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Executive Order

EXECUTIVE ORDER

Executive Order DCT 81-1

WHEREAS, the reorganization of the executive branch of state government required by constitutional mandate is nearly complete; and

WHEREAS, total reorganization of the executive branch will achieve a governmental structure in which authority is integrated in the governor through a hierarchical structure which permits the exercise of gubernatorial leadership and permits the legislature to require departmental accountability; and

WHEREAS, the benefits of this structure will include: (1) greater ability of the governor to exert policy leadership; (2) greater facility for the legislature oversight; (3) more accountability to the public; (4) easier access for citizens to state assistance and information about state programs; (5) centralization of budget preparation and control, purchasing, and related functions; (6) a new thrust and opportunity for state government to produce better services with present resources, to combine like programs, to eliminate duplication and thereby to deter the growth of government as population growth and inflation drive up personnel and cost demands;

WHEREAS, the reorganization process is a two-fold process of enacting statutory framework for reorganization and oversight; and

WHEREAS, at this point in the reorganization process such continuous review is particularly necessary in order to consolidate duplicate functions, coordinate complimentary functions, and prepare legislation to fully implement the reorganization of the executive branch of government as intended in the Executive Reorganization Act,

NOW, THEREFORE, I, DAVID C. TREEN, by powers vested in me as Governor of the State of Louisiana, do hereby create and establish the Joint Committee on Executive Branch Reorganization to conduct such studies and propose such legislation as may be necessary to accomplish the continued reorganization of the executive branch of state government as contemplated by Article XIV, Section 6, and Article IV, Section 1 of the Louisiana Constitution of 1974 and in particular by the transfer, allocation, or consolidation of state agencies and their powers, duties, functions, and responsibilities as contemplated by Sections 2 and 4 of Title 36 of the Louisiana Revised Statutes, and generally to carry out the intent of this Executive Order to oversee the fullest implementations of the potential and intent of Title 36.

BE IT FURTHER RESOLVED, that the committee herein created shall be composed of five members of the House of Representatives and five members of the Senate, appointed by the governor. The chairman of the committee shall be appointed by the governor from the membership of the committee. The committee shall make all such studies and propose such legislation as it finds necessary to carry out the purposes of this Executive Order and to respond to the specific concerns stated herein. It shall hold its organizational meeting on call of the governor, at which time it shall determine particular areas of study and procedures for making such studies. The committee shall meet as often as necessary to carry out the purposes of this Executive Order.

The committee shall submit a report of its findings and recommendations based thereon to the governor prior to the 1981 session of the legislature together with drafts of such legislation as

shall be necessary to accomplish its recommendations and at such other times as it shall deem necessary.

For the purposes of conducting the study herein contemplated, the committee is authorized to make, or cause to be made, any studies it may find helpful to the purposes of this Executive Order through such personnel as may be available to the committee or in cooperation with any public or private agency, including universities, colleges, foundations, charitable corporations and research organizations. The committee may call upon the members or staffs of any and all existing departments or agencies of the state for data and assistance and all such agencies and departments are hereby directed to cooperate with the committee. The committee may request of and utilize such counsel, assistance, personnel, facilities and advice as may be obtained from any and all private sources, including but not necessarily restricted to business, labor and private research agencies, individuals or organizations. At the written request of the committee, the heads or governing authorities of any state department, agency or other instrumentality of the executive branch shall make available to the committee any employees thereof, selected by the committee in consultation with the agency head, to be assigned to the committee to aid and assist in the carrying out of its functions, duties and obligations for as long as is deemed necessary by said committee and that the compensation and expenses of any such person so assigned shall be borne by and paid out of the funds appropriated to the particular agency from which he was selected.

The committee may create or appoint such advisory committees or task forces to act in any advisory capacity or to assist in its studies, composed of such representatives of the public and private sectors, as it shall deem appropriate.

The committee shall coordinate its efforts with and otherwise cooperate with any private consultants the governor may employ to study and make recommendations for improved organizations and/or management of state government.

The committee is authorized to receive grants, donations or gifts of money or services from public or private organizations or from any other sources to be utilized for the purposes of this study.

The members of the committee shall receive the same per diem and travel allowance in the performance of their duties as is provided for members of the legislature. Such per diem and travel allowance and all other expenses incurred by the committee shall be paid for out of such funds as may be made available to the committee by the governor or the presiding officers of the Louisiana Legislature.

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 5th day of February, A.D., 1981.

David C. Treen
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education Certification Requirements for Preschool Handicapped

The State Board of Elementary and Secondary Education intends to adopt as an Emergency Rule and inclusion in Bulletin 746, the following:

Rules

RULE

Department of Agriculture Dairy Stabilization Board

On recommendation of the Louisiana Dairy Stabilization Board, the Commissioner of Agriculture has adopted the following rule:

To be read in context with LAC 2-17:13.1 which states as follows: "Unfair methods of competition, unfair or deceptive acts or practices and disruptive trade practices are hereby declared unlawful with respect to the sale of milk and milk products". (R.S. 40:931.8A). The following trade practices are hereby declared to be disruptive trade practices.

Advertisement of Lowfat Fluid Milk

The advertising of Lowfat Fluid Milk products, (milk with a milk fat content of not less than 0.5 percent nor more than 2 percent) in any form of mass media without clearly stating the percentage of milk fat contained in said product.

C. James Gelpi
Director-Attorney

RULE

Department of Agriculture Livestock Sanitary Board

The Louisiana State Department of Agriculture, Livestock Sanitary Board, pursuant to the authority contained in LSA 3:2096 and in accordance with Notice of Intent published on February 20, 1981, has adopted the following Rules and Regulations at a public hearing held on March 10, 1981, in the State Capitol, Baton Rouge, Louisiana:

Regulation 12. Intrastate Manufacture, Sale, or Distribution of
Animal Vaccines

1. No person, firm, association, or corporation shall manufacture, sell, or distribute any animal vaccine within the State of Louisiana unless such person, firm, association, or corporation can prove to the Board that he (it) is currently the holder of a valid Federal license to manufacture, sell, or distribute such animal vaccine, except as provided hereinafter.

2. The Board shall authorize the intrastate manufacture, sale, or distribution of animal vaccines on an individual basis to meet emergency situations within the State of Louisiana under special permit of the State Veterinarian, provided that no special permit for the intrastate manufacture, sale, or distribution of animal vaccines shall be issued by the State Veterinarian except under the authorization of the Board.

3. The Board reserves the right to prohibit the intrastate manufacture, sale, or distribution of animal vaccines which, in the judgment of the Board, would be detrimental to any phase of the livestock and/or animal health industries of the State. The Board shall distribute, through the State Veterinarian, on an annual basis, no later than December 31 of each year, a complete list of all vaccines which are prohibited for use within Louisiana, and such list shall be available to any interested person who makes request therefor.

* * *

The previously existing Regulation 12 of the Rules and Regulations of the Livestock Sanitary Board is repealed in its entirety upon the effective date of the Rules herein adopted.

Bob Odom
Commissioner of Agriculture

1. 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.

2. 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.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education at its meeting on February 26, 1981, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B and adopted the following emergency rule:

The items referred to in motions 8 and 9 in the February 1981 Teacher Certification Committee minutes were submitted for referral to the Certification Committee in January, 1981. Because these items were listed on the same page with another item, they were overlooked in Dr. Parker's office. Therefore, it is requested that they be adopted as emergency rules in March.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Office of The Governor Office of Elderly Affairs

The Office of the Governor - Office of Elderly Affairs has adopted the following rules and regulations which affect the administration of the Office's Programs.

1. Older Americans Act of 1965 as amended on October 18, 1978. Public Law 95-478.

2. The Federal Register for the Act as published on March 31, 1980.

3. Chapter 7 of Title 46 of the Louisiana Revised Statutes of 1950, as amended in 1979.

4. CFR Title 45 Part 74.

5. Division of Administration State Purchasing Manual.

6. Office of Management and Budget Circulars A102, 122, 74-4.

7. Administration on Aging Policy Announcements.

8. Guidelines for Financial and Compliance Audits of Federally Assisted Programs.

9. Louisiana Revised Statute R.S. 46:931-940; R.S. 46:1751 - 1867; R.S. 46:1601 - 1605; Title 40-2009.13 - 18.

10. 7CFR Part 250 Food Distribution Program.

11. Title 29 Subpart A - Senior Community Service Employment Program.

Ronald Blereau
Assistant Director

RULE

Department of Agriculture Office of Agriculture and Environmental Science

The Commissioner of Agriculture, pursuant to the authority contained in LSA 3:2302, and in accordance with Notice of Intent published on February 20, 1981, has adopted the following Rules and Regulations for the administration of the Apiary Program:

- 1.0 Definitions
- 2.0 Movement of beekeeping equipment, colonies, nuclei or comb packages
- 3.0 Movement or shipment of combless packages and/or queens and used combless package cages
- 4.0 Authority of agents to enter premises
- 5.0 Applications for inspections
- 6.0 Shipment or movement of restricted articles
- 7.0 Issuance and use of certificate permits in Louisiana
- 8.0 Shipment or movement of restricted articles from any quarantined area except under special permit
- 9.0 Eradication measures
- 10.0 Levy of assessments
- 11.0 Penalties

* * *

- 1.0 Definitions
 - 1.1 Department - the Louisiana State Department of Agriculture
 - 1.2 Commissioner - The Commissioner of Agriculture
 - 1.3 State Entomologist - the Entomologist of the State Department of Agriculture
 - 1.4 Agent or Inspector - an authorized representative of the State Entomologist and/or the State Department of Agriculture
 - 1.5 Person - an individual, firm, or corporation
 - 1.6 Beekeeper - an individual, firm or corporation who owns or has charge of one or more colonies of bees
 - 1.7 Apiary or Yard - the assembly of one or more colonies of bees at a single location
 - 1.8 Hive, Colony, or Colony of Bees - an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times many drones; including brood, combs, honey and the receptacles inhabited by the bees
 - 1.9 Nucleus - bees, brood, combs and honey in or inhabiting a small hive or portion of a standard hive or other dwelling place
 - 1.10 Package - a comb or combless package of bees prepared for shipment or movement
 - 1.11 Comb Package - a package of bees shipped or moved on a comb containing honey and/or brood, with or without a queen
 - 1.12 Combless Package - a package of bees shipped or moved without comb, with or without a queen
 - 1.13 Combless Package Cage - a container made of wood and wire screen constructed in such a manner to permit the insertion of a feeder can to be used in shipping bees without comb or foundation
 - 1.14 Queen - a fully developed female bee, capable of being fertilized
 - 1.15 Beekeeping Fixtures or Beekeeping Equipment - anything that is used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, extractors, and so forth
 - 1.16 Strap - two or more packages of bees and/or queen cages strapped or tied together for shipment
 - 1.17 Disease - any infectious disease of bees which is detrimental to the honey bee industry, such as American foulbrood, European foulbrood, Isle of Wight, Nosema, and so forth
 - 1.18 Quarantined Area - a yard in which American foul-

brood infection has been found, and all that area within a one-mile radius of such yard; or any area defined as a quarantined area by the State Entomologist because of excessive disease found present in bees within the area or because restricted articles were moved into the area from a quarantined area

- 1.19 Restricted Articles - colonies of bees, nuclei, comb or combless packages of bees, queens, used or second-hand beekeeping fixtures or equipment, and anything that has been used in operating an apiary
- 2.0 Movement of beekeeping equipment, colonies, nuclei or comb packages
 - 2.1 The movement or shipment of used or second-hand beekeeping equipment, colonies of bees, nuclei or comb packages of bees into Louisiana is prohibited.
- 3.0 Movement or shipment of combless packages and/or queens and used combless package cages.
 - 3.1 Combless packages of bees and/or queens shall not be shipped or moved into Louisiana unless there is firmly attached to each package or container, or to each strap of packages or containers, a certificate permit issued by proper officials of the State or country of origin, certifying that the apiary from which the combless packages of bees and/or queens originated was inspected and found free of American foulbrood for a period of at least one year previous to date of shipment, and that an inspection was made of the apiary within sixty days of the date of shipment. Diseases other than American foulbrood found present in the apiary from which the shipment originated must have been effectively controlled in an approved manner. The feed for combless packages of bees and/or queens shall be of sugar syrups or sugar candies only.
 - 3.2 Package bee shippers of Louisiana may bring or have shipped back into the State combless package cages previously used and re-use same in making subsequent shipments.
- 4.0 Authority of agents to enter premises
 - 4.1 Agents of the Department are authorized and shall be allowed entrance onto any property or premises in the State of Louisiana for the purpose of carrying out the provisions of these regulations.
 - 4.2 No person shall in any way interfere with an agent in making inspections on properties or premises in carrying out the provisions of these regulations.
- 5.0 Applications for inspections
 - 5.1 Beekeepers who desire certificate permits authorizing the movement of packages of bees and/or queens shall make application for inspection by February 15 of each year on a form that will be furnished by the Department and shall give the location of each and every apiary or yard owned or controlled or from which package bees and/or queens are to be moved or shipped by the applicant.
 - 5.1 In application for inspection and at the time of inspection, beekeepers shall declare the yards in which sulfa drugs (or other chemicals) have been fed or administered to one or more colonies.
- 6.0 Shipment or movement of restricted articles
 - 6.1 Combs or combless packages of bees and/or queens An official, unexpired Apiary Package Certificate Permit, issued by the Department, shall be pasted on each package, queen cage, or strap of packages; and an official Apiary Certificate Permit, issued by the Department to cover shipments or movements of bees and/or queens, shall be filled out (in duplicate) by the beekeeper on each complete shipment to show the name and address of the consignor, name and address of the consignee, the contents of the shipment and the serial number or numbers of the package permits used on the shipment. The original copy of the certificate shall be either pasted on the shipment or attached to the bill of lading covering the shipment; and the duplicate copy shall be kept by the

beekeeper for a period of at least three years, during which time the State Entomologist or his agents may examine such duplicates and tabulate such information as he deems necessary.

6.2 Colonies of bees, used or second-hand beekeeping equipment

Colonies of bees, used or second-hand beekeeping equipment shall not be shipped, moved or sold unless accompanied by a special permit issued by the State Entomologist, except as provided for in Rule 8.0 of these regulations.

6.3 Requirements covering the return into Louisiana of supers and frames used in shipping comb honey to points outside the state

Under special permit issued by the State Entomologist, comb honey producers of Louisiana may ship comb honey supers filled with frames and honey back to points outside the State and move or ship the same supers and frames back into Louisiana, provided: (1) each super and frame is branded by burning into the wood the name of the shipper, or an official brand which may be obtained from the Louisiana Brand Commission; (2) all supers and frames returned shall have been cleaned of all honey and comb; (3) upon receipt of such supers and frames returned into the State, the State Entomologist shall be advised of same, indicating the number of supers and frames returned and name and address of consignee. All such returned equipment shall be subject to inspection by agents of the Department.

7.0 Issuance and use of certificate permits in Louisiana

7.1 Package permits and certificate permits shall not be issued by the Department except to cover the shipment or movement of package bees and/or queens from a yard or yards that are not under quarantine and have been inspected at least once each year (prior to the shipment or movement of bees therefrom) and found free of American Foulbrood infection and other diseases found have been effectively controlled.

7.2 Package permits and certificate permits shall not be issued to cover the shipment or movement of package bees and/or queens from an area that has been quarantined on account of American Foulbrood infection until two consecutive inspections have been made of the colonies within the area and no further infection was found; the first inspection to be made not less than twenty-one days nor more than thirty days after the American Foulbrood infection was found and destroyed. If found free after the initial inspection (21-30 days), the quarantine shall be lifted. However, if American Foulbrood is again found, an additional twenty-one to thirty day quarantine period will be enforced with destruction of those colonies found to be infested. An additional sixty day quarantine will be enforced on any yard found to be treating with drugs to mask the presence of American Foulbrood.

7.3 Special permits shall be issued to cover the shipment or movement of colonies of bees, used or second-hand beekeeping equipment into other states only with the approval of the proper officials of the state of destination.

7.4 Package permits and certificate permits issued by the Department shall be used by beekeepers only to cover the shipment or movement of package bees and/or queens from a yard or yards designated by the State Entomologist or his agents.

8.0 Shipment or movement of restricted articles from any quarantined area except under special permit

8.1 The shipment or movement of restricted articles from any quarantined area of Louisiana is prohibited except under special permit issued by the authorized official of the State or country of destination.

9.0 Eradication measures

9.1 All colonies of bees infected with American Foulbrood shall be destroyed by burning, in the presence of or by an inspector.

9.2 All colonies of bees found infected with European Foulbrood shall be queened within thirty days after infection is found; or the infected colonies shall be destroyed.

9.3 Nuclei exposed to American Foulbrood infection by the transfer of combs with brood or bees from an infected colony or yard shall be destroyed by burning.

9.4 All other bee diseases shall be treated as prescribed by the State Entomologist or his agents for the control of same.

10.0 Levy of Assessments

10.1 The State Entomologist may levy an assessment of fifteen cents per colony of bees as provided by R.S. 3:2306, which assessment shall be due by May 1 of each year.

11.0 Penalties

11.1 Restricted articles shipped or moved into Louisiana in violation of these regulations shall be destroyed in accordance with LSA 3:2301-2308; any person who fails to comply with the requirements of these regulations is subject to the penalties provided for in LSA 3:2301-2308.

Bob Odom

Commissioner of Agriculture

RULES

Department of Agriculture Livestock Sanitary Board

The Louisiana State Department of Agriculture, Livestock Sanitary Board, pursuant to the authority contained in LSA 3:2091 and 3:665, and in accordance with Notice of Intent published on February 20, 1981, has adopted the following addition to Regulation 3 of the Rules and Regulations of the Board, at a public hearing held on March 10, 1981:

SECTION 3. Conditions for Issuing a Livestock Auction Market Permit

* * *

D. The day of the week approved by the Board for the conduct of the sale must be established prior to the issuance of the charter.

(1) In the application for charter, the applicant shall specify the day(s) of the week on which he desires to conduct sales.

(2) No requested sales day shall be approved for any applicant if any established, chartered auction market(s) located within a fifty mile radius of the applicant has received prior Board approval for the conduct of a sale on the same day of the week, provided that the Board may approve an applicant's request for approval of a sale on the same day of the week as a sale conducted by an established, chartered market within a fifty-mile radius if the operator(s) of the established market(s) submits a statement, in writing, to the effect that he has no objections to the Board's approval of the same sales day.

(3) Whenever any established, previously chartered auction market desires to change the day of the week approved by the Board for the conduct of his sale, the operator shall submit a request for a change of approved sales days at least fifteen days prior to the desired change, which request shall include, but not be limited to, the following information: (a) day of the week previously approved for the sale, (b) day of the week for which approval is sought, (c) statement identifying reasons for the requested change, specific benefits which are expected to accrue to producers and buyers, and proposed allocation of Board personnel to handle the change of sales day. If the established market desires to change the approved sales day to the same day previously approved for another established auction market within a fifty-mile radius, the operator shall submit the same statement as required by Rule D (2) above.

(4) Within fifteen days following the effective date of this Rule, each chartered auction market operator in this State shall submit to

the Board a request for sales days, which request shall include: (a) day of the week on which his sale is currently held, (b) first sale conducted on this day (for example, "first Monday sale in June, 1967; sales held on Mondays only continuously since June, 1967"), and (c) present location of the sale (i.e., street and city). The Board at its next meeting shall establish sales days for every livestock auction charter. Any chartered markets which are presently conducting sales on the same day of the week shall be required to submit the statement required in Rule D (2) above. (5) In any case where two or more chartered markets located within a fifty-mile radius desire to conduct sales on the same day of the week, and the statement required under Rule D (2) above is not filed by all such chartered operators, the Board shall establish the day of the week on which each operator shall conduct his sale.

Bob Odom
Commissioner of Agriculture

RULES

Department of Agriculture Livestock Sanitary Board

The Louisiana State Department of Agriculture, Livestock Sanitary Board, pursuant to the authority contained in LSA 3:2096 and in accordance with Notice of Intent published on February 20, 1981, has adopted the following Rules and Regulations at a public hearing held on March 10, 1981, in the State Capitol, Baton Rouge, Louisiana:

The following addition to Regulation 1, Section 3, Sub-Section (5) was added immediately after Paragraph (3) thereof:

Exceptions: (a) Feeder swine going to an approved quarantine feed lot.

* * *

The following new Regulation 29 was adopted:
Section 1. Definition of Terms.

1. Quarantined Feed Lot — A confined area for the finish feeding of swine with no provision for pasturing and grazing, from which swine may move only to immediate slaughter and which is maintained under the direct supervision and control of the state livestock official who shall establish procedures to insure individual identify of all animals entering the lot.
2. Person — An individual, partnership, corporation or association.
3. Permit — A license issued annually by the Louisiana Department of Agriculture, Livestock Sanitary Board.

Section 2. Permit Required.

1. No person may operate a quarantined swine feed lot without first obtaining a permit from the Livestock Sanitary Board. Any person operating a feed lot without a valid permit will be in violation of this regulation and subject to prosecution.

Section 3. Conditions for Issuing a Quarantined Feed Lot Permit.

1. The operation must not constitute a health hazard to livestock on surrounding premises or create a public nuisance.
2. The operator must agree to abide by the provisions of this regulation and all other regulations of the Livestock Sanitary Board and the U.S. Department of Agriculture governing such operations and movements.

Section 4. Requirements for Operation of Quarantined Feed Lots.

1. All swine must be maintained at a safe distance and apart from all other neighboring swine of other producers.
2. Complete records must be maintained on all transactions showing dates, identification, origin and disposition of each animal. These records shall be made available to State-Federal personnel upon request.

3. All swine movements from a quarantined feed lot must be directly to a slaughtering establishment operating under approved State or Federal meat inspection.

Section 5. Cancellation of Quarantined Feed Lot Permit.

1. A quarantined swine feed lot permit may be cancelled whenever the operation does not meet the requirements of this regulation or the operator of such quarantined swine feed lot has violated the provisions of this regulation in any respect.
2. The Board shall give written notice of the cancellation of a quarantined swine feed lot permit to the operator thereof.
3. Any operator of a quarantined swine feed lot whose permit is so cancelled may appeal the cancellation thereof by written notice to the Board within ten days of receipt of the notice of cancellation. Any operator of a quarantined swine feed lot who appeals cancellation of his permit shall be entitled to a full hearing before the Board, and the decision of the Board at such hearing will be final unless the operator appeals to a court of competent jurisdiction.

Section 6. Penalty.

1. All violations are subject to cancellation of permit, prosecution under LSA 3:2095, and the penalties set forth in LSA 3:2096.

Bob Odom
Commissioner of Agriculture

RULE

Board of Elementary and Secondary Education

Rule 3.01.70v(34) - The Board adopted the amended Louisiana Standards for Special Education Paraprofessional Permits as follows:

Louisiana Standards for Special Education
Paraprofessional Permits
Permit LEVEL I

Level I paraprofessionals working in special education programs in Louisiana *shall demonstrate the following competencies* by successful completion of an approved inservice training program.

1. Understanding of Level I paraprofessional role, responsibilities, and limitations.
2. Ability to work effectively and cooperatively with other staff members.
3. Ability to communicate effectively (oral, written, and non-verbal).
4. Understanding of the intellectual, physical, and social/emotional characteristics of the various handicapping condition.
5. Awareness of terminology associated with special education and various handicapping conditions.
6. Awareness of generalized training procedures associated with academic, self-help, motor and social skills.
7. Knowledge of general health and safety procedures.
8. Ability to maintain an attractive, safe, hygienic classroom environment.
9. Ability to define and demonstrate basic personal grooming skills.
10. Awareness of requirements for safely positioning and handling handicapped students.
11. Ability to identify orthopedic appliances, equipment and prosthetic devices.
12. Knowledge and skills necessary to safely accompany handicapped children in a passenger vehicle.
13. Ability to operate commonly used audio-visual and duplicating equipment.

Permit Level II

Level II paraprofessionals working in special education programs in Louisiana *shall demonstrate all Level I competencies*

and the following additional competencies by successful completion of an approved training program.

1. Understanding of Level II paraprofessional role, responsibilities and limitations.
2. Understanding of role and responsibilities of teachers.
3. Understanding of role and responsibilities of related service personnel.
4. Ability to interpret, communicate, and carry out written and oral instructions.
5. Knowledge and understanding of developmental patterns (normal and atypical).
6. Ability to define and utilize terminology commonly associated with special education and various handicapping conditions.
7. Knowledge of special education rules and procedures associated with screening and evaluation and development and implementation of IEP.
8. Knowledge of confidentiality requirements and procedures.
9. Awareness of various community and regional agencies which serve handicapped children and their families.
10. Ability to administer classroom assessment instruments.
11. Ability to observe and recall behaviors in an objective, systematic manner.
12. Ability to express observations in a clear, concise, factual manner, both orally and in writing.
13. Knowledge of basic principles of behavior shaping and classroom management.
14. Ability to count pinpointed behaviors.
15. Ability to implement recommended educational and training programs associated with academic, self-help, social and motor skills.
16. Ability to sequence recommended instructional activities or steps.
17. Ability to safely and appropriately position and handle handicapped children.
18. Ability to monitor use of orthopedic appliances, equipment, and prosthetic devices.
19. Ability to carry out basic health and first aid procedures.
20. Knowledge of health and safety procedures associated with medication, seizure management, etc.
21. Ability to implement recommended procedures associated with care of a child with specific handicapping conditions.
22. Ability to prepare routine classroom reports.

Permit LEVEL III

Level III paraprofessionals working in special education programs in Louisiana shall demonstrate all Level I and Level II competencies and the following additional competencies by successful completion of an approved training program.

1. Understanding of Level III paraprofessional role, responsibilities, and limitations.
2. Ability to describe the characteristics and causes of various handicapping conditions.
3. Understanding the impact of a child's handicapping condition on the family.
4. Knowledge and skills required to communicate with various community agencies which serve handicapped children and their families.
5. Knowledge of special education rules and regulations associated with implementation of federal and state law.
6. Ability to score and interpret basic classroom assessment instruments.

7. Ability to task analyze goals and objectives.
8. Knowledge and skills required to develop recommended educational and training programs associated with academic, self-help, social and motor skills.
9. Knowledge and skills required to develop recommended behavior shaping and classroom management programs.
10. Ability to evaluate and report on effectiveness of educational and behavioral programs.
11. Ability to make recommended changes and adaptations in instructional activities and materials.
12. Knowledge and skills required to present information and demonstrate program procedures to parents/guardians of handicapped children.
13. Knowledge and skills required to make recommended adjustments on orthopedic appliances, equipment, and prosthetic devices.
14. Knowledge and skills (as specified by employing agency) required to safely transport a handicapped student in a passenger vehicle.

Permit LEVEL IV

Level IV paraprofessionals working in Louisiana shall demonstrate all Level I, and Level II, and Level III competencies. Additionally they will have earned a *Special Education Paraprofessional Associate of Arts* degree from an approved program.

AMENDMENT TO ITEM 8 ON THE BOARD AGENDA Louisiana Standards for Special Education Paraprofessional Permits

EFFECTIVE DATE:

The Louisiana Standards for Special Education Paraprofessionals Permits will become effective October 31, 1981.

PROVISIONS:

1. A person certified as a special education teacher who serves as a special education paraprofessional will automatically receive a Level III permit.
2. Persons employed as a special education paraprofessional will have until September 1, 1985, to earn an appropriate level permit.
3. Each person serving as a paraprofessional and having successfully completed a paraprofessional training program approved by the Department and offered through another agency, as documented by the training officer of the agency, will receive the appropriate level permit.
4. Persons participating in pilot training activities will be issued permits according to the level of training completed.

James V. Soileau
Executive Director

RULE

Board of Trustees for State Colleges and Universities.

The Policies and Procedures Manual of the Board of Trustees for State Colleges and Universities, Part IX, Section 9.6E, is changed to read as follows:

Paragraph 2:

"2. A migrant or transfer from an institution not under the jurisdiction of the Board shall cease to be classified as such after the completion of twenty-four semester hours, or the equivalent, in residence at an institution under the jurisdiction of the Board, some part of which must have been earned during a regular fall or spring semester; provided he or she meets all other eligibility requirements."

* * * * *

Paragraph 4:

"4. If an institution is a member of the NCAA or NJCAA, a migrant or transfer shall be eligible for practice and financial aid.

The student-athlete shall not be eligible for competition until the completion of twenty-four semester hours, some part of which must have been earned during a regular fall or spring semester, at that institution."

All other paragraphs remain unchanged.
Bill Junkin
Executive Director

RULE

PPM No. 63 (Revised)

**Office of the Governor
Division of Administration**

The Office of the Governor, Division of Administration, hereby gives notice of the adoption of Policy and Procedure Memorandum No. 63 (Revised), relative to the use of state-owned vehicles, mileage reimbursements and reporting requirements. These rules and regulations are identical to those published under emergency procedures in the December 20, 1980, *Louisiana Register*.

E. L. Henry
Commissioner of Administration

RULE

**Division of Administration
Property Control Section**

The Property Control Section revised the State Property Control Regulations as follows:

Section 1.

1.4 "Property" means all tangible non-consumable movable property owned by an agency with the exception of property specifically exempted by the Commissioner. The Commissioner hereby designates that State-owned timber should be considered to be movable and State-owned pecans shall be considered to be non-consumable for purposes of the Louisiana Property Control Law (LSA-R.S. 39:321 et seq.).

6.2 Agencies shall submit their Release Order requisitions for State of Louisiana identification tags to the State Property Control Director. The tags are purchased in large quantities on state contract and shall be issued at actual cost.

7.1 The Agency Property Manager shall establish and maintain a Property Location Index. This index may have up to four numbers of alphabetical characters and shall be used to keep track of the location of the property of the agency.

Example:

Code	Location
0100	605 Main Street - Room 100
0101	605 Main Street - Room 101
0200	615 Main Street - Room 45
A101	Administration - First Floor

The Agency Property Manager shall keep the Property Location Index for the agency current and shall submit to the State Property Control Director an up-to-date index each time a change or modification is made in the Property Location Index.

7.2.7. Serial Number (columns 20-23). The Agency Property Manager shall fill in the last four numbers of the manufacturer's serial number.

Alphabetical characters can be used with numbers. If there is no serial number on the item, leave all four spaces blank. Do not leave blanks in between the numbers and if the numbers are less than four, the column(s) on the left must be left blank under this heading.

10.2.1. Active Duplicate Item - This is when the same tag number and classification code being submitted is already on the master file.

10.2.2. Inactive Duplicate Item - This is when the same tag number and classification code being submitted was once on the file and was permanently removed.

10.2.3. Active Duplicate Tag - This is when an item is submitted using a tag number which is already on the master file.

10.2.4. Inactive Duplicate Tag - This is when an item is submitted using a tag number which has been permanently removed from the master file.

Section II.

2.4 No Agency Property Manager or head of the agency shall authorize the transfer of any items of surplus property to the State Property Control Section without a prior approved BF-11 for each item and a scheduled delivery date from the State Property Control Section. Items which arrive with unapproved BF-11's at the State Property Control Section for disposition will be returned to the shipping agency for proper compliance to these Regulations. When more than one item is to be transferred, not located, scrapped, or dismantled for parts, one BF-11 may be used with the necessary information on an attached sheet.

5.5.1. Originating purchase from participating Federal Funds - The agency transferring the item shall be reimbursed eighty percent of the percentage of Federal Funds used for the original purchase. A copy of supporting Federal documentation must be enclosed with BF-11 request for transfer to the Property Control Section.

Example: If an item was purchased with 75/25 Federal Funds and was sold at surplus public bid for \$100.00 the amount reimbursed would be eighty percent of \$75.00 or \$60.00. Note: The use by the agency of the reimbursed percentage of Federal funds must be documented for the Legislative Auditor.

5.5.2. Originating purchase from the State Revolving Fund - The agency transferring the item shall be reimbursed up to eighty percent of the proceeds received by State Property Control for the item.

5.5.5. As an exception to the general state property disposition regulations, state agencies may sell their livestock at any authorized public auction or sale. A BF-11 and any documentation pertaining to the sale should be sent to the State Property Control Office immediately after the sale for approval to remove the livestock from the master file.

Phillip Collins, Director
State Property Control

RULE

**Office of the Governor
Division of Administration**

The Office of the Governor, Division of Administration, hereby gives notice of the adoption of policies, rules and regulations, relative to the Small and Minority Business Set-Aside Program, mandated by R.S. 39:1731-1736. These policies, rules and regulations are identical to those published in the January, 1981, *Louisiana Register*.

E. L. Henry
Commissioner of Administration

RULES

Department of Health and Human Resources Board of Nursing

R.N. 3.04 *Advanced Practitioner of Nursing* is a health care provider who is currently licensed as a registered nurse in Louisiana and who, by virtue of additional educational preparation, has gained knowledge and skills in a specialty area of nursing. This educational preparation shall be fulfilled by one of the following:

(1) Satisfactorily complete a program of studies offered through an institution of higher education leading to an advanced degree in nursing (or its equivalent) and/or to national certification; or

(2) Satisfactorily complete a program of studies accredited by a nationally recognized accrediting agency which is recognized by the Louisiana State Board of Nursing.

Programs of study not meeting one of the above criteria, or in the case of questions regarding the quality of the program, said programs will be evaluated by the Louisiana State Board of Nursing prior to recognition of its graduates.

Advanced Practitioners of Nursing are authorized, within the scope of their preparation for practice, to perform advanced nursing functions.

Advanced Practitioners of Nursing shall include, but not be limited to the following:

R.N. 3.041 *Primary Nurse Associate* (also known as nurse practitioner):

(1) A registered nurse who provides direct nursing care to individuals, families and other groups in a variety of settings including homes, institutions, offices, industry, schools and other community agencies. The nursing service provided by the primary nurse associate is aimed at the delivery of primary acute or chronic care which focuses on the maintenance, achievement, and restoration of optimal functions in the population. The primary nurse associate engages in nursing care decision making. The primary nurse associate also participates in making decisions with other health care professionals regarding the needs of clients, and functions under the direction of a physician.

(2) By virtue of and consistent with additional educational preparation, knowledge and clinical skills, a primary nurse associate, under the direction of a physician, may perform appropriate nursing functions, including:

(a) Assess and develop a comprehensive health data base (including the elicitation of a comprehensive health history and performance of physical assessment, using skills of observation, inspection, palpation, percussion and auscultation, as well as basic instruments and indicated screening procedures) for the purpose of reporting abnormal findings to the physician;

(b) Plan, implement and evaluate nursing care consistent with medical treatment and care prescribed by a physician;

(c) Evaluate, plan, implement, and re-evaluate nursing care of individuals requiring emergency nursing measures;

(d) Initiate or modify medical treatment when and to the extent authorized by the treating physician within established plan of medical and nursing protocol;

(e) Assist the consumer in identifying and using the community resources available for follow-up health care services;

(f) Create and maintain accurate records, appropriate legal documents and other reports of client care consistent with the law;

(g) Develop individualized client teaching plans based on assessed nursing needs;

(h) Counsel individuals, families and groups about health and illness and promote health maintenance; and

(i) Recognize, initiate and participate in the development and implementation of professional and community educational programs related to health care.

R.N. 3.042 *Certified Nurse-Midwife*:

(1) A registered nurse who by virtue of added knowledge and skill gained through an organized program of study and clinical experience recognized by the American College of Nurse-Midwives (ACNM), and subsequent certification by the ACNM, has extended the limits of her practice into the area of management of care of mothers and babies throughout the maternity cycle so long as progress meets criteria accepted as normal.

(2) A nurse-midwife never works as an independent practitioner, but always as a member of a physician-directed health care team. (S) he functions within the framework of medically approved criteria, policies and standing orders.

(a) Assume responsibility for the management and complete care of the essentially healthy woman and newborn related to the childbearing processes.

(b) Develop with the woman an appropriate plan of care attentive to her interrelated needs.

(c) Participate in individual and group counseling and teaching throughout the childbearing processes.

(d) Manage, through mutual agreement and collaboration with the physician, that part of care of medically complicated women which is appropriate to the skills and knowledge of nurse-mid-wives.

(e) Collaborate with other health professionals in the delivery and evaluation of health care.

(f) Assess own professional abilities and function within identified capabilities.

(g) Assume responsibility for own self-determination within the boundaries of professional practice.

(h) Maintain and promote professional practice in concert with current trends.

(i) Utilize Standards for Evaluation of Nurse-Midwifery Procedural Functions in development and evaluation of practice.

(j) Promote the preparation of nurse-midwifery students.

(k) Assists with the education of other health care personnel.

(l) Support the philosophy and official policies of the American College of Nurse-Midwives.

R.N. 3.043 *Certified Registered Nurse Anesthetist*:

(1) A registered nurse who renders anesthesia care and meets the requirements of Louisiana R.S. 37:930.

(2) A certified registered nurse anesthetist works under the direction and supervision of a physician or dentist who is licensed to practice under the laws of the State of Louisiana:

(a) Conduct a pre-anesthesia visit and assessment with appropriate documentation.

(b) Develop an anesthesia care plan.

(c) Induce anesthesia.

(d) Maintain anesthesia at the required levels.

(e) Support life functions during the perioperative period.

(f) Recognize and take appropriate action for untoward patient responses during anesthesia.

(g) Provide professional observation and management of the patient's emergence from anesthesia.

(h) Conduct postanesthesia visit and assessment with appropriate documentation.

(i) Participate in the life support of the patient for whatever cause.

R.N. 3.044 *Clinical Nurse Specialist*:

(1) A registered nurse holding a Master's degree in a specific area of clinical nursing. The advanced knowledge, skill and competence of this nurse is made available to the public through

the provision of direct nursing care to individuals. These services are further extended through the planning, guiding and directing of care given by other nursing personnel.

(2) The primary responsibility of the clinical nurse specialist is patient care delivery to a select population in a specialty area. The role functions of the clinical nurse specialist are: 1) direct nursing care; 2) indirect nursing care; 3) research; 4) change-agent; 5) teaching; and 6) consultation.

(a) Direct Nursing Care: Utilize a broad base of advanced scientific knowledge, nursing theory and skills in assessing, planning, executing and evaluating those aspects of health and nursing care of individuals who require this specialized competence.

(b) Indirect Nursing Care: Plan, guide, evaluate and direct the nursing care given by other personnel associated with the nursing functions.

(c) Research: Create and test methods of nursing intervention and health care in the area of specialization.

(d) Change-Agent: Act as a catalyst and/or initiator of change by applying new scientific knowledge in nursing practice, disseminating new knowledge and its application in nursing practice; work with agencies or groups of health personnel to change nursing practice and the system of health care delivery.

(e) Teaching: Utilize theories and skills of communication and teaching-learning to increase the knowledge or functioning of individuals and groups, nursing personnel, students and other members of the health care team.

(f) Consultation: Act as a resource, utilizing advanced health knowledge and skills, to those who are directly and indirectly involved in nursing care.

Merlyn M. Maillian, R.N., Executive Director
Louisiana State Board of Nursing

RULE

Department of Health and Human Resources Board of Nursing

R.N. 1.05 Implementation of the Nurse Practice Act

The Louisiana Nurse Practice Act, R.S. 37:911 et seq., provides that, in order to safeguard life and health, any person practicing or offering to practice as a registered nurse in this state shall submit evidence that (s)he is qualified to do so and shall be licensed to practice as a registered nurse. The Act creates a Board of Nursing with regulatory authority, dictates the Board's composition and qualifications, methods of appointment and term of office of the Board members. The duties of the Board are specified in the Act, and these duties provide for the implementation of the Nurse Practice Act through the adoption of rules and regulations.

R.N. 1.051 Officers of the Board

The officers of the Board shall consist of a President and a Secretary-treasurer.

(1) The officers of the Board shall be elected annually at the last regular meeting of the year. The candidate receiving the largest number of votes cast by Board members shall be declared elected and shall assume office when the New Business is begun at that meeting.

(2) A vacancy occurring in an office shall be filled by election to complete the unexpired term of the respective officer.

(3) The duties of the officers shall be as follows:

(a) The President shall preside at all meetings of the Board. (S)he shall appoint all standing and special committees not otherwise provided for, and perform all other duties pertaining to this office.

(b) The Secretary-treasurer shall prepare the annual budget, review financial records periodically and present a report at each regular meeting of the Board.

(c) Both the President and the Secretary-treasurer shall sign the registration certificate for each new licensee in Louisiana.

R.N. 1.052 Official Office of the Board

The domicile of the Board is Baton Rouge, Louisiana. The office for administration of Board work shall be established in the City of New Orleans.

(1) An Executive Director, who shall be a registered nurse, shall be appointed by the Board to carry on the work defined by the Board.

(2) An Associate Director, who shall be a registered nurse, shall be appointed by the Board to carry on the work defined by the Board. (S)he is administratively responsible to the Executive Director.

(3) A Nursing Practice Consultant(s), who shall be a registered nurse(s), shall be appointed by the Board to carry on the work defined by the Board. (S)he is responsible to the Executive Director.

(4) A clerical staff shall be maintained to carry on the office work.

R.N. 1.053 Meetings of the Board

Regular business meetings shall be held at the office of the Board or at a place designated by the Board.

(1) A minimum of four regular meetings shall be held each year. The annual meeting shall be held in the fall.

(2) Special meetings shall be called by the Executive Director, or a designee, at the request of the President, or upon the request of three members of the Board.

(3) Four members, including one officer, shall constitute a quorum of the Board for the purpose of conducting business.

(4) Any person wishing to have a special topic added to the agenda for a Board meeting shall notify the Executive Director, or a designee, at least twenty-one days prior to the meeting. Items of an emergency nature may be considered at any meeting without prior notice.

(5) The Executive Director, or a designee, shall keep a record of all meetings and such records shall be retained as permanent records of the transactions of the Board.

(6) Meetings of the Board for the conduct of regular business and for the formation of policy shall be open to the public.

R.N. 1.054 Powers and Duties of the Board

R.S. 37:918 provides that the Board shall:

(1) Establish and publish minimum curriculum requirements and standards for persons seeking to be licensed under this Part;

(2) Approve schools which meet the licensing requirements of the Board;

(3) Provide for hearings for nurse educational programs when approval is denied or withdrawn;

(4) Establish and publish standards of nursing practice in accordance with those developed and accepted by the profession;

(5) Examine, license, and renew licenses of duly qualified applicants;

(6) Conduct hearings upon charges calling for discipline of a licensee;

(7) Cause the prosecution of all persons violating any provision of this Part and have the power to incur necessary expenses therefor;

(8) Keep a record of all board proceedings;

(9) Publish an annual report for distribution to the governor and the legislature;

(10) Publish an annual roster, and distribute same for professional purposes;

(11) Adopt, and revise rules and regulations necessary to enable the Board to carry into effect the provisions of this Part;

(12) Employ an executive director who holds a current

Louisiana license to practice nursing as defined in this Act, and other persons necessary to carry on the work of the Board, define their duties, and fix their compensation;

(13) Appoint an attorney at law to represent it in all matters pertaining to the administration of the provisions of this Part, fix his compensation, and define his duties;

(14) Have all other powers necessary and proper to the performance of their duties.

R.N. 1.055 Adoption of Rules and Regulations

R.S. 37:918 provides that the Board shall adopt and revise rules and regulations necessary to enable the Board to carry into effect the provisions of this Part. In promulgating rules, the Board is exercising powers that have been delegated by the Louisiana Legislature.

(1) Definition of Rules and Regulations: Statements, guides or requirements of conduct or action that are of general applicability. Rules and Regulations of the Board of Nursing implement or interpret the Nurse Practice Act or describe the organization, procedure or practice of the Board.

(2) All Rules and Regulations of the Board shall be adopted, revised or repealed in accordance with the Administrative Procedure Act, R.S. 49:951 thru 968.

(a) Except in emergency situations, the Board shall give at least fifteen days notice of its intent to adopt, revise, or repeal Rules and Regulations. The notice shall be in accordance with Statutory requirements and shall be published in the *Louisiana Register*.

(b) After adoption, and as soon as possible, the official text of the Rules and Regulations shall be submitted for publication in the *Louisiana Register*. The Rules and Regulations become effective on the date of their publication, unless otherwise specified.

(c) Any interested person may petition the Board, requesting the promulgation, revision or repeal of Rules and Regulations which would affect that person. The petition shall:

- (1) Be submitted in writing;
- (2) State the name and address of the petitioner;
- (3) Include an exact statement of the changes sought and the effect of the proposed change on existing practice;
- (4) Include data, opinions or arguments in support of request.

The Board shall act on the petition within ninety days after receiving said petition. The Board shall either deny the petition, stating reasons therefor, or shall initiate rule-making proceedings in accordance with its procedure for same.

R.N. 1.056 Declaratory Statements of the Board

The Board may issue a declaratory statement in response to a request for clarification of the effect of Rules and Regulations or of R.S. 37:911 et seq.

(1) A request for a declaratory statement is made in the form of a petition to the Board. The petition shall include at least:

- (a) The name and address of the petitioner;
- (b) Specific reference to the Statute or Rules and Regulations to which the petition relates;
- (c) A concise statement of the manner in which the petitioner is aggrieved by the Rule or Statute or by its potential application to her/him, or in which (s)he is uncertain of its effects;
- (d) A statement of whether an oral hearing is desired.

(2) Said petition shall be considered by the Board at its next regularly scheduled meeting provided that the petition has been filed at least twenty-one days prior to said meeting.

(3) The declaratory statement of the Board on said petition shall be in writing and mailed to petitioner at the last address furnished to the Board.

R.N. 1.06 Disciplinary Proceedings before the Board

The Board of Nursing has the responsibility to consider and determine the action necessary upon all charges of conduct which

fail to conform to R.S. 37:911 et seq., or to the Rules and Regulations promulgated to carry out the provisions of this Part.

R.N. 1.061 Proceedings Against a Registered Nurse

The Board may deny, revoke, or suspend any license to practice as a registered nurse or otherwise discipline a licensee in accordance with R.S. 37:921-923.

Every licensee subjected to disciplinary proceedings shall be afforded an opportunity for a hearing before the Board or its duly appointed hearing officer or committee.

A complaint that a licensee has engaged in, or is engaging in, any conduct proscribed by R.S. 37:921, may be made by any person or the Board. Such complaints shall be in writing, shall be signed, and the Board may require that the complaints be sworn to.

(1) Grounds for disciplinary proceedings against a registered nurse are specified in R.S. 37:921:

(a) Is guilty of selling or attempting to sell, falsely obtaining, or furnishing any nursing diploma or license to practice as a registered nurse;

(b) Is guilty of a felony;

(c) Is unfit or incompetent by reason of negligence, habit or other causes;

(d) Is habitually intemperate or is addicted to the use of alcohol or habit-forming drugs;

(e) Is guilty of aiding or abetting anyone in the violation of any provisions of this Part;

(f) Is mentally incompetent; or

(g) Has violated any provisions of this Part.

(2) Definition of Terms: The Board in the exercise of its disciplinary authority has adopted the following meaning for the following terms.

(a) "Deny" means to refuse for cause.

(b) "Revoke" means to annul or make void by calling back.

(c) "Suspend" means to hold in abeyance for a definite or an indefinite period of time.

(d) "Felony" means a crime of a serious nature usually punishable by imprisonment in a state penitentiary at hard labor or by death; or a crime in violation of federal statutes in which the punishment is more than one year incarceration.

(e) "Unfit or incompetent" means unsuitable.

(f) "Negligence" means a breach of duty of care owed to a party.

(g) "Habit" means a mode of negligent behavior which a registered nurse acquires over a period of time.

(h) "Other causes" includes, but is not limited to:

(1) Failure to practice nursing in accordance with the Legal Standards of Nursing Practice as adopted by the Board.

(2) Possessing a physical impairment or mental impairment which interferes with the judgment, skills or abilities required for the practice of nursing as defined in R.S. 37:913, (3).

(3) Failure to utilize appropriate judgment in administering nursing practice.

(4) Failure to exercise technical competence in carrying out nursing care.

(5) Violating the confidentiality of information or knowledge concerning the patient.

(6) Performing procedures beyond the authorized scope of nursing or any specialty thereof.

(7) Performing duties and assuming responsibilities within the scope of the definition of nursing practice when competency has not been achieved or maintained, or where competency has not been achieved or maintained in a particular specialty.

(8) Improper use of drugs, medical supplies, or patient's records.