rule
  - B. How Additional Areas Will be Added to List of Quarantined Areas
  - C. How Areas Will be Removed from List of Quarantined Areas
- IV. Products Quarantined
- V. Actions to be Taken by Louisiana Agriculture Inspectors
  - A. State Borders
  - B. Produce Establishments
- VI. Penalties for Violation of Quarantine

I. **Definitions.** For the purpose of this chapter, the definitions in Section 581.011, F.S., and the following definitions shall apply:

(1) Certificate. An official document stipulating compliance with the requirements of the Louisiana Department of Agriculture or the United States Department of Agriculture.

(2) Citrus. All members of the subfamily Aurantioideae, of the family Rutaceae according to Swingle and Reese, including any parts thereof.

(3) Common carrier. An individual or corporation licensed to transport persons, goods, or messages for compensation.

(4) Host plant. A plant or part thereof known or suspected to be capable of harboring or transporting Mediterranean fruit fly in any of its stages.

(5) Infested. Actually harboring Mediterranean fruit fly in any of its stages or so exposed to infestation by Mediterranean fruit fly that it is reasonable to believe that an infestation could exist.

(6) Interstate movement. Movement from Louisiana to another state or from another state to Louisiana.

(7) Mediterranean fruit fly. The insect known as the Mediterranean fruit fly, *Ceratitidis capitata* (Weideman), in any stage of its development.

(8) Regulated area. Any state or portion thereof and any portion of the State of California, any county, precinct, city and other minor civil division designated by order of the Department, the USDA, or the affected state as an area infested with or regulated due to the presence of the Mediterranean fruit fly.

(9) Regulated articles. Any article, including soil, capable of transporting or harboring the Mediterranean fruit fly.

(10) Shipment or shipments. The act or process of transferring or moving products from one point to another, or the products being transferred or moved.

(11) USDA. United States Department of Agriculture, Animal and Plant Health Inspection Service (APHIS).

(12) Quarantined Area. Means any geographical area designed in the official State Journal by the Commissioner of Agriculture and the State Entomologist as being an area infested by the Mediterranean fruit fly.

II. **Purpose of rule.** The purpose of this rule is to prevent introduction of the Mediterranean fruit fly, *Ceratitidis capitata*, into the State of Louisiana. Due to the presence of this serious pest in the State of California, or in any area in which it may become established, it is necessary to exclude from entry into Louisiana certain fruit hosts, soil and products which may transport the Mediterranean fruit fly from California or any infested area. The established infestation of the Mediterranean fruit fly in the State of California and the tremendous volume of host fruit and vegetables in the interstate commerce from California to and through Louisiana pose an extremely serious threat to Louisiana's agricultural industry. This rule is promulgated to provide a quarantine on the State of California or any infested area, and to specify conditions under which regulated articles may be certified as free of Mediterranean fruit fly, when moved from the quarantined area to Louisiana.

### III. Areas Quarantined.

A. Areas immediately quarantined by this rule. The entire State of California is hereby declared to be quarantined due to the presence of the Mediterranean fruit fly. All movements of regulated products including host fruit and soil from the quarantined area are prohibited entry into Louisiana unless accompanied by:

(1) A certificate issued by USDA-APHIS or a certificate issued by the State of California, Department of Food and Agriculture. Such certificates shall denote compliance with the regulations of the USDA and regulations herein contained.

(2) Certificates may be based on treatment by an approved method of the USDA-APHIS. These methods are listed in the USDA-APHIS Manual under 331.1-9 Treatments.

(a) Soil and plants with soil attached may be certified, if upon inspection, it is determined they are not under the drip line of a host plant, and if the plant to be certified is not a host plant bearing fruit or which has borne fruit in the previous 60 days.

(b) Soil and plants with soil attached may be certified under the following treatment schedule:

1. Hosts and nonhosts without fruit under the drip line of a host and hosts which are bearing or have borne fruit within the previous 60 days.

a. Remove all host fruit.

b. Treat soil with Baytex as follows: Four and one-half ounces of Baytex formulation, 50 percent emulsifiable concentrate, mixed with 20 gallons of water per 1,000 square feet of soil surface. Spray the above mix evenly on the surface of the soil, or on the soil around container-grown or balled plants.

This quarantine extends itself to include all shipments of regulated products from any quarantined area, included are commercial shipments, shipments by common carriers, personal cargo in private vehicles and aircraft, and personal possessions of persons being transported by common carrier.

B. How Additional Areas Will Be Added To Quarantined Areas.

Since the Mediterranean fruit fly is highly reproductive and spreads across geographical areas very rapidly, then it may be anticipated that additional quarantine areas may be designated in order to prevent the spread of the pest to Louisiana. When the Commissioner of Agriculture and the State Entomologist determine that the Mediterranean fruit fly has spread to additional areas, they may designate those areas by publication of a notice in the official Journal of the State of Louisiana that additional areas have been added to the list of quarantine areas. The State Entomologist shall maintain a list of quarantine areas at the office of Agricultural and Environmental Sciences, located at 9181 Interline Avenue, Baton Rouge, LA 70804, which shall be made available to the public.

C. How Areas May be Removed from List of Quarantine Areas.

A quarantined area likely to be infested may be declared free of Mediterranean fruit fly for certification purposes under the following conditions: when traps of the Jackson or Steiner types, baited with Tri-Med lure and placed among host plants, have been operated, inspected for Mediterranean fruit fly in accordance with U.S. Department of Agriculture standards. When the California State Commissioner of Agriculture or the County Commissioner of Agriculture for the quarantined area certifies in writing to the Louisiana Commissioner of Agriculture and State Entomologist that the action required in this part has been completed, then areas may be removed from the list of quarantine areas by publication of notice in the official State Journal.

IV. **Products Quarantined.** Any fruit, berries, or vegetable of the host plants included in the following host list and soil, both separate from or attached to plants or plant parts. The purpose of the list is to provide information as to the preferred hosts of Mediterranean fruit fly; however, it is not to be considered as all-inclusive.

Host list. All fruits, vegetables, or berries of the following plants:

Almond (*Prunus dulcis*) (*P. amygdalus*)  
Apple (*Malus sylvestris*)  
Apricot (*Prunus armeniaca*)  
Avocado (*Persea americana*)  
Barbados cherry (*Malpighia glabra*)  
Bell pepper (*Capsicum frutescens*)  
Calamondin orange (*Citrus mitis*)  
Ceylon-gooseberry, Kei apple (*Dovyalis* spp.)  
Cherries (sweet and sour) (*Prunus avium*, *Prunus cerasus*)  
Citrus citron (*Citrus medica*)  
Coffee (*Coffea arabica*)  
Cucumber, muskmelon, melon and other species of genus (*Cucumis* spe.)  
Date (*Phoenix cactylifera*)  
Fig (*Ficus carica*)  
Grape (*Vitis vinifera*)  
Grapefruit (*Citrus paradisi*)  
Guava (*Psidium guajava*)  
Japanese persimmon (*Diospyros kaki*)  
Kumquat (*Fortunella japonica*)  
Lemon (*Citrus limon*)  
Litchi (*Litchi chinensis*)  
Lime (*Citrus aurantiifolia*)  
Logan (*Euphoeia longana*)  
Loquat (*Eriobotrya japonica*)  
Mandarin orange (tangerine) (*Citrus reticulata*)  
Mock orange (*Murraya exotica*)  
Mango (*Mangifera indica*)  
Mountain apple (*Syzygium mallacense*) (*Eugenia malaccensis*)  
Natal plum (*Carissa macrocarpa* and *Terminalia chebula*)  
Nectarine (*Prunus persica*)  
Olive (*Olea europea*)  
Opuntia cactus (*Opuntia* spp.)  
Orange (*Citrus* spp.)  
Papaya (*Carica papaya*)  
Peach (*Prunus persica*)  
Pear (*Pyrus communis*)  
Pepper (*Capsicum annuum* and *Capsicum frutescens*)  
Pineapple guava (*Feijoa sellowiana*)  
Pummelo (shaddock) (*Citrus grandis*)  
Pomiform guajava (*Psidium guajava pomiferum*)  
Plum (*Prunus domestica*)  
Pyriform guajava (*Psidium guajava pyrifera*)  
Quince (*Cydonia oblonga*)  
Rose apple (*Syzygium jambos*) (*Eugenia jambos*)  
Sour orange (*Citrus aurantium*)  
Spanish cherry (Brazilian plum) (*Eugenia dombeyi*) (*E. brasiliensis*)  
Strawberry guava (*Psidium cattleianum*)  
Surinam cherry (*Eugenia uniflora*)  
Sweet orange (*Citrus sinensis*)  
Tomato (pink and red ripe) (*Lycopersicon esculentum*)  
Tangerine (*Citrus* spp.)  
White sapote (*Casimiroa edulis*)  
Yellow oleander (bestill) (*Thevetia peruviana*)  
Any other fruit which is known to be or found to be a host of Mediterranean fruit fly.

V. **Actions to be Taken by Louisiana Agriculture Inspectors.**

A. State Borders

Any quarantined product from a quarantined area shall be prohibited entry at the state border, unless it is accompanied by certifications provided for by this rule.

B. Produce Establishments

Any establishment which has quarantine produce from a quarantined area shall be required to produce evidence that the

products have certificates required by this regulation for entrance into Louisiana. Failure to produce the certifications required herein shall result in the destruction or treatment of the produce.

**VI. Penalties for Violation of Quarantine.** Louisiana Revised Statutes, Title 3: 1653, provide penalties for violation of rules or regulations as follows:

- A. Civil Penalties: A fine of not less than \$25 and not more than \$500 shall be imposed.
- B. Criminal Penalties: Imprisonment of not less than ten days and not more than six months.
- C. Civil and Criminal Penalties: Both fines and imprisonment may be imposed at the discretion of the court having jurisdiction.

Bob Odom  
Commissioner of Agriculture

**DECLARATION OF EMERGENCY**

**Board of Elementary and Secondary Education**

The Board of Elementary and Secondary Education, at its meeting on July 23, 1981, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and adopted the following as an emergency rule:

1. The Board adopted as an emergency rule, proposed legislation on teacher tuition exemption (SB 771 and HB 1653), the 1981-82 Revised Guidelines for Tuition Exemption Continuing Education Program for Teachers. (Bulletin 1533)

This emergency action was necessary in order to implement the program at the beginning of the Fall 1981 semester and to comply with the mandates of Legislative Acts 515 and 817 of 1981.

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, Office of Family Security, does hereby exercise the emergency provision of the Administrative Procedure Act (R.S. 49:953B) to adopt effective August 28, 1981, the following additional list of drugs for which Maximum Allowable Costs (MAC) are required by Federal Regulations published in the *Federal Register* dated July 14, 1981, Volume 46, Number 134.

The additional MACs that has been established are:

Glutethimide, oral tablet, 500 mg.	\$0.0432
Procainamide HCL, oral capsule 250 mg.	0.0383
Procainamide HCL, oral capsule 375 mg.	0.0505
Procainamide HCL, oral capsule 500 mg.	0.0585
Propantheline Bromide, oral tablet 15 mg.	0.0235

George A. Fischer, 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 Louisiana R.S. 49:953B, the Department of Health and Human Resources, Office of Family Security, sets the maximum allowable monthly income limit for long-term care eligibility for an individual at \$794.10, effective July 1, 1981. For a couple occupying the same room in a long-term care facility, the double rate of \$1,588.20 shall apply.

This increase allows the Medical Assistance Programs to be in compliance with federal regulation 42 CFR 435.1005 which sets the maximum income limit before deductions, at 300 percent of the Supplemental Security Income (SSI) payment amount.

On July 1, 1981, the monthly SSI payment was increased to \$264.70. Therefore, it is important that the maximum monthly income limit be increased simultaneously so that some persons receiving or applying for long-term care service will not lose or be denied eligibility.

George A. Fischer, Secretary  
Department of Health and Human Resources

**DECLARATION OF EMERGENCY**

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

The Department of Health and Human Resources, Office of Family Security, does hereby exercise the emergency provision of the Administrative Procedure Act (R.S. 49:953B) to adopt, effective August 1, 1981, the following increases in the Aid to Families with Dependent Children (AFDC), General Assistance (GA), the Refugee Resettlement and Cuban/Haitian Entrants grant amounts and to increase the Medically Needy Income Eligibility Standards (MNIES).

**I. AFDC**

Using a ten percent increase standard for AFDC, the new grant amounts are as follows:

A. For Parishes Other Than Those Specified in B Below.

Number of Persons	Flat Grant Amount
1	\$ 66
2	123
3	174
4	217
5	259
6	296
7	334
8	373
9	408
10	444
11	482
12	521
13	564
14	606
15	647
16	689
17	729
18	771

For each additional person add \$45 to the flat grant amount.

B. For Orleans, Jefferson, St. Bernard, and East Baton Rouge Parishes.

Number of Persons	Flat Grant Amount
1	\$ 72
2	138
3	190
4	234
5	277
6	316
7	352
8	391
9	427
10	462
11	501
12	540
13	580
14	620
15	662
16	707
17	741
18	789

For each additional person add \$48 to the flat grant amount.

II. GA

Using a ten percent increase standard, the new GA grant amounts are as follows:

A. Regular Grant - The maximum amount paid for a regular GA grant shall be:

1. \$91 when only one person is to be included in the certification.

2. \$132 when two or more persons are included in the certification.

B. Special Grant - The maximum amount paid for a special GA grant shall be:

1. \$133 when the budget plan includes an allowance for special diet approved for a special grant and only one person is included in the certification. \$140 when a special diet is approved and two or more persons are included in the certification.

2. \$153 when the budget plan includes an allowance for discharge from a state mental institution.

3. \$145 when the budget includes one person and an allowance is necessary for special care in his own home or home of a relative or in a private home by an unrelated person. \$152 when special care as explained above is necessary and the budget includes two or more persons.

C. Other Grants

1. Financial assistance to persons who were patients in Carville and who ceased to be eligible for OAA, ANB or DA assistance on January 1, 1974, as a result of the SSI program. This is applicable in Iberville Parish only (Effective October, 1975).

Those persons who are currently patients at Carville referred to above, if otherwise eligible, shall be allowed \$43 for basic requirements to provide for personal needs not provided by the hospital.

2. GA receiving SNF care in a skilled nursing home or ICF-I or ICF-II care in an intermediate care facility shall receive a personal care needs allowance of \$26.

E. GA Pre-added Basic Requirements - the new amounts for GA Basic Requirements as follows:

	13 years through Less Than 65 Years	Birth Through 12 Years
Food	\$44	\$30
Clothing	10	8
Incidentals	7	5
Totals	\$61	\$43

III. Refugee Resettlement Program (RRP) and Cuban/Haitian Entrants Program

Persons receiving benefits under the Refugees Resettlement or Cuban/Haitian Entrants Programs will receive benefits as follows:

Households with children will receive payments in accordance with the new AFDC flat grant amounts.

Households without children will receive benefits in accordance with the new payment level applicable to a one person GA certification.

IV. MNIES

In accordance with Federal Regulation 42CFR 435.1007 which sets the Medically Needy Income Eligibility Standards (MNIES) at 133-1/3 percent of the AFDC flat grant amounts, the MNIES were increased as follows:

MNIES for Urban Parishes

Family Size	AFDC Flat Grant Amount	Monthly MNIES	Quarterly MNIES
1	\$ 72	\$ 167	\$ 501
2	138	192	576
3	190	258	774
4	234	317	951
5	277	375	1125
6	316	425	1275
7	352	475	1425
8	391	525	1575
9	427	575	1725
10	462	617	1851
11	501	675	2025
12	540	725	2175
13	580	775	2325
14	620	833	2499
15	662	883	2649
16	707	950	2850

Family Size	AFDC Flat Grant Amount	Monthly MNIES	Quarterly MNIES
17	741	992	2976
18	789	1058	3174
19	837	1117	3351
20	885	1183	3549
21	933	1250	3750
22	981	1308	3924
23	1029	1375	4125
24	1077	1442	4326
25	1125	1500	4500
26	1173	1567	4701
27	1221	1633	4899
28	1269	1700	5100
29	1317	1758	5274
30	1365	1825	5475

MNIES For Rural Parishes

Family Size	AFDC Flat Grant Amount	Monthly MNIES	Quarterly MNIES
1	\$ 66	\$ 150	\$ 450
2	123	167	501
3	174	233	699
4	217	292	876
5	259	350	1050
6	296	400	1200
7	334	450	1350
8	373	500	1500
9	408	550	1650
10	444	600	1800
11	482	650	1950
12	521	700	2100
13	564	758	2274
14	606	808	2424
15	647	867	2601
16	689	925	2775
17	729	975	2925
18	771	1033	3099
19	816	1092	3276
20	861	1150	3450
21	906	1208	3624
22	951	1275	3825
23	996	1333	3999
24	1041	1392	4176
25	1086	1450	4350
26	1131	1508	4524
27	1176	1575	4725
28	1221	1633	4899
29	1266	1692	5076
30	1311	1750	5250

George A. Fischer, Secretary  
 Department of Health and Human Resources

## DECLARATION OF EMERGENCY

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

In accordance with the Administrative Procedure Act (R.S. 49:953B), the Department of Health and Human Resources, Office of Family Security, will implement the following nursing home rates, effective with the August, 1981 payment for July, 1981 services:

Level of Care	Daily Rate	Monthly Rate
Skilled Nursing Facilities	\$32.68	\$994.02
Intermediate Care Facilities I	28.38	863.23
Intermediate Care Facilities II	22.78	692.89

This action will allow the Medical Assistance Program to increase payments to nursing homes on a timely basis.

Federal Regulation 42CFR447.273 and the Title XIX State Plan specify that the Medicaid agency must pay for long-term care facility services on a reasonable cost-related basis.

George A. Fischer, Secretary  
Department of Health and Human Resources

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission at its regular monthly meeting on July 28, 1981 exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B and adopted the following as an emergency rule:

In July of 1981, the Department of Wildlife and Fisheries issued ten Experimental Fishery Permits. The permits were issued because there is an increasing interest in the development of a mullet fishery in Louisiana. In late June it became evident that immediate information was required concerning the mullet populations of the coastal waters of eastern Louisiana. To develop this information the Department issued the above mentioned permits on an emergency basis. The harvesting season for mullet had begun; if normal procedures had been followed the season would have been over before the requirements of the Administrative Procedure Act could have been met and the Department would have lost the opportunity to gather data for this year.

Jesse J. Guidry  
Secretary

# Rules

## RULES

### Department of Agriculture Market Commission

The Louisiana Department of Agriculture, State Market Commission, pursuant to the authority granted by LSA 3:543 B, as amended by Act 158 of 1981, and in accordance with Notice of Intent published on July 20, 1981, conducted a public hearing on August 5, 1981, at which public hearing the Commission adopted the following Rules and Regulations:

### Procedures for Authorization and Administration of Farm Youth Loans and Loan Guarantees

#### 1.0 Definitions

1.1 "Applicant" means a natural person applying for a Farm Youth Loan or for a Farm Youth Loan Guarantee who is a resident of Louisiana and between 10 and 20 years of age.

1.2 "Borrower" means anyone who is granted a Farm Youth Loan.

1.3 "Commission" means the State Market Commission.

1.4 "Commissioner" means the Commissioner of Agriculture.

1.5 "Department" means the Department of Agriculture.

1.6 "Farm Youth Loan" means a loan which shall be used for the purpose of raising, growing, and selling of livestock, poultry, eggs, or agronomic, horticultural, silvicultural, or aquacultural crops.

1.7 "Farm Youth Loan Guarantee" means an agreement that, in the event of default, the State shall pay the Lender 75 percent of the principal and interest due and payable under a Farm Youth Loan secured by a chattel mortgage, crop lien or other security.

1.8 "Lender" means any bank, financial institution or federal agency making loans to any borrower who is eligible for a Farm Youth Loan Guarantee.

1.9 "Supervisor" means any vocational agriculture teacher, home economics teacher, county agent, home demonstration agent or any other person who has responsibility for direct supervision of the project for which the loan funds are used.

1.10 "Compromise Agreement" means any agreement between the borrower and the Commission or Lender, in the case of a guaranteed loan, to satisfy the loan obligation incurred by the borrower.

#### 2.0 Applicant Eligibility Requirements

2.1 The applicant must be a resident of Louisiana and between 10 and 20 years of age, i.e., already having had a tenth birthday but not yet having a twentieth birthday.

2.2 The applicant must be a member in good standing of any 4-H Club, Future Farmers of America, Future Homemakers of America organization, or any other farm youth organization functioning within the state school system.

2.3 The applicant must present a signed statement from the recommending supervisor of the project and/or the school principal, that the applicant's scholastic work is satisfactory.

2.4 The applicant must present a signed statement by the recommending supervisor of the project that in his opinion the applicant has a need for the loan.

2.5 The applicant must present a signed statement by the recommending supervisor that he is a member in good standing of a farm youth organization recognized by the Commission and that (1) the project for which the loan will be used will be closely supervised by the recommending supervisor; (2) the applicant is eligible for the loan; and (3) the loan is recommended.

2.6 The applicant must present a signed statement by his parents or guardian that they approve of his participation in the farm youth loan program and will fully cooperate with the supervisor of the project and the Market Commission.

2.7 The applicant must clearly demonstrate to the Commission that the project for which the loan will be used will generate adequate funds to pay back the loan according to the terms of the loan.

2.8 The applicant must establish a checking or savings account at a bank of his choice for the purpose of receiving and disbursing loan funds to be used for the purposes of the loan.

2.9 The checking or savings account must require joint signatures of the applicant and project supervisor or parent/guardian for the withdrawal of funds to be used to pay expenses



incurred by the project.

### **3.0 Time and Manner of Filing Application**

3.1 Applications may be filed at any time throughout the year and may be personally delivered to the State Market Commission office in Baton Rouge or forwarded through the U.S. Mail.

3.2 An application will be considered filed only upon provision of all information required in Rule 4.0.

3.3 A complete application must be physically on hand in the State Market Commission office at least ten working days prior to the meeting at which the application will be considered by the Commission.

3.4 In the case of an application for a loan guaranty, the application must be jointly executed by the applicant and the Lender on forms provided by the Commission.

### **4.0 Contents of the Application**

4.1 Names and addresses of the applicant and the applicant's parents or guardian.

4.2 Name and address of recommending supervisor of the project.

4.3 Personal financial statement of the applicant, signed by the applicant and parents or guardian, on forms provided by the Commission.

4.4 A budget reflecting estimated expenses, income and repayment of the loan for the term of the loan.

4.5 Signed statements requested of the recommending supervisor and parents or guardian as required in Rule 2.0.

4.6 The name of the bank and the account number to which loan funds shall be deposited and authorized signatures for the withdrawal of funds.

4.7 In the case of loans for the purchase of livestock, a health certificate issued by a veterinarian attesting to the health of the animal(s) to be purchased.

### **5.0 Conditions for Approval of Application for Farm Youth Loans and Loan Guarantees**

5.1 The applicant must meet all criteria for eligibility set forth in Rule 2.0.

5.2 The loan shall have a maximum term of five years.

5.3 The loan shall not exceed a maximum of \$3,000.

5.4 In the case of a guaranteed loan, the guarantee shall not exceed 75 percent of the sums, in principal and interest, due and payable under the mortgage or crop lien, securing the loan.

5.5 No loan for the purchase of livestock shall be approved until issuance of a certificate, to be furnished by the Department of Agriculture, from a licensed veterinarian certifying that the livestock to be purchased is sound, healthy, and free from all diseases.

5.6 The interest rate on any direct loan shall not exceed the interest rate charged by the Farmer's Home Administration on youth project loans.

5.7 The interest rate on any guaranteed loan shall not exceed the average prevailing rate of interest on farm loans made by banks, financial institutions or federal agencies in the community where the loan is made.

### **6.0 Procedures for Approval or Denial of Loan Applications and Notification of Commission Action.**

6.1 An application for a Farm Youth Loan or Loan Guarantee shall be submitted for Market Commission consideration at the first Commission meeting occurring at least ten working days following submission of the completed application.

6.2 The Commission shall approve/deny such application in accordance with the criteria set forth in applicant eligibility requirements, time and manner of filing applications, contents of application, and conditions for approval of applications for loans and loan guarantees.

6.3 Upon approval of an application for a direct loan, the Commission shall immediately notify the applicant by letter of the approval along with procedures for disbursement of funds to the

applicant.

6.4 Upon approval of an application for a guaranteed loan, the Commission shall immediately notify the Lender and applicant by letter of the approval along with procedures for execution of the Loan Guarantee Agreement.

6.5 Upon denial of an application for a direct loan or loan guarantee the Commission shall immediately notify the applicant, and Lender if applicable, by letter stating the reason(s) for such disapproval by the Commission.

### **7.0 Re-application; Review of Determination**

7.1 An applicant whose application has been denied by the Commission may reapply at any time whenever his circumstances change whereby the reasons for denial have been corrected.

### **8.0 Conditions for Disbursement of Loan Proceeds to the Borrower**

8.1 Prior to the disbursement of loan funds all legal instruments must be examined and approved by the Department Attorney.

8.2 On the date of disbursement of loan proceeds the borrower must execute a note secured by a chattel mortgage or crop lien payable to the Market Commission setting forth the terms and conditions under which the loan will be repaid.

8.3 On the date of disbursement of loan proceeds the borrower must execute a chattel mortgage or crop lien payable to the Market Commission, which instrument shall contain, but not be limited to, the following:

(a) the amount loaned

(b) the rate of interest

(c) the repayment schedule

(d) description of items offered as security

(e) provision for executory process

(f) provision for payment of all costs of foreclosure, including attorney's fees at 25 percent of the principal balance and interest accrued at foreclosure.

8.4 The Commission of Agriculture or his designee, as official representative of the State Market Commission, shall execute all necessary legal instruments at the time of disbursement of loan proceeds.

8.5 The disbursement of loan proceeds shall be by check and shall be deposited into the bank account number on behalf of the borrower as designated on the loan application.

### **9.0 Conditions for Concurrence in Loan Guarantees**

9.1 The borrower must provide for the Market Commission file record a copy of the note and the chattel mortgage or crop lien payable to the Lender and any other data deemed necessary by the Market Commission staff.

9.2 The Loan Guarantee Agreement shall be executed by the borrower, the Lender, and the Commissioner of Agriculture, or his designee, as official representative for the State Market Commission.

### **10.0 Procedure Upon Default for Non-Payment**

10.1 The Commission shall send written notice within 30 days to any borrower or a direct loan after any default on any payment of principal and/or interest and shall request an explanation or reason for delinquency of payment.

10.2 Within 60 days of default of any payment of principal and/or interest on a direct loan the Commission shall enter into such compromise agreements as it deems necessary to recover the sums due and payable on the loan unless prior arrangements have been made with the borrower to fulfill his loan obligation.

10.3 Any Lender, who receives a loan guarantee from the Commission on a farm youth loan shall notify the borrower and the Commission by letter within 30 days of any default on any payment of principal and/or interest and shall request of the borrower an explanation or reason for delinquency of payment.

10.4 Within 60 days of default of any payment of principal and/or interest on a guaranteed loan, the Lender shall notify the Commission by registered letter of any compromise agreement entered into between the borrower and the Lender to recover the sums due and payable on the loan or of arrangements made between the borrower and Lender to fulfill his loan obligation.

10.5 The Commission may, by formal vote, offer to pay off the mortgage or the interest of the Lender, on any defaulted loan covered by a loan guaranty agreement and become subrogated to the interest of the lending agency if the Commission determines that this action will protect the interest of the State in any property mortgaged to secure the loan guarantee.

Bob Odom  
Commissioner of Agriculture

## **RULES**

### **Department of Agriculture Market Commission**

The Louisiana Department of Agriculture, State Market Commission, pursuant to the authority granted by LSA 3:405 and in accordance with Notice of Intent published on July 20, 1981, conducted a public hearing on August 5, 1981, at which public hearing the Commission adopted the following Rules and Regulations:

#### **Rules and Regulations**

##### **Governing Operation of Produce Assembly Centers**

###### **1.0 Operation of center**

1.1 The produce assembly center will be operated by the Louisiana Department of Agriculture; the center manager will be a State employee.

1.2 Only produce for consignment will be marketed through the produce assembly center.

1.3 Official grading services will be available through the produce assembly center.

1.4 The produce assembly center will arrange for transportation of the produce from the produce assembly center.

1.5 The produce assembly center will not operate during months when no produce is available for consignment. At least 15 days advance notice of closure of the center will be given by publication in a newspaper of general circulation in the area in which the produce assembly center is located.

###### **2.0 Requirements for produce to be marketed through the produce assembly center**

2.1 All produce must be graded by official graders at the produce assembly center.

2.2 Only USDA #1 and USDA #2 grades will be accepted for consignment.

2.3 All produce must be packaged in containers which are acceptable in the produce trade. Containers will be available at cost at the produce assembly center.

###### **3.0 Consignment of produce and payment policy**

3.1 A commission of five percent of the selling price will be charged on all produce marketed through the produce assembly center. Fees will be used to defray the operating expenses of the center.

3.2 The five percent commission will be due and payable upon receipt by the seller of the purchase price of the produce.

3.3 The produce assembly center manager will deduct the commission of five percent from the sales revenues received from the buyer and pay over the remainder to the seller.

3.4 The revenues from sales of produce will be paid over

to the seller by the produce assembly center manager immediately upon receipt of the sales revenues from the buyer, but no later than 30 days after delivery of the produce to the produce assembly center.

3.5 In any circumstances where the sales revenues are not received by the produce assembly center manager within 30 days after delivery of the produce to the center, the produce assembly center reserves the right to pay over only 75 percent of the agreed-upon selling price, subject to correction upon receipt of revenues from the sale of the produce.

3.6 Separate accounting records will be maintained on transactions for each seller, and any seller may examine the accounting records for his account at any time during regular business hours of the center.

###### **4.0 Marketing advisory service**

4.1 The produce assembly center manager will establish and maintain contact with major produce buyers throughout the country to determine the most advantageous crops for marketing.

4.2 Results of the produce assembly center manager's surveys of produce buyers will be posted at the center and will be made available to producers in the area.

4.3 At least once each year, prior to planting season, the State Department of Agriculture and the Cooperative Extension Service will conduct an informational forum to disseminate information on potential markets for produce. General information meetings may be held at other times throughout the year as deemed appropriate by the Department of Agriculture.

###### **5.0 Right of refusal**

5.1 The produce assembly center will not accept any produce for consignment which does not meet USDA #1 or USDA #2 grade standards, according to the findings of official graders.

5.2 The produce assembly center will not accept any produce for which no markets are available.

Bob Odom  
Commissioner of Agriculture

## **RULE**

### **Department of Commerce Office of Financial Institutions**

The Commissioner of Financial Institutions hereby issues the following change in the Rule which contains instructions for completing an application for permission to establish a new State-chartered bank or a branch office by an existing State-chartered bank.

The following entire paragraph, under the General Provisions section, is to be eliminated:

"Evidence of publication in an area news media must be furnished the Commissioner prior to the acceptance of the application. Upon receiving proof of publication, and after the application is completed to the satisfaction of the Commissioner, the application may be accepted for filing."

The following corrected paragraph is to replace the original paragraph stated above:

"After the application is completed to the satisfaction of the Commissioner, the application may be accepted for filing. Evidence of proof of publication in an area news media must be furnished the Commissioner after acceptance and prior to the investigation of the application."

Hunter O. Wagner, Jr.  
Commissioner of Financial Institutions

## RULE

### Department of Culture, Recreation and Tourism Office of the State Library

The Department of Culture, Recreation and Tourism, Office of the State Library, pursuant to the authority in R.S. 25:14, and in accordance with the Notice of Intent published on July 20, 1981, has adopted amendments regarding State Aid to Public Libraries Grant.

#### IV. Maintenance of local effort

D. For each item of library material purchased with state and grant funds and added to the library's shelf-list, up to two dollars in local funds is allowable to use in covering processing costs of shelf-listed items. Local funds, for the purpose of this paragraph, are those which are used to "maintain local effort" through the purchase of library materials.

#### V. Distribution of supplemental grants.

A. The State Librarian shall grant funds under the provisions of this Part to any library or consolidated library system which makes application therefor and which is eligible for such funds as provided herein. Grants shall be made on an annual basis and distributed quarterly, the first no later than August 31 of each year; except that for Fiscal Year 1979 when the first and second quarterly payment shall be made simultaneously no later than October 31, 1978. In succeeding fiscal years, quarterly payments shall be issued in the months of August, October, January and April. The foregoing payment schedule may be modified at the discretion of the State Librarian when such modifications are deemed to be in the best interest of the state. No funds shall be granted to any library which is not eligible for such funds under the provisions of this Part, as determined by the State Librarian.

Thomas F. Jaques, State Librarian

## RULES

### Board of Elementary and Secondary Education

#### Rule 6.01.13a

Amend Bulletin 1525 to remove all references to categories (probationary or permanent) and provide that any certified and/or professional employee shall be evaluated annually for three years and, thereafter, at least triennially or as the need dictates or arises, provided however, that whenever an employee is promoted, the process shall begin anew.

#### Rule 4.00.04 (Replaces present regulations in effect)

The Board adopted the Regulations for implementation of Act 754 (Revised, 1981), as amended to provide that the pupil-teacher ratio in resource rooms be lowered from 14-27 to 12-23.

#### Rule 3.01.84

Amend Policy 3.01.84 to read as follows:

"Textbooks shall not promote discrimination on the basis of sex, race, color, creed, national origin, or against the handicapped."

#### Rule 4.00.20

The Board adopted as policy, "A document is considered to be 'filed' on the date it is received in the offices of the State Board."

#### Rule 3.01.70u(15)

Amend Bulletin 746 to include certification requirements for preschool handicapped as follows:

A. For institutions offering graduate programs for certification in the area of noncategorical preschool handicapped, the Board shall allow a six semester hour graduate level practicum to be accepted in lieu of the twelve semester hour student teaching requirement specified for the undergraduate program, provided

that students in the graduate program are degreed teachers and have had student teaching. For persons in the program who do not hold kindergarten certification, an additional three hour kindergarten practicum shall be required.

B. For institutions offering graduate level programs for certification in the area of noncategorical preschool handicapped, the Board shall allow a two hour nutrition course in lieu of the three semester hours of nutrition required in the undergraduate program.

#### Rule 4.01.71

The Board adopted the Implementation Guidelines for Training in the Standards for Evaluation of Educational Programs, Projects and Materials with the addition of the following amendment:

"To insure an effective program for training program evaluators in the interpretation and application of the Standards for Evaluation of Educational Programs, Projects and Materials, an annual review of these guidelines will be conducted and necessary revisions will be made. Submission for approval will be made to the appropriate governing authorities."

#### Rule 3.01.51.bb

Amend Bulletin 741, Page 73, Item 14, with the proposed new policy to read: "The maximum enrollment allowed in any class or section in grades K-3 is 30 students and in grades 4-12, 33 students, except in certain activity type classes such as physical education, music, art, etc. It is recommended that this policy become effective with the 1982-83 school year. The nonpublic schools are allowed to continue with their present maximum of 35."

#### Rule 3.08.00

The Board adopted the Home Study Guidelines as presented by the State Department of Education as follows:

I. **Definition** — A home study plan for the purposes of these Guidelines is a program in which an approved curriculum can be implemented under the direction and control of a parent or a tutor.

II. **Eligibility** — Any child eligible by Louisiana law to attend Louisiana elementary or secondary schools shall be eligible to participate in a home study plan. The home study plan does not replace the provisions of the State home-bound law.

III. **Application Process** — Before the student's instruction in a home study plan begins, the parent or tutor shall submit a home study plan to the local and/or city superintendent for review, recommendation and forwarding to the Louisiana Department of Education. Acceptance of the home study plan shall be at the discretion of the State Board of Elementary and Secondary Education.

IV. **Instructor Qualifications** — A parent or tutor may be permitted to provide instruction in a home study plan. An instructor, other than the child's parent or tutor, shall be eligible to teach according to standards for public or nonpublic schools as found in Bulletins 741/746. The instructor must teach within his/her areas of certification or eligibility.

V. **Curriculum** — The curriculum for elementary and secondary students shall be as found in Bulletin 741 for nonpublic schools.

In order to receive a Louisiana State equivalency diploma, the student must pass the General Educational Development test.

VI. **Monitoring** — Continuation of a student in a home study program shall be considered based upon an annual submission of a home study plan which reflects the progress of a student based upon performance of the student on a standardized achievement test and other relevant factors.

VII. **Transfer Provisions** — The local public school system shall have a written policy to receive any student from a home study plan, and shall use whatever means are applicable to arrive at an appropriate placement in the local school system.

VIII **Due Process** — The due process procedures for resolution of disagreements at the local level pertaining to the application and reauthorization of the home study plan shall follow the procedures established by the State Board of Elementary and Secondary Education in their Policies and Procedures Manual.

IX. All reasonable costs directly attributable to the home study program shall be borne by the parents.

James V. Soileau  
Executive Director

#### **RULE**

##### **Division of Administration Architects Selection Board**

The Louisiana Architects Selection Board hereby adopts the following rules governing the selection of architects for emergency projects. These rules are identical to those published in the *July State Register*.

1. Notification of emergency to the Division of Administration by the User Agency is received.
2. Chairman of the Board is notified by the Division of Administration that an emergency does exist.
3. The Chairman of the Board then:
  - a. Authorizes the advertisement; and,
  - b. Sets date for meeting for selection within 72 hours after advertisement is printed, not including Saturdays, Sundays, and holidays.
4. Meeting will convene at 10:00 a.m. on the day designated pursuant to 3(b) above to receive applications.
5. Applications will be distributed as the first order of business.
6. Meeting will then adjourn and reconvene one hour later (11:00 a.m.) after review of applications and then selections shall be made.

Cornelius A. Lewis  
Assistant Commissioner

#### **RULE**

##### **Governor's Special Commission on Education Services Loan/Grant Division State Student Incentive Grant Program**

6. Grant Limits — Full Academic Year
  - (a) The amount of SSIG for any academic year shall not be more than \$1,500, nor less than \$200. If student does not qualify for at least \$200 annually, student is ineligible for any SSIG.

Richard W. Petrie  
Director, Land/Grant Division

#### **RULE**

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

The Governor's Special Commission on Education Services adopted the following as a rule:

Act 807 of 1980 provided for establishment of the Rockefeller Scholarship for students at Louisiana state-supported universities that have curricula in Wildlife, Fisheries, Forestry, Marine Sciences or study in curricula related to these subjects and ending in a degree.

Mona H. Durham  
Director

#### **RULE**

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

The Department of Health and Human Resources, Office of Human Development hereby adopts the following amendments to the Client Placement Program policy.  
3-210 A (2) Population To Be Served By Office of Human Development, Division of Evaluation and Services

Exceptional children seeking initial placement, when the child is age 25 or younger, and his physical, mental, or neurological condition so deviates from the normal that they cannot without special therapy, or protective care satisfactorily participate in community living.

Exceptional persons of any age when that person is already in a restrictive placement; and continuation of restrictive placement is certified by qualified professionals to be necessary to the physical and/or emotional well-being of the exceptional persons; and a review by the Regional Review Committee establishes that a plan of independent living is inappropriate to the best interests of the client.

3-610 E Mandatory Review When an Exceptional Child in Placement Approaches Age 25

The cases of exceptional children already in placement shall be referred for review by the Regional Review Committee at least 60 days prior to the child's 25th birthday. The purpose of the review is to determine whether continued restrictive placement is in the best interests of the client. Qualified professionals (a psychiatrist and/or a psychologist) shall be consulted. The Regional Review Committee shall decide whether the placement must continue. Any decision to discontinue agency funding of the placement of an exceptional child shall be supported by a statement in writing from the qualified professionals consulted that the physical and/or emotional well-being of the client will not be adversely affected by the discontinuance. The format for referral to the Regional Review Committee is outlined in 3-625 (B).

A copy of the results of all such reviews shall be forwarded to Division of Evaluation and Services State Office, Attention: Alternate Care Specialist.

The requirement that a pre-release review of such cases be made by qualified professionals will prevent the arbitrary release from a residential facility of persons unable to function independently when they have reached age 25. Such a review appears to be required by La. R.S. 40:2127 (Exceptional Children's Act). The policy will expand the population served by the client placement system to include those persons already in facilities who become age 25, when a review of their case situation indicates that independent living is not a feasible alternative.

George A. Fischer, Secretary  
Department of Health and Human Resources

#### **RULE**

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

The Department of Health and Human Resources, Office of Human Development, hereby adopts Intercountry Adoptions Policy. This policy authorizes certain consenting licensed private child placing agencies to conduct and certify the validity of home studies; to contract with qualified professionals to complete home studies; and to certify the validity of home studies completed by professionals under contract with them to complete home studies; certifying to the U.S. Immigration and Naturalization Service that

the Louisiana prerequisite of a valid home study has been completed as required before an intercountry adoption can be consummated.

George A. Fischer, Secretary  
Department of Health and Human Resources

**RULE**

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

The Department of Health and Human Resources, Office of Human Development, hereby adopts the following guidelines for the Respite Care Program.

**RESPITE CARE DEFINITION:**

Respite care is the temporary in or out of home care provided for up to 30 days (720 hours) within a six-month time frame to a developmentally disabled or handicapped individual normally living at home under the daily care of family members for the purpose of providing the family with relief, whether during emergency or planned periods, from the special responsibilities associated with caring for this family member. Respite care does not attempt to supplant the potential and mandates of existing programs (i.e. homemaker services, day care, nursing home care). Respite care is emphasized as one family support service in the array of the state services network.

The thrust of respite care is twofold:

- to support the family in maintaining the family home as the caregiving resource for the family member with the handicapping condition thus preventing institutionalization.
- to provide appropriate quality care to persons receiving respite services while assuring physical safety and emotional well-being in a non-restrictive setting convenient to the family.

**RECIPIENT ELIGIBILITY REQUIREMENTS**

Eligibility requirements for recipients of OHD respite care services shall focus on both the individual and the reason for the requested service. Only those persons meeting the following criteria shall be considered as proper respite care clients:

1. The individual must have a severe chronic disability which is attributable to a physical and/or mental impairment, is not primarily a result of the aging process, is likely to continue indefinitely, and results in substantial limitations in at least three of the following major life activities: a) self-care; b) receptive and expressive language; c) learning; d) mobility; e) self-direction; f) capacity for independent living; and g) economic sufficiency.
2. The individual's disabling condition must be documented by a physician's statement and must require a sequence of special interdisciplinary, or generic care, treatment, or other individually planned and coordinated long term service.
3. The individual normally resides in the home of his/her family and is cared for by them on a daily basis at the time of request.
4. The individual has received less than 1440 hours of respite care during the state's fiscal year. No more than 720 hours of respite care shall be received by an individual in a six-month time period without prior approval from the OHD Assistant Secretary.
5. The request for respite services is to avoid institutionalization, reduce undue tensions and pressures necessitated by the continuous and special care of the individual or to provide opportunity to adequately deal with crises or emergencies.

The request for respite services is to avoid institutionalization, reduce undue tensions and pressures necessitated by the continuous and special care of the individual or to provide opportunity to adequately deal with crises or emergencies.

**TYPES OF SERVICE**

Respite services as funded through OHD fall into two categories; In-Home and Out-of-Home. Functionally, these services are described by the setting in which care is provided. In-Home

services are provided in the client's home by a skilled caretaker associated with a respite placement agency. Such agencies must sponsor, train and maintain a register of caretakers to link to families in need. Respite Care Out-of-Home services are provided in a certified facility. Such facilities may be community respite centers, residential treatment facilities, pediatric hospitals, nursing homes, intermediate care facilities, day care centers, day developmental training centers, etc.

**PRIORITIES FOR SERVICE**

In those instances in which respite care service requests exceed availability, the ranking of requests for service consideration shall adhere to the following prioritization:

1. Emergency situations and crises
2. Preventing institutionalization
3. Requests from severely disabled individuals
4. Planned rest, activity or vacations

Therefore, individuals requesting respite to deal with a crisis shall have priority over individuals requesting the service for a planned rest and a rescheduling shall be offered for this affected party. Documentation shall be maintained as to each service request and reason for request. This shall include unmet requests due to staffing and/or facility limitations.

**UNIT OF SERVICE**

The reportable unit of Respite Care Out-of-Home service is an hour of care provided to a handicapped client in the provider's facility.

The reportable unit of In-Home service is an hour of care provided in the client's home.

For billing and reporting purposes, client service unit totals shall be recorded in whole number figures only. A fraction of an hourly unit at or in excess of 35 minutes shall be counted as one complete unit. A fraction of an hourly unit less than 35 minutes shall be discounted.

**LIMIT ON SERVICE USAGE**

Under ordinary circumstances, Respite In-Home and Out-of-Home services shall not exceed 720 hours of care in a six-month period. This limitation applies to respite services provided after June 30, 1981 through 100 percent state funded contracts with OHD. Adherence to the 720 hour limitation shall be monitored by maintaining for each client a cumulative total of service units provided per six-month period of provider contract. Although a client's usage actually begins with the initial date of service to a client, the six-month period for tracking usage shall coincide with the state's fiscal year halves (July 1 through December 31 and January 1 through June 30).

Example: A client first received respite care services on August 15, 1981. During August and the following months, service units were provided to the client at the following rate:

	Units Provided	Cumulative Total
August	100	
September	200	300
October	300	600
November	120	720 maximum usage
December	not eligible	

The client would not again be eligible for respite services until January 1, 1982. If the next date on which services are provided to the client is April 15, 1982, the second service usage period subject to the 720 hour limitation would extend from the beginning date of April 15, 1982 through June 30, 1982. Thus client usage tracking commences with first use following July 1 or January 1 as applicable ends on December 31 or June 30 as applicable regardless of date client begins receiving service or number of hours of service received during that tracking period.

In exceptional circumstances, respite services may be extended beyond the 720 hour per six-months limit with prior

approval of the Assistant Secretary, Office of Human Development. A request for an extension should be submitted by a provider when need is evidenced and as early as possible in advance of reaching the 720 hour service limit. The request must be submitted in writing, contain justifying documentation as to the need for an extension, and shall be directed to: Assistant Secretary, Office of Human Development, Box 44367, Baton Rouge, LA 70804, Attention: Planner, Respite Care Services.

#### SERVICE REPORTING

The Respite Service Reporting Form shall be utilized by the provider of State Funded Respite Care Services to report information on clients served and services delivered for each month of program operation. The form is completed in duplicate. The original is forwarded to the Office of Human Development, Attention: Resource Development Section, by the fifteenth of the following month. A copy of the service reporting form is to be retained in the provider's files.

George A. Fischer, Secretary  
Department of Health and Human Resources

#### RULE

##### **Department of Natural Resources Office of Environmental Affairs Environmental Control Commission**

The following revision to the Air Quality Regulations was approved July 23, 1981 by the Environmental Control Commission:

Add the following sentence to the end of Section 22.3.2:  
22.3.2 . . . In addition, the provisions of Section 22.3 do not apply to JP-4 jet fuels stored in horizontal, underground tanks.

Copies of the above revision are available from the Department of Natural Resources (National Resources Building - Sixth Floor), Office of Environmental Affairs, Air Quality Division, Box 44066, Baton Rouge, LA 70804.

B. Jim Porter  
Assistant Secretary  
Office of Environmental Affairs

#### RULES

##### **Department of Natural Resources Office of Environmental Affairs Environmental Control Commission**

In Volume 7, Number 6 of the *Louisiana Register*, dated June 20, 1981, a Notice of Intent was published concerning proposed changes to the Louisiana Radiation Regulations by the Environmental Control Commission. In accordance with the notice, a public hearing was held on July 23, 1981, during which the Environmental Control Commission adopted and promulgated the following revisions to the Louisiana Radiation Regulations:

Section D.301(b) is changed as follows:

(b) as authorized pursuant to Section D.106, D.302, D.303, D.304, D.305 or D.306.

Section D.305 is revised as follows:

Sec. D.305 DISPOSAL BY INCINERATION. No licensee shall incinerate radioactive material for the purpose of disposal or preparation for disposal except for materials listed in Sec. D.306 or as specifically approved by the Assistant Secretary pursuant to Sections D.106 and D.302.

A new section D.306 is added:

Sec. D.306 DISPOSAL OF SPECIFIC WASTES. Any licensee may dispose of the following licensed material without regard to its radioactivity:

(a) 0.05 microcuries or less of hydrogen-3, carbon-14 or iodine-125, per gram of medium, used for scintillation counting;

(b) 0.05 microcuries or less of hydrogen-3, carbon-14 or iodine-125, per gram of animal tissue averaged over the weight of the entire animal; provided however, tissue may not be disposed of under this section in a manner that would permit its use either as food for humans or as animal feed.

(c) Nothing in this section, however, relieves the licensee of the requirement for maintaining records showing the receipt, storage, transfer and disposal of such radioactive material as specified in Sec. A.4(a) of these regulations; and

(d) Nothing in this section, however, relieves the licensee from complying with other applicable federal, state and local regulations governing any other toxic or hazardous property of these materials. Organic solvents for liquid scintillation counting shall not be placed in a sanitary sewerage system.

NOTE: The Office of Conservation intends to consider applications for disposal of organic solvents used for scintillation counting only in Class I injection wells.

At the public hearing held on July 23, 1981, members of the public gave oral testimony before the Commission. In addition, several written comments were submitted at the hearing. All substantive comments were given careful consideration, and the proposed revision received no adverse comments at the public hearing. The Environmental Control Commission, therefore, announced the adoption and promulgation of these revisions to the Louisiana Radiation Regulations, to take effect immediately upon publication of such notice in the *Louisiana Register*.

Copies of this change to the Louisiana Radiation Regulations may be obtained after printing from: Office of Environmental Affairs, Nuclear Energy Division, Box 14690, Baton Rouge, Louisiana 70893.

B. Jim Porter,  
Assistant Secretary  
Office of Environmental Affairs

#### RULE

##### **Department of Transportation and Development Office of the General Counsel**

##### **Secretary's Policy and Procedure Memorandum No. 47**

SUBJECT: Escort Requirements for Oversize and/Overweight Vehicles or Loads

INSTRUCTIONS: This memorandum supersedes all other memoranda and manuals in conflict herewith.

The Department of Transportation and Development is authorized to administer this policy and to enforce its provisions, including the issuance of the necessary permit and decal for properly equipped escort vehicles.

Escort vehicles may be furnished by the permittee or by private escort service, provided the following regulations are complied with:

##### I. GENERAL PROVISIONS

a. An oversize and/or overweight permit is required for each escort movement. The driver of the escort vehicle shall make certain that a permit has been issued and shall familiarize himself with and abide by requirements of the issued permit. The Department of Transportation and Development has authority to require and to regulate escorts under the provisions of R.S. 32:327, Paragraph C, and R.S. 32:387, Paragraph B(3).

b. The escorting vehicle shall be registered in accordance