

## CONTENTS

### I. EXECUTIVE ORDERS

BR 89-33—Creates a Special Governor's Task Force on Public Higher Education . . . . .	939
BR 89-34—Re-enacts and amends BR 88-52 regarding the Job Training Coordinating Council . . . . .	940
BR 89-35—Creates the Calcasieu Estuary Environmental Task Force . . . . .	941
BR 89-36—Grants private activity bond allocations . . . . .	942

### II. EMERGENCY RULES

Economic Development Department:	
Office of Commerce and Industry—Financial incentive fees . . . . .	943
Health and Hospitals Department:	
Office of the Secretary-Bureau of Health Services Financing—MAP-establishes price for drugs not subject to multiple source drug limitations . . . . .	944
MAP-Follow-up prenatal care for Title XIX eligible pregnant women . . . . .	946
MAP-Medical appliances, equipment and supplies approval for purchase . . . . .	947
MAP-Prescription Drug Program dispensing fee increase . . . . .	947
MAP-Rehabilitation services for mentally ill . . . . .	948
MAP-Reimbursement for Skilled Nursing Care/Technology Dependent Children Services . . . . .	950
MAP-Reimbursement for traumatic brain injury services . . . . .	951
Justice Department:	
Office of the Attorney General—Electronic video bingo machines . . . . .	951
Public Safety and Corrections Department:	
Office of Motor Vehicles—Motor vehicle license plates . . . . .	953
Wildlife and Fisheries Department:	
Office of Fisheries—Closes oyster season in certain areas . . . . .	953
Wildlife and Fisheries Commission—Fish net prohibitions on Calcasieu Lake . . . . .	954

### III. RULES

Agriculture and Forestry Department:	
Office of Agricultural and Environmental Sciences—Structural Pest Control Commission (LAC 7:XXV.Chapter 141) . . . . .	954
Economic Development Department:	
Office of the Secretary-Division of Minority and Women's Business Enterprise—Annual recertification (LAC 19:III.701) . . . . .	959
Certification (LAC 19:III.505) . . . . .	960
Certification procedure (LAC 19:I.303) . . . . .	961
Racing Commission—Disqualified horse recognized as winner (LAC 35:I.1739) . . . . .	961
Education Department:	
Board of Elementary and Secondary Education—Appeals for waivers of minimum standards . . . . .	962
Bulletin 741—Chemical redistribution standard . . . . .	962
Bulletin 1213—School bus standards . . . . .	962
Textbook funds to be used for grades K-3 materials . . . . .	962
Tuition Exemption Program for teachers . . . . .	962
Health and Hospitals Department:	
Board of Chiropractic Examiners—Chiropractic Standards; Peer Review Committee (LAC 46:XXVII.Chapters 3, 7) . . . . .	963
Board of Dentistry—Address of dental practice (LAC 46:XXXIII.304) . . . . .	965
Dental assistant (LAC 46:XXXIII.501) . . . . .	965
Dental hygienists-authorized duties (LAC 46:XXXIII.701) . . . . .	965
Dental hygienists-employment address (LAC 46:XXXIII.703) . . . . .	965
Dental specialist (LAC 46:XXXIII.301) . . . . .	966
Board of Pharmacy—Prescriptions and refills (LAC 46:LIII.Chapters 29, 35) . . . . .	966
Office of Public Health—Laboratory certification (chemical analysis) . . . . .	968
Safe Drinking Water Program-management fees . . . . .	969
Sanitary Code-Design requirements for swimming pools and bathing places . . . . .	970
Vital records-Preparation of certificates (LAC 48:V.Chapter 123) . . . . .	970
Office of the Secretary-Bureau of Health Services Financing—MAP-Certification of Need for Psychiatric hospitalization . . . . .	976
MAP-Reimbursement for SNF/TDC services . . . . .	976
Mentally ill/emotionally disturbed rehabilitation services . . . . .	976
Natural Resources Department:	
Office of Conservation-Injection and Mining Division—Statewide Order 29-N-2, Docket UIC 89-1 . . . . .	978

This public document was published at a total cost of \$6,525.00. 1,100 copies of this public document were published in this monthly printing at a cost of \$4,625.00. The total cost of all printings of this document including reprints is \$6,525.00. This document was published by Bourque Printing, Inc., 13112 South Choctaw Drive, Baton Rouge, LA 70815, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-970. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

**IV. NOTICES OF INTENT**

Agriculture and Forestry Department:  
Market Commission—Agricultural Products Processing Linked Deposit Loan Program (LAC 7:V. Chapter 14) . . . . . 979  
Office of Forestry—Timber stumpage values. . . . . 981  
Civil Service Department:  
Hiring rate; market rate job assignments; pay upon grade assignment . . . . . 982  
Salary adjustments . . . . . 982  
Economic Development Department:  
Office of Financial Institutions—Directors’ examinations of state banks. . . . . 983  
Racing Commission—Arabian horse racing (LAC 35:I.Chapter 8) . . . . . 983  
Testing for dangerous substance abuse (LAC 35:I.1791) . . . . . 984  
Education Department:  
Board of Elementary and Secondary Education—Appeals for waivers of minimum standards . . . . . 985  
Honors Curriculum . . . . . 986  
Independent certification of student count for MFP funding . . . . . 987  
Post-Baccalaureate Scholarship Program . . . . . 987  
Principal’s certification requirements . . . . . 989  
Vo-tech personnel salary schedule . . . . . 989  
Vo-tech Regional Advisory Council. . . . . 996  
Environmental Quality Department:  
Office of Air Quality and Nuclear Energy-Air Quality Division—Control of Emission of Organic Compounds  
(LAC 33:III.Chapter 21) . . . . . 997  
Office of the Secretary—Administrative procedure . . . . . 999  
Health and Hospitals Department:  
Board of Board Certified Social Work Examiners—Fees (LAC 46:XXV.119) . . . . . 1000  
Board of Nursing—Selection and use of clinical facilities (LAC46:XLVII.3529) . . . . . 1001  
Board of Practical Nurse Examiners—Faculty and staff (LAC 46:XLVII.901) . . . . . 1001  
Office of Human Services-Division of Mental Retardation—Establishes 10 mental retardation regions (LAC 48:IX) . . . . . 1002  
Office of the Secretary-Bureau of Health Services Financing—Coverage of Non-IV-E (State subsidy) children . . . . . 1003  
MAP-Medical appliances, equipment and supplies approval for purchase . . . . . 1004  
Public Safety and Corrections Department:  
Liquefied Petroleum Gas Commission—Cylinder inspections (LAC 55:IX.713) . . . . . 1005  
Office of Motor Vehicles—License plate removal and destruction. . . . . 1005  
Social Services Department:  
Office of Eligibility Determinations—Child support enforcement services; immediate income assignment. . . . . 1006  
Child support enforcement services; mandatory award guidelines . . . . . 1006  
Rehabilitation Services-Commission for the Deaf—Policy Manual. . . . . 1009  
Revenue and Taxation Department:  
Tax Commission—Timber stumpage values . . . . . 981  
Treasury Department:  
Office of the Treasury—Agricultural Products Processing Linked Deposit Loan Program (LAC 7:V.Chapter 14) . . . . . 979  
Wildlife and Fisheries Department:  
Office of Fisheries—Oyster season (1989/90) closing on certain public grounds . . . . . 1009  
Wildlife and Fisheries Commission—Alligator Program Harvest (1989/90) . . . . . 1010  
Black Drum size limit and quota (LAC 76:VII.331) . . . . . 1012  
Fur Harvest Program (1989/90). . . . . 1013  
Oyster season (1989/90) Calcasieu and Sabine Lakes. . . . . 1014

**V. ADMINISTRATIVE CODE UPDATE**

July, 1989 through September, 1989 . . . . . 1014

**VI. COMMITTEE REPORT**

Health and Hospitals Department:  
Board of Physical Therapy Examiners—Definitions of “physical therapy evaluation” and “physical therapy diagnosis”. . . . . 1015

**VII. POTPOURRI**

Board of Levee Commissioners:  
East Jefferson Levee District—Insurance requirements. . . . . 1015  
Health and Hospitals Department:  
Office of the Secretary-Bureau of Health Services Financing—Meeting locations . . . . . 1015  
Louisiana Legislature:  
Legislative Fiscal Office—Revenue estimates (1989/90) . . . . . 1015  
Natural Resources Department:  
Office of the Secretary-Fishermen’s Gear Compensation Fund—Claims . . . . . 1016

# Executive Orders

## EXECUTIVE ORDER BR 89-33

WHEREAS, the future growth and prosperity of the State of Louisiana is dependent in large measure on Louisiana's public higher education system; and

WHEREAS, Louisiana's public higher education system and the 17 colleges and universities that constitute it exist to provide equal educational opportunity for a quality education to all of Louisiana's citizens and to those nonresidents of Louisiana who wish to take advantage of our fine schools; and

WHEREAS, because of the serious economic and fiscal crisis that has gripped our state for a number of years and because of the constitutional requirement that the state's budget be balanced, it has been necessary to reduce state funding for public higher education in Louisiana; and

WHEREAS, as a result, state funding for public higher education in Louisiana is now substantially below the average for all other Southern states in the United States of America; and

WHEREAS, the shortage of available state monies for public higher education in Louisiana has caused our colleges and universities to be compelled to increase their tuition, which in many instances has worked a financial hardship on both students and their parents; and

WHEREAS, additional state monies must now be found and made available to public higher education in Louisiana in order to maintain and enhance the quality of our colleges and universities and in order to insure that higher education in Louisiana is affordable; and

WHEREAS, a second issue of paramount importance to public higher education in the State of Louisiana is the issue of public higher education governance structure; and

WHEREAS, Louisiana has four public higher education governing boards established by the Louisiana Constitution of 1974; and

WHEREAS, the federal district court in United States of America v. State of Louisiana, et al., Civil Action No. 80-3300 "A", United States District Court for the Eastern District of Louisiana, which is Louisiana's public higher education desegregation litigation, has ordered that these four boards be consolidated into a single public higher education governing board; and

WHEREAS, the United States Supreme Court has stayed the federal district court's order pending further proceedings by the United States Supreme Court; and

WHEREAS, despite the stay and in part as a result of the aforementioned litigation, the issue of higher education governance structure has been the subject of much rich, earnest and spirited debate among Louisiana citizens, Louisiana's political leadership and all those who care about public higher education in our state; and

WHEREAS, a serious and exhaustive study of the governance structure for public higher education in Louisiana and ways to improve it can only benefit public higher education in our state;

NOW THEREFORE I, CHARLES E. "BUDDY" ROEMER, III, Governor of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: There shall be and is hereby created a Special Governor's Task Force on Public Higher Education in the State of Louisiana.

SECTION 2: The purpose of the Task Force shall be a) to study and evaluate state funding for public higher education in the State of Louisiana and recommend to the governor a plan for both increasing such funding and lowering or at least maintaining the current levels of tuition for our state colleges and universities, and b) to study and evaluate the governance structure for Louisiana's public higher education system and recommend to the governor ways of improving it, which endeavor shall include but not be limited to an assessment of the merits of consolidating Louisiana's four public higher education governing boards into a single governing board for public higher education in our state.

SECTION 3: The Task Force shall be composed of the following members: a. Eight members of the Louisiana Legislature, who shall be Senator Dennis R. Bagneris, Senator Jack Doland, Senator Kenneth E. Osterberger, Senator Cecil J. Picard, Representative Alphonse Jackson, Jr., Representative Jimmy D. Long, Representative Virgil Orr and Representative Francis C. Thompson.

b. Two members of the Board of Regents, who shall be Mr. George W. Hardy, III and Mr. George L. Luffey.

c. Two members of the Board of Trustees for State Colleges and Universities, who shall be Dr. Henry C. Lacey and Ms. Barbara Turner Windhorst.

d. One member of the Board of Supervisors for Southern University and Agricultural and Mechanical College, who shall be Mr. Bobby D. Higginbotham.

e. One member of the Board of Supervisors for Louisiana State University and Agricultural and Mechanical College, who shall be Mr. David Conroy.

f. One person affiliated with Louisiana's nonpublic colleges and universities, who shall be Father John F. Keller.

g. One person who shall be selected by the Louisiana Association of Business and Industry, who shall be Mr. Thomas D. James.

h. One person who shall be selected by the Louisiana AFL-CO, who shall be Mr. Frederick Skelton.

i. Three additional members who have a demonstrated commitment to public higher education in the State of Louisiana, who shall be Mr. E. Edwards Barham, Ms. Janice Martin Foster and Mr. Jesse N. Stone.

SECTION 4: The Chairman of the Task Force shall be Representative Jimmy D. Long and the Vice Chairman shall be Senator Cecil J. Picard.

SECTION 5: The commissioner of higher education for the State of Louisiana and the respective presidents of the Trustees Higher Education System, the Southern University System and the Louisiana State University System shall serve as ex-officio members of the Task Force and their respective staffs shall be requested to provide staff support to the Task Force. Additionally, the Task Force shall be entitled to seek the services of additional persons to provide staff support.

SECTION 6: Mr. John N. Kennedy, Special Counsel to the governor, shall serve as liaison between the Task Force and the Office of the Governor.

SECTION 7: The Task Force shall present its final report and recommendations to the governor no later than January 31, 1990.

SECTION 8: Each department within the executive branch of the State of Louisiana shall cooperate fully with the

Task Force and shall provide the Task Force with such data, information and statistics as are requested by the Task Force.

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 24th day of October, 1989.

Buddy Roemer  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

### EXECUTIVE ORDER BR 89-34

WHEREAS, the Job Training Partnership Act of 1982 (JTPA), (Public Law 97-300), as amended, established a partnership between the private and public sectors in aspects of local policy making, planning, administration, and program operations to help prepare persons with serious employment barriers to be productive members of the labor force; and

WHEREAS, the JTPA required the governor to coordinate and approve job training policy, plans and services of each substate and service delivery area and state agency throughout the State of Louisiana; and

WHEREAS, the term "job training" includes training, education programs, and supportive services aimed at increasing the skills and employment opportunities for persons who are economically disadvantaged and other individuals who are in special need of such training to obtain productive employment; and

WHEREAS, it was mandated that state and local agencies closely coordinate their efforts in developing plans which meet the locally determined need for programs to alleviate employment problems; in reducing duplication and gaps in program plans and services, and in effectively and economically utilizing state and federal funds; and

WHEREAS, employment and training programs must be coordinated with human services to better serve those in need of training in our society; and

WHEREAS, a State Job Training Coordinating Council must be established in accordance with the guidelines set forth in the JTPA, and in the Secretary of Labor's rules and regulations as published in the U. S. *Federal Register*; and

WHEREAS, the authority for the State Job Training Coordinating Council established in Executive Order No. BR 88 - 52 will expire on November 30, 1989 in accordance with LSA R.S. 49:215(D);

NOW THEREFORE I, BUDDY ROEMER, Governor of the State of Louisiana, do hereby order and direct the Re-enactment and Amendment of Executive Order No. BR 88 - 52 as follows:

SECTION 1: The Louisiana Department of Labor shall remain designated as the administrative entity for all JTPA operations in the state.

SECTION 2: The Governor's State Job Training Coordinating Council shall remain in the office of the secretary of the Department of Labor and shall consist of the following members, each of whom shall be appointed by the governor:

A. Thirty percent of the membership of the state council shall be representatives of business and industry (including agriculture, where appropriate), including individuals who are representatives of business and industry on private industry councils within the state.

B. Thirty percent of the membership of the state council shall be:

i. representatives of the State Legislature, and state agencies and organizations, such as the state educational agency, the state vocational education board, the state advisory council on vocational education, the state board of education (when not otherwise represented), state public assistance agencies, the state employment security agency, the state rehabilitation agency, the state occupational information coordinating committee, the state postsecondary instructions, the state economic development agency, state veterans' affairs agencies or equivalent, and such other agencies as the governor determines to have a direct interest in employment and training and human resource utilization within the state; and

ii. representatives of the units of consortia of general local government in the state who shall be nominated by the chief elected official of the units or consortia of units of general local government, and the representative of local educational agencies who shall be nominated by local educational agencies.

C. Thirty percent of the membership of the state council shall be representatives of organized labor and representatives of community-based organizations in the state.

D. Ten percent of the membership of the state council shall be appointed from the general public by the governor of the state.

E. The governor shall select one non-governmental member to serve as chairman of the council. The governor shall select a vice-chairman. Each member shall serve at the pleasure of the governor.

SECTION 3: The council shall continue to meet at regular intervals and at other times it deems available.

SECTION 4: The council shall be provided professional, technical, and clerical staff of the Department of Labor and shall be answerable to the secretary of the Department of Labor or their designee; additionally, the council may be provided one person holding a confidential position and one principal assistant in accordance with the Louisiana Constitution of 1974, Art. 10, §2.

SECTION 5: The plans and decisions of the council shall be subject to approval of the governor or his designee.

SECTION 6: The council shall continue to:

A. plan, coordinate and monitor the programs and services under the JTPA;

B. recommend a governor's coordination and special services plan;

C. recommend to the governor substate service delivery areas, and shall plan resource allocations under Section 302(b) for the governor's coordination and special services plan; develop appropriate linkage with other programs; coordinate activities with private industry councils; and shall recommend variations in performance standards;

D. advise the governor and local entities on job training plans and certify the consistency of such plans with criteria under the governor's coordination and special services plan for coordination of activities under the JTPA with other federal, state and local government-related programs, including programs operated in designated enterprise zones;

E. review the operation of programs conducted in each

service delivery area, and the availability, responsiveness, and adequacy of state services, and shall make recommendations to the governor, appropriate elected officials, and private industry councils, service providers, the legislature, and the general public as to the ways to improve the effectiveness of such programs or services;

F. review and comment on the state plan developed for the state employment service agency;

G. make an annual report to the governor (which shall be a public document) and issue such other studies, reports or documents as it deems advisable to assist service delivery areas in carrying out the purpose of the JTPA;

H. identify, in coordination with the appropriate state agencies, the employment, training, and vocational education needs throughout the state and assess the extent to which employment and training, vocational education, rehabilitation services, public assistance, economic development, and other federal, state, and local programs and services represent a consistent and integrated approach to meeting such needs;

I. comment at least once annually on the measures taken pursuant to §113(b)(9) of the Carl D. Perkins Vocational Education Act;

J. review plans of each state agency providing employment, training, and related services, and provide comments and recommendations to the governor, the legislature, state agencies, and the appropriate federal agencies on the relevancy and effectiveness of employment and training and related service delivery system in the state.

SECTION 7: No member of the council, other than a legislator serving thereon, shall receive per diem or other compensation for his duties pursuant to this order, but shall be reimbursed for his actual expenses incurred in the performance of his duties in accordance with the rules and regulations of the Division of Administration. A legislator serving as a member of the council shall receive per diem in accordance with law.

SECTION 8: This order shall remain in effect until amended, modified, or rescinded by the governor, or until terminated by operation of law.

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 3rd day of November, 1989.

Buddy Roemer  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

### EXECUTIVE ORDER BR 89 - 35

WHEREAS, the Calcasieu River estuary system in Calcasieu and Cameron Parishes has provided tremendous commercial and recreational opportunities for the citizens of the state and local communities for many years; and

WHEREAS, the estuary system has always been an integral and significant part of the economic base of Calcasieu and Cameron Parishes; and

WHEREAS, the state has issued several advisories for the Calcasieu River and the Prien Lake areas which have closed swimming and have warned against consuming fish taken from those areas; and

WHEREAS, one advisory warning was issued because tissue samples of fish taken from the river showed detectable levels of the toxic chemicals hexachlorobenzene and hexachlorobutadiene; and

WHEREAS, the pollution of the water bodies in the Calcasieu River estuary by chemical and sewerage discharges has created a need for the creation of a task force to advise and coordinate federal, state and local governments, citizen and industrial activities in Calcasieu and Cameron Parishes relative to the pollution problems in the Calcasieu River Basin.

NOW THEREFORE I, BUDDY ROEMER, Governor of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: There is created a special advisory task force to be known as "The Calcasieu Estuary Environmental Task Force" to serve as an advisory panel regarding the pollution of the Calcasieu River estuary system.

SECTION 2: The task force shall be charged with the following responsibilities:

A. Act as a liaison between the general public and state agencies regarding the pollution of the Calcasieu River estuary system by holding public hearings and receiving public input regarding public concerns, sources of pollution and possible solutions.

B. Meet and work with the state agencies regarding the scope and effect of their actions, the concerns and ideas of the citizens and generally advise such agencies concerning the environmental integrity of the system.

C. Monitor the actions of the state agencies and advise the general public with regard to those actions.

SECTION 3: The task force is hereby authorized to gather information on the following issues regarding the Calcasieu River estuary system:

A. The nature and extent of the health threat from all chlorinated hydrocarbons, especially hexachlorobenzene and hexchlorobutadiene identified in the fish and in the water sediments of the Calcasieu River estuary system.

B. Quality and reliability of the analytical standards and data use to evaluate the nature and extent of pollution from these and other pollutants. The impact upon the state and in particular southwest Louisiana's fishing and tourist industry as a result of pollution in the Calcasieu River estuary system.

C. The nature and extent of health threat from fecal coliform contamination throughout the Calcasieu River estuary system, the quality and reliability of the analytical data regarding such contamination and the need for additional sampling. The impact of such contamination on the fishing and tourist industry in southwest Louisiana. The source of such contamination and the recommended steps which should be taken to eliminate and clean up this contamination.

SECTION 4: Any future advisory restricting the use of the Calcasieu River estuary system, including restricting the use by the public of the Calcasieu River estuary system and including restrictions upon recreational or commercial activities, issued by any state agency shall only be issued at a public hearing convened by the task force for the express purpose of informing the public of the nature and content of the advisory and the reasons therefor.

SECTION 5: The task force shall be composed as follows: A. Two representatives of the Cameron Parish Police Jury

appointed by the police jury.

B. Two representatives of the Calcasieu Parish Police Jury appointed by the police jury.

C. Two citizens who are actively involved in environmental issues in the southwest Louisiana area appointed by the governor from two lists of three names submitted to the governor by the Southwest Louisiana Legislative Delegation.

D. Two representatives selected from two lists of three names nominated by the plant managers of companies located in the petrochemical manufacturing industry located in Calcasieu Parish.

E. One representative of the Calcasieu Parish Medical Society appointed by the governor from a list of three names submitted by the Calcasieu Parish Medical Society.

F. Two representatives of the commercial fishing industry in southwest Louisiana appointed by the governor from two lists of three names submitted to him by the Southwest Louisiana Legislative Delegation.

G. Two representatives of the sports fishing industry in southwest Louisiana appointed by the governor from two lists of three names submitted to him by the Southwest Louisiana Legislative Delegation.

H. A representative of the Louisiana Farm Bureau who is a resident of Calcasieu or Cameron Parish and is appointed by the president of the Farm Bureau.

I. A representative of the City of Sulphur appointed by the Sulphur city council.

J. A representative of the City of Westlake appointed by the Westlake city council.

K. A representative of the City of Lake Charles appointed by the Lake Charles city council.

SECTION 6: The following persons shall be advisory members and resource personnel of the task force who shall not be counted for determining the number needed for a quorum:

A. One member selected from the Southwest Louisiana Legislative Delegation and appointed by the governor.

B. A representative of the Department of Environmental Quality appointed by the secretary.

C. A representative of the Department of Health and Hospitals appointed by the secretary.

D. A representative of the Department of Wildlife and Fisheries appointed by the secretary.

E. A representative of the Attorney General's office appointed by the attorney general.

F. A representative of the United States Environmental Protection Agency appointed by the director of Region VI, Dallas office.

SECTION 7: The governor shall appoint the chairman who shall convene the task force, appoint committees and preside over meetings as necessary to accomplish the purpose of the task force. The governor shall also appoint a vice-chairman. A majority of the voting membership shall constitute a quorum.

The task force shall adopt rules to insure maximum attendance at meetings to include a requirement that any member of the task force will be automatically replaced in the event said member fails to attend two consecutive meetings of the task force without excuse.

SECTION 8: The task force shall prepare an annual report on its activities and shall furnish said report to the governor not later than April 1 of each year beginning 1990. Any report filed shall incorporate not only the majority opinion of the panel regarding the matters addressed but also shall incorporate any dissenting views regarding the subject matter discussed.

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 3rd day of November, 1989.

Buddy Roemer  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

### EXECUTIVE ORDER BR 89-36

WHEREAS, the governor of the State of Louisiana pursuant to the Tax Reform Act of 1986 (the "Act") and Act 51 of the 1986 Louisiana Legislative Session has issued his Executive Order No. BR 88-35 establishing (i) a method for the allocation of bonds subject to the private activity bond volume limits (the "1989 Ceiling"), (ii) the procedure for obtaining an allocation of bonds under the 1989 Ceiling and (iii) a system of central record keeping for such allocations; and

WHEREAS, the Village of Hodge has requested an allocation commitment in the amount of \$80,000,000 from the 1989 Ceiling to be used in connection with the financing of a new boiler and associated equipment for the Stone Container Corporation ("Stone") facility in the Village of Hodge; and

WHEREAS, the Stone facility in the Village of Hodge is a major employer in the State of Louisiana which deserves special consideration; and

WHEREAS, the construction of the new boiler and associated equipment will enable Stone to meet the air standards requirements of the Department of Environmental Quality; and

WHEREAS, the governor has determined that the new boiler and associated equipment to be constructed at the Stone facility serves a crucial need and provides an extraordinary benefit to the State of Louisiana and the Village of Hodge; and

WHEREAS, the governor has requested that a portion of the allocation from the 1989 Ceiling for the new boiler and associated equipment be released because of demand for allocations from the 1989 Ceiling by certain state housing agencies and other issuers; and

WHEREAS, the governor desires to allocate \$40,000,000 from the 1989 Ceiling for the benefit of the Village of Hodge and Stone; and

WHEREAS, the governor has committed his best efforts on or about January 2, 1990 to allocate to the Village of Hodge for the new boiler and associated equipment sufficient 1990 Ceiling to permit the closing and delivery of the revenue bonds of the village in January, 1990; and

WHEREAS, it is recognized that Stone has furnished a \$7,500 deposit in connection with the request of the Village of Hodge for an \$80,000,000 allocation, and no further deposit is required in connection with the granting of an allocation or carryforward from the 1989 Ceiling or 1990 Ceiling; and

WHEREAS, the governor of the State of Louisiana intends that this executive order, to the extent inconsistent with Executive Order BR 88-35, supersede such provisions with respect to the allocation made herein.

NOW THEREFORE, I, BUDDY ROEMER, governor of the State of Louisiana, do hereby order and direct as follows:

Section 1. That the bond issue described in this Section is hereby granted an allocation from the 1989 Ceiling in the amount shown:

AMOUNT OF ALLOCATION	NAME OF ISSUER	NAME OF PROJECT
\$40,000,000	Village of Hodge	Stone Container Corporation

Section 2. The allocation granted hereunder is to be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana IDB Ceiling" submitted in connection with the bonds described in Section 1.

Section 3. The allocation granted hereby shall be valid and in full force and effect through December 31, 1989, provided that if such bonds are not delivered to the initial purchasers thereof on or before December 31, 1989, the undersigned shall grant a carryforward of such \$40,000,000 1989 Ceiling allocation to Stone on or prior to December 31, 1989.

Section 4. The undersigned certifies, under penalty of perjury, that the allocation granted hereby was not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

Section 5. That this executive order, to the extent conflicting with the provisions of Executive Order No. BR 88-35, supercedes and prevails over the provisions of such executive order.

Section 6. All references herein to the singular shall include the plural and all plural references shall include the singular.

Section 7. This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 3rd day of November, 1989.

Buddy Roemer  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Economic Development Office of Commerce and Industry

The Department of Economic Development, Office of Commerce and Industry, Finance Division, does hereby exercise the emergency provision of the Administrative Procedure Act (R.S. 49:953B) to adopt, effective November 10, 1989, the fol-

lowing regulations for the continuation of financial fees. The following rules will adopt the emergency regulations and the emergency amendment and repeal of existing regulations. The rules pertain to the continuation of fees to provide for the cost of services performed by the Department of Economic Development, Office of Commerce and Industry, Finance Division.

## Title 13 ECONOMIC DEVELOPMENT Part I. Office of Commerce and Industry Subpart 1. Finance

### Chapter 3.

#### §301. Advance Notification Fee

Advance notification fee of \$100 per advance notification, which shall be due 90 days prior to the beginning of construction, to be submitted with the advance notification form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104B (7)

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 12: 659-666 (October, 1986), amended LR 16:

#### §303. Application Fee for all Programs

To amend each fee that is submitted with each application for the following programs administered by the Department of Economic Development, Office of Commerce and Industry, Finance Division: Industrial Tax Exemption Program, Article VII, Part II, Section 21 (F) of the Louisiana Constitution of 1974; Enterprise Zone Program R.S. 51:1781-1790, et seq.; Energy Conservation Program R.S. 47:305.30; Restoration Tax Abatement Program, Article VII, Part II, Section 21 (H) of the Louisiana Constitution and R.S. 47:4319-4322, Louisiana Capital Companies (Venture Capital) R.S. 51:1921-1932; Industrial Tax Equalization Program R.S. 47:3201-3206; Corporate Headquarters Tax Equalization Program R.S. 47:3201-3206; Industrial Assistance Program, R.S. 47: 4302-4306; Warehousing and Distribution Tax Equalization, R.S. 47:3201-3206; and Transportation Equalization, R.S. 51:941-946. The fee shall be .2 percent of the estimated total amount of taxes to be exempted. The fee shall be submitted with each application received for all the programs administered by the Department of Economic Development, Office of Commerce and Industry. In no case shall an application fee be less than \$200 and in no case shall a fee exceed \$5000 per project.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104B(7)

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 12:659-666 (October, 1986), amended LR 16:

#### §305. Inspection Fee

Inspection fees of \$100 for each plant inspection shall be submitted with each affidavit of final cost/energy saved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104B(7)

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 12:659-666 (October, 1986), amended LR 16:

#### §307. Renewals

A fee of \$50 shall be charged for the renewal of a contract for the benefits of the Industrial Tax Exemption Program Article VII, Part II, Section 21 (F) of the Louisiana Constitution of 1974; Enterprise Zone exemptions (where applicable) R.S. 51:1781-1790, et seq., Corporation Headquarters (where applicable), R.S. 47:3201-3206; Industrial Tax Equalization (where applicable), R.S. 47:3201-3206, Industry Assistance (where ap-

plicable), R.S. 7:4301-4306; and Warehousing and Distribution Establishment Tax Equalization Program (where applicable), R.S. 47:3201-3206.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104B(7)

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 12:659-666 (October, 1986), amended LR 16:

### **§309. Collection Procedure**

This regulation provides for the implementation of new fees to be collected from all businesses submitting advance notifications, applications, affidavits, and/or contract renewals for programs referenced in §303, on or after May 4, 1988. No documents will be processed until such time as the fee is received in the Office of Commerce and Industry, Finance Division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104B(7)

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 12:659-666 (October, 1986), amended LR 16:

Robert Paul Adams  
Director

## **DECLARATION OF EMERGENCY**

### **Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medical Assistance Program.

The Health Care Financing Administration (HCFA) promulgated reimbursement limits on payments for drugs under Title XIX (Medicaid). These limits were published in the *Federal Register*, Vol. 52, No. 147, dated July 31, 1987, Pages 28648 - 28658. Under these regulations reimbursement for prescription drugs was divided into two groupings: Multiple Source Drugs for which a Federal Upper Limit was established; and Other Drugs. Under this regulation the state agency incorporated Federal Upper Limits into its existing "lower-of" reimbursement methodology. The state agency also retained its reimbursement methodology for drugs included in the "Other Drugs" category. Reimbursement for drugs in this category was based on the lower of:

- Louisiana Maximum Allowable Cost (LMAC) limits on multiple source drugs;
- average wholesale price (AWP) for the drug product subject to expanded package size limitations; and
- usual and customary charges to others.

Following submittal of the state's reimbursement methodology to the Health Care Financing Administration (HCFA) the state was notified the continued utilization of AWP in setting reimbursement for "Other Drugs" was unacceptable in light of "overwhelming evidence" that providers do not pay AWP for drugs purchased. The state agency appealed this decision and was notified on June 16, 1989 that the administrator of HCFA

had upheld the disapproval of Louisiana's methodology making the following findings:

"The administrator has reviewed the entire prescription drug reimbursement plan proposed in Plan Amendment No. 87-33. There are features in this plan which properly constrain Medicaid drug reimbursement costs. The state's LMAC program has been, and continues to be, a significant factor in keeping total costs in line. There was evidence in the record that the LMAC program accounted for 56 percent of all drug claims reimbursed by the state."

"However, all of the drugs subject to LMAC are multiple-source drugs. Other multiple-source drugs are subject to the Federal MAC, set up under 42 CFR 447.332. EAC would still serve as the primary cost screen for all single source drugs. This is the crux of the issue in this reconsideration - the effectiveness of EAC for those drugs subject to it."

"Reimbursement for all drugs, except those subject to the Federal MAC, would be subject to the additional limitation of the usual and customary charge made to the general public. This is a regulatory requirement at 42 CFR 447.331(b). However, when this limitation is frequently used because the retail prices are lower than the average wholesale price (AWP) plus a dispensing fee, there is a further indication that the unmodified AWP is in excess of the providers' acquisition cost."

"The LMAC and usual customary charge limitation are commendable features of the state's proposed plan. However, the plan would be more economical and efficient if the EAC did not rely upon an unmodified AWP."

The Bureau of Health Services Financing has been orally advised by HCFA Region VI personnel that without specific findings of what price participating pharmacies are paying for prescription drugs, reimbursement of single source drugs based upon compendia data cannot be approved unless such data is reduced by a minimum of 10.5 percent.

To prevent the disallowance of federal funding effective July 1, 1989, for pharmacy services, the Bureau of Health Services Financing was required to submit a new reimbursement methodology for prescription drug services. While the bureau has appealed HCFA's disapproval of the state's reimbursement methodology, until a decision of the Federal Court of Appeals is rendered the mandated methodology of the federal government must remain in effect.

Under this rule the agency has expanded its definition of "Estimated Acquisition Cost" for "Other Drugs" to include an additional "lower-of" limitation. This limitation establishes AWP-10.5 percent as the maximum reimbursement for "Other Drugs" not subject to, or exempt from LMAC and federal upper limits. This change is mandated to comply with HCFA's final ruling on Louisiana drug reimbursement and mandatory federal regulations. This rule shall become effective November 1, 1989. This rule was previously published in the *Louisiana Register*, Vol. 15, No. 7, dated July 20, 1989.

## **RULE**

Prescribed Drugs are reimbursed as follows:

### **I. METHODS OF PAYMENT**

Maximum and minimum payment rates for medications - pharmacy or dispensing physician are as follows:

#### **A. Maximum Pharmaceutical Price Schedule**

The maximum payment by the agency for a prescription shall be no more than the cost of the drug established by the state plus the established dispensing fee. Each pharmacy's records shall establish that the established dispensing fee paid by the Medical Assistance Program for prescriptions does not ex-



ceed the dispensing fee paid by others. This also applies to the payment for insulin and diabetic testing agency and indwelling catheters and catheterization trays for which the dispensing fee may not exceed 50 percent of the wholesale price.

**B. Payment for Medications to Dispensing Physician/Practitioner**

Payment will be made for medications dispensed by a physician or other practitioner (covered under Attachment 3.1-A, Item 6 within the scope of practice as prescribed by state law) on a continuing basis only when his main office is more than five miles from a facility which dispenses drugs.

Under the above circumstances, vendor payment (when the treating prescriber dispenses his own medications and bills the Medical Assistance Program under his own name or the name of his own clinic or hospital) will be made on the same basis as a pharmacist as specified in Paragraph A above.

**II. STANDARDS FOR PAYMENT**

**A.** Payment will be made for medications in accordance with the payment procedures for any eligible person who has identified himself to the provider by presenting his identification card which shows his eligibility. State office advises participating pharmacists regarding payable medication.

**B.** The pharmacy must be licensed to operate in Louisiana except:

1. as provided for a person residing near the state line; or
2. as provided for a recipient visiting out-of-state.

**C.** Payment will be made only to providers whose records are subject to audit.

**D.** Payment will be made to providers only for medications furnished to persons eligible for medical vendor payments on a prescription written by a licensed physician or dentist.

**III. REIMBURSEMENT LIMITS**

Payments will be made only for the drugs covered under the Medical Assistance Program's Pharmacy Program.

**A. Definitions**

*Brand Name* means any registered trade name commonly used to identify a drug.

*Multiple Source Drug* means a drug marketed or sold by two or more manufacturers or labelers or a drug marketed or sold by the same manufacturer or labeler under two or more different proprietary names or both under a proprietary name and without such a name.

*Average Wholesale Price (AWP)* means the wholesale price of a drug product as reported to the agency by one or more national compendia on a weekly basis to update the Medicaid Management Information System (MMIS).

*Estimated Acquisition Cost (EAC)* means the modified average wholesale price of the drug dispensed, identified by the manufacturer number, product number, and package number usually purchased by a provider, from a supplier whose products are generally available to all pharmacies and reported in one or more national compendia. EAC for drug products supplied through repackaging into smaller quantities by chain drugstore central purchasing shall be based on the package size purchased by the central purchasing unit. Supporting documentation (invoices) shall be made available to the agency or its designee upon request. This limitation includes drug products which are repackaged or relabeled by the manufacturer or third party under any type of purchase contract or agreement. Bulk purchase contracts in excess of 100 packages and any central office purchasing practices which result in price reductions not generally available to all pharmacies shall also be subject to this limitation. If the package size is larger than the largest size listed by the

Louisiana program, the EAC will be based on the largest size listed in the American Druggist Blue Book or other national compendia utilized by the state to update the Medicaid Management Information System (MMIS).

*Modified* means the lower of the following applicable limits:

°AWP-10.5 percent for "Other Drugs not subject to LMAC limits; and Drugs exempted from LMAC or Federal Upper Limits by physician override;

°LMAC limits on multiple source drugs established by the state as set forth below; and

°Federal upper limits on multiple source drugs established by HCFA as set forth below.

**B. Federal Upper Limits (FUL) For Multiple Source Drugs**

1. Except for drugs subject to "Physician Certification", the Medical Assistance Program shall utilize listings established by HCFA that identify and set upper limits for multiple source drugs that meet the following requirements:

a. all of the formulations of the drug approved by the Food and Drug Administration (FDA) have been evaluated as therapeutically equivalent in the most current edition of their publication, *Approved Drug Products with Therapeutic Equivalence Evaluations* (including supplements or in successor publications);

b. at least three suppliers list the drug (which has been classified by the FDA as category "A" in the aforementioned publication based on listings contained in current editions (or updates) of published compendia of cost information for drugs available for sale nationally.

2. The Medical Assistance Program shall utilize the maximum acquisition cost established by HCFA in determining Multiple Source Drug Cost.

3. The Medical Assistance Program shall provide pharmacists who participate in Title XIX reimbursement with updated lists reflecting the multiple source drugs subject to federal multiple source drug cost requirements, the maximum reimbursement amount per unit, and the date such costs shall become effective.

**C. Other Drug Cost Limits**

1. Payments for drugs other than multiple source drugs not exempted by "Physician Certification" shall be based on the lower of:

a. the agency's Estimated Acquisition Cost plus the agency's established dispensing fee; and

b. the providers' usual and customary charge to the general public not to exceed the agency's "Maximum Pharmaceutical Price Schedule."

**2. Louisiana Maximum Allowable Cost (LMAC) Limits**

LMAC is the median AWP cost for a specific strength/unit drug determined by listing the wholesale costs for each readily available manufacturer, labeler, etc. and taking the median of those AWP costs (one-half will be above the median cost and one-half will be below the median cost). LMAC limits may be adjusted by the agency based on changes in the availability and EAC of the drugs.

The agency shall make determinations of which multiple source drugs are to be subject to LMAC regulations based on the availability of drugs in the Louisiana Medical Assistance Program. The availability of a drug product will be determined by review of provider claim data. Providers shall be given advance notice of any additions, deletions, or adjustments in price. A complete LMAC cost listing will be distributed periodically. Any provider may request and receive at no charge, one complete listing annually.

In no case shall a recipient be required to provide payment for any difference in a prescription price that may occur with implementation of the LMAC limits, nor may BHSF use a cost which exceeds the established maximums except for physician certification for brand name drugs.

D. Lower of Reimbursement for Multiple Source Drugs.

The agency shall make payments for Multiple Source Drugs other than drugs subject to "Physician Certifications" based on the lower of:

1. any applicable Louisiana Maximum Allowable Cost Limit plus the agency's established dispensing fee;
2. any applicable federal upper limit for multiple source drugs plus the agency's established dispensing fee;
3. the providers' usual and customary charges to the general public not to exceed the agency's "Maximum Pharmaceutical Price Schedule"; and
4. the average wholesale price of the drug product, subject to the agency's limits on purchasing practices as outlined in the definition of EAC and IV. K.

E. Physician Certifications

Limits on payments for multiple source drugs shall not be applicable when the prescriber certifies in his own handwriting that a specified brand name drug is medically necessary for the care and treatment of a recipient. Such certification may be written directly on the prescription or on a separate sheet which is attached to the prescription. A standard phrase, in the prescriber's handwriting, such as "brand necessary" will be acceptable.

Any practice which precludes the prescriber's handwritten statement shall not be accepted as a valid certification. Such practices include, but are not limited to:

1. a printed box on the prescription blank that could be checked by the prescriber to indicate brand necessity;
2. a handwritten statement transferred to a rubber stamp and then stamped on the prescription blank;
3. preprinted prescription forms using a facsimile of the prescriber's handwritten statement.

IV. GENERAL REQUIREMENTS APPLICABLE TO ALL PRESCRIPTIONS

A. For all prescriptions, the maximum quantity payable shall be a month's supply or 100 unit doses, whichever is greater. The quantity billed shall be that prescribed, unless it exceeds the maximum quantity payable in which case the maximum quantity payable shall be filled.

B. When maintenance drugs are prescribed and dispensed for chronic illnesses they shall be in quantities sufficient to effect economy in dispensing and yet be medically sound. Listed below are drugs the agency considers to be maintenance type drugs and which should be prescribed and dispensed in a month's supply:

Anti-coagulants  
Anti-convulsants  
Oral Anti-diabetics  
Calcium Gluconate, Calcium Lactate, and Calcium Phosphate  
Cardiovascular Drugs including: diuretics, antihypertensives, and Antihyperlipidemics  
Estrogens  
Ferrous Gluconate and Ferrous Sulfate  
Potassium Supplements  
Thyroid and antithyroid drugs  
Vitamins - A, D, K, B<sub>12</sub> Injection, Folic Acid, and Nicotinic Acid

C. For patients in nursing homes, the pharmacist shall bill for a minimum of a month's supply of medication unless the

treating physician specifies a smaller quantity for a special medical reason.

D. Payment will not be made for narcotics prescribed only for narcotic addiction.

E. Recipients shall have free choice of pharmacy unless subject to the agency's "lock-in" procedures.

F. When services are provided the eligible person under another service plan (Hospitalization or extended care facility), the provisions applicable to such service plans shall apply during the time the service is provided and vendor payments will not be made for medications.

G. Payment will be made for prescriptions refilled not more than five times or more than six months after issue date and only to the extent indicated by the prescriber on the original prescription and as restricted by state and federal statutes. The prescriber is required to state on the prescription the number of times it may be refilled.

H. Prescriptions shall be filled within 10 days; narcotic (classified as schedule II by the U.S. Drug Enforcement Administration) prescriptions within 24 hours.

I. A prescriber who has a suboffice in an area more than five miles from a pharmacy or other facility dispensing medications will not be paid for medication he dispenses if his main office is within five miles of a pharmacy or other facility dispensing medications.

J. When a prescriber bills the Medical Assistance Program for medications he dispenses, he shall certify that he himself, another prescriber or a pharmacist dispensed the medications and he shall maintain the same records as required of the pharmacist.

K. The manufacturer number, product number, and package number for the drug dispensed shall be listed on all claims. This information shall be taken from the actual package from which the drug is purchased by a provider. Drug products supplied through repackaging into smaller quantities by chain drug store central purchasing shall be billed by the dispensing pharmacy using the manufacturer number, product number, and package size number of the package size purchased by the central purchasing unit. If the package size is larger than the largest size listed by the Louisiana program, then the package size billed shall be the largest size listed in the American Druggist Blue Book or other national compendia used by the state to update the Medicaid Management Information System. In instances where drugs are supplied in smaller quantities by a manufacturer or third party under a special purchase arrangement, contract, or agreement not generally available to all providers; then the package size billed shall be the largest size listed in the American Druggist Blue Book or other national compendia utilized by the state to update the Medicaid Management Information System.

David L. Ramsey  
Secretary

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act,

R.S. 49:953B, to adopt the following rule in the Medical Assistance Program.

Currently, Title XIX (Medicaid) coverage in Louisiana limits obstetrical care visits to one initial office visit including the complete OB workup, preparation of records, health/dietetic counseling, etc., 13 follow-up prenatal visits during the term of the pregnancy including such services as vaginal exam, "dip-stick" urinalysis, routine fetal monitoring, diagnosis and treatment of conditions both related to and non-related to pregnancy, and one postpartum visit including all services associated with the usual antepartum visit releasing the patient from obstetrical care. These services are in addition to the 12 "office and other outpatient visits" provided for routine medical care, but available to pregnant women only in extreme life-threatening situations.

Under the present procedure, approval for payment of claims for follow-up prenatal visits in excess of the limitation of 13 must be requested post-visit by the provider. Following each visit over the limitation of 13, the provider's staff completes a preauthorization form and submits it to the Prior Authorization Unit of the Bureau of Health Services Financing. The Prior Authorization Unit receives between 200 and 250 such forms each month, which must be evaluated and returned to the providers prior to submission of claims for payment. Requests for additional prenatal visits are being approved routinely in the interest of maternal and child health and in providing reimbursement to providers for services already performed. Present policy forbids submission of a request for pre-approval based on an estimated number of additional visits.

Elimination of this paperwork requirement is expected to contribute to enhanced access to necessary additional prenatal care. For recipients whose prenatal visits may have been limited to 13 even though additional visits were indicated, adoption of this provision will contribute materially to maternal and child health. Failure to adopt this provision could result in seriously jeopardizing the lives and future health of high-risk pregnant women and/or infants at risk of being born prematurely, with low birth weights, or suffering from other preventable conditions.

#### RULE

Provisions of follow-up prenatal visits shall be allowed as necessary for adequate and necessary medical treatment of the Title XIX-eligible recipient.

David L. Ramsey  
Secretary

#### DECLARATION OF EMERGENCY

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B, to adopt the following rule in the Medical Assistance Program.

Currently, state office approval is not needed for certain durable medical appliances, equipment and supplies if the cost is under \$25. Under order of the Federal District Court, the state is required to meet specific approval time frames. Because of staff shortages and increased equipment requests, the state can no

longer maintain a \$25 limit and process approvals under the time frames mandated by the court. To assure compliance with the order by the district court, the state is increasing the cost limit to \$100 effective November 6, 1989. This rule increases the \$25 limit to \$100 for certain items of durable medical appliances, equipment and supplies. Local office notification and approval will continue to be required for items excluded from state office approval as outlined in the appropriate procedure manual. This emergency rule is necessary for the state to comply with mandated time frames established by order of the Federal District Court.

#### RULE

State office approval is not needed for certain durable medical appliances, equipment and supplies specified in Chapter XIX if the cost is under \$100. State office prior approval will continue to be required on those items not specifically included under this Section in Chapter XIX regardless of costs.

David L. Ramsey  
Secretary

#### DECLARATION OF EMERGENCY

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B, to adopt the following rule in the Medical Assistance Program.

The Health Care Financing Administration (HCFA) promulgated reimbursement limits on payments for drugs under Title XIX (Medicaid). These limits were published in the *Federal Register*, Vol. 52, No. 147, Dated July 31, 1987, Pages 28648 - 28658. Under these regulations reimbursement for prescription drugs was divided into two groupings: Multiple source drugs for which a federal upper limit was established; and other drugs. Under this regulation the state agency incorporated federal upper limits into its existing "lower-of" reimbursement methodology. The state agency also retained its reimbursement methodology for drugs included in the "other drugs" category. Reimbursement for drugs in this category was based on the lower of:

- Lower Maximum Allowable Cost (LMAC) limits on multiple source drugs;
- average wholesale price (AWP) for the drug product subject to expanded package size limitations; and
- usual and customary charges to others.

Following submittal of the state's reimbursement methodology to the Health Care Financing Administration (HCFA) the state was notified the continued utilization of AWP in setting reimbursement for "other drugs" was unacceptable in light of "overwhelming evidence" that providers do not pay AWP for drugs purchased. The state agency appealed this decision and was notified on June 16, 1989 that the administrator of HCFA had upheld the disapproval of Louisiana's methodology making the following findings:

"The administrator has reviewed the entire prescription drug reimbursement plan proposed in Plan Amendment No. 87-

33. There are features in this plan which properly constrain Medicaid drug reimbursement costs. The state's LMAC program has been, and continues to be, a significant factor in keeping total costs in line. There was evidence in the record that the LMAC program accounted for 56 percent of all drug claims reimbursed by the state."

"However, all of the drugs subject to LMAC are multiple-source drugs. Other multiple-source drugs are subject to the Federal MAC, set up under 42 CFR 447.332. EAC would still serve as the primary cost screen for all single source drugs. This is the crux of the issue in this reconsideration - the effectiveness of EAC for those drugs subject to it."

"Reimbursement for all drugs, except those subject to the Federal MAC, would be subject to the additional limitation of the usual and customary charge made to the general public. This is a regulatory requirement at 42 CFR 447.331(b). However, when this limitation is frequently used because the retail prices are lower than the average wholesale price (AWP) plus a dispensing fee, there is a further indication that the unmodified AWP is in excess of the providers' acquisition cost."

"The LMAC and usual and customary charge limitation are commendable features of the state's proposed plan. However, the plan would be more economical and efficient if the EAC did not rely upon an unmodified AWP."

The Bureau of Health Services Financing has been orally advised by HCFA Region VI personnel that without specific findings of what price participating pharmacies are paying for prescription drugs, reimbursement of single source drugs based upon compendia data cannot be approved unless such data is reduced by a minimum of 10.5 percent.

To prevent the disallowance of federal funding effective July 1, 1989, for pharmacy services, the Bureau of Health Services Financing was required to submit a new reimbursement methodology for prescription drug services. The bureau has declared emergency rules effective July 1, 1989, and November 1, 1989 to amend its reimbursement methodology as mandated by HCFA. As the current dispensing fee was established taking reimbursement limitations into account, the change in reimbursement limits requires the bureau to also amend its dispensing fee to assure total reimbursement for prescription services remains reasonable and adequate to cover the costs which must be incurred by efficiently and economically operated providers.

While the bureau has appealed HCFA's disapproval of the state's reimbursement methodology, until a decision of the Federal Court of Appeals is rendered the mandated methodology of the federal government must remain in effect. Therefore, to assure reasonable and adequate reimbursement in accordance with §1902(a)(30) of the Social Security Act is maintained as mandated, the bureau is renewing its increase of the dispensing fee to \$4 based on the dispensing fee survey performed by the bureau in 1987.

#### RULE

The bureau shall pay a dispensing fee on each Title XIX prescription of no more than \$4. The dispensing fee paid on a prescription shall be subject to reimbursement limitations adopted by the bureau for payment of Title XIX prescription drug services.

David L. Ramsey  
Secretary

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B, to adopt the following rule in the Medical Assistance Program.

Public Law 100-203 mandates preadmission screening and annual resident review for nursing care (Long Term Care services in other than an ICF-MR) to ensure that individuals with a diagnosis of mental illness or mental retardation receive appropriate levels of care; and that active treatment is available when it is determined that such treatment is needed even when the individual does require a nursing facility level of care. This law will result in the deinstitutionalization of many individuals now placed in nursing facilities. These individuals, as well as others deinstitutionalized from state psychiatric facilities, will require extensive mental health and/or substance abuse services in the community in order to reduce the disability resulting from mental illness and to restore the individual to his/her best possible functioning level in the community. Therefore, it is necessary to include rehabilitative services for mentally ill adults or emotionally disturbed children as Medicaid services. This emergency rule will then ensure the availability of services necessary to prevent imminent peril to the health and welfare of deinstitutionalized mentally ill individuals and emotionally disturbed children. This provision will also ensure the state's adherence to the federal requirements mandated by Public Law 100-203 in regard to the active treatment provisions for individuals qualifying as in need of nursing facility care but who also require active treatment of a mental illness, as the necessary rehabilitative services may then be provided as an adjunct via these community-based mental health and/or substance abuse services. This provision was previously published as an emergency rule in the *Louisiana Register*, Volume 15, No. 7 dated July 20, 1989.

#### RULE

Effective July 1, 1989 the Bureau of Health Services Financing shall add as Medicaid services, the following rehabilitation services to mentally ill adults or emotionally disturbed children (as defined by Division of Mental Health) which are necessary to reduce the disability resulting from mental illness and to restore the individual to his/her best possible functioning level in the community:

##### 1. Structured Therapeutic Program

A structured therapeutic program which provides rehabilitative services determined to be necessary for the mentally ill adult or emotionally disturbed child for the reduction of physical or mental disability and restoration of the individual to his best possible functional level. The services must be recommended by and included in the individual's treatment plan as approved by a physician or other licensed practitioner of the healing arts. Units of service shall be hours and reimbursement shall be at a negotiated hourly rate established by the Bureau of Health Services Financing based on the cost of the service.

##### 2. Community Based Crisis Care

Face-to-face services provided by qualified mental health professionals or direct service staff under the supervision of qualified mental health professionals to resolve acute emotional or mental dysfunction and secure appropriate placement in the least restrictive setting; or for continued treatment, follow-up and

support services necessary to maintain crisis resolution and restore functioning of the mentally ill adult or emotionally disturbed child to the best possible functional level. All services must be provided in accordance with a treatment plan approved by a licensed physician or other licensed practitioner of the healing arts, with the exception of crisis intervention services, which may be recommended by the qualified mental health professional or licensed physician on duty during the crisis. Units of service shall be hours and reimbursement shall be at a negotiated hourly rate established by the Bureau of Health Services Financing based on the cost of the service.

a. Structured Crisis Care provided in a structured community setting, staffed with qualified mental health professionals trained in crisis management such as crisis stabilization programs and detoxification programs certified by the Division of Mental Health.

b. Residential Crisis Care provided in individual or group residential setting (e.g. the client's own home, a foster care home, a shelter, or group home, etc.) by qualified mental health professionals or direct service staff under the supervision of qualified mental health professionals.

### 3. Psycho-social Rehabilitation Services

Diagnostic and treatment services to individuals with mental or emotional disorders, the individuals' families, and others with significant ties to the clients, which are recommended by and included in the individual's treatment plan as approved by a physician or other licensed practitioner of the healing arts. Services may be provided at any site such as the client's home, school or other community setting. Psycho-social rehabilitation services do not include those services that are part of another community mental health service, such as clinic services, structured therapeutic programs, community-based crisis care services, medication administration and monitoring or case management services (as defined under the case management option of the Title XIX State Plan for the chronically mentally ill). Units of service shall be by service/procedure and shall be reimbursed in accordance with a fee for service established by the Bureau of Health Services Financing.

### 4. Medication Services

Face-to-face contact by qualified professionals to administer prescribed medications, or to assess or monitor a person's status in relation to treatment with medication. Services must be provided in accordance with a treatment plan approved by a licensed physician or other licensed practitioner of the healing arts, with the exception of crisis services, which may be recommended by the licensed physician on duty during the crisis.

a. **Injectable Medication Administration.** Administration of injectable medication via intradermal, subcutaneous, intramuscular, or intravenous routes by a licensed nurse, a physician or other legally approved person under the supervision of a physician in accordance with a physician's order. Such administration includes preparation of the medication utilizing sterile technique, administration of the medication utilizing proper sites, client assessment and reaction to injection, medication education, and documentation of the medication administration, client response, and medication counseling provided.

Units of service shall be per injection and shall be reimbursed on a fee for service established by the Bureau of Health Services Financing.

b. **Medication Administration by other Routes.** Administration of medication via routes other than injection. Such medication administration is performed by a licensed nurse, a physician, or other legally approved person under the supervi-

sion of a physician in accordance with a physician's order. Administration of these types of medication include preparing and administering medication using proper technique, client assessment and reaction, medication education, and documentation of the medication administration, client response, and medication counseling provided. Unit of service shall be per occurrence of administration of medication and shall be reimbursed on a fee for service established by the Bureau of Health Services Financing.

c. **Medication Monitoring.** Face-to-face contact by professional staff authorized by the physician to ascertain the person's response to prescribed medication regimen. Assessment data/description of person's condition is prepared for physician evaluation. Contact is made either in accordance with the person's individual treatment plan or in a crisis situation when the person's documented condition indicates unscheduled review is necessary. Unit of service shall be per contact/encounter and shall be reimbursed on a fee for service established by the Bureau of Health Services Financing.

### Standards for Participation

The provider of rehabilitation services for the mentally ill adult or the emotionally disturbed child (as defined by Division of Mental Health) must:

1. enter into a provider agreement with the Bureau of Health Services Financing, and abide by the provisions of the Provider Agreement and other applicable state and federal regulations related to enrollment as a Medicaid provider;

2. must be certified as a comprehensive community mental health services provider by the Division of Mental Health; or

3. ensure that all rehabilitative services are provided by or under the supervision of a Qualified Mental Health Professional (QMHP) as defined by the Division of Mental Health and who meet one of the following education and experience requirements:

a. a psychiatrist who is duly licensed to practice medicine in the state of Louisiana and had completed an accredited training program in psychiatry; or

b. a psychologist who is licensed as a practicing psychologist under the provisions of state law; or

c. a social worker who holds a master's degree in social work from an accredited school of social work and is a board certified social worker under the provisions of R.S. 37:2701-2718; or

d. a psychiatric nurse who is licensed to act as a registered nurse in the state of Louisiana by the Board of Nursing and:

i. is a graduate of an accredited master's level program in psychiatric mental health nursing with two years experience; or

ii. has a master's degree in behavior science with two years of supervised clinical experience; or

iii. has four years of experience in psychiatric mental health nursing; or

e. a professional mental health counselor who is licensed as a mental health counselor under the provision of state law; and has two years experience in mental health; or

f. other qualified mental health professional with a master's degree in a related human services field and two years of supervised clinical experience in mental health services, or an individual with a baccalaureate degree in a related human service field and four years of supervised clinical experience in mental health services.

4. ensure that services are provided in accordance with an individualized plan of care as approved by a licensed physician or other licensed practitioner of the healing arts who is also a qualified mental health professional;

5. each Comprehensive Community Mental Health Services Provider must establish and maintain a quality assurance committee which shall examine the clinical records for completeness, adequacy and appropriateness of care, and quality of care and efficient utilization of provider resources. The quality assurance documents should be filed separately from the clinical records. A utilization review plan which meets federal and state requirements for mental health services shall be submitted to the Bureau of Health Services Financing for review and approval; and reviews must be conducted in accordance with the approved plan;

6. ensure that sufficient records to document the rehabilitative services being provided to the mentally ill adult or emotionally disturbed child under this provision are maintained in accordance with state and federal regulations;

7. comply with state and federal regulations regarding the completion and submittal of cost reports and audit of same;

8. comply with state and federal regulations regarding subcontracts.

Reimbursement for rehabilitative services to mentally ill adults or emotionally disturbed children shall be in accordance with a negotiated hourly rate or a fee for service established by the Bureau of Health Services Financing based on cost(s) of providing the service. All services are reimbursable only when provided in accordance with a treatment plan approved by a licensed physician or other licensed practitioner of the healing arts, with the exception of crisis care services which may be recommended by the qualified mental health professional or physician on duty during the crisis.

David L. Ramsey  
Secretary

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medical Assistance Program.

Currently, Skilled Nursing Facility (SNF) reimbursement for Technology Dependent Children (SNF/TDC) is set at \$85 per diem. The flat rate established for this service is based on facility costs for 20 or more cases. To allow for expansion of SNF/TDC services to assure services are available for transfer of cases from the hospital setting to long term care facilities, specific reimbursement procedures have been adopted via emergency rulemaking. Under the emergency rule the bureau set the reimbursement rate at \$106.57 subject to cost settlement utilizing projected cost estimates. Following review of cost data and cases being referred for long term care it has become necessary to revise the reimbursement methodology to assure reasonable and adequate reimbursement is provided for provision of these serv-

ices. Therefore, the bureau is redeclaring its emergency rule to amend the reimbursement methodology thereby assuring long term care services will be available to this population outside the hospital setting. The previous emergency rule was published in the *Louisiana Register*, Vol. 15, No. 6, Dated June 20, 1989.

## RULE

Reimbursement for Skilled Nursing Facility/Technology Dependent Children (SNF/TDC) services provided in a SNF facility which meets the specific requirements outlined below, shall be based on cost not to exceed a per diem rate of \$271.69 for the first 12-month period, and \$131.75 for the second 12-month period. Reimbursement for these services shall be subject to established SNF payment limitations, standards for participation, and standards for payment and all additional requirements for provisions of SNF/TDC services.

Enhanced payment for SNF/TDC services shall be limited to a single 24 month period to allow for increased start up costs and shall only be available under the following conditions:

- the facility must have entered into a contractual agreement with the bureau to begin providing SNF/TDC services under enhanced reimbursement;

- the facility must be licensed to provide nursing services at the SNF level of care;

- the facility must have a valid Title XIX provider agreement for provision of SNF services;

- the facility must have a valid agreement with a hospital, treating TDC cases on an inpatient basis in Louisiana, to transfer 20 or more SNF/TDC patients eligible for Title XIX services to the facility during the 24-month period of enhanced reimbursement established under the contractual agreement between the bureau and the facility;

- the facility must provide documentation and assurances from the hospital, acceptable to the bureau, which demonstrate:

- alternative placement of SNF/TDC cases in existing facilities is not feasible; and

- twenty or more cases will be transferred to the facility during the 12-month period of enhanced reimbursement;

- the facility must provide the bureau with a detailed operating report which projects admissions over the 12-month period, costs per month, and a total projected cost per patient day for the 12-month period; and

- at the end of each 12-month period, the facility shall file a standard long term care facility cost report that shall be subject to audit and cost settlement.

The facility will be expected to work closely with the bureau to insure that services are provided at the most cost effective rate.

David L. Ramsey  
Secretary

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised

the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medical Assistance Program.

Title XIX (Medicaid) is revising reimbursement for Traumatic Brain Injury (TBI) services on a negotiated prospective per diem basis. Reimbursement shall be based on allowable costs and methods of cost apportionment in accordance with Title XVIII (Medicare) principals of reimbursement. This reimbursement will be applicable to either hospital-based units or Skilled Nursing Facility (SNF) based units which meet the Medicare PPS exempt criteria for rehabilitation units and are accredited by the Joint Commission on Accreditation of Rehabilitation Facilities as an Acute Brain Injury Treatment Program. Currently, the state reimburses hospitals on cost subject to limitations which negatively impact head injury rehabilitation admissions. This negative impact results from the extensive length of stay required for patients receiving these services. Likewise, the current prospective reimbursement methodology for SNF services does not reflect the additional costs for more intensive rehabilitation services needed by traumatic brain injury patients. These current reimbursement inequities have significantly reduced the number of providers willing to participate as Medicaid providers for TBI services. As a result, the bureau can no longer assure access to the necessary medical care needed by these individuals. The revision of reimbursement hereby adopted will ensure availability of rehabilitation services to TBI patients. This rule is necessary to assure the reduction of disabilities resulting from TBI and the restoration of such patients to their best possible functioning level in the community. Additionally, this rule is necessary for the state to remain in compliance with mandatory federal regulations which require reimbursement of covered Medical services be reasonable and sufficient to assure access by Title XIX recipients.

#### RULE

Reimbursement for Traumatic Brain Injury (TBI) or Head Injury Units in a skilled nursing facility (SNF) or hospital shall be based on a negotiated prospective per diem rate. The per diem rate established for Title XIX services shall be based on allowable costs in accordance with the principles of reimbursement and methods of costs apportionment utilized by Title XVIII (Medicare). Providers of TBI services under Title XIX shall meet the appropriate standards for participation and payment for SNF or hospital services as well as the following additional standards:

1. Hospital-based units shall meet the Medicare criteria for PPS exempt rehabilitation units.
2. SNF and hospital-based units shall be accredited and maintain their accreditation by the Commission on Accreditation of Rehabilitation Facilities as an Acute Brain Injury Treatment program.
3. A separate cost report for TBI services (SNF or Hospital units) shall be submitted annually by each provider within 90 days of the end of the facilities first year of operation. All costs and admissions included under the required cost report for TBI services shall not be duplicative of costs reported for other SNF and/or hospital services provided under Title XIX.
4. Providers shall be subject to full scope audit of allowable costs in accordance with the bureau's established policies and procedures.
5. TBI providers authorized reimbursement provided herein shall follow the bureau's established enrollment and/or provider agreement addendum procedures.

David L. Ramsey  
Secretary

## DECLARATION OF EMERGENCY

### Department of Justice Office of the Attorney General

#### Electronic Video Panel

In accordance with the emergency provisions of the Administrative Procedure Act (R.S. 49:953 B) and R.S. 33:4861.17, the Attorney General's Electronic Video Bingo Panel proposes to adopt the emergency rules attached hereto amending and supplementing Sections 105 and 107 and Section 113 of the LAC Title 7 Corrections, Criminal Justice and Law Enforcement, Part VII: Department of Justice, Chapter 1. Electronic Video Bingo Rules dated 8-88 as outlined below:

#### Proposed Emergency Rule Changes

Delete in its entirety *Paragraph B under Section 105 - Registration of Manufacturer, Distributors or Owners of Electronic Video Bingo Machines* as written.

#### **§105. Registration of Manufacturers, Distributors or Owners of Electronic Video Bingo Machines**

Any person desiring to own, sell or distribute electronic bingo machines in this state shall:

1. Meet the suitability and business relationship criteria of §117.
2. Be issued and maintain all required federal, state, parish, and municipal licenses;
3. Apply for registration on forms prescribed by the department and submit with application a non-refundable \$2,000 registration fee. This fee is payable on initial application and will be used by the department to cover the cost of processing the application, and any other costs associated with the administration of these rules. If the cost of a background check of the applicant and his business exceeds \$2,000, the applicant will be given notice of these anticipated additional costs prior to the expenditure by the department.
4. No manufacturer or distributor shall ship electronic video machines into this state until application for registration has been approved and is granted by the department.
5. Once approved, 90 days prior to the end of the registration year (June 30) approved manufacturers and distributors must apply for a renewal of registration. This application for renewal shall be accompanied by a \$500 non-refundable fee; which shall be used by the department to cover the cost of processing the renewal application, including background check and other costs associated with the administration of these rules.
6. Approved manufacturers must furnish to the department monthly reports identifying the make, model, quantities, owners, and distributors of machines, and such other information the department may determine necessary to regulate and control electronic video bingo machines in accordance with the Act and these rules; and
7. Approved electronic video bingo manufacturers shall notify the department in writing of the sale and shipment of any of their machines into the state of Louisiana prior to the date of delivery.

This notification must include:

- a. Sale to a distributor approved by the department.
- b. Make, model numbers, individual serial numbers and the number of machines to be sold and shipped.
- c. Customer sales information, copies of contracts and copies of all financial arrangements.
- d. Intended date of shipment, including customer's name, destination, date of shipment, customer's invoice, and bill of lading.

e. One set of master EPROMS for model shipped unless previously submitted.

f. Operator's manual for model shipped unless previously submitted.

8. Approved electronic video bingo distributors shall notify the department in writing of the intended purchase of electronic video bingo machines prior to their delivery.

This notification must include:

a. Name of manufacturer

b. Make, model of machine

c. Number of machines to be purchased

d. Copies of any contracts and financial arrangements

9. Registration may be suspended or revoked by the department upon the department's determination, after notice and opportunity for hearing, that the registrant has not complied with the conditions of registration.

10. The department may deny, restrict, suspend or limit an application for registration as a manufacturer or distributor of electronic video bingo machines when it is ascertained that an applicant has solicited electronic video bingo business prior to approval of his application by the department.

### **§107. Permitting Process**

B. Application for Permit

3. Charitable organizations on submitting an application to use electronic video bingo machines must furnish to the department:

a. Copy of current license obtained from Louisiana State Police Gaming Division authorizing that particular charitable organization to participate in charitable gaming.

b. Copy of current license or permit obtained from the parish or municipality authorizing that particular charitable organization to participate in charitable gaming including the authorization to use electronic video bingo machines.

c. Copy of lease or rental agreement between that particular charitable organization and the approved electronic video bingo distributor.

d. Copy of parish or municipal ordinance authorizing the use of electronic video bingo machines.

e. Name, address, telephone number and title of listed representative of the participating charitable organization, who is responsible for the gaming activity.

f. Federal tax status including federal tax identification number.

g. Location, address, and owner information where electronic video bingo machines are to be used.

C. Application for Permit Stamp

1. An approved electronic video bingo machine distributor before placing any electronic video bingo machines on location must submit an application for a permit stamp for each machine intended for use to the department.

2. The application must include:

a. Make, model, serial number and quantity of those machines intended for use.

b. Name of participating charitable organization.

c. Name, address, telephone number and title of listed representative of the participating charity who is responsible for gaming activity.

d. Copy of lease or rental agreement between the charitable organizations and the approved electronic video bingo distributor.

e. The first installment of \$50 of the non-refundable \$600 permit fee for each machine intended for use.

f. Location, address, and owner information where electronic video bingo machines are to be placed.

### **C. Issuance of Permit Stamp**

1. Upon approval of an application for placing electronic video bingo machines at a given location, a representative of the department shall inspect, test, and approve each machine. Once this has been accomplished the department representative will attach a permit stamp, logic board seal (Seal A) and hardmeter seal (Seal B) to each machine, where they can be transported to the location where they are to be used.

2. Permit stamps must be affixed to the exterior machine cabinet so that the stamp is visible and easily read. The machine may not abut another machine, wall or other obstruction which would obscure a person's ability to see and read the permit stamp.

3. The permit stamp and seals must be affixed to a machine before the machine is placed in service.

4. The permit stamp and seals must be affixed to the machine for which they were applied and are not transferable to any other machine.

### **F. Issuance of Special Electronic Video Bingo Permit**

A charitable organization desiring to use electronic video bingo machines already permitted and on location for a special event must:

1. Apply to the department in writing at least ten days in advance of the special event for a permit on forms prescribed by the department.

2. Already have applied for and received a Special Charitable Gaming license from the Charitable Gaming Division of the Louisiana State Police.

3. Submit with the application a fee of \$25.

G. Upon approval of an application for a Special Video Bingo Permit the department shall issue a permit for this special event which will contain all limiting information, and must be prominently displayed on location during the time and date of the event.

### **§113. Fees**

A. Registration and Associated Fees

3. Once approved an applicant shall pay to the department a non-refundable fee of \$500 to cover the costs of a renewal application, continuing checks and other associated costs.

4. Late Charges

a. A ten percent delinquency charge will be assessed for each permitted machine if monthly fees which are due and payable the first day of each month during the permitted year are received after the 15th of each month.

b. If monthly fees are not paid after a 45-day period has passed from date due, all machine permits and individual distributor's licenses are automatically revoked.

c. After revocation a distributor's license and machine permits may be reinstated only after an application for reinstatement is submitted and considered by members of the Electronic Video Bingo Panel. If approved all past due fees, delinquency charges and a \$500 reinstatement fee must be paid in full before the distributor is allowed to place his electronic video bingo machines in operation again.

d. Once a machine has been permitted the distributor is responsible for the full non-refundable \$600 permit fee.

The adoption of these proposed emergency rule changes is necessary to continue providing essential and consistent regulation of electronic video bingo machines and to avoid imminent peril to participating charities, the state of Louisiana, the public who plays the machines, and the manufacturers and distributors of the machines.

Dale C. Wilks  
Chairman



## DECLARATION OF EMERGENCY

### Department of Public Safety and Corrections Office of Motor Vehicles

Act No. 23 of the Second Extraordinary Session of 1989 was made law by ratification by the people in the October popular vote approving Constitutional Amendment No. 11, which amends and re-enacts R. S. 47:463 (A) relative to motor vehicle license tax with regard to automobiles for private use and related matters. This new law changes the prior four-year registration schedule to a two-year registration schedule and will require a phase-in period. For example, motor vehicle license plates expiring in December of 1989 will be eligible for renewal for a period of four years. However, renewals expiring in January of 1990 will be eligible for a renewal period of only two years. As it has been customary to renew license plates in Louisiana at least 30 days prior to the expiration of the plate, these rules are necessitated. Further, the Department of Public Safety, through the Office of Motor Vehicles requests that the first rule only be effective on December 5, 1989, with the remaining rules effective upon the effective date of the new law, that is January 1, 1990.

The publication of these rules as emergency will allow a smooth transition from the old law to the new law with a minimum of disruption to the public.

For all of the above and foregoing reasons the Department of Public Safety and Corrections, Office of Motor Vehicles, hereby declares this emergency and implements these rules to administer the program as follows. The Department of Public Safety and Corrections, Office of Motor Vehicles, in accordance with R. S. 49:953B declares this an emergency rule to meet the deadline required for this rule to be in effect.

Rules with regard to implementation of Act 23 of the Second Extraordinary Session of 1989, effective with regard to the first rule only on December 5, 1989, and as to the remaining rules effective on and after January 1, 1990, to provide for the new rate of the motor vehicle license tax for private use automobiles and to provide for renewals thereof and for a change from the four-year registration plan to a two-year registration plan as mandated by the statute.

1. For an automobile registered in Louisiana prior to January 1, 1990, where the registration expires prior to that date, a charge of \$3 per year shall be imposed for a term of four years. All such renewal applications must be submitted to the Office of Motor Vehicles by January 1, 1990, in order to be processed under the old rate of \$3 per year. Such renewal applications sent by mail must be postmarked prior to January 1, 1990 to be eligible at the old rate. Automobiles purchased prior to January 1, 1990 must be submitted for registration on or before January 20, 1990 to be eligible for the \$3 per year rate.

For those registrations that expire on or after January 1, 1990, the renewal charge shall be \$10 per year. This charge may be assessed for January renewals beginning December 5, 1989.

2. Such automobiles registered in Louisiana by December 31, 1989 shall, at expiration and renewal after January 1, 1990, be subject to the motor vehicle license tax at a rate of \$10 per year as long as the ownership of said vehicle remains registered to the record owner(s) and until such time as the vehicle is transferred to a new owner.

3. The term "acquire", for the purposes of these rules shall mean any transfer of full ownership from one juridical person to another including for example sales, donations, inheritances or exchanges.

4. Automobiles acquired on or after January 1, 1990

shall be taxed at a minimum of \$10 per year for the first \$10,000 value, plus \$1 per \$1,000 value in excess of \$10,000. For the purpose of computing the additional tax of \$1 per each \$1,000 value, any amount of \$500 or more shall be rounded off to the next highest \$1,000 and any amount less than \$500 shall be disregarded. For subsequent renewals, the actual value will remain the same as was determined at the initial registration and will remain the same in the future until ownership changes.

5. Determination of "actual value" need only be made with regard to vehicles acquired on or after January 1, 1990.

6. The term "actual value" for the purposes of these rules shall mean fair market value as determined by the higher of the following:

a. bill of sale (or invoice gross sales price) or;  
b. 75 percent of the NADA retail book value. (Classic automobiles or other automobiles, the actual value of which is not determinable by reference to the NADA book, may be determined by reference to any comparable book of standard evaluation.)

7. The actual value of damaged vehicles shall be the fair market value of the vehicle at time of acquisition. The following must be presented to the Office of Motor Vehicles to establish an actual value on such a vehicle of less than 75 percent of the NADA retail book value:

a. an affidavit by the seller or transferor of the automobile specifying in detail the nature of damage to the vehicle and a written invoice from a bona fide mechanic or repairman showing a detailed estimate of the cost of repair to said vehicle. Upon presentation of the documentation, the assistant secretary of the Office of Motor Vehicles or his designee may subtract proven damages to determine fair market value, or "actual value" for purposes of the license tax, or;

b. if the seller is a dealer, it will be sufficient to accept an affidavit specifying the nature of the damage and the sales price.

8. Automobiles, the ownership of which is reacquired by the original owner within a period of two years from date of original acquisition, shall be registered at the original value upon renewal or registration by the original owner. The reason for this is the presumption of simulation or fraud which may be rebutted upon presentation of a chain of authentic evidence sufficient to convince the assistant secretary of the Office of Motor Vehicles of the validity of the transfers.

9. Additional documentation may be required of any applicant for license or registration, including renewals as determined necessary by the assistant secretary of the Office of Motor Vehicles or his designee.

Marlin A. Flores  
Deputy Secretary

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Office of Fisheries

In accordance with emergency provisions of the Administrative Procedure Act, R.S. 49:953(b), R.S. 49:967, R.S. 56:433, R.S. 56:434 and under the authority granted to the secretary of the Department of Wildlife and Fisheries by the Wildlife and Fisheries Commission on August 4, 1989 relative to

closing the oyster season where significant spat catch has occurred, notice is hereby given that the secretary of the Department of Wildlife and Fisheries has declared the Bay Junop, Hackberry Bay and Bay Gardene Oyster Seed Reservations as well as that portion of the Public Oyster Seed Grounds in Black Bay west of a line from Mozambique Point to Bell Island and all of Bay Crabe will be closed during the second segment of the 1989/90 oyster season beginning October 16, 1989. The Department of Wildlife and Fisheries has determined a significant spat has occurred in these areas with as many as 100 spat per sample being observed and these spat have a good probability of survival in these areas while in areas remaining open such as Vermilion Bay and Atchafalaya Bay which receive direct fresh-water input from the Atchafalaya River spat do not have a good probability of survival.

Virginia Van Sickle  
Secretary

## DECLARATION OF EMERGENCY

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

Pursuant to R.S. 49:950 et seq. and R.S. 56:315 the Louisiana Wildlife and Fisheries Commission declares those areas within a one-quarter-mile radius of the Lambert, Grand Bayou, Mangrove, and Peconi water control structures (otherwise identified as structure nos. 5, 1, 8, and 4 respectively) within Calcasieu Lake to be shrimp sanctuaries and closed zones, and that all netting of fish by any means or method, including but not limited to trawls, butterfly nets, gill nets, seines, or trammel nets, is hereby prohibited, with the exception of hand cast nets effective 12:01 a.m. November 15, 1989. The commission finds this action necessary to protect the fisheries resources and to prevent imminent peril to the public welfare as a result of same.

Don Hines  
Chairman

# Rules

## RULE

### Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Structural Pest Control Commission

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Department of Agriculture and Forestry, Structural Pest Control Commission, in accordance with the authority granted under R.S. 3:3366 and pursuant to the notice of intent published on July 20, 1989,

amended the following rules and regulations for the Structural Pest Control Commission.

## Title 7 AGRICULTURE AND ANIMALS Part XXV. Structural Pest Control

### Chapter 141. Structural Pest Control Commission §14101. Definitions

*Certified applicator* for purposes of these regulations, means any person who holds a valid license as herein provided or otherwise known as licensee.

*Direct Supervision* means physical contact at least twice within five consecutive working days by a licensee with all employees registered under his supervision, including giving routine and/or special instructions, prescribing pesticides, calculating volume of pesticides to be applied, calibrating equipment and being available, whenever and wherever needed, to handle any emergency situations which might arise (see definition of availability in §14101).

*Household Pest* means all species of insects and other pests which infest residences and other types of buildings and their immediate premises, such as cockroaches, flies, fleas, mosquitoes, clothes moths, spiders, carpenter ants, carpenter bees, rodents and so forth, but does not include wood-destroying beetles and termites.

*Material Safety Data Sheet (M.S.D.S.)* means a document which states chemical characteristics and safety precautions regarding a specific chemical.

*Restricted-use pesticide* means a pesticide that is classified for restricted use by the administrator of the Environmental Protection Agency under the Federal Insecticide, Fungicide and Rodenticide Act and/or by the Louisiana Department of Agriculture and Forestry.

*Violation* means any act which is prohibited by the ACT or any of these rules and regulations. Violations shall be classified in accordance with degree of severity, as follows:

1.-2. . . .

3. *Major violation* - any act which may adversely affect human health and safety. Any act performed without having the proper permit, license, or registration; any intentional misrepresentation of any matter involved in or related to structural pest control work; or any false or misleading statement knowingly made in a wood-destroying insect report or any failure to timely pay any civil penalty imposed by the commission or any failure to timely pay any fee collected by the Louisiana Department of Agriculture and Forestry.

*Wood-Destroying Insect Report* means any document approved by the Structural Pest Control Commission issued by a pest control operator which pertains to wood-destroying insects, but not including a bid, a proposal or a contract for any structural pest control services.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

**HISTORICAL NOTE:** Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15: (November 1989).

### §14105. Permit for Operation of Structural Pest Control Business Required

A. . . .

B. No permit for operation shall be issued by the commission unless there is a licensee domiciled at the business location

for which the permit is sought.

C. . . .

D. The fee for issuance of a permit for operation shall be \$125 for firms which employ two or less employees and \$175 for firms which employ three or more employees.

E. The fee for renewal of a permit for operation shall be \$125 for firms which employ two or less employees and \$175 for firms which employ three or more employees.

F.-Q. . . .

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15: (November 1989).

**§14107. License to Engage in Structural Pest Control Work Required; Qualifications of Applicant; Requirements for Licensure; Phases of Structural Pest Control License; conditions of the License**

A. . . .

B. Each applicant for license must possess one of the following qualifications in order to take the examination(s):

1. a degree from an accredited four-year college or university with a major in entomology; or

2. a degree from an accredited four-year college or university with at least 12 semester hours or the equivalent in quarter hours of course work in entomology and at least one year of experience as a registered technician under the supervision of a licensee in the licensee phase for which the applicant desires to take the examination; or

3. four years of experience as a registered technician under the supervision of a licensee in the licensee phase for which the applicant desires to take the examination; or

4. four years of experience as a technician under the supervision of a structural pest control operator in another state in the licensee phase for which the individual desires to take the examinations. Experience with an out-of-state structural pest control operator shall be substantiated by evidence acceptable to the commission;

C.-D. . . .

E. In addition to the qualifications required by LAC 7:14107 (B) and LAC 7:14107 (C), each applicant for licensure must:

1.-4. . . .

5. provide a certificate of insurance on a document approved by the Louisiana Department of Agriculture and Forestry of general liability as follows:

a. not less than \$250,000 public liability coverage per accident;

b. not less than \$100,000 coverage for property damage;

c. or combined single limits of \$350,000;

d. liability insurance must provide for coverage under Insurance Code 73421 (fumigations including completed operations) and on Insurance Code 73420 (exterminating including pest control and completed operations excluding fumigation and use of gas of any kind);

e. provision for at least 10 days prior written notice to the commission before cancellation;

6. provide evidence, on an approved form, of a surety or fidelity bond in the amount of \$2,000, covering the business with which the applicant is connected. It must be issued by a

bonding, surety or insurance company authorized to do business in Louisiana and must be of tenor and solvency satisfactory to a majority of the commission. An applicant who is not connected with a business covered by the required surety or fidelity bond must secure the appropriate coverage prior to issuance of the license. The licensee must maintain proper coverage, must keep insurance and bond in force or the licensee's place of business permit is forfeited until the proper coverage can be reinstated.

F.-N. . . .

O. Any licensee desiring to utilize a telephone answering service other than locations holding a place of business permit shall submit a written request and receive permission from the Louisiana Department of Agriculture and Forestry at least 30 days prior to establishing such a telephone answering service.

P. A licensee can only have one license with all phases for which he possess issued at one place of business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15: (November 1989).

**§14109. Application for Examination; Contents of Application**

A.-B. . . .

C. Each applicant for examination shall pay a fee of \$50 per examination upon approval by the Structural Pest Control Commission, which fee shall be nonrefundable.

D. Each application must contain the following information:

1.-3. . . .

4. Proof of practical experience in pest control work

a. Upon the Structural Pest Control Commission's request, the applicant shall submit from the said supervising licensee, a written statement that the jobs have been participated in by the applicant under his supervision and that the applicant has demonstrated the requisite knowledge to perform and supervise such work.

b. Experience in pest control work. Information to be provided includes, but is not limited to, business name and address where employed under supervision, name of the licensee providing supervision to the applicant and evidence of registration while in the claimed employment. Applicants seeking licensure on the basis of experience must provide a notarized statement from the licensee who supervised the applicant, attesting to the period of supervised employment and the capacity in which the applicant was employed, said affidavit to be executed on a form to be provided by the Louisiana Department of Agriculture and Forestry. If the licensee who provided supervision is deceased, or his whereabouts are unknown, at the time of the application, the commission may:

i. waive the requirement for the affidavit to the licensee or;

ii. verify the applicant's supervised experience by whatever means deemed appropriate by the Louisiana Department of Agriculture and Forestry.

E.-J. . . .

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and

Forestry, Structural Pest Control Commission, LR 15: (November 1989).

**§14111. Registration of Employees; Duties of Licensee and Registered Employee with Respect to Registration**

A.-B. . . .

C. The registration application of each employee must contain the following information:

1.-7. . . .

8. date of birth and social security number.

D. The fees for the registration of technician shall be as follows:

1. The fee of the administrative processing of the registration certificate shall be \$20. This fee shall be paid at the time of initial registration.

2. The administrative processing of change of registration each time a registered technician is employed by a different pest control operator shall be \$10.

3. The fee for the examination for the technician registration shall be \$25.

E. Whenever all information required under §14111.C above is provided by the licensee, the staff of the Louisiana Department of Agriculture and Forestry shall issue the employee's registration certificate within 20 working days after receipt of the registration form and/or after the applicant has successfully passed the technician examination. All technicians shall make application for registration within 30 days of employment.

F. Each registration certificate is personal to the holder and may not be transferred to another for any purpose or for any period of time and may not be utilized in any way by any person other than the registered employee whose name appears on the certificate.

G. A registration certificate is valid only while the registered employee remains under the supervision of the licensee making application for the employee's registration certificate.

H. The licensee must require the registered employee to sign the registration certificate, in the presence of the licensee, within five days after the licensee receives the registration certificate from the Louisiana Department of Agriculture and Forestry.

I. A registered employee must have his registration certificate in his possession at all times while engaging in pest control work and must display his registration certificate upon reasonable request by any employee of the Louisiana Department of Agriculture and Forestry or any person for whom pest control work is being performed.

J. A registered employee may perform pest control work only in the phase of pest control work for which he is registered.

K. Upon termination of a registered employee, the licensee must secure the employee's registration certificate, notify the Louisiana Department of Agriculture and Forestry of the employee's termination and return the registration certificate to the Louisiana Department of Agriculture and Forestry within five working days after the termination.

L. If the licensee is unable to retrieve the registration certificate of a terminated employee, the licensee must notify the Louisiana Department of Agriculture and Forestry of the employee's termination within five working days after the termination and provide written reasons for the failure to retrieve the terminated employee's registration certificate.

M. Each employee and/or registered technician shall remit to each employer all funds collected in connection with structural pest control work performed by the employee.

N. Each employer shall pay each employee and/or regis-

tered technician in accordance with the terms of the employment agreement between them.

O. Each employer shall withhold from the pay of each employee the amounts which employers are required to withhold from employees by applicable state and federal laws.

P. Each employer shall keep complete records at the place of business establishment of all structural pest control work performed for a period of at least two years. These records shall include the address of the structure treated, the name of the technician who performed the treatment, the name of the person for whom the treatment was performed, and the common name of the pesticide applied.

Q. Each registered technician shall participate in continuing education program as a condition of maintaining his or her status as a registered technician at least once annually (July 1 to June 30):

1. each continuing education program must be approved in advance by the Louisiana Department of Agriculture and Forestry;

2. each continuing education program must be a minimum of one hour in length per category in which the technician is registered;

3. documentation of the technician attendance and participation must be forwarded to the Louisiana Department of Agriculture and Forestry and a copy retained at the technician's place of employment;

4. any registered technician who fails to attend may be called to a Structural Pest Control Commission hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15: (November 1989).

**§14113. Obligations of the Licensee**

A. The licensee must keep the bond and general liability insurance required under LAC 7:14107(D) in full force and effect at all times.

B.-E. . . .

F. The licensee must maintain his commercial applicator certification in current status by:

1. attending a continuing educational program for recertification approved by the Louisiana Department of Agriculture and Forestry;

2. recertification at least once every three years;

3. a minimum of six hours of technical training which shall include but not be limited to the categories of general pest control, termite control, and commercial vertebrate control;

4. a minimum of six hours of technical training for the category of fumigation;

5. a licensee attending an approved recertification seminar must attend the entire approved program, otherwise the licensee shall not be recertified at this approved seminar;

6. time and location for each licensee certification can be obtained by writing to the Louisiana Department of Agriculture and Forestry.

G. . . .

H. The licensee must report all termite contracts and all wood-destroying insect reports and pay all required fees as set forth in LAC 7:14115 hereof.

I. The licensee must maintain records at the place of business establishment on all applications of pesticides for a period of

two years after application, including kinds, amounts, uses, dates and address of application. The licensee must make these records available to any employee of the Louisiana Department of Agriculture and Forestry for inspection at a reasonable time during normal working hours.

J. The licensee must renew each category in which he is licensed annually by June 30.

K. The annual fee for licensed pest control operators shall be \$5 for each category in which the pest control operator is licensed.

L. The licensee must report to the Louisiana Department of Agriculture and Forestry all termite contracts and wood-destroying insect reports completed each month on the form provided by the Louisiana Department of Agriculture and Forestry.

M. The fee per termite contract and wood-destroying insect report is \$5 per and/or inspection report issued and is due on or before the tenth day of each month.

N. The licensee must have provisions for spill control including materials and tools on every vehicle transporting pesticides.

O. Signage of Vehicles

1. General - a motor vehicle being operated by a place of business that is engaged in the transport or application of pesticides must be marked as specified below:

a. magnetic or removable signs may be used;

b. size, shape, location and color of marking. The marking must contain the following:

i. appear on both sides of the vehicle;

ii. be in letters that contrast sharply in color with the background;

iii. be readily legible during daylight hours;

iv. lettering must be a minimum of two inches in height;

v. be kept and maintained in a manner that retains the legibility of the information required by Subparagraph c of this Section.

c. nature of marking — The marking must display the following information:

i. the name or trade name of the place of business operating the vehicle.

P. The only phone numbers that shall be used in any advertisement shall be the place of business permit phone number or the licensee's home phone number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15: (November 1989).

**§14115. Contracts for Termite Control Work**

A. The licensee must enter into a written agreement for termite work with the property owner employing him, which agreement must:

1.-4. . . .

5. Each contract must include an inspection diagram.

B.-D. . . .

E. The licensee shall pay a \$5 fee for each standard contract reported under §14115.D above when the required monthly report is filed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of

Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15: (November 1989).

**§14117. Change in Status of Licensee**

A. . . .

B. When any change in status occurs, provisions must be made for supervision at any location where there is no licensee during the interim until another licensee is approved by the commission for examination. The person in charge of the permitted location where the change in status occurred must notify the Louisiana Department of Agriculture and Forestry, in writing, of the name and address of the licensee providing supervision during the interim within 14 days after the change occurs.

C. When the change in status results in no licensee being domiciled at a permitted location, an applicant who is eligible for licensure must be approved by the commission for examination either (1) at the next meeting of the commission after the change in status occurs, or (2) within 90 days after the change in status occurs, whichever is later. During this period no use of restricted-use pesticides is permitted.

D. When the change of status is within the same company, there is no grace period.

E.-F. . . .

G. During the temporary absence of the licensee, the licensee may designate another licensee, certified in the same categories as the licensee, to perform the duties that require the physical presence of a licensee for a period of time not to exceed 30 days. For the purpose of this Chapter, temporary absence shall mean any absence where the licensee would reasonably be expected to return to his duties. The licensee shall notify the Louisiana Department of Agriculture and Forestry in writing of any such temporary absence giving the name of the substituting certified applicator jointly responsible with the licensee, and the dates of the temporary absence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15: (November 1989).

**§14119. Inactive Status of License**

A.-C. . . .

D. The license of any licensee which has been placed on inactive status must be maintained in current status as provided in §14113.F. Any license which is not maintained in current status as provided in §14113.F may be revoked by the commission upon notice and hearing as required by §14121 hereof.

E.-G. . . .

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15: (November 1989).

**§14121. Adjudicatory Proceedings of the Commission; Violations**

A.-C. . . .

D. The commission may place a licensee/registered employee on probationary status or suspend/revoke his license/registration certificate when any of the following violations are

sustained in a properly noticed adjudicatory proceeding:

1.-15. . . .

16. knowingly making any false or misleading statement on a wood-destroying report;

17.-18. . . .

19. failure of a registered technician to attend an approved training program during any one-year period;

20. failure to maintain proper signage on vehicles or;

21. failure to keep records on all pesticide applications as required by §14113.I.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15: (November 1989).

#### §14127. Inspection, Taking of Samples

A.-C. . . .

D. Samples that are requested by any other person other than for enforcement by the Louisiana Department of Agriculture and Forestry, shall be paid for by the person requesting the chemical sample. The fee shall be \$100 per analysis, plus the cost for obtaining the samples by the employee of the Louisiana Department of Agriculture and Forestry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15: (November 1989).

#### §14135. Minimum Specifications for Termite Control Work

A. . . .

B. Requirements for Trench and Treat

1. All trenches must be approximately four inches wide at the top, angled toward the foundation and sufficiently deep (approximately six inches) to permit application of the required chemical. Apply the emulsion into the trench at the rate and manner prescribed on the label and labeling. Rodding will be acceptable only when trenching will damage flowers and/or shrubs.

C. Treatment of Existing Pier Type Construction

1. Access Openings

a. Provide suitable access openings to all crawl-space areas and to all other areas requiring inspection and/or treatment for termites.

b. A minimum clearance of six inches from the bottom of the sill.

2. Required Clean-up

a. . . .

b. Trench, rod and treat any large stumps or roots that are too sound to be removed, provided that such stumps or roots are at least 12 inches from the foundation timbers. Stumps or roots located less than 12 inches from foundation timbers must be cut off to provide at least 12 inches clearance.

c. Remove all form boards that are not embedded in concrete.

3. Elimination of Direct Contact of Wood with Ground

a. Piers and stiff legs must have concrete or metal-capped bases extending at least one inch above the ground. Creosote or penta pressure-treated piling foundations are exempt from this

requirement but should be drilled and pressure treated to the center of the piling.

b. Wood parts which extend through concrete or masonry (such as posts, door frames or stair carriages) must be cut off and set on metal or concrete bases at least one inch above ground level.

c. Wood steps must be placed on concrete or masonry bases which extend at least one inch above ground level, and beyond the steps in all directions. Multiple-course masonry step supports must be treated as required in §14135.C.7.a, b, c and d of this Chapter.

4. Pipes

a. Remove all packing around pipes for a distance of three inches above ground level and/or trench and treat according to label and labeling.

b. . . .

5. Skirting and Lattice-work

a. All cellulose skirting and lattice-work must rest on solid concrete or brick extending at least three inches above the outside grade. This base will be trenched and treated.

b. . . .

6. Stucco

a. Where stucco extends to or below grade, dig trenches below and under the edge of the stucco and apply chemical as required by label and labeling.

b. Where ground slabs prevent treatment as required in Subparagraph a above, drill and treat slab as required by label and labeling. Where slab is drilled the holes must be no more than 24 inches apart.

7. Masonry

Apply chemical to all porous areas, cracks and accessible voids in foundation walls, piers, chimneys, steps, buttresses, etc. as follows:

a. Treat all cracks in concrete.

b. Drill holes every second mortar joint, in all two-course brick foundations (piers, foundation walls, steps, buttresses, etc.) and thoroughly treat wall voids. L-shaped and T-shaped piers must be drilled a minimum of three times with hole spacings no more than eight inches apart. Holes must be deep enough to reach the center mortar joint and chemical must be applied under sufficient time and pressure to treat all cracks and voids. Drilling is not required when solid concrete footing extends above grade level or when wall is capped with solid concrete.

c. Drill holes in mortar joints of all three-course brick foundation walls at the end of every second brick to the depth of the end of the second brick. Apply chemical under sufficient time and pressure to treat all cracks and voids.

d. Drill holes into each compartment of each block of hollow concrete (or other lightweight aggregate) blocks and apply chemical into the openings at a rate sufficient to treat the area of the bottom of each block. On T-shaped or L-shaped piers the connecting mortar joints (crotches) must be drilled and treated. Drilling is not required if the opening in the block is accessible.

8. Ground Treatment

a. . . .

b. All trenches must be approximately four inches wide at the top, angled toward the foundation and sufficiently deep (approximately six inches) to permit application of the required chemical. Apply the emulsion into the trench at a rate and manner prescribed on the label and labeling. Rodding will be acceptable where trenching will damage flowers and/or shrubs. Maximum distance between rod holes shall be four inches.

9. Dirt Filled Porches

a. . . .  
b. Where the sill or other wood does not extend to or below the underside of the concrete slab, the fills may be drilled, rodded and flooded as follows:

i. Drill floor slab at intervals of not more than 24 inches along the junction of the porch and the buildings; rod and treat the fill along the foundation wall of the building.

ii. . . .

c. When treating earth fills (drilling, rodding and excavation), porch foundation walls will be treated as follows:

i. Drill hollow-block walls and apply sufficient chemical to penetrate mortar joints and flow into the trench at the bottom of the foundation wall.

ii. Drill multi-course brick walls at intervals of every second brick and treat all voids, making certain that the chemical flows into the voids on both sides of the hole being treated.

#### 10. Chimney Bases and Dirt Filled Steps

a. Chimney bases and dirt filled steps shall be treated by drilling the foundation walls as outlined in Step 2 for dirt filled porches.

#### D. Treatment of Existing Slab-type Construction

##### 1. Ground Treatment

a. Trench around the entire perimeter of the structure being treated, adjacent to the foundation wall.

b. All trenches must be approximately four inches wide at the top, angled toward the foundation and sufficiently deep (approximately six inches) to permit application of the required chemical. Apply the emulsion into the trench at a rate and manner prescribed on the label and labeling. Rodding will be acceptable where trenching will damage flowers and/or shrubs. Maximum distance between rod holes shall be four inches.

##### 2. Bath Traps

a. An access hole of a minimum of 6 x 8 inches shall be provided to all bathtub plumbing. Specifications must have a waiver of the listed item or items signed by the owner prior to the treatment. A copy of the signed waiver must be filed with the Louisiana Department of Agriculture and Forestry with the monthly Termite Eradication Report.

b. If the soil in a trap does not reach the bottom of the slab, the trap must be filled to within two inches of the top of the slab with soil prior to treatment. Treat bath trap(s) as required by label and labeling.

c. A tar filled bath trap must also be drilled and treated as required by label and labeling.

d. If bath trap is solid concrete pore, it must be drilled and treated as close as practical to the bathtub plumbing.

##### 3. Other Openings in Slab

a. All showers must be drilled and treated as close as practical to shower plumbing.

b. Rod under or drill through the slab and treat all areas beneath expansion joints and cracks in the slab as per label and labeling instructions. When the slab is drilled, the holes must be no more than 24 inches apart along the above stated areas.

c. All other openings (plumbing, etc.) must be treated as required by label and labeling.

#### E. Pre-treatment of Slabs

1. Treat as required by label and labeling.

2. Within 12 months after initial treatment the outside of the foundation wall will be trenched and treated as required by label and labeling. Rodding will be acceptable where trenching may damage flowers and shrubs. Maximum distance between rod holes shall be four inches.

3. If, during the treatment of any area which will be be-

neath a slab foundation, the operator must leave the site for any reason prior to the completion of the application as specified in Paragraph 1 above, the operator must prominently display a poster, to be furnished by the Louisiana Department of Agriculture and Forestry, which states that the treatment of the area under the slab is not complete.

4. All pre-treatment of slabs must be called in to the nearest Department of Agriculture and Forestry district office during normal working hours and prior to application of termiticides. The information provided will include an address and directions, and time of application of termiticides to the property. This phone call must be made to the district office within a minimum of one hour of the time that the property is to be treated. All pest control operators must keep a log of pre-treats.

#### F. Spot Treatment

1. Spot treatments shall not be done on pier-type or slab construction except where a waiver of minimum specifications has been obtained from the owner of the property. All buildings that can not be treated according to the minimum specifications must have a waiver of the item or items signed by the owner prior to the treatment. A copy of the signed waiver must be filed with the Louisiana Department of Agriculture and Forestry with the monthly Termite Eradication Report.

2. Treatment will be allowed to any additions to the main structure or exterior slab enclosures and a fee shall be paid and a contract issued on this addition unless the main structure is under contract with the firm performing the treatment on this addition.

3. Each spot treatment reported on the Wood-Destroying Insect Eradication Report must include a waiver of minimum specifications and a complete diagram of the area(s) treated.

#### G.-I. . . .

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15: (November 1989).

Bob Odom  
Commissioner

## RULE

### Department of Economic Development Office of the Secretary Division of Minority and Women's Business Enterprise

The Division of Minority and Women's Business Enterprise hereby amends LAC 19:III.701 to include recertification procedures in accordance with R.S. 39:1738.

#### Title 19

### CORPORATIONS AND BUSINESS Part III. Minority Business Enterprises

#### Chapter 7. Recertification Procedure §701. Annual Recertification

A. Certification to participate in the women's set-aside program shall be valid for one calendar year. Thirty days prior to expiration of any woman-owned business certification, DMWBE will notify the firm that recertification has become due.

B. Vendors wishing to participate in the women's set-aside program must submit a notarized Affidavit of Recertification, which may be obtained from DMWBE, along with any other missing documents according to the provisions specified in LAC 19:I.303.B and C.

C. It is the responsibility of the business owner to notify the office in writing of any changes in ownership or location of the business or telephone number during the certification calendar year, which begins on the date of certification.

D. Changes in commodities or services for which the vendor wishes to receive bids must be submitted via letter from the vendor to both State Central Purchasing and DMWBE.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 39:1731-1738.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), amended by the Department of Economic Development, Division of Minority and Women's Business Enterprise, LR 15: (November 1989).

### **§703. Failure to Recertify**

Women business enterprises which make no effort at recertification as of one month from the recertification notification date shall be deleted from the active vendor files and shall be ineligible to participate in the state programs for women business owners and/or any set-aside awards until such time as recertification has been completed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 39:1731-1738.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), amended by the Department of Economic Development, Division of Minority and Women's Business Enterprise, LR 15: (November 1989).

Angelisa M. Harris  
Executive Director

## **RULE**

### **Department of Economic Development Office of the Secretary Division of Minority and Women's Business Enterprise**

The Division of Minority and Women's Business Enterprise hereby amends LAC 19:III. 505 relative to certification procedures for minority-owned businesses.

### **Title 19 CORPORATIONS AND BUSINESS**

#### **Part III. Minority Business Enterprises**

#### **Chapter 5. Certification Procedures**

##### **§505. Procedure**

A. Companies must complete all portions of the certification materials and return them as specified in the following subsections in order to be considered for certification under the minority set-aside program.

B. The following documents plus any specified attachments constitute the certification materials required from minority-owned companies interested in providing goods, services or supplies under R.S. 39:1551-1755.

1. Certification Resumé (Form #DA 3302: Revised 4/85)

which must be completed and returned to the Department of Economic Development, Division of Minority and Women's Business Enterprise, Box 94185, Baton Rouge, LA 70804-9185. The following attachments must accompany the Certification Resumé when it is submitted:

a. legal ownership documents (articles of incorporation, partnership agreements, stock ownership/distribution agreements), financial statements of the company which indicate the ownership of major assets as well as the principal stockholders in the corporation (stock certificates), company balance sheets, federal income (business) tax statements for the past three years (or as applicable), state and city licenses (whichever applicable), a copy of the bank signature card for the business, resumé of corporate shareholders and employees, organizational chart, equipment/building ownership and/or rental documents, supplier contract and relationship between distributor and prime contractor (if applicable), and any additional legal documents that would reflect ownership and control;

b. birth certificates indicating racial heritage must be provided for all minority vendors for which certification is being sought, regardless of the type of business structure;

c. all information requested on the Certification Resumé must be supplied, and the document itself must be notarized as indicated prior to submittal;

d. a waiver may be requested for documents information in §505.B.1.a not applicable to certain business structures when accompanied by a justification statement in the application package.

C. Misrepresentation of any of the information submitted is in violation of Act 713.

D. For minority vendors interested in providing professional, personal or consulting services under R.S. 39:1481-1526 or who are interested in construction contract work in connection with public works projects under R.S. 38:2184-2317, the following documents plus specified attachments shall constitute the required certification materials:

1. certification resumé (Form #DA 3302 Revised 4/85) plus attachments as specified in §505.B.1.a above;

2. a listing, on company letterhead, of the subject areas of expertise of the vendor company; resúmes of key personnel; and, a list describing previous work done in each subject area with sufficient identification of the client with a contact person (name, title, business address, telephone number) for each client listed, so that references might be obtained;

3. all of the above materials must be submitted directly to the Division of Minority and Women's Business Enterprise for certification of these vendors.

E. Newly established businesses (operating less than one year) and potential businesses seeking interim certification for the purpose of obtaining a loan through the Louisiana Economic Development Corporation a business plan should be submitted with a cover letter requesting a waiver for documents that do not apply in §505.B and C above.

F. The Louisiana Department of Transportation and Development will continue to certify, in accordance with its own procedures, minority-owned business contractors who wish to perform work under Chapter 1 of Title 48. The Division of Minority and Women's Business Enterprise will accept such certifications as equivalent to its own.

G. Additional documents/information may be requested of applicants upon review of their applications.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.



HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11: 343-344 (April 1985), amended by the Department of Economic Development, Division of Minority and Women's Business Enterprise, LR 15: (November 1988).

Angelisa M. Harris  
Executive Director

## RULE

### Department of Economic Development Office of the Secretary Division of Minority and Women's Business Enterprise

The Division of Minority and Women's Business Enterprise is hereby amending LAC 19:I. 303 relative to certification procedures for women-owned businesses.

#### Title 19

### CORPORATIONS AND BUSINESS

#### Part I. Office of Women's Business Enterprise

#### Chapter 3. Certification

##### §303. Procedure

A. Companies must complete all portions of the certification materials and return them as specified in the following Subsections in order to be considered for certification under the women's set-aside program.

B. The following documents plus any specified attachments constitute the certification materials required from women-owned companies interested in providing goods, services or supplies under R.S. 39:1551-1755.

1. Certification Resumé (Form #DA 3302: Revised 4/85) which must be completed and returned to the Department of Economic Development, Division of Minority and Women's Business Enterprise, Box 94185, Baton Rouge, LA 70804-9185. The following attachments must accompany the Certification Resumé when it is submitted:

a. legal ownership documents (articles of incorporation, partnership agreements, stock ownership/distribution agreements), financial statements of the company which indicate the ownership of major assets as well as the principal stockholders in the corporation (stock certificates), company balance sheets, federal income (business) tax statements for the past three years (or as applicable), state and city licenses (whichever applicable), a copy of the bank signature card for the business, resumé of corporate shareholders and employees, organizational chart, equipment/building ownership and/or rental documents, supplier contract and relationship between distributor and prime contractor (if applicable), and any additional legal documents that would reflect ownership and control;

b. all information requested on the Certification Resumé must be supplied, and the document itself must be notarized as indicated prior to submittal;

c. requests for a waiver of certain requested information in §303.B.1.a not applicable to certain business structures must be accompanied by a justification statement.

C. Misrepresentation of any of the information submitted is in violation of Act 713.

D. For women vendors interested in providing professional, personal or consulting services under R.S. 39:1481-1526

or who are interested in construction contract work in connection with public works projects under R.S. 38:2184-2317, the following documents plus specified attachments shall constitute the required certification materials:

1. Certification Resumé (Form #DA 3302 Revised 4/85) plus attachments as specified in §303.B.1.a above;

2. A listing, on company letterhead, of the subject areas of expertise of the vendor company; resumé of key personnel; and a list describing previous work done in each subject area with sufficient identification of the client with a contact person (name, title, business address, telephone number) for each client listed, so that references might be obtained.

3. All of the above materials must be submitted directly to the Division of Minority and Women's Business Enterprise for certification of these vendors.

E. Newly established businesses (operating less than one year) and potential businesses seeking interim certification for the purpose of obtaining a loan through the Louisiana Economic Development Corporation should submit a business plan with a cover letter requesting a waiver for documents that do not apply in §303.B and C above.

F. The Louisiana Department of Transportation and Development will continue to certify, in accordance with its own procedures, women-owned business contractors who wish to perform work under Chapter 1 of Title 48. The Division of Minority and Women's Business Enterprise will accept such certifications as equivalent to its own.

G. Additional documents/information may be requested of applicants upon review of their applications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1731-1738.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Women's Business Enterprise, LR 10:790 (October 1984), amended by the Department of Economic Development, Division of Minority and Women's Business Enterprise, LR 15: (November 1989).

Angelisa M. Harris  
Executive Director

## RULE

### Department of Economic Development Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with the law that it adopts the following rule.

#### Title 35

### HORSE RACING

#### Part I. General Provisions

#### Chapter 17. Corrupt and Prohibited Practices §1739. Disqualified Horse Recognized as Winner

A. When the stewards declare a horse to be the official winner of an elimination or eligibility race for a futurity, stakes or handicap and, thereafter, a report as described in LAC 35:I.1729 is received from the state chemist, the horse shall be deemed to have forfeited its eligibility to compete in any subsequent race related to that futurity, stakes or handicap.

B. However, except as otherwise provided in this Section, the horse declared by the stewards to be the official winner of the

race will be recognized as the winner of the race for the purposes of meeting the eligibility and conditions of all subsequent races.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 148.

HISTORICAL NOTE: Promulgated by the Racing Commission LR 2:449 (December 1976), repromulgated LR 3:45 (January 1977), LR 4:287 (August 1978), amended LR 15: (November 1989).

Alan J. LeVasseur  
Executive Director

## RULE

### Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published August 20, 1989 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Rule 1.00.40

The board adopted the following Revised Procedures for Appeals to BESE, except Section 1.00.40.e (Teacher Certification Appeals Council). Section 1.00.40.e was amended by the board at its September, 1989 meeting and adopted as an emergency rule with an effective date of October 12, 1989. See October, 1989 issue of the *Louisiana Register* for complete text of that amended section.

Em Tampke  
Executive Director

## RULE

### Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published August 20, 1989 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Rule 3.01.51.aa(15)

The board approved as a new standard 2.065.05 to page 54 of Bulletin 741, and as Policy 9.00.44 in the BESE Policy and Procedure Manual, which shall read as follows:

A site safety officer charged with the supervision of safe practice in storage, use, and distribution of all chemicals shall be designated in each school system. The school system must assess the safety of the facilities and equipment in all schools, including the location, quantities, and states of all regulated hazardous substances. A plan to redistribute the unwanted substances must be prepared and kept on file in the central office. Remaining chemicals must be listed on an inventory system. A copy of the inventory must be kept on site in each school, in the central office of each local school system, and at the local fire chief's office.

Em Tampke  
Executive Director

## RULE

### Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published August 20, 1989 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Rule 4.00.73.h

The board adopted the following revision to Bulletin 1213, *Minimum Standards for School Buses in Louisiana*, Section IV, Page 29 concerning the painting of bus tops.

## COLOR

The chassis, including the wheels and front bumper, shall be glossy black. The hood, cowl, and fenders shall be national school bus glossy yellow. It shall be optional to paint the top of the bus with white reflector Astec 100 ceramic insulated reflected coating from the top of the window frames to the apex of the roof of the bus.

Em Tampke  
Executive Director

## RULE

### Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published August 20, 1989 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Rule 5.00.71

The board adopted the following guidelines to allow state textbook funds to be used to purchase instructional materials for grades K-3 as recommended by the Department of Education:

1. For classes K-3, the school superintendents are authorized to use textbook funds to purchase textbooks and other materials that can be used to support the instruction in these four elementary grades (K-3).

2. The major emphasis in selecting instructional materials for K-3 should be on manipulative and concrete materials such as blocks, dramatic/housekeeping toys, manipulative (puzzles, legos, etc.) gross motor materials (jump ropes, balls, etc.) and other manipulative materials.

3. The characteristics and needs of the child in grades K-3 should be considered when selecting appropriate materials.

Em Tampke  
Executive Director

## RULE

### Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published August 20, 1989 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the

1979 Regular Session, adopted the rule listed below:

Rule 5.00.80(1)

The board adopted the revised regulations for the Tuition Exemption Program for teachers. See July, 1989 issue of the *Louisiana Register* for complete text of regulations.

Em Tampke  
Executive Director

## RULE

### Department of Health and Hospitals Board of Chiropractic Examiners

Pursuant to R.S. 49:950, et seq., the Louisiana State Board of Chiropractic Examiners adopted, amended, and repealed rules relative to advertising practices, patient billing, and the general practice of chiropractic.

#### Title 46

#### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XXVII. Chiropractors

#### Chapter 3. Professional Conduct

#### §306. Itemized Patient Billing

A. Whenever a chiropractic physician licensed under this Chapter renders professional services to a patient and accepts assignment from a third-party payer, the chiropractic physician shall provide to the patient a written statement of the specific services rendered on that day and the charge for each service rendered on that day and each day thereafter that services are provided to the patient.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2803.E.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Chiropractic Examiners, LR 15: (November 1989).

#### §307. Advertising Practices

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

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

C. Although testimonials may be used, the name of the doctor or the name of the clinic at which he practices shall not be used in the testimonial. However, the name of the doctor or clinic may appear or be used with the testimonial reflecting that the doctor paid for the advertisement.

D. Advertisement is prohibited which offers gratuitous goods or services or discounts in connection with chiropractic services unless the chiropractor provides a disclosure statement to be signed by the patient which explains:

1. specifically what services or goods are free, discounted, or gratuitous;

2. what services are provided but not included in the free, discounted or gratuitous services; and

3. when free services or goods have been provided, any additional services are subject to a charge and such charges are to be disclosed to the patient, guardian, or guarantor, in writing, prior to the rendering of such services; provided, that this rule shall not be construed to relate to the negotiation of fees be-

tween chiropractors and patients or to prohibit the rendering of chiropractic services for which no fee is charged.

E. In all circumstances covered by Subsection D herein, and after the services have been rendered, the chiropractor shall provide the patient with a written statement, disclosing all charges, regardless of any assignment of insurance benefits or possibility of third party payment.

F. Any advertisement that mentions automobile liability insurance shall state that "policy limitations apply" to the medical payment provisions therein, and must be in bold print. Television advertisements must verbally state that policy limitations apply.

G. A chiropractor shall not advertise "free x-rays" unless the advertisement states the (1) x-rays shall be taken only if found to be necessary, and (2) more than one x-ray is required for diagnostic purposes.

H. When any advertisement offers free, discounted, or gratuitous services or goods, that said advertisement must include the usual charge for those services, and the type of service or examination which is free. In the case of television and print medium, the usual charges must be in bold print. In the case of radio advertising, such ads must clearly state verbally the typical charge for those services.

I. If any part of these rules; or rule herein is declared unlawful and/or unconstitutional; said declaration shall not affect the validity of any other part or rule herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2816(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Chiropractic Examiners, LR 2:51 (February 1976), amended LR 5:174 (July 1979), LR 13:343 (June 1987), amended by the Department of Health and Hospitals, Board of Chiropractic Examiners, LR 15: (November 1989).

#### §308. Disclosures in Advertising

A. Any chiropractor who engages in any of the practices specified in this Subsection shall include the disclosure statement in this Subsection in any advertising of such practice. The practices are as follows:

1. The practice of waiving all or part of a required deductible or co-payment amount under any policy of health insurance or other health benefit plan, to include the practice of offering any gift or gratuity, such as a health check which has the effect of reducing or eliminating a deductible and is so advertised.

2. Performing any services without charge to the recipient, the effect of which eliminates or reduces the amount of the required deductible or co-payment under any policy of health insurance of other health benefit plan.

a. The disclosure statement required by this Subsection in such advertising shall be as follows: "Limited eligibility - only persons having a qualified health insurance or other health benefit plan shall be eligible for participation in any program that reduces or eliminates payment of the required deductible or co-payment amounts. In order to qualify, the health insurance or health benefit plan must have a deductible which does not exceed \$ \_\_\_\_\_ (insert dollar amount) and the co-payment must not exceed \_\_\_\_\_ percent (insert percentage amount)."

B. In addition, any chiropractor that reserves any right to seek any portion of the amount due for services rendered from the recipient of those services shall also include the following disclosure in all such advertising.

"Personal liability - In the event that your insurance or health benefits plan fails to pay all or part of any portion of the nonwaived charges for any services rendered, then you can be

held personally liable for such amount.”

C. “Advertising” or “advertisement” as used in this Section shall include any communication to the public including communication by means of newspaper, magazines, circulars, direct mail, directories, radio, television, and billboards. The disclosures required to be given by this Section shall be made clearly, conspicuously, and in meaningful sequence. In the case of written advertisement, the terms “limited eligibility” and “personal liability” shall be in all capital letters and shall be printed more conspicuously than other terminology required by this Section and shall in no event be printed in less than the equivalent of 10-point type, 0.075 inch computer type or elite size. In the case of television advertising, the required disclosure shall be made by both audio and visual transmission. All such disclosures shall be made in the English language.

D. Any violation of this Section shall constitute grounds for disciplinary action or penalty by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:16 (C).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Chiropractic Examiners, LR 15: (November 1989).

### §311. Overutilization of Services

Overutilization of services is prohibited. Overutilization is the providing of treatment or diagnostic services the need for which cannot be substantiated by the clinical record of the patient, or reports, or any other pertinent facts or evidence. Such practice shall constitute a form of misrepresentation, deceit, unprofessional conduct, or gross misconduct.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2816 (A) (5), (6) and (7).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Chiropractic Examiners, LR 13:344 (June 1987), amended by the Department of Health and Hospitals, Board of Chiropractic Examiners, LR 15: (November 1989).

## RULES

for

Peer Review Committee functioning under the Louisiana Board of Chiropractic Examiners

## Chapter 7. Peer Review Committee

### §701. Purpose and Composition of Committee

A. Area covered. State of Louisiana

B. Structure. The Louisiana Peer Review Committee shall function under the Louisiana Board of Chiropractic Examiners, a state agency created and empowered by the legislature to license and regulate the practice of Chiropractic in Louisiana in accordance with LSA Title 37, 2801 et seq., LSA R.S. 37:1734 and LSA-R.S. 49:950 et seq.

C. Purpose. The purpose of the committee is to review upon request and agreement of all parties involved any matter relative to the appropriateness of care rendered by any doctor of Chiropractic licensed to practice and practicing in the State of Louisiana.

D. 1. Composition of Committee. The committee shall be comprised of five doctors of chiropractic currently licensed by the State of Louisiana and practicing within the State of Louisiana, and appointed by the Louisiana Board of Examiners.

2. All chiropractors chosen to serve on the committee shall attend a peer review school. In that the Board of Examiners will be administering and functioning as an appeals option, its members shall also attend the peer review school. The Board of

Examiners shall bear the cost of this special training.

E. Per diem/expenses. Committee will be afforded a per diem payment and reimbursement for reasonable expenses incurred as a result of attending review meetings. Per diem shall not exceed \$50 per day plus mileage at the current state rate, all as required by and set forth in LSA-R.S. 37:2802(F). Members will be reimbursed only from review fees collected.

F. Who may submit claims. Chiropractic physicians, third party reimbursement organizations, patients, professional standards review organizations, health maintenance organizations may request a review if they are directly involved in the claim by the fact of being the patient treated, the doctor administering or receiving payment for treatment or the third party contracting to pay the claim.

G. 1. All costs of administrating this program will be borne by the peer review committee out of the fees charged.

2. Any party making a peer review request will be charged a fee to cover the administrative costs of performing the review. The fee will be commensurate with the administrative costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2801 et seq. and R.S. 37:1734.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Chiropractic Examiners, LR 15: (November 1989).

### §703. Procedure for Review

A. All reviews will be blind reviews. The identity of the patient and treating physician will be unknown to the committee.

B. All parties involved must agree to the review process and may agree to binding arbitration either on initial review or on appeal.

C. No requests for review shall be assessed or actual reviews conducted by the committee unless a quorum is present and participating. Three of the five members shall constitute a quorum.

D. A member of the Board of Examiners appointed for a one-year term by the board shall serve as chairman of the Peer Review Committee and have voting power only in the case of a tie. The board member shall review all final decisions of the Peer Review Committee to insure proper procedure has been followed in the review process.

1. If the board member determines that proper procedure has been followed then the recommendation of the Peer Review Committee stands and any party to the review shall have the appeal options set out in Subsection E. The board member who serves as chairman of the Peer Review Committee shall be recused in the case of appeal to the board.

2. If the board member determines that proper procedure has not been followed he shall state the violation of procedure in writing and submit same to the Peer Review Committee at which point the case will be reconsidered by the committee.

E. Appeals Process. An appeal of any decision rendered by the Peer Review Committee shall, at the option of the person appealing, either be:

1. submitted to the members of the Board of Examiners for review, or

2. placed in binding arbitration. Arbitration shall be conducted by a committee of three chiropractors: one chosen by the treating chiropractor, one by insurer, patient, or whoever constitutes the opposite party in the dispute, and the third chiropractor chosen by the originally-selected two. All parties involved shall agree in advance to abide by the decision of the arbitration committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2801 et seq. and R.S. 37:1734.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Chiropractic Examiners, LR 15: (November 1989).

Dr. Michael Flynn, D.C.  
President

## **RULE**

### **Department of Health and Hospitals Board of Dentistry**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq. and the Dental Practice Act, R.S. 37:760(8), notice is hereby given that the Louisiana State Board of Dentistry has adopted the following rule.

#### **Title 46**

#### **PROFESSIONAL AND OCCUPATIONAL STANDARDS Part XXXIII. Dental Health Profession**

##### **Chapter 3. Dentists**

##### **§304. Address of Dental Practice**

Each dentist shall inform the Louisiana State Board of Dentistry of all office addresses at which the dentist practices dentistry in conformity with R.S. 37:770(B). Failure of a dentist to notify the board within 30 days of any office move or relocation will result in the imposition of any one or more of the penalties set forth in R.S. 37:780(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 15: (August 1989).

Russell R. DiMarco, D.D.S.  
Secretary-Treasurer

## **RULE**

### **Department of Health and Hospitals Board of Dentistry**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq. and the Dental Practice Act, R.S. 37:760(8), notice is hereby given that the Louisiana State Board of Dentistry has adopted the following amended rule and regulation:

#### **Title 46**

#### **PROFESSIONAL AND OCCUPATIONAL STANDARDS Part XXXIII. Dental Health Professionals**

##### **Chapter 5. Dental Assistants**

##### **§501. Authorized Duties**

A. ...

B. A dental assistant may only perform the following under the direct on-premises supervision of the dentist who employs her or him:

1.-3. ...

4. Apply topical anti-cariogenic solution and etchants to the teeth.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 15: (August 1989).

Russell R. DiMarco, D.D.S.  
Secretary-Treasurer

## **RULE**

### **Department of Health and Hospitals Board of Dentistry**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq. and the Dental Practice Act, R.S. 37:760(8), notice is hereby given that the Louisiana State Board of Dentistry has adopted the following amended rule and regulation:

#### **Title 46**

#### **PROFESSIONAL AND OCCUPATIONAL STANDARDS Part XXXIII. Dental Health Professionals**

##### **Chapter 7. Dental Hygienists**

##### **§701. Authorized Duties**

B. A dental hygienist may only perform the following under the direct on-premises supervision of the dentist who employs her or him:

13. Acid-etch and placement of fissure sealant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 15: (August 1989).

Russell R. DiMarco, D.D.S.  
Secretary-Treasurer

## **RULE**

### **Department of Health and Hospitals Board of Dentistry**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq. and the Dental Practice Act, R.S. 37:760(8), notice is hereby given that the Louisiana State Board of Dentistry has adopted the following rule and regulation:

#### **Title 46**

#### **PROFESSIONAL AND OCCUPATIONAL STANDARDS Part XXXIII. Dental Health Professionals**

##### **Chapter 7. Dental Hygienists**

##### **§703. Address of Employment**

Each dental hygienist shall inform the Louisiana State Board of Dentistry of all office addresses at which the dental hygienist is employed as a dental hygienist and the name of the employing dentist. Failure of a dental hygienist to notify the board within 30 days of a change in the address of employment

as a dental hygienist and the name of the new employing dentist will result in the imposition of any one or more of the penalties set forth in R.S. 37:780(B).

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:760(8).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 15: (August 1989).

Russell R. DiMarco, D.D.S.  
Secretary-Treasurer

## **RULE**

### **Department of Health and Hospitals Board of Dentistry**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq. and the Dental Practice Act, R.S. 37:760(8), notice is hereby given that the Louisiana State Board of Dentistry has adopted the following amended rule and regulation.

#### **Title 46**

### **PROFESSIONAL AND OCCUPATIONAL STANDARDS Part XXXIII. Dental Health Profession**

#### **Chapter 3. Dentists**

##### **§301. Listing as Dental Specialist**

Dentists who are not specialists certified by a certifying board under educational standards approved by the Louisiana State Board of Dentistry, but who advertise a field of practice for which approved educational standards exist, must advertise their field of practice in such a way that the public is not misled into believing that the dentist has met the educational requirements for a certified specialist.

The board has reviewed and approved the Standards for Advanced Specialty Education Programs set forth by the Commission on Dental Accreditation of the American Dental Association in the following specialties:

- Endodontics
- Dental Public Health
- Oral and Maxillofacial Surgery
- Oral Pathology
- Orthodontics
- Pediatric Dentistry
- Periodontics
- Prosthodontics

Anyone not qualified for the above listed specialties must disclose General or Family Dentistry in print larger than any field of practice or service.

In radio or television advertising, the disclosure must be made in the same mode (visual or audio) as the representation concerning the field(s) of practice. Audio disclosures must be made at the same decibel level as the representation concerning the field(s) of practice.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:760(8).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Human Resources, Board of Dentistry, December 1970, amended November 1971.

Russell R. DiMarco, D.D.S.  
Secretary-Treasurer

## **RULE**

### **Department of Health and Hospitals Board of Pharmacy**

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that under R.S. 37:1178 the Louisiana Board of Pharmacy adopted and amended its regulations to set forth procedures whereby bona fide prescriptions and their refills may be transferred by pharmacists between pharmacies.

The following amends Title 46, Professional and Occupational Standards, Part LIII. Pharmacists, § 3535 and § 2903, 5, and adds § 2929.

#### **Title 46**

### **PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LIII. Pharmacists**

#### **Chapter 29. Pharmacy Records**

##### **§2903. Records**

A. Ordinary Records. Accurate and readily retrievable records regarding legend drug acquisition invoices, distribution, dispensing, and inventories shall be maintained and available for accountability and retained for five years on the premises.

1. Acquisition. Legend drug acquisition records shall be required and consist of documenting invoices from manufacturers, wholesalers, distributors, broker, or other sources of supply.

2. Inventories. Controlled schedule drug inventories constituting a dated physical drug count shall be required, where applicable, and maintained by the pharmacy.

##### B. Prescription

1. Dispensing Prescription Files. Dispensed prescription orders shall be required and maintained for five years by the pharmacy constituting proof of dispensing by adequate prescription files properly documented with the following medical practitioner's authority and containing the following:

a. patient's name and address, if appropriate;

b. prescriber's name;

i. if appropriate, signature, address, and DEA number

c. pharmacist's name or initials;

d. drug name, strength, dosage form, and quantity prescribed;

i. quantity dispensed, if different

e. dispensing date;

f. serial number

i. sequential prescription number

g. prescription refill authorization

i. number of prescription refills authorized by prescriber.

2. Refilled Prescription. At the time of dispensing a refill prescription, the following notation shall be made on the back of the prescription, or be readily retrievable from either a computerized system or other recordation system.

a. Date refilled

b. Pharmacist's name or identification code

c. Drug quantity when in variance with the original order.

3. Emergency Refills. A pharmacist may use professional judgment to dispense adequate medication for a 72-hour regimen when an emergency for medication has been demonstrated and the medical practitioner is not available.

4. Limitation. An expired prescription requires appropriate authorization with a new prescription which shall be placed in the files.

C. Computerized Prescription Records. A computerized prescription system in a pharmacy is a complete, accurate, readily retrievable computerized prescription record system.

1. Purpose. The computerized prescription record is an automated data processing system for prescription record keeping, storage, and retrieval of prescription information in the operation of a pharmacy. The purpose of this Chapter is to enumerate the proper procedures to be used which are consistent with state and federal laws and regulations.

2. Scope. The scope of the pharmacy computer system represents an adjunct or an extension of conventional prescription department record keeping.

3. Definitions

a. *Computer Hardware* - consists of equipment components for the operation of the data processing system.

b. *Computer* - a programmable electronic device that can store, retrieve, and process data.

c. *Screen* - a cathode ray tube (C.R.T.) screen which is used to impose computer information on a screen for visual use.

d. *Key Board* - input equipment.

e. *Printer* - prints typewritten information.

f. *Computer Software* - consists of the entire programs, procedures, and related documentation associated with a computer system.

g. *Hard Copy* - is a copy produced by a computer than is readable without the use of a special device.

4. Computer Operations Requirement. Prescription storage retrieval information electronic data processing equipment shall meet the following requirements:

a. confidentiality - guarantee the confidentiality of the information contained in the data bank;

b. retrieval - a computerized system shall provide on-line retrieval via screen or hard-copy printout of original prescription order information for those prescription orders which are currently authorized for refilling;

c. summary - the system shall be capable of producing a daily hard-copy summary of scheduled drug transactions;

d. refills - the system shall be capable of recording and providing the dates of prescription refills and the identity of the pharmacist;

e. patient profile - the system shall be capable of producing a patient profile indicating all drugs being utilized and the date of prescription refills;

f. reconstruction - the system shall be capable of being reconstructed in the event of a computer malfunction or unforeseen accident resulting in the destruction of the data bank;

g. original prescription records

i. Hard Copy. prescription hard copy shall represent the original written order or original oral prescription reduced to writing manually or electronically produced by the pharmacists and shall meet the requirements of Section 2903.B.1;

h. maintenance - the original written prescription or a hard copy of an oral prescription shall be retained on file, in numerical order, for a period of five years from the date of dispensing or the date of the last refill dispensed;

i. prescription refill information - a record shall be entered into the data processing system of prescriptions refilled;

j. record - a report of all original or refilled prescriptions dispensed shall be maintained on a hard copy printout made daily;

i. complete printout - the complete hard copy printout shall include the following:

(a) prescription number;

(b) date - date of initial dispensing of the original prescription and the date(s) of refilling;

(c) refill information - total number of prescription refills

dispensed to date or retrievable refill history on a screen display as an alternative to appearing on the hard copy printout;

(d) patient's name;

(e) patient's address, if required;

(f) the authorized prescriber's name;

(g) authorized prescriber's address, if required;

(h) the name, strength, dosage form, and quantity of the drug dispensed;

(i) the last name and initial of the dispensing pharmacist.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October, 1988), amended LR 15: (November 1989).

### §2929. Transfer of Prescription Information

A. The transfer of original prescription information, for the purpose of refill dispensing, is permissible between pharmacies, subject to the following requirements and/or limitations:

1. the transfer is communicated between two licensed pharmacists in permitted pharmacies;

2. the transfer of original prescription information for controlled substances listed in Schedules III, IV, and V by pharmacists between pharmacies is permissible on a one-time basis;

3. the transfer of prescription information for legend drugs is permissible between pharmacies by pharmacists without limitation up to the number of originally authorized refills;

4. the original and transferred prescriptions must be maintained for no less than five years.

B. Manual Filing System

If a pharmacy maintains prescription information in a manual system, the following is applicable:

1. The pharmacist transferring the prescription information shall:

a. write the word "void" on the face of the invalidated prescription; and

b. record on the reverse of the invalidated prescription the following information:

i. the name, address, and if a controlled substance, the DEA registration number of the pharmacy to which such prescription is transferred;

ii. the name of the pharmacist receiving the prescription information;

iii. the name of the pharmacist transferring the prescription information; and

iv. the date of the transfer.

2. The pharmacist receiving the transferred prescription information shall:

a. write the word "transfer" on the face of the transferred prescription; and

b. record on the transferred prescription the following information:

i. original date of issuance and date of dispensing, if different from date of issuance;

ii. original prescription number and the number of refills authorized on the original prescription;

iii. number of valid refills remaining and the date of last refill;

iv. name, address, and if a controlled substance, the DEA registration number of the pharmacy from which such prescription information is transferred; and

v. name of the pharmacist transferring the prescription information.

C. Computerized Filing System

If a pharmacy maintains prescription information in a data processing system, the following is applicable:

1. If the data processing system has the capacity to store all of the information required in Subsection B of this Section, the pharmacist is not required to record this information on the original or transferred prescription.

2. If the data processing system does not have the capacity to store the information required in Subsection B of this Section, the pharmacist must record the required information on the hard copy prescription in the files.

3. The data processing system shall have a mechanism to prohibit the transfer of controlled substance prescriptions which have previously been transferred.

4. The original prescription, in a data processing system, which has been transferred must be invalidated in the data processing system for purposes of refilling, however, the information must be maintained in the system for at least five years.

5. In a data processing system whereby the computerized system is used for refilling purposes, some recognizable information should be available on the CRT so that the pharmacist would recognize a transferred prescription as such on the screen.

D. Verify Transferred Prescription. If the pharmacist has any question concerning the validity of a transferred prescription, the pharmacist should check with the practitioner and generate a new prescription, if authorized.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 15: (November 1989).

**Chapter 35. Pharmaceutical Manufacturer**  
**§3535. Schedule Prescription Copies**

Copies of prescriptions for schedule drugs are available for reference and information. The prescription copy must be clearly identified and marked as a copy. Transfer and/or refill dispensing of Schedule III, IV, or V controlled substances may only be accomplished in accordance with §2929 of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October, 1988), amended LR 15: (November 1989).

**§3553. Prescription Transfer**

Controlled dangerous substance prescriptions transferred manually or via computer shall be for reference only and not used for refilling purposes. Any refills on a transferred prescription must be accomplished in accordance with §2929 of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October, 1988), amended LR 15: (November 1989).

Howard B. Bolton  
Executive Director

**RULE**

**Department of Health and Hospitals**  
**Office of Public Health**

In accordance with the Louisiana Administrative Procedure Act (R.S. 49:950 et seq.) and Act 231 of the 1989 Regular Legislative Session, the Department of Health and Hospitals has adopted rules and regulations which will provide for certification of laboratories for chemical analysis, analytical results or other appropriate test data as required by the department pursuant to state or federal law.

To aid the public water supplies in meeting their chemical monitoring responsibilities, the Department of Health and Hospitals, Office of Public Health shall approve commercial, private, municipal and public water supply laboratories or other full scale laboratories to provide the needed chemical (organic, inorganic and radiological) analytical support for public water systems. This analytical support will help provide public protection from a wide range of health threatening contaminants and keep the Louisiana public water supplies in compliance with the federal and state regulations. Each public water supply will be responsible for paying the contract laboratory for any analytical services provided.

Laboratories seeking certification as a result of this rule-making will be certified in accordance with regulations contained in a proposed Department of Health and Hospitals Manual of Certification Laboratories Analyzing Drinking Water as developed in accordance with the Environmental Protection Agency (EPA) for the same purpose. Due to the length of the certification manual, the text will not be printed here. However, copies of the proposed manual of certification will be available for inspection at the following locations:

REGION I - Metropolitan, 338 Tulane Avenue, Marine Building, 5th Floor, New Orleans, LA 70119;

REGION II - Capitol, 1220 Main Street, Box 3633, Baton Rouge, LA 70821;

REGION III - Teche, 206 East Third Street, Drawer 1369, Thibodaux, LA 70302;

REGION IV - Acadian, State Office Building, 302 Jefferson, Room 612, Lafayette, LA 70501;

REGION V - Southwest, 4240 Legion Street, Box 16826, Lake Charles, LA 70616;

REGION VI - Central, 1335 Jackson Street, Box 4207, Alexandria, LA 71301;

REGION VII - Northwest, Allen Memorial State Office Building-Fifth Floor, 1525 Fairfield Avenue, Shreveport, LA 71130;

REGION VIII- Northeast, 2913 Betin Street, Box 6118, Monroe, LA 71211-6118.

The Department of Health and Hospitals, Office of Public Health proposes to assess an annual certification fee for laboratories requesting certification to provide chemical analyses or other appropriate test data as required by the department pursuant to state or federal laws relating to public water supplies. The annual certification fee schedule is adopted as follows:

Chemistry	Fees
Any of the following categories:	
Inorganic	\$ 750
Organic	800
Both of the above mentioned categories	1000
Radiological	800



## RULE

### Department of Health and Hospitals Office of Public Health

Adopted fees for certifying laboratories in a state other than Louisiana shall include an additional fee the sum the Department of Health and Hospitals determines to be sufficient to cover the transportation, room and board expenses incurred by the certification official(s).

The adopted rule regarding the certification of laboratories as outlined here within also requires changes in the Louisiana Sanitary Code to read as follows:

#### 12:001 Definitions

*Laboratory Certification Program* is a program carried out by the Department of Health and Hospitals, Office of Public Health and Office of Licensing and Certification to approve commercially and publicly owned laboratories to perform compliance monitoring of public water supplies in accordance with the National Primary Drinking Water Regulations and Chapter XII of the State Sanitary Code. The cost of the program will be recouped from the laboratories requesting certification.

*Category* means a group of parameters for which certification is offered.

*Certification Fee* is the annual charge assessed laboratories requesting certification from the Department of Health and Hospitals to provide the needed chemical (organic, inorganic and radiological) analytical support for the public water systems.

*Laboratory Certification Manual* is the reference book which contains the Department of Health and Hospitals' regulations governing laboratory certification and standards of performance for laboratories conducting drinking water analyses for public water supplies in the state of Louisiana.

*Laboratory Requesting Certification* is an uncertified laboratory which has submitted an acceptable application and appropriate fee(s) for the category in which it desires certification.

#### 12:002-4 Water Quality Standards:

Each public water supply shall comply with the maximum containment levels prescribed in the National Primary Drinking Water Regulations, Subparts A and B Paragraphs 141.1 through 141.16. The state health officer, upon determining that a risk to human health may exist, reserves the right to limit exposure to any other contaminant. Further, each public water supply should comply with the National Secondary Drinking Water Regulations, Paragraph 143.3. Treatment to remove questionable characteristics shall be approved by the state health officer.

Each public water supply shall comply with the monitoring and analytical requirements as specified in the National Primary Drinking Water Regulations, Subpart C, Paragraph 141.21 through 141.30. A laboratory certification program has been established to approve commercially and publicly owned laboratories to perform chemistry compliance monitoring for public water supplies. Laboratories seeking certification in any chemistry category for which certification is offered must adhere to the rules and regulations governing laboratory certifications as contained in the Department of Health and Hospitals' Laboratory Certification Manual dated September 1989. An annual certification fee will be assessed laboratories seeking certification from the Department of Health and Hospitals.

David L. Ramsey  
Secretary

The Department of Health and Hospitals (DHH), Office of Public Health has revised the management fee for the Safe Drinking Water Program in accordance with Act 730 of the 1989 Regular Session of the Louisiana Legislature. Fees are to be assessed the public water supplies within the state of Louisiana. These management fees are necessary to maintain portions of the Drinking Water Program to help provide the public protection from a wide range of health threatening contaminants and keep the Louisiana public water supplies in compliance with the federal and state regulations.

Previously, the Louisiana Department of Health and Hospitals provided the engineering, chemical and bacteriological surveillance over the public water supplies at no cost to them. Money for the program came from the general fund. With the state's budget cuts, an additional source of money had to be found. Consequently, a Safe Drinking Water Program management fee was instituted under emergency authority in May of 1988. Because of the budget cuts and required program activity increases due to the 1986 Amendments to the Safe Drinking Water Act it is necessary to increase the number of engineering staff in the Drinking Water Program without increasing the overall cost of the program. In order to do this, DHH made the Safe Drinking Water Program management fee permanent and eliminated the DHH's chemical surveillance activities.

To aid the public water supplies in meeting their chemical monitoring responsibilities as required by State and Federal Law, the Department of Health and Hospitals, Office of Public Health and Office of Licensing and Certification are to establish a certification program to approve commercial, private, municipal and public water system laboratories to provide the needed chemical (organic, inorganic and radiological) analytical support for the public water supplies. Each public water supply is responsible for paying the contract laboratory for the analytical services provided.

Any laboratory interested in pursuing approval to perform chemical monitoring should contact Dr. Henry Bradford, Laboratory Director, Louisiana Department of Health and Hospitals, Box 60630, New Orleans, LA 70160.

The following section of the Sanitary Code reads as follows:

#### §12:001 Definitions:

*Community Water Supply* is a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

*Non-Community Water Supply* is a public water system that does not meet the criteria for a community water supply and serves at least 25 individuals (combination of residents and transients) at least 60 days out of each year.

*Non-Transient Non-Community Water Supply* is a public water system that is not a community system and regularly serves at least 25 of the same persons (non-residents) over six months per year.

*Public Water Supply* is one which provides water to the public and such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. (See definitions of community, non-community and non-transient non-community water supplies).

The following section of the Sanitary Code shall be amended to read as follows:

**§12:001: Definitions: (To be added to current listing)**

*Management Fee* is an annual charge assessed to the public water supplies by the Department of Health and Hospitals for management of the Safe Drinking Water Program. Failure to pay this fee will result in a violation of a National Primary Drinking Water Regulation and subsequent issuance of an Administrative Order and/or Administrative Penalty in an amount not to exceed \$5000 per day for each day of violation.

*Service Connection* is a physical connection to a public water supply which may or may not be metered.

The following section shall be added to the State Sanitary Code:

**§12:002-7**

The Department of Health and Hospitals shall assess an annual management fee to the public water supplies (community, non-transient non-community and non-community) according to the following schedule:

**COMMUNITY WATER SUPPLIES**

Each community water supply will be charged an annual fee based on the number of service connections in the system.

NUMBER OF SERVICE CONNECTIONS	SERVICE CATEGORY	NUMBER OF COMMUNITIES IN EACH CATEGORY	ANNUAL FEE
6-50		598	\$ 25
51-125		236	500
126-250		172	600
251-625		208	700
626-825		48	800
826-1,250		66	900
1,251-2,500		71	1000
2,501-12,500		47	1500
12,501-18,750		4	2000
18,751-25,000		6	2500
25,001-Up		6	3000

**NON-COMMUNITY WATER SUPPLIES**

Each non-community water supply will be charged a flat fee of \$25 per year.

NUMBER OF NON-COMMUNITIES	ANNUAL FEE
591	\$ 25

**NON-TRANSIENT NON-COMMUNITY WATER SUPPLIES**

Each non-transient non-community water supply will be charged a flat fee of \$25 per year.

NUMBER OF NON-TRANSIENT NON-COMMUNITIES	ANNUAL FEE
294	\$ 25

Criteria for the DHH Chemical Laboratory Certification Program is being proposed simultaneously with this proposal.

David L. Ramsey  
Secretary

**RULE**

**Department of Health and Hospitals  
Office of Public Health**

In accordance with the laws of the state of Louisiana, R.S. 40:4, 40:5, and in the interest of providing greater means of public health and safety protection, the state health officer has determined that the following amendments to Louisiana State Sanitary Code, Chapter XXIV, Subsections 24:006 and 24:021, each in part, as promulgated on March 20, 1984, are hereby adopted:

Amend 24:006 (b) (2), in its entirety, to read, henceforth, as follows:

(2) In large pools, with outlets more than five feet from the end wall, inlets shall be placed on equidistant centers around the entire perimeter of the pool. The maximum distance between inlets shall be 20 feet. Pools more than 30 feet wide shall have bottom inlets, or other demonstrably effective means to provide uniform distribution of disinfectant throughout the pool.

Amend 24:021 a., b., c., d., e., in its entirety, to read, henceforth, as follows:

24:021 LIGHTING: Whenever swimming pools, bathing places, or water slides are to be operated at night, illumination shall be provided as follows:

a. Where night activities are permitted and underwater lighting is used, not less than 0.5 watts\* shall be provided per square foot of pool area. Area lighting shall be provided for the deck areas and directed toward the deck areas away from the pool surface insofar as practical. 0.6 watts per square foot of deck area shall be used.

b. Where night swimming is permitted and underwater lighting is used, area pool lighting combined shall be provided at not less than two watts per square foot of deck area.

\* Values of Efficiency for incandescent lamps assumed to be 20 lamp lumens per watt.

c. In either case, lighting shall be provided in such concentration so as to permit a black circle six inches in diameter on a white field, when placed on the bottom of the pool at the deepest point, to be clearly visible from the deck around the pool at all distances up to 10 yards measured from a line drawn across the pool through said disk.

d. Semi-artificial and natural swimming pools and bathing places

**Minimum Foot-Candles**

(measured vertically on the surface)

All water areas utilized if a large body of water is involved; this amount of light must be present out to 150 feet from the shore 3

Adjacent land areas utilized during swimming or bathing activities 1

e. Stairs from lower to upper areas of water slides shall be provided with at least 10 foot-candles of illumination (measured on the surface).

f. All areas used or traversed by people, inside of all ancillary buildings, shall be provided with at least 10 foot-candles of illumination (measured three feet above the floor).

David L. Ramsey  
Secretary

**RULE**

**Department of Health and Hospitals  
Office of Public Health**

In accordance with the Administrative Procedure Act, as amended, the Department of Health and Hospitals, Office of Public Health has adopted a revised Certificate of Live Birth form in accordance with R.S. 40:34 (A) and has provided for separation and destruction of confidential medical/social information section gathered with the certificate once that information has been entered in a statistical database. Further, the office has

promulgated instructions for preparation of the Certificate of Live Birth. The promulgation of rules is authorized by 40:33C.

**Title 48**  
**PUBLIC HEALTH - GENERAL**  
**Part V. Preventive Health Services**  
**Subpart 45. Vital Records**

**Chapter 123. Preparation of Certificates**

**§12301. Introduction**

A. The certificate forms referenced in the following sections of Chapter 123 are formally adopted. Only those forms prescribed and printed by the State Registrar shall be used for reporting births, deaths, marriages, divorces, stillbirths, abortions and for issuing burial transit permits. Forms shall be typewritten in black type or printed in permanent black ink. When computer printers are used, the certificates shall be prepared using only "letter quality" print.

B. If errors are made in preparation, a new document shall be prepared; erasures and the use of liquid paper shall not be permitted. Only those documents completed and executed properly shall be acceptable for registration and/or processing. Certificates deemed incomplete by the State Registrar shall not be issued except for use in adoption proceedings, upon subpoena or for use in criminal investigations or law enforcement activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:33.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987). Revised and repromulgated by the Department of Health and Hospitals, LR 15: (November 1989)

**§12303. Certificate of Live Birth Preparation (PHS 19)**

A. Section- "This Child"

1. Child's Name ( Items 1A., 1B., and 1C.- Last, First and Middle)

a. Enter the child's last, first, and middle names as required by R.S. 40:34.

b. Enter the full name of the child exactly as given by the parent(s).

c. Generation indicators such as Jr. and II shall be entered immediately following the surname.

d. If the child is legitimate, the surname of the child shall be the surname of the husband of the mother if he was married to the mother of the child at the time of conception and birth of the child or had not been legally divorced from the mother of the child for more than 300 days prior to the birth of the child, or, if both the mother and the husband agree, the surname of the child may be the maiden name of the mother or a combination of the surname of the husband and the maiden name of the mother. Surnames which are combinations of the parents' names may be hyphenated or unhyphenated.

e. If the child is illegitimate, the surname of the child shall be that of the mother's maiden name, unless both the mother and biological father of the child consent to the use of the biological father's surname for the child, or, if both the mother and father agree, the surname of the child may be a combination of the surname of the biological father and the maiden name of the mother. In either case, the signature of the natural father shall be required on the original certificate of live birth in the space provided for the signature of the parent or other informant, and an Authentic Act of Acknowledgement of Paternity shall be executed by the father. The Acknowledgement of Paternity shall be

executed after the birth of the child.

f. The original or a certified copy of the Authentic Act of Acknowledgement of Paternity shall accompany the Certificate of Live Birth to the Local Registrar. The act shall be executed by the father and shall be counter-signed by the mother in the presence of two witnesses. The acknowledgement document shall include the name of the mother of the child, the date of birth of the child, the place of birth of the child, the full name of the child as agreed by the parents, the full name of the father of the child, the city and state of birth of the father of the child, and the date of birth of the father.

g. If the parents do not have a given name selected for the child, leave the item blank. Never enter "baby girl," or "infant boy." Certified copies of the birth certificate shall not be issued until the given name has been added to the certificate except as provided under §12301.

2. Date of Birth (Item 2A-Month, Day and Year)

a. Enter the exact month, day, and year the child was born.

b. The names of the months may be entered in full or the following abbreviations may be used: Jan., Feb., Mar., Apr., Aug., Sept., Oct., Nov., and Dec. Always enter the complete spelling for the months of May, June and July. Numeric entries shall not be used to indicate months in this date field.

c. Consider a birth at midnight to have occurred at the end of the day rather than the beginning of the next day.

3. Hour of Birth (Item 2B)

Enter the hour of birth indicating a.m. or p.m. If the institution is on 24-hour or military time, the hour of birth may be so expressed. The a.m./p.m. indicator may be omitted for military time for 1300 hours and later. Any other omission of the indicator will result in the certificate being returned to the preparer for completion.

4. Sex (Item 3)

a. Enter male or female. Do not abbreviate or use other symbols. In instances where sex is not readily determined, enter the sex of the child based on the predominant indicator. If sex cannot be determined after verification with medical records, mother of child, informant, or other sources, make no entry. Attach a note to the certificate stating the reason for omission.

b. Certified copies shall not be issued while Item 3 is blank except as provided under §12301.

5. Plurality (Item 4A.- Specify Single, Twin, Etc.)

Enter appropriate term.

6. Order (Item 4B.- Specify Order)

If not a single birth, enter "first born", "second", etc. If not applicable, enter "not applicable" or leave blank.

7. Birth Weight (Item 5)

Enter the weight as shown in the hospital record, in either grams or pounds and ounces. Do not convert from one measure to the other. Specify the type of measure used (grams or pounds and ounces). Only the following standard abbreviations may be used: pounds = lbs., ounces = ozs., grams = gms.

B. Section- "PLACE OF BIRTH"

1. Place of Birth (Item 6A.- City, Town or Location)

Enter the full name of the city, town, village, or location where the birth occurred. For births occurring on a moving conveyance, enter the city, town, village, or location where the child was first removed from the conveyance.

2. Parish of Birth (Item 6B.)

a. Enter the name of the parish where the birth occurred. For births occurring on a moving conveyance, enter the parish where the child was first removed from the conveyance.

b. If the birth occurred on a moving conveyance in the United States and the child was first removed from the conveyance in this state, complete a birth certificate showing the place of birth as this state.

c. If the birth occurred on a moving conveyance in international waters, international airspace, or in a foreign country or its airspace, and the child was first removed from the conveyance in this state, complete a birth certificate in this state, but enter the actual place of birth insofar as can be determined.

3. Place of Birth (Item 6C.- Specify)

Enter the place where the birth occurred. A "birthing" center located in and operated by a hospital is considered part of the hospital and should be reported as occurring in the hospital. Freestanding birthing centers include those facilities that are operated independently from hospitals (autonomously). The "clinic/doctor's office" category includes other non-hospital outpatient facilities where births occasionally occur.

4. Name of Hospital or Institution (Item 6D.)

a. If the birth occurred in a hospital or institution, enter the full name of the facility where the birth occurred.

b. If the birth occurred on a moving conveyance en route to or on arrival at a facility, enter the full name of the facility followed by "En route."

c. If the birth occurred at home, enter the house number and street name of the place where birth occurred.

d. If the birth occurred at some place other than those described above, enter the number and street name of the location.

e. If the birth occurred on a moving conveyance that was not en route to a facility, enter as the place of birth the address where the child was first removed from the conveyance.

5. Place of Birth Inside City Limits (Item 6E.)

Specify "yes" or "no."

C. Section- "USUAL RESIDENCE OF MOTHER"

The mother's residence is the place where her household is located. This is not necessarily the same as her "home state," "voting residence," "mailing address," or "legal residence." The state, parish, city, and street address should be for the place where the mother actually lives. Never enter a temporary residence, such as one used during a visit, business trip, or vacation. Residence for a short time at the home of a relative, friend, or home for unwed mothers for the purpose of awaiting the birth of the child is considered temporary and should not be entered here. However, place of residence during a tour of military duty or during attendance at college is *not* considered temporary and should be entered on the certificate as the mother's place of residence. The address entered in 7A. is the address used to query the mother if there is a need to contact her shortly after the birth.

1. Usual Residence of Mother (Item 7A.)

Enter the full name of the city, town or location where the mother usually resides.

2. Parish (Item 7B.)

Enter the full name of the parish (county) of usual residence of the mother.

3. State (Item 7C.)

Enter the full name or standard abbreviation of the state in which the mother lives. This may differ from the state in her mailing address. If the mother is not a U.S. resident, enter the name of the country and the name of the nearest unit of government that is the equivalent of a state.

4. Zip (Item 7D.)

Enter the Zip Code of the usual residence of the mother.

5. Street Address (Item 7E.)

a. Enter the number and street name of the place where the mother lives. Although a post office box alone is not acceptable, a post office box may be entered in parentheses at the end of the street address.

b. If this location has no number and street name, enter the rural route number or a description of the place that will aid in identifying the precise location.

6. Is Residence Inside City Limits (Item 7F.)

Enter "yes" or "no."

D. Section- "FATHER OF CHILD"

1. Father's Last Name (Item 8A.)

a. In general, if the child was:

i. born to a mother who was married at the time of birth, enter the name of her husband;

ii. conceived in wedlock but born after a divorce was granted or after the husband died, type or print the name of the mother's deceased or divorced husband;

iii. conceived and born out of wedlock to a divorced, widowed, or never-married mother, make no entry regarding the father's name and omit items 8B., 8C., 8D. and 8E.

b. If the mother is unmarried and was not married at any time during the past 300 days, the child may be acknowledged at the time of birth by the biological father. If the acknowledgment is in proper form, the biological father's name may be entered in Item 1A. on the Birth Certificate and items 8A., 8B., 8C., 8D., and 8E. may be completed.

c. The surname of the father and the child are usually the same. When they are different, carefully review this information for compliance with state law and with the parent(s) to ensure that there is no mistake.

2. First Name (Item 8B.)

If the surname of the father was entered in 8A., enter the first name of the father.

3. Second Name (Item 8C.)

If the surname of the father was entered in 8A., enter the second name of the father. If the father does not have a second name, leave the space blank.

4. City and State of Birth (Item 8D.)

a. If the surname of the father was entered in 8A., enter the city and state of birth.

b. If the father was born in the United States, enter the name of the state.

c. If the father was born in a foreign country or a U.S. territory, enter the name of the country or territory.

d. If the father was born in the United States, but the state is unknown, enter "U.S.-Unknown."

e. If the father was born in a foreign country, but the country is unknown, enter "Foreign-Unknown."

f. If no information is available regarding place of birth, enter "Unknown." Do not leave this item blank.

5. Date of Birth (Item 8E.)

a. If the surname of the father was entered in 8A., enter the exact month, day, and year the father was born.

b. The following abbreviations may be used: Jan., Feb., Mar., Apr., Aug., Sept., Oct., Nov., and Dec. Enter the complete spelling for the months of May, June and July.

E. Section- "MOTHER OF CHILD"

1. Mother's Maiden Name (Item 9A.)

Type or print the last name of the mother as given at birth or adoption, not a name acquired by marriage.

2. First Name (Item 9B.)

Enter the first name of the mother.

3. Second Name (Item 9C.)

Enter the second name of the mother. If the mother has no second name, leave the item blank.

4. City and State of Birth (Item 9D.)

- a. Enter the city and state of birth.
- b. If the mother was born in the United States, enter the name of the state.
- c. If the mother was born in a foreign country or a U.S. territory, enter the name of the country or territory.
- d. If the mother was born in the United States, but the state is unknown, enter "U.S.-Unknown."
- e. If the mother was born in a foreign country, but the country is unknown, enter "Foreign-Unknown."
- f. If no information is available regarding place of birth, enter "Unknown." Do not leave this item blank.

5. Date of Birth (Item 9E.)

- a. Enter the exact month, day, and year that the mother was born.
- b. The following abbreviations may be used: Jan., Feb., Mar., Apr., Aug., Sept., Oct., Nov., and Dec. Enter the complete spelling of May, June and July.

F. Section- "Informant's Certification"

1. Name of Informant (Item 10)

a. Obtain the signature of the informant. The signature shall be limited to the space provided. A person other than the mother or the father whose signature appears in this area shall check "other."

b. If the informant fails to sign, send a certified letter return receipt requested to the last known address of the mother requesting that she sign the certificate. If the mother fails to comply with the request within a reasonable period of time, transmit the unsigned certificate to the local registrar along with a copy of the letter and the "return Receipt." The state registrar of vital records may, at his discretion, withhold issuance of certified copies of unsigned certificates.

c. If the mother is unmarried and an authentic act of acknowledgement has been executed by the father, the father shall sign the birth certificate as the informant in accordance with R.S. 40:34 (B)(1)(iv). Additionally, the mother shall initial item 10.

2. Date of Certification (Item 11)

Enter in numeral form (e.g. 10/10/89 or 10-10-89 for October 10, 1989) the month, day and year of the signature in item 10.

3. Address of Informant (Item 12A.)

Enter the street address, rural route or otherwise indicate the residence of the person whose signature appears in item 10 above or the individual whose name has been entered as the informant. If the address is the same as the address information provided for the mother in items 7A-E, the entry in this item may be limited to the ZIP code. If the informant is an employee at the hospital or clinic where the delivery occurred, the address of that facility may be entered.

4. Relationship to Child (Item 12B.)

Enter the relationship of the person whose signature appears in item 10 to the child whose name appears in item 1A. If there is no relationship, enter "none."

G. Section- "Attendant"

1. Signature and Address of Attendant (Item 13)

a. The person signing attests to the fact that he attended the birth and that the child was born alive at the place and time and on the date stated.

b. Obtain the signature of the physician or other person in

attendance at the birth. Rubber stamps or other facsimile signatures are not permitted. The signature shall be in permanent, black ink and shall be confined to the space provided.

c. Signatures which overflow to adjoining blocks obscure other important information and interfere with any efforts to machine read birth data at a later date. Birth documents which contain such signatures may be returned to the hospital or other preparer to be properly prepared.

d. For births occurring in institutions, the administrator of the institution or his designee shall sign if the physician or other person in attendance is unable or unwilling to certify within 72 hours after the birth. In such instances the name of the physician or other person who actually attended the delivery shall be typed or printed and the administrator or designee shall sign in black ink. For births occurring outside an institution, the midwife or other person managing the birth shall complete this item.

e. In all instances, check the appropriate box to identify the actual attendant's title. M.D. = doctor of medicine, D.O. = doctor of osteopathy, C.N.M. = certified nurse midwife. Lay midwives should be identified as "Other Midwife." If "Other (Specify)" is checked, type the title of the attendant on the line provided.

2. Date of Signature (Item 14)

Enter the date in numeral form separated by slashes or dashes, or in alphabetic form.

H. Section- "Registrar's Certification"

These items are to be completed only by the state registrar or his designee.

1. Date of Acceptance by Local Registrar (Item 15A.)

- a. Enter the exact month, day, and year of acceptance.
- b. The following abbreviations may be used: Jan., Feb., Mar., Apr., Aug., Sept., Oct., Nov., and Dec. (e.g. Dec. 1, 1989). Enter the complete names of the month for May, June and July.

2. Signature of the Local Registrar (Item 15B.)

a. This item is signed by the local or state registrar when the certificate is filed.

b. The signature documents the fact that the certificate has been accepted by and filed with the registrar. If another person signs for the local registrar, that person shall write the registrar's name per his/her initials.

3. Date Filed by State Registrar (Item 15C.)

- a. Enter date accepted in the Vital Records Registry.
- b. The following abbreviations may be used: Jan., Feb., Mar., Apr., Aug., Sept., Oct., Nov., and Dec. (e.g. Dec. 1, 1989). Enter the complete names of the month for May, June and July.

I. Section- "Social Security Number" (Item 16) a. Place a "x" in the "yes" or "no" block and sign. When this item is left blank, "no" will be assumed. Only a parent's signature will be accepted in Item 16. When the "yes" block is checked and the item is properly signed, information may be released to the Social Security Administration to facilitate assigning a Social Security Number to the child.

b. Signatures which overflow to adjoining blocks obscure other important information and interfere with efforts to machine read birth data at a later date. Birth documents which contain such signatures may be returned to the hospital or other preparer to be properly prepared.

J. Section- "Origin, Race and Education"

1. Hispanic Origin (Items 17A. and 17B.)

a. If the parents are not of Hispanic origin, indicate "no." If unknown, indicate "unknown." If a parent or both parents are

of Hispanic origin, specify.

b. "Hispanic" refers to those people whose origins are from Spain, Mexico, or the Spanish-speaking countries of Central or South America. Origin can be viewed as the ancestry, nationality, lineage, or country in which the person or his or her ancestors were born before their arrival in the United States.

c. There is no set rule as to how many generations are to be taken into account in determining Hispanic origin. A person may report Hispanic origin based on the country of origin of a parent, grandparent, or some far-removed ancestor. The response should reflect what the person considers himself or herself to be and is not based on percentages of ancestry. Although the prompts include the major Hispanic groups of Cuban, Mexican, and Puerto Rican, other Hispanic groups should also be identified in the space provided.

d. If a person indicates that he or she is of multiple Hispanic origin, enter the origins as reported (for example, Mexican-Puerto Rican).

e. If a person indicates that he or she is Mexican-American or Cuban-American, enter the Hispanic origin as stated.

f. This item is not a part of the Race item. A person of Hispanic origin may be of any race. Each question, Race and Hispanic origin, should be asked independently.

## 2. Race (Items 18A. AND 18B.)

a. Enter the race of the mother and of the father as obtained from the parent(s) or other informant. This item shall be completed for the mother on all certificates but for the father only if a father's name appears in item 8A. The entry in this item shall reflect the response of the informant.

b. For Asians and Pacific Islanders, enter the national origin of the mother and father, such as Chinese, Japanese, Korean, Filipino, or Hawaiian.

c. If the informant indicates that the mother and/or father is of "mixed race," enter both races or ancestries.

## 3. Ages of Parents (Items 19A. and 19B.)

Enter the ages in years of the mother and the father at the date of birth of the child.

## 4. Education of Parents (Items 20A. and 20B.)

Elementary/Secondary (0-12) - College (1-4 or 5+)

Enter the highest number of years of regular schooling completed by the mother and father in either the space for elementary/secondary school or the space for college. An entry should be made in only one of the spaces. The other space should be left blank. Report only those years of school that were completed. A person who enrolls in college but does not complete one full year should not be identified with any college education in this item.

## K. Medical/Social History

Items 21 through 35 collect a medical/social history of the mother and the child. The information is collected for statistical analysis and public health planning. Upon acceptance of the Certificate of Live Birth, the medical/social history shall be key-punched and the original medical history portion shall be severed from the remainder of the document and be destroyed.

### 1. Live Births Now Living (Item 21A.)

Enter the number of children born live to the mother who were living at the time of this birth. Specify zero, "0", if none.

### 2. Live Births Now Dead (Item 21B.)

Enter the number of children born live to this mother who were dead at the time of this birth. Specify zero, "0", if none.

### 3. Date of Last Live Birth (Item 21C.)

a. Enter the date (month and year) of birth of the last live-

born child of the mother.

b. If this certificate is for the second birth of a twin set, enter the date of birth for the first baby of the set, if it was born alive. Similarly, for triplets or other multiple births, enter the date of birth of the previous live birth of the set. If all previously born members of a multiple set were born dead, enter the date of the mother's last delivery that resulted in a live birth.

c. Enter "-", "Not applicable," or "None" if the mother has not had a previous live birth. Do not leave this item blank.

d. The following abbreviations may be used: Jan., Feb., Mar., Apr., Aug., Sept., Oct., Nov., and Dec. (e.g. Dec. 1, 1989). Enter the complete names of the month for May, June and July.

## 4. Other Terminations (Items 21D. and 21E.)

a. Enter the number of fetuses that were delivered dead regardless of the length of gestation. Include each recognized loss of a product of conception, such as ectopic pregnancy, still-birth, and spontaneous or induced abortion.

b. Check "None" if this is the first pregnancy for this mother or if all previous pregnancies resulted in live-born infants.

c. Enter the date (month and year) of the last termination of pregnancy that was not a live birth regardless of the length of gestation.

d. If the mother has never had such a termination, enter "-", "Not applicable," or "None." Do not leave this item blank.

e. The following abbreviations may be used: Jan., Feb., Mar., Apr., Aug., Sept., Oct., Nov., and Dec. (e.g. Dec. 1, 1989). Enter the complete names of the months for May, June and July.

f. If this certificate is for the second birth of a twin set and the first was born dead, enter the date of delivery of that fetus. Similarly, for other multiple births, if any previous member of the set was born dead, enter the date of delivery of that fetus. If all previously born members of a multiple set were born alive, enter the date of the mother's last delivery that resulted in a fetal death.

## 5. Mother Married? (Item 22)

Enter "Yes" if the mother was married at the time of conception, at the time of birth, or at any time between conception and birth. Otherwise, enter "No." A woman is legally married even if she is separated. A person is no longer legally married when there is a signed divorce decree. If divorced or widowed, enter "no" in this space and the date of the divorce or death of the spouse in the left hand margin.

## 6. Date Last Normal Menses Began (Item 23)

Enter the actual date that the last menses began. The following abbreviations may be used: Jan., Feb., Mar., Apr., Aug., Sept., Oct., Nov., and Dec. (e.g. Dec. 1, 1989). Enter the complete names of the month for May, June and July.

## 7. Month of Pregnancy Prenatal Care Began (Item 24)

a. Prenatal care begins when a physician or other health professional first examines and/or counsels the pregnant woman.

b. The month of pregnancy in which prenatal care began is measured from the date the last normal menses began and not from the date of conception.

c. If prenatal care begins in the first month of pregnancy, enter "first" or "1." Similarly, enter "second" or "2" if prenatal care begins in the second month of pregnancy, etc. Enter "none" or "-" if the mother did not receive prenatal care. **Never** enter a named month. Such an entry is not responsive to the question.

## 8. Prenatal Visits-Total Number (Item 25)

Enter the number of visits made for medical supervision

of the pregnancy by a physician or other health care provider during the pregnancy. If no prenatal care was received, enter "None." If Item 24 is reported as "None," this item should also be completed as "None." Do not leave this item blank.

9. Clinical Estimate of Gestation (Item 26)

Enter the length of gestation as estimated by the attendant. Do **not** compute this information from the date last normal menses began and date of birth. If the attendant has not done a clinical estimate of gestation, enter "None." Do not leave this item blank.

10. Apgar Score (Item 27A. and 27B.)

a. Enter the Apgar score (0 through 10) as assigned by the delivery room personnel one minute after birth in 27A.

b. Enter the Apgar score (0 through 10) as assigned by the delivery room personnel five minutes after birth in 27B.

11. Mother Transferred Prior to Delivery (Item 28A)

a. Specify "yes" or "no." If Yes, enter name of facility transferred from:

b. Indicate "no" if this is the first facility the mother was admitted to for delivery. Indicate "yes" if the mother was transferred from one facility to another facility *before* the child was delivered. If the mother was transferred more than once, enter the name of the last facility from which she was transferred.

12. Infant Transferred (Item 28B)

Indicate "no" if the infant was not transferred to another facility. Indicate "yes" if the infant was transferred from this facility to another facility *after* delivery. If the infant was transferred, enter the name of the facility the infant was transferred to. If the infant was transferred more than once, enter the name of the first facility to which the infant was transferred.

13. If Delivery at Home-Intentional (Item 28C.)

If delivery was at home, specify "yes" or "no." If delivery was not at home, specify "not applicable" or "NA."

14. Did Child Die at Facility (Item 29)

Specify "yes" or "no."

15. Medical Risk Factors (Item 30A.)

Check each of the medical risk factors that the mother experienced during this pregnancy. If the mother experienced medical risk factor(s) not identified in the list—for example, other infectious diseases, AIDS, or syphilis—check "Other" and enter the risk factor on the line provided. Medical risk factors should be identified from the hospital or physician record. If there were no medical risk factors, check "None." Do not leave this item blank.

16. Other Risk Factors (Item 30B.)

a. Complete each question/statement. Check "Yes" for tobacco use if the mother smoked tobacco at any time during the pregnancy. Check "No" if the mother did not smoke during the entire pregnancy. Also check "no" if a non-cigarette form of tobacco was used exclusively during the pregnancy. If "Yes" is checked, specify the average number of cigarettes the mother smoked *per day* during her pregnancy. If, on the average, she smoked less than one cigarette per day, enter "Less than one." If "No" is checked, do not make any entry on the line requesting the average number of cigarettes per day.

b. Check "Yes" for alcohol use if the mother consumed alcoholic beverages at any time during her pregnancy. Check "No" if the mother did not consume any alcoholic beverages during the entire pregnancy. If "Yes" is checked, specify the average number of drinks she consumed *per week*. One drink is equivalent to five ounces of wine, 12 ounces of beer, or one ounce of distilled liquor. If, on the average, she drank less than one drink per week, enter "Less than one." If "No" is checked,

do not make any entry on the line requesting the average number of drinks per week.

c. Enter the amount of weight *gained* by the mother during the pregnancy in pounds. Do not enter the total weight of the mother. If no weight was gained, enter "None." If the mother lost weight during her pregnancy, enter the amount of weight lost (for example, "Lost 10 pounds"). Do not leave this item blank.

d. Information for this item should be obtained from the mother's medical chart or the physician. If the medical chart is not available or does not include this information and the physician is unavailable, the informant should be asked to respond to these items.

17. Obstetrical Procedures (Item 31)

Check each type of procedure that was used during this pregnancy. More than one procedure may be checked. If a procedure was used that is not identified in the list, check "Other" and specify the procedure on the line provided. If no procedures were used, check "None." Do not leave this item blank. This information should be obtained from the mother's medical chart or the physician.

18. Complications of Labor and/or Delivery (Item 32)

Check each medical complication present during labor and/or delivery. If a complication was present that is not identified in the list, check "Other" and specify the complication on the line provided. If there were no complications, check "None." Do not leave this item blank. This information should be obtained from the mother's medical chart or the physician.

19. Method of Delivery (Item 33)

Check the method of delivery of the child. If more than one method was used, check all methods that apply to this delivery. Do not leave this item blank. This information should be obtained from the mother's medical chart or the physician.

20. Abnormal Conditions of the Newborn (Item 34)

Check each abnormal condition associated with the newborn infant. If more than one abnormal condition exists, check each condition. If an abnormal condition is present that is not identified in the list, check "Other" and specify the condition on the line provided. Do not leave this item blank. This information should be obtained from the mother's and infant's physicians or the medical records (obstetric and pediatric).

29. Congenital Anomalies of Child (Item 35)

Check each anomaly of the child. Do not include birth injuries. The checklist of anomalies is grouped according to major body systems. If an anomaly is present that is not identified in the list, check "Other" and specify the anomaly on the line provided. Note that each group of system-related anomalies includes an "Other" category for anomalies related to that particular system. If there is a question as to whether the anomaly is related to a specific system, enter the description of the anomaly in "Other (Specify)" at the bottom of the list. If there are no congenital anomalies of the child, check "None." Do not leave this item blank. This information should be obtained from the mother's and infant's physicians or the medical records (obstetric and pediatric).

AUTHORITY NOTE: Promulgated in accordance with; R.S. 40:33 and R.S. 40:34.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended and re-promulgated by the Department of Health and Hospitals, LR 15: (November 1989)

David L. Ramsey  
Secretary

**RULE**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

The Medical Assistance Program is adopting the following rule which was published as a notice of intent in the *Louisiana Register* Vol. 15, No. 9, dated September 20, 1989.

Reimbursement for Psychiatric Hospital admissions (excluding acute care hospital distinct part psychiatric units) under Title XIX shall not be made unless the following certification of need procedures are followed.

**CERTIFICATION OF NEED**

The need for services must be established before Medicaid payment can be initiated.

**A. Medicaid Recipient at Admission**

For an individual who is a Medicaid recipient when admitted to the facility/program, certification must be made by an independent team consisting of a physician and one or more professional persons. Team composition may be:

1. Individual's attending physician
2. Admission team (including one physician) from a psychiatric facility other than the admitting facility.

The independent team must certify that the Title XIX recipient needs the services and that all other requirements prescribed under the Standards for Participation for Psychiatric Facilities participating in Title XIX reimbursement are met.

**NO MEMBER OF THE INDEPENDENT TEAM MAY BE EMPLOYED BY OR HAVE A CONSULTANT RELATIONSHIP WITH THE ADMITTING FACILITY.**

**B. Client Applying for Medicaid**

For an individual who applies for Medicaid while in the facility/program, the certification must be made by the interdisciplinary (as required under the Standards for Payment for Psychiatric Facilities) team either employed by or providing services to clients in the facility/program. The interdisciplinary team must certify that the individual needs the service and that all conditions outlined in the Standards for Payment for Psychiatric Facilities are met.

**C. Emergency Admissions**

For emergency admissions, the certification must be made by the same facility/program based interdisciplinary team as described above. Emergency admission is described as a situation where the client's condition is such that prompt provision of care is necessary to prevent the death or serious impairment of health of the client.

**D. Court Ordered Admission**

A court ordered admission does not in itself justify characterizing an admission as an emergency. Only an immediate admission that is necessary to prevent death or serious impairment to the patient's health is considered an emergency although the court may determine that an emergency exists. The certification of need determination by the appropriate team is required for Medicaid payment regardless of whether a court ordered the admission.

David L. Ramsey  
Secretary

**RULE**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

The Medical Assistance Program is adopting the following rule which was published as a notice of intent in the *Louisiana Register* Vol. 15, No. 9, dated September 20, 1989.

As a result of public comments received by the department, the proposed rate provisions for SNF/TDC start-up costs have been deleted from the final rule. A separate notice of intent and fiscal economic impact statement will be published to incorporate the amendments recommended by referral agencies, providers, and the federal government.

Skilled Nursing Facility/Technology Dependent Children (SNF/TDC) services shall be covered under the state's Title XIX Medical Assistance Program in accordance with all applicable federal and state rules and regulations. Participating provider reimbursement shall be limited to \$85 per diem, subject to established SNF payment limitations, standards for participation, and standards for payment with the following additional requirements:

Provision of SNF/TDC services shall be limited to enrolled long-term care facilities who are licensed to provide nursing services at the SNF level of care;

At the end of the facility's current cost reporting period, the facility shall file a standard long-term care facility cost report that shall be subject to cost settlement for SNF/TDC services. All participating facilities will be expected to work closely with the agency to insure that services are provided at the most cost-effective rate.

SNF/TDC facilities certified for participation shall adhere to all agency Standards for Payment applicable to Skilled Nursing Facilities and the Children's Hospital protocol for TDC services.

The facility must have entered into a contractual agreement with the bureau to begin providing SNF/TDC services under enhanced reimbursement.

The facility must be licensed to provide nursing services at the SNF level of care; and

The facility must have a valid Title XIX provider agreement for provision of SNF services.

David L. Ramsey  
Secretary

**RULE**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, is adopting the following rule in the Title XIX (Medicaid) Program. The rule, implemented via emergency rulemaking on July 1, 1989, was published in the *Louisiana Register* on July 20, 1989 (Vol. 15, No. 7, pages 539-541). Subsequently, the rule was published as a notice of intent on September 20, 1989 (Vol. 15, No. 9, pages 769-772).

Public Law 100-203 mandates preadmission screening



and annual resident review for nursing care (Long Term Care services in other than an ICF-MR) to ensure that individuals with a diagnosis of mental illness or mental retardation receive appropriate levels of care; and that active treatment is available when it is determined that such treatment is needed even when the individual does require a nursing facility level of care. This law will result in the deinstitutionalization of many individuals now placed in nursing facilities. These individuals, as well as others deinstitutionalized from state psychiatric facilities (e.g. Public Law 99-660), will require extensive mental health and/or substance abuse services in the community in order to reduce the disability resulting from mental illness and to restore the individual to his/her best possible functioning level in the community. Therefore, it is necessary to include rehabilitative services for mentally ill adults or emotionally disturbed children as Medicaid services. This provision will then ensure the availability of services necessary to prevent imminent peril to the health and welfare of deinstitutionalized mentally ill individuals and emotionally children. This will also ensure the state's adherence to the federal requirements mandated by Public Law 100-203 in regard to the active treatment provisions for individuals qualifying as in need of nursing facility care, but who also require active treatment of a mental illness, as the necessary rehabilitative services may then be provided as an adjunct via these community-based mental health and/or substance abuse services.

This proposed rule was implemented via emergency rule-making with an effective date of July 1, 1989 as published in the *Louisiana Register* of July 20, 1989 (Vol. 15, Issue No. 7, pages 539-541).

#### PROPOSED RULE

The Bureau of Health Services Financing shall add as Medicaid services, the following rehabilitation services to mentally ill adults or emotionally disturbed children (as defined by the Division of Mental Health) which are necessary to reduce the disability resulting from mental illness and to restore the individual to his/her best possible functioning level in the community:

##### 1. Structured Therapeutic Program

A structured therapeutic program which provides rehabilitative services determined to be necessary for the mentally ill adult or emotionally disturbed child for the reduction of physical or mental disability and restoration of the individual to his best possible functional level. The services must be recommended by and included in the individual's treatment plan as approved by a physician or other licensed practitioner of the healing arts. Units of service shall be hours and reimbursement shall be at a negotiated hourly rate established by the Bureau of Health Services Financing based on the cost of the service.

##### 2. Community Based Crisis Care

Face-to-face services provided by qualified mental health professionals or direct service staff under the supervision of qualified mental health professionals to resolve acute emotional or mental dysfunction and secure appropriate placement in the least restrictive setting; or for continued treatment, follow-up and support services necessary to maintain crisis resolution and restore functioning of the mentally ill adult or emotionally disturbed child to the best possible functional level. All services must be provided in accordance with a treatment plan approved by a licensed physician or other licensed practitioner of the healing arts, with the exception of crisis intervention services, which may be recommended by the qualified mental health professional or licensed physician on duty during the crisis. Units of service shall be hours and reimbursement shall be at a negotiated hourly rate established by the Bureau of Health Services Financing based on the cost of the service.

ing based on the cost of the service.

a. Community-based Crisis Care provided in a structured community setting, staffed with qualified mental health professionals trained in crisis management such as crisis stabilization programs and detoxification programs certified by the Division of Mental Health.

b. Home-based Crisis Care provided in individual or group residential settings (e.g. the client's own home, a foster care home, a shelter, or group home, etc.) by qualified mental health professionals or direct service staff under the supervision of qualified mental health professionals.

##### 3. Psychiatric Rehabilitation Services

Diagnostic and treatment services to individuals with mental or emotional disorders, the individuals' families, and others with significant ties to the clients, which are recommended by and included in the individual's treatment plan as approved by a physician or other licensed practitioner of the healing arts. Services may be provided at any site such as the client's home, school or other community setting. Psychiatric rehabilitation services do not include those services that are part of another community mental health service, such as clinic services, structured therapeutic programs, community-based crisis care services, medication administration and monitoring or case management services (as defined under the case management option of the Title XIX State Plan for the chronically mentally ill). Units of service shall be by service/procedure and shall be reimbursed in accordance with a fee for service established by the Bureau of Health Services Financing.

##### 4. Medication Services

Face-to-face contact by qualified professionals to administer prescribed medications, or to assess or monitor a person's status in relation to treatment with medication. Services must be provided in accordance with a treatment plan approved by a licensed physician or other licensed practitioner of the healing arts, with the exception of crisis services, which may be recommended by the licensed physician on duty during the crisis.

a. **Injectable Medication Administration:** Administration of injectable medication via intradermal, subcutaneous, intramuscular, or intravenous routes by a licensed nurse, a physician or other legally approved person under the supervision of a physician in accordance with a physician's order. Such administration includes preparation of the medication utilizing sterile technique, administration of the medication utilizing proper sites, client assessment and reaction to injection, medication education, and documentation of the medication administration, client response, and medication counseling provided.

Units of service shall be per injection and shall be reimbursed on a fee for service established by the Bureau of Health Services Financing.

b. **Medication Administration by other Routes:** Administration of medication via routes other than injection. Such medication administration is performed by a licensed nurse, a physician, or other legally approved person under the supervision of a physician in accordance with a physician's order. Administration of these types of medication include preparing and administering medication using proper technique, client assessment and reaction, medication education, and documentation of the medication administration, client response, and medication counseling provided. Units of service shall be per occurrence of administration of medication and shall be reimbursed on a fee for service established by the Bureau of Health Services Financing.

c. **Medication Monitoring:** Face-to-face contact by professional staff authorized by the physician to ascertain the person's

response to prescribed medication regimen. Assessment data/description of person's condition is prepared for physician evaluation. Contact is made either in accordance with the person's individual treatment plan or in a crisis situation when the person's documented condition indicates unscheduled review is necessary. Units of service shall be per contact/encounter and shall be reimbursed on a fee for service established by the Bureau of Health Services Financing.

#### Standards for Participation

The provider of rehabilitation services for the mentally ill adult or the emotionally disturbed child (as defined by Division of Mental Health) must:

1. enter into a provider agreement with the Bureau of Health Services Financing, and abide by the provisions of the Provider Agreement and other applicable state and federal regulations related to enrollment as a Medicaid provider;

2. must be certified as a comprehensive community mental health services provider by the Division of Mental Health.

3. ensure that all rehabilitative services are provided by or under the supervision of a Qualified Mental Health Professional (QMHP) as defined by the Division of Mental Health and who meets one of the following education and experience requirements:

a. a psychiatrist who is duly licensed to practice medicine in the State of Louisiana and has completed an accredited training program in psychiatry; or

b. a psychologist who is licensed as a practicing psychologist under the provisions of state law; or

c. a social worker who holds a master's degree in social work from an accredited school of social work and is a board certified social worker under the provisions of R.S. 37:2701.2718; or

d. a psychiatric nurse who is licensed to act as a registered nurse in the State of Louisiana by the Board of Nursing and:

i. is a graduate of an accredited master's level program in psychiatric mental health nursing with two years experience; or

ii. has a master's degree in behavior science with two years of supervised clinical experience; or

iii. has four years of experience in psychiatric mental health nursing; or

e. a professional mental health counselor who is licensed as a mental health counselor under the provision of state law and has two years experience in mental health; or

f. other qualified mental health professional with a master's degree in a related human services field and two years of supervised clinical experience in mental health services, or an individual with a baccalaureate degree in a related human service field and four years of supervised clinical experience in mental health services.

4. Ensure that services are provided in accordance with an individualized plan of care as approved by a licensed physician or other licensed practitioner of the healing arts who is also a qualified mental health professional;

5. Each comprehensive community mental services provider must establish and maintain a quality assurance committee which shall examine the clinical records for completeness, adequacy and appropriateness of care, and quality of care and efficient utilization of provider resources. A utilization review plan which meets federal and state requirements for mental health services shall be submitted to the Bureau of Health Services Financing for review and approval; and reviews must be conducted in accordance with the approved plan;

6. Ensure that sufficient records to document the rehabilitative services being provided to the mentally ill adult or emotionally disturbed child under this provision are maintained in accordance with state and federal regulations;

7. Comply with state and federal regulations regarding the completion and submittal of cost reports and audit of same.

8. Comply with state and federal regulations regarding subcontracts.

#### Reimbursement

Reimbursement for rehabilitative services to mentally ill adults or emotionally disturbed children shall be in accordance with a negotiated hourly rate or a fee for service established by the Bureau of Health Services Financing based on cost(s) of providing the service. All services are reimbursable only when provided in accordance with a treatment plan approved by a licensed physician or other licensed practitioner of the healing arts, with the exception of crisis care services which may be recommended by the qualified mental health professional or physician on duty during the crisis.

David L. Ramsey  
Secretary

## RULE

### Department of Natural Resources Office of Conservation Injection and Mining Division

STATEWIDE ORDER NO. 29-N-2  
Docket Number UIC 89-1

The Department of Natural Resources, Office of Conservation, Injection and Mining Division has adopted the following federally required changes to regulations applicable to Class I hazardous and nonhazardous waste injection wells. Such changes provide restrictions to disposal/injection of hazardous waste, amendments to technical requirements for Class I hazardous waste injection wells, and additional monitoring requirements applicable to all Class I wells.

A copy of these rules and regulations may be obtained by writing the Office of the State Register, Box 94095, Baton Rouge, LA 70804-9095, or by calling 504/342-5015.

J. Patrick Batchelor  
Commissioner

# Notices of Intent

## NOTICE OF INTENT

### Department of the Treasury Department of Agriculture and Forestry

In accordance with R.S. 3:4276, the Department of the Treasury and the Department of Agriculture and Forestry propose to adopt rules and regulations regarding the "Agricultural Products Processing Linked Deposit Loan Program."

A Public Hearing is scheduled to be held on Monday, November 27, 1989 at 10 a.m. in the second floor conference room of the Louisiana Department of Agriculture and Forestry Headquarters at 5825 Florida Boulevard, Baton Rouge, LA.

#### Title 7

#### AGRICULTURE AND ANIMALS

#### Part V. Advertising, Marketing and Processing

#### Chapter 14. Market Commission—Agriculture Products Processing Linked Deposit Loan Program

#### Subchapter A. Procedures for Authorization and Administration of Agricultural Products Processing Linked Deposit Loan Program.

#### §1401. Definitions

*Agricultural plant* means any facility which receives raw agricultural products for the purpose of rendering them suitable for wholesale or retail marketing.

*Agricultural product* means any farm product or seafood product.

*Aquacultural crop* means catfish, crawfish, crabs, oysters, shrimp, prawns, alligators, turtles and other species of fish.

*Commissioner* means the commissioner of the Louisiana Department of Agriculture and Forestry.

*Eligible agricultural products processing business* means any person, partnership, corporation, or cooperative which owns, leases or operates or seeks to own, lease or operate and possesses all of the following characteristics:

1. is headquartered in this state;
2. maintains offices and operating facilities in this state and transacts business in this state;
3. employs fewer than 150 full-time employees, 80 percent of whom are residents of this state;
4. is organized for profit;
5. is engaged in the processing or marketing of any agricultural, agronomic, horticultural, silvacultural, or aquacultural crop, or raw product derived therefrom, or any final derivative resulting from a combination or breakdown or raw farm materials.

*Eligible Lending Institution* means any bank located in this state and organized under the laws of this state and any national bank having its principal office in this state which is authorized to make commercial or agricultural loans and which agrees to participate in the linked deposit program as defined herein.

*Farm Product* means any agronomic, horticultural, silvacultural or aquacultural crop; any commercially raised livestock or raw product derived therefrom; or any final derivative resulting from a combination or breakdown of raw farm products.

*Final derivative* means any agricultural product that is ready to be passed on to a marketing level.

*Linked Deposit* means a certificate of deposit placed by the treasurer (as defined herein) with an eligible lending institution at three percent below existing investment rates, as determined and calculated by the treasurer, provided the institution agrees to lend the value of such deposit, according to the deposit agreement required by this Chapter, to eligible agricultural products processing businesses at three percent below the existing borrowing rate applicable to each specific business at the time of the deposit of state funds in the lending institution.

*Necessary improvement* means any improvement to an existing agricultural plant mandated by local, state or federal law, or an improvement thereto which will form an economically justifiable basis and, in the judgment of the commissioner of agriculture, improve the quality or quantity of service, or both.

*Person* means any individual, firm, corporation, partnership or association domiciled in this state.

*Process or processing* means any action that will enhance any raw agricultural product's value or render a raw agricultural product suitable for further refinement or introduction at a marketing level.

*Substantial stockholder* means any person (as defined herein) who owns more than 20 percent of a business applying for or currently participating in the Link Deposit Loan Program outlined in this Chapter.

*Treasurer* means the treasurer of the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:450.2 and R.S. 3:450.3.

HISTORICAL NOTE: Promulgated by the Department of the Treasury and the Department of Agriculture and Forestry, LR:16.

#### §1403. Eligibility of Applicant

A. Any person engaged or to be engaged in the processing of agricultural products shall be eligible for a low-interest agricultural loan, under the Louisiana Agricultural Products Processing Linked Deposit Program. However, the applicant must also meet all the required characteristics as outlined under "Eligible agricultural products processing business," in §1401 Definitions herein.

B. The commissioner and treasurer shall give priority to those persons who utilize Louisiana agricultural products to the maximum extent possible.

C. The lending institution shall give priority to the:

1. economic needs of the area of the state in which the business is located;
2. the number of jobs created or preserved in the state;
3. the financial need of the agricultural products processing business relative thereto;
4. the order in which the linked deposit loan packages were received and whenever possible give priority based on this chronological order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:450.2 and R.S. 3:450.3.

HISTORICAL NOTE: Promulgated by the Department of the Treasury and the Department of Agriculture and Forestry, LR:16.

**§1405. Linked Deposit Loan Program Authorization; Lending Institution Requirements; Applicants Requirements and Conditions for Approval**

A. The treasurer may invest in linked deposits, as provided and defined by R.S. 49:327.2, and, also defined herein, provided that at the time of placement of any linked deposit the total amount of such investments at any one time shall not exceed, in the aggregate, ten million dollars. When deciding whether to invest in linked deposits, the treasurer shall give priority to the investment, liquidity, and cash flow needs of the state and a determination of the financial soundness of the eligible lending institution.

B. An eligible lending institution that desires to receive a linked deposit shall accept and review applications for loans from eligible agricultural products processing businesses. The eligible lending institution shall apply all usual lending standards to determine the creditworthiness of each eligible agricultural products processing business. The eligible lending institution shall not charge, levy or collect any loan application fee, processing fee, or other charges other than its normal loan application fee, processing fee, or other charges when handling a linked deposit application.

C. 1. Only one loan through the linked deposit program shall be made and shall be outstanding at any one time to any eligible agricultural products processing business.

2. The maximum amount available to any eligible agricultural products processing business, under this program, at any one time shall be \$200,000.

3. No loan shall be made to any officer or director of the lending institution making the loan.

D. An eligible agricultural products processing business shall certify on its loan application that the reduced rate loan will be used exclusively to create new jobs or preserve existing jobs and employment opportunities in the state. Whoever knowingly files a false statement concerning such application shall be guilty of the offense of filing false public records and shall be subject to the penalty provided for in R.S. 14:133.

E. In considering which eligible agricultural products processing businesses to include in the linked deposit loan package for reduced rate loans, the eligible lending institution shall give priority to the economic needs of the area of the state in which the business is located, the number of jobs to be created or preserved in the state by the receipt of such loans, and such other factors as the eligible lending institution considers appropriate to determine the relative financial need of the eligible agricultural products processing business.

F. The eligible lending institution shall forward to the commissioner and the treasurer for review a linked deposit loan package, in the form and manner prescribed by the commissioner. The package shall include such information as required by the commissioner including the amount of the loan requester, the number of jobs to be created or sustained in the state by each eligible agricultural products processing business, the ratio of state funds to be deposited to jobs sustained or created, and any reports, statements, or plans applicable to the business, the overall financial need of the business, and such other factors as the commissioner considers appropriate. The eligible financial institution shall certify that each applicant is an eligible agricultural products processing business as defined herein and shall, for each eligible agricultural products processing business, certify the present borrowing rate applicable to each specific eligible agricultural products processing business. Within 45 days after receipt, the commissioner shall provide written recommendations to the

treasurer on each linked deposit loan package received from eligible financial institutions.

G. The treasurer may accept or reject a linked deposit loan package or any portion thereof, based on the treasurer's review of the recommendations of the commissioner, the availability and amount of state funds to be deposited, and a determination of the financial soundness of the financial institution in which the deposit is to be made. The treasurer shall notify the commissioner and the eligible lending institution of acceptance or rejection of a linked deposit loan package within 15 days or receipt of the recommendations of the commissioner.

H. Upon acceptance of the linked deposit loan package or any portion thereof, the treasurer may place certificates of deposit with the eligible lending institution at three percent below the current investment rates, as determined and calculated by the treasurer. When necessary, the treasurer may place certificates of deposit prior to acceptance of a linked deposit loan package.

I. The eligible lending institution shall enter into a deposit agreement with the treasurer, which shall include the requirements necessary to carry out the purposes of this Chapter. The requirements shall reflect the market conditions prevailing in the eligible lending institution's lending area. The agreement may specify the period of time in which the lending institution is to loan funds upon the placement of a linked deposit, and shall include provisions for the certificates of deposit to mature within a period not to exceed one year. The treasurer may renew a certificate of deposit in one-year increments but in no event shall the total period of time that a certificate of deposit is placed with any lending institution exceed three consecutive years. Interest shall be paid at the times determined by the treasurer. However, upon placement of a linked deposit, the treasurer will give priority to renewal of existing linked deposits prior to placement of new linked deposits. Prior to renewal of linked deposits, the treasurer shall continue to give priority to the investment, liquidity cash flow needs of the state and a determination of the financial soundness of the eligible lending institution.

J. The period of time for which each certificate of deposit is placed with an eligible lending institution shall be neither longer nor shorter than the period of time for which the linked deposit shall be used to provide loans at reduced interest rates. The agreement shall further provide that the state shall receive investment interest rates on any certificate of deposit or any portion thereof for any period of time for which there shall be no corresponding linked deposit loan outstanding to an eligible agricultural products processing business.

K. Upon placement of a linked deposit with an eligible lending institution, the institution shall lend such funds to each approved eligible agricultural products processing business listed in the linked deposit loan package. Each loan shall be at a fixed rate of interest for a period of one year which shall be three percent below the current borrowing rate applicable to each eligible agricultural products processing business. All records and documents pertaining to the linked deposit program shall be segregated by each lending institution for ease of identification and examination. A certification of compliance with this Section in the form and manner prescribed by the treasurer shall be completed by the leading institution and filed with the treasurer and the commissioner.

L. 1. If it is discovered that there is a linked deposit made for any purpose not authorized, the certificate may be matured and/or rewritten, if appropriate, without penalty to the state treasurer.

2. If the eligible lending institution fails to pledge securities to the treasurer as required under LSA 49:321 or if such securities shall be unsatisfactory to secure the deposit, in his sole discretion, the treasurer may declare the deposit and interest earned thereon, or any part thereof, to become immediately due and payable, notwithstanding any agreement or contract to the contrary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:327.2.

HISTORICAL NOTE: Promulgated by the Department of the Treasury and the Department of Agriculture and Forestry, LR:16.

**§1407. Prohibitions**

A. No linked deposit loan shall be approved if the agricultural products processing business' headquarters is not located in Louisiana.

B. No linked deposit loan shall be approved if the agricultural products processing business' principal officers and operating facilities are not in Louisiana.

C. No linked deposit loan shall be approved if the agricultural products processing business employs over 150 full-time employees.

D. No linked deposit loan shall be approved if the agricultural products processing business employs less than 80 percent Louisiana residents.

E. No linked deposit loan shall be approved if the agricultural products processing business is not operated for profit.

F. No linked deposit shall be approved if the agricultural products processing business does not process agricultural products as defined in these rules.

G. No linked deposit loan shall be approved if the agricultural products processing business does not either create new jobs or contribute to preserving existing jobs.

H. No linked deposit loan shall be approved if the agricultural products processing business benefits directly any officer or director of the lending institution making the loan.

I. No linked deposit loan shall be approved if it involves loan fees by the lending institution other than would be normally charged on this type of application.

J. No linked deposit shall be approved if it requires liability, other than the three percent interest, by the state, the commissioner or the treasurer.

AUTHORITY NOTE: Promulgated in accordance with La. R.S. 49:327.2.

HISTORICAL NOTE: Promulgated by the Department of the Treasury and the Department of Agriculture and Forestry, LR:16.

Interested persons may submit written comments on the proposed rule to Frank Millican, Director, Office of Agribusiness, Box 3334, Baton Rouge, LA 70821-3334. Telephone (504)922-1292.

Bob Odom  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Agricultural Products Processing Linked  
Deposit Loan Program**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no implementation cost involved in implementing this program.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The program involves "linked deposits" —the state deposits funds in a bank at three percent less interest than it would normally receive on this deposit. The three percent is passed on to a qualified borrower as a three percent lower interest rate on the borrower's loan. The law authorizes \$10 million of such deposits, therefore, total revenue loss by the state would be \$10,000,000 × three percent or \$300,000 per year for the life of the program. The deposit and the state's ability to make this deposit is by law subject to the judgment of the state treasurer.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Each agricultural products processing business is eligible for \$200,000 of linked deposits under this program. Benefit to each business would be \$200,000 × three percent or \$6,000 to be used to create or sustain jobs. The benefits of the subject jobs to the individuals receiving them would be difficult to measure for this statement.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Effect on competition will be minimal since the amount each business receives and the beneficiaries will be spread across the spectrum of agriculture. The effect on employment should be greater since one of the criteria for awarding this benefit will be ratio of state funds to be deposited to jobs sustained or created.

Richard Allen  
Assistant Commissioner

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Agriculture and Forestry  
Office of Forestry  
and  
Department of Revenue and Taxation  
Tax Commission**

The Louisiana Forestry Commission and Tax Commission, as required by R.S. 3:4343, intends to adopt the following timber stumpage values based on current average stumpage market values to be used for severance tax computations for 1990.

- |                      |                        |
|----------------------|------------------------|
| 1. Pine Sawtimber    | \$166.61 per M bd. ft. |
| 2. All Hardwoods     | \$ 75.49 per M bd. ft. |
| 3. Pine Pulpwood     | \$ 17.22 per Cord      |
| 4. Hardwood Pulpwood | \$ 5.80 per Cord       |

Interested persons may submit written comments on these proposed stumpage values through December 15, 1989, to Paul D. Frey, State Forester, Office of Forestry, Department of Agriculture and Forestry, Box 1628, Baton Rouge, LA 70821.

Paul D. Frey, State Forester  
Office of Forestry

Mary K. Zervigon, Chairman  
Louisiana Tax Commission

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Timber Stumpage Values**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no additional implementation costs or savings to state or local governmental units as a result of this rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Estimated revenue for calendar year 1989 for timber severance taxes should approximate \$8.4 million. For calendar year 1990, pine sawtimber will be assessed at \$166.61/MBF, pine pulpwood assessed at \$17.22/cord, hardwood sawtimber will be assessed at \$75.49/MBF, and hardwood pulpwood assessed at \$5.80/cord. Assuming production levels during 1990 increase at roughly 1%, expected tax revenue from timber severance should increase to approximately \$9.1 million. The state treasury receives 25 percent of this tax, and the parish from which the timber is severed receives 75 percent.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Wood-using industries who purchased timber remit the tax and will not be affected.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The requirements of this office to assess market values of severed forest products and timber, with the approval of the parish governing authority and the Louisiana Tax Commission, has been in effect for many years. The prevailing rate at which these values will be taxed has not changed. There should be negligible, if any, effect on competition and employment.

Richard Allen  
Assistant Commissioner

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT  
Department of Civil Service**

The State Civil Service Commission will hold a public hearing Wednesday, November 8, 1989 to consider amending Civil Service Rules 6.5, 6.6 and 6.8. The public hearing will begin at 8 a.m. in the Second Floor Commission Hearing Room, DOTD Annex Building, Baton Rouge, Louisiana.

Consideration will be given to the following:

6.5 Hiring Rate . . .

- (a) No change.
- (b) Special Entrance Rates . . .

1. The department or departments to which the special rate is made applicable having employees in the same job in the affected area or locale where the special rate will be used, shall increase the pay rate of all such employees to the special rate. All new hires shall be paid at the special entrance rate or special retention rate. An appointing authority may adjust the salaries of employees working in the positions to which the special entrance rate applies to any salary up to but not to exceed the amount of

the percent difference between the special rate and the current hiring rate.

6.6 Market Rate Job Assignments

(a) When the pay range for the grade to which a job is currently assigned is either not sufficient to compete with prevailing market conditions, or is found to exceed prevailing market rates, the director may, in accordance with 6.1 and 3.1 (n), authorize the assignment of the job to a grade with a more appropriate pay range. The individual pay rate of employees occupying jobs which are affected shall be set in accordance with Rule 6.8.

(b) REPEAL

6.8 Pay Upon Grade Assignment

When the director assigns a job to a different grade or reallocates a position from one job to another:

(NOTE: The phrase "for reasons other than market factors," has been omitted from the introductory paragraph of Rule 6.8. No other changes to this rule are proposed.)

EXPLANATION

We are proposing revisions to these rules in order to provide a viable retention mechanism. The majority of jobs for which Special Entrance Rates are approved have retention problems as well; Market Grade Job Assignments are given to jobs which have both recruiting and retention problems. Our current rule for special entrance/retention rates allows departments to adjust all employees who occupy positions in the affected jobs only up to the amount of the approved rate; adjustments cannot be made to the salaries of employees who are making an amount above the approved rate. Our present Market Grade Job Assignment rule does not allow any pay adjustment for those employees in positions affected by these actions, even though their jobs have severe turnover.

The proposed revision to the Special Entrance Rate Rule (6.5) will give appointing authorities the option to increase the individual pay rates of persons presently occupying positions in the affected jobs up to the same percent that the hire rate has been increased. The proposed changes in the Market Grade Job assignment (6.6) and Pay Upon Grade Assignment (6.8) rules will require that agencies give at least a seven percent increase to all employees in the affected jobs and will allow agencies to pay a 10.5 percent increase for a two-grade market adjustment and a 14 percent increase for a three or more grade market adjustment, the same as we currently pay for promotion, reallocation upward, and upward grade assignment changes.

Persons interested in making comments relative to these proposals may do so at the public hearing or by writing to the director of State Civil Service at Box 94111, Baton Rouge, LA 70804-9111.

Herbert L. Sumrall  
Director

**NOTICE OF INTENT**

**Department of State Civil Service**

The State Civil Service Commission will hold a public hearing on Wednesday, December 6, 1989 to consider the following pay and rule proposals. The public hearing will begin at 8 a.m. in the Second Floor Commission Hearing Room, DOTD Annex Building, 1201 Capitol Access Road, Baton Rouge, LA.

Consideration will be given to the following:

**PROPOSED GENERAL INCREASE**

The commission will consider a five percent general increase for all employees who are eligible under the rules to receive this increase. This will include a five percent upward adjustment in the existing pay ranges.

**PROPOSAL TO ADOPT RULE 19.12**

**19.12 Equalization Adjustment Authority**

In order to correct problems associated with the implementation of the new pay system, the commission may order implementation of special pay adjustments.

**EXPLANATION**

Many state employees have benefitted from implementation of the new pay plan; however, many have not. Included in the group which has not received much benefit are a number of our more senior employees. This proposed rule change will allow the commission to order pay changes which benefit those employees who have not benefitted significantly from implementation of the new system.

Persons interested in making comments relative to these proposals may do so at the public hearing or by writing to the Director of State Civil Service at Box 94111, Baton Rouge, LA 70804-9111.

Herbert L. Sumrall  
Director

**NOTICE OF INTENT**

**Department of Economic Development  
Office of Financial Institutions**

**REQUIREMENTS FOR CONDUCTING DIRECTORS'  
EXAMINATIONS OF STATE BANKS**

Pursuant to the authority granted to the commissioner of financial institutions by R.S. 6:121(B)(1) and 290(A)(1), the commissioner proposes to adopt a rule prescribing the requirements under which the directors of a state-chartered bank shall conduct an annual examination of the financial condition of the bank and its subsidiaries.

The enactment of Act 514 of the Regular Session of the 1989 Legislature of Louisiana mandated that the Board of Directors of every state bank examine, or cause to be examined, the financial condition of the bank in accordance with guidelines prescribed by rule promulgated by the commissioner of financial institutions. Thus, Act 514 has necessitated the adoption of a rule setting forth these guidelines.

This proposed rule will set forth the auditing standards that a board of directors must employ when examining, or causing to be examined, a state-chartered bank. Under this proposed rule, said examination may be made by employing an independent certified public accountant or accounting firm or by the use of an in-house auditor. The proposed rule delineates the scope, standards for acceptability, and the content for such examination.

Interested parties may request copies of the proposed rule, submit written comments or make written inquiries concerning the rule until 4:45 p.m., December 15, 1989, at the following address: Fred C. Dent, Commissioner, Office of Financial Institutions, 8401 United Plaza Boulevard, Suite 200, Baton Rouge, LA 70809.

An oral hearing on this proposed rule will be held at 10 a.m., December 15, 1989, at the aforementioned address.

Commissioner Dent is the person responsible for responding to inquiries concerning the proposed rule.

Fred C. Dent  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Directors' Examinations of State Banks**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

No implementation costs are anticipated, since OFI already requires directors' exams. This rule will merely clarify minimum standards for the exam.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

None.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

	FY 89-90	FY 90-91	FY 91-92
	between	between	between
Increased	\$246,000 and	\$250,000 and	\$255,000 and
Bank Costs	\$870,000	\$885,000	\$902,000

Of the 187 banks currently filing directors' exams approximately 44 will incur increased annual costs falling within a range of \$5,000.00 to \$35,000.00, depending on the level of accounting service obtained. All banks will benefit from these minimum requirements in the form of reduced fidelity bond insurance rates and/or the ability to obtain fidelity bond insurance.

Banks may face additional expense from another aspect of these rules. If the examination results in findings that cause unfavorable changes in the bank's financial statements or additional expenses to obtain adequate internal control, implementing these changes could affect net income, stockholder equity, or both.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The effects on competition will be minimal because all banks will be affected by this rule. No significant employment increases are anticipated, since many banks are currently meeting these minimum audit standards or have personnel who can perform the required services.

Fred C. Dent  
Commissioner

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following Chapter of rules.

**Title 35**  
**HORSE RACING**  
**Part I. General Provisions**

**Chapter 8. Arabian Horse Racing**

**§801. Applicable Rules**

The rules of the commission shall govern Arabian horse racing wherever they are applicable. When not applicable, the stewards may enforce the rules of the Arabian Jockey Club, Inc. provided they are consistent with the rules of the commission.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:148 and 179.

**HISTORICAL NOTE:** Promulgated by the Louisiana State Racing Commission LR 16:

**§803. Cases Not Covered**

Cases not covered by the Arabian Jockey Club's rules shall be decided by the stewards with the advice and consent of the commission.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:148 and 179.

**HISTORICAL NOTE:** Promulgated by the Louisiana State Racing Commission LR 16:

**§805. Jurisdiction**

The jurisdiction of a licensed Arabian horse race meeting shall be vested solely with the commission.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:148 and 179.

**HISTORICAL NOTE:** Promulgated by the Louisiana State Racing Commission LR 16:

**§807. Official Registry**

The Arabian Horse Registry of America, Inc. shall be recognized as the sole official registry for Arabian horses.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:148 and 179.

**HISTORICAL NOTE:** Promulgated by the Louisiana State Racing Commission LR 16:

**§809. Races With Other Breeds**

Races between Arabian horses and other horse breeds are prohibited unless special permission is granted by the commission.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:148 and 179.

**HISTORICAL NOTE:** Promulgated by the Louisiana State Racing Commission LR 16:

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Wednesday, December 6, 1989 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Alan J. LeVasseur  
Executive Director

**Fiscal and Economic Impact Statement**  
**For Administrative Rules**

**Rule Title: LAC 35:I.801-809 "Arabian Horse Racing"**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no costs to implement this chapter of rules.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is a positive, but immeasurable, effect on revenue collections due to permitting the racing of an addition breed of horse.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule chapter benefits racing-related groups by permitting Arabian horses to be raced at Louisiana tracks, but more specifically horsemen interested in breeding and racing Arabians.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition nor employment.

Alan J. LeVasseur  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Economic Development**  
**Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend the following rule.

**Title 35**  
**HORSE RACING**

**Part I. General Provisions**

**Chapter 17. Corrupt and Prohibited Practices**

**§1791. Testing for Dangerous Substance Abuse**

A. No person licensed by the commission shall use any controlled dangerous substance as defined in the "Louisiana Controlled Dangerous Substance Act," R.S. 40:961 et seq., or any prescription legend drug, unless such substance was obtained directly, or pursuant to a valid prescription or ordered from a licensed physician, while acting in the course of his professional practice. It shall be the responsibility of the person licensed by the commission to give notice to the state steward that he is using a controlled dangerous substance or prescription legend drug pursuant to a valid prescription or order from a licensed practitioner when requested.

B. Every person licensed by the commission at any licensed racetrack may be subjected to a urine test, or other non-invasive fluid test at the discretion of the state steward in a manner prescribed by the Louisiana State Racing Commission. Any licensed person who fails to submit to a urine test when requested to do so by the state steward shall be liable to the penalties provided in R.S. 4:141 et seq. and/or the rules of racing.

C. Any person licensed by the commission who is requested to submit to a urine test shall provide the urine sample, without undue delay, to a chemical inspector of the commission. The sample so taken shall be immediately sealed and tagged on the form provided by the commission and the evidence of such sealing shall be indicated by the signature of the tested person. The portion of the form which is provided to the laboratory for analysis shall not identify the individual by name. It shall be the obligation of the licensed person to cooperate fully with the



chemical inspector in obtaining any sample who may be required to witness the securing of such sample. Anyone who tampers with a urine sample shall be fined and/or suspended as provided for by R.S. 4:141 et seq. and/or the rules of racing.

D. A "positive" controlled dangerous substance or prescription drug result shall be reported in writing to the executive director or his designee. On receiving written notice from the official chemist that a specimen has been found "positive" for a controlled dangerous substance or prescription legend drug, the executive director or his designee shall proceed as follows:

1. He shall, as quickly as possible, notify the licensed person involved in writing.

2. For a licensed person's first violation, he shall issue a written reprimand and warning and notify the licensed person that he will be subject to mandatory drug testing and that any further violation shall result in the sanctions described in Subsection D.3 through D.6.

3. Any person licensed by the commission who is in violation for the first time shall be fined \$75.

4. For a licensed person's second violation, he shall require the licensed person to enroll in a Supervisory Treatment Program approved by the Louisiana State Racing Commission upon such reasonable terms and conditions as he may require. The licensed person shall be permitted to participate unless his continued participation shall be deemed, by the executive director or his designee, to be detrimental to the best interests of racing. It shall be the licensed person's responsibility to provide the commission with written notice of his enrollment, weekly status reports and written notice that he has successfully completed the program and has been discharged. If a licensed person fails to comply with these requirements, he shall be liable to the penalties provided in R.S. 4:141 et seq. and/or the rules of racing.

5. Any person licensed by the commission who is in violation for a second time shall be fined \$150 and/or suspended by the executive director or his designee; and may be subject to license revocation and/or expulsion, or such penalty consistent with R.S. 4:141 et seq. and/or the rules of racing.

6. For a licensed person's third or subsequent violation, he shall be liable to the penalties provided in R.S. 4:141 et seq. and/or the rules of racing and may only enroll into a Supervisory Treatment Program in lieu of said penalties, with the approval of the Louisiana State Racing Commission.

E. Any information received in the process of obtaining a urine sample, including but not limited to medical information, the results of any urine test, and any reports filed as a result of attending a Supervisory Treatment Program, shall be treated as confidential, except for their use with respect to a ruling issued pursuant to this rule, or any administrative or judicial hearing with regard to such a ruling. Access to the information received and/or reports of any positive results and/or reports from a Supervisory Treatment Program shall be limited to the commissioners of the Louisiana State Racing Commission, the executive director and/or his designee, counsel to the Racing Commission and the subject, except in the instance of a contested matter. In the instance of a contested matter, any information received and reports prepared shall not be disclosed without the approval of the executive director or his designee.

F. Information received and reports prepared pursuant to this rule shall be stored in a locked secure area in the office of the executive director for a period of one year, after which time, they shall be destroyed. However, the commission may maintain the information received and reports on individuals who have vio-

lated this rule for the purpose of recording the number of violations and the results of supervisory treatment, and for use should future violations occur.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 148.

HISTORICAL NOTE: Promulgated by the Racing Commission LR 13:289 (May, 1987), amended LR 15:620 (August, 1989), LR 16:

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, November 6, 1989 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Alan J. LeVasseur  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Testing for Dangerous Substance Abuse**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no costs to implement this rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is a positive, but immeasurable, effect on revenue collections due to the potential increase in fines collected by the commission.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule change benefits all racing-related groups by providing harsher penalties for first- and second-time offenders of the human drug testing program, as well as including all categories of permittees to be randomly tested as a part of the program.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition nor employment.

Alan J. LeVasseur  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Amendment to Revised Procedures for Appeals to BESE for Waivers of Minimum Standards

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendment to Section 1.00.40.e (Teacher Certification Appeals Council) of the Revised Procedures for Appeals to BESE for Waivers of Minimum Standards.

1.00.40.e Teacher Certification Appeals Council  
A. Composition

A Teacher Certification Appeals Council shall be appointed by the board and shall consist of seven members, three of whom shall be representatives from the universities, one of whom shall be a representative of the parish Superintendents' Association, and three of whom shall be classroom teachers. The classroom teachers shall consist of one representative each from the Louisiana Federation of Teachers, Louisiana Association of Educators, and the Associated Professional Educators of Louisiana. The board will be responsible only for paying travel expenses of council members at the state rate.

Interested persons may comment on the proposed change and/or additions in writing, until 4:30 p.m., January 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Teacher Certification Appeals Council**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that travel expenses for the three additional members of the Teacher Certification Appeals Council will total approximately \$650.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collection.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

This proposed action will have no effect on individual or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is anticipated as a result of this proposed action.

Graig Luscombe  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary  
Education Committee**

**BESE Honors Curriculum**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved as an amendment to Bulletin 741, the following State Board of Elementary and Secondary Education Honors Curriculum and the addition of a new standard to require that a high school transcript seal indicates successful completion of the Honors Curriculum.

THE STATE BOARD OF ELEMENTARY AND SECONDARY  
EDUCATION HONORS CURRICULUM

ENGLISH	4 units
English I, II, III, IV. (No substitutions)	
MATHEMATICS	4 units
Algebra I; Algebra II; Geometry; and one additional unit to be selected from Calculus, Trigonometry, or Advanced Mathematics	
NATURAL SCIENCE	3 units
Biology; Chemistry; and Earth Science or Physics	
SOCIAL STUDIES	3 units
United States History; World History; and World Geography or Western Civilization	
FREE ENTERPRISE	1/2 unit
CIVICS	1/2 unit
FINE ARTS SURVEY	1 unit
Any two units of credit in band, orchestra, choir, dance, art, or drama may be substi- tuted for one unit of Fine Arts Survey	
FOREIGN LANGUAGE	2 units
(In same language)	
PHYSICAL EDUCATION	2 units
COMPUTER LITERACY/COMPUTER SCIENCE	1/2 unit
ELECTIVES	3 1/2 units
TOTAL	24 units

Add Standard 2.099.03 to read:

"The transcript of a graduating senior who has successfully completed the Board of Elementary and Secondary Education Honors Curriculum shall bear a special seal of notation indicating successful completion of the honors alternative curriculum."

Interested persons may comment on the proposed change and/or additions in writing, until 4:30 p.m., January 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: BESE Honors Curriculum**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The revision and distribution of Bulletin 741 will cost approximately \$100.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collection of state or local government.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be no cost to directly affect non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Graig Luscombe  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

#### Independent Certification of Student Count for MFP Funding

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following policy regarding independent certification of the student count submitted to the Department of Education for Minimum Foundation Program funding which will be implemented beginning with the 1990-91 school year:

BESE Policy No. 5.01.41.a(2)

In addition to reporting documents required by the State Department of Education to be submitted by local city and parish school systems each year for purposes of funding under the Minimum Foundation Program local city and parish school systems shall also submit to the State Department of Education an independently certified statement indicating that the student count documented on Minimum Foundation Program forms is accurate. This statement must be signed by the certifying entity as well as the superintendent of schools and may be submitted in letter format addressed to the state superintendent of education. The statement shall be submitted with all other Minimum Foundation Program reporting documents and shall include the verified student count by individual school. Arrangements for providing this certification shall be included in the engagement agreement negotiated with the certifying entity and a certifying entity shall be a public accounting firm or the legislative auditor.

Interested persons may comment on the proposed change and/or additions in writing, until 4:30 p.m., January 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Independent Certification of Student Count for MFP Funding

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that the implementation costs of this rule for the 66 local school systems will be approximately \$99,000 statewide. The additional cost will be a direct result of additional work to be performed by the legislative auditor or public accounting firms in the scope of the audit of local school systems. The estimate is based upon an average implementation cost of \$1,500 per system. This cost will vary per system based upon the number of schools and the number of students served by the individual systems.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Presently the legislative auditor audits 35 local school systems. Based upon the above estimate, the legislative auditor will collect an additional \$52,500 from local school systems which contract for auditing services. Public accounting firms will collect the remaining \$46,500 of revenues generated by this rule. There will be no effect on revenue collections of any local governmental unit.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON- GOVERNMENTAL GROUPS (Summary)

Economic benefits resulting from this rule will accrue to the legislative auditor and public accounting firms in the form of payment for work performed on certification of the student count.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY- MENT (Summary)

There is no estimated effect on competition and employment.

Graig Luscombe  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

#### Post-Baccalaureate Scholarship Program

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following guidelines for the Post-Baccalaureate Scholarship Program:

Interested persons may comment on the proposed change and/or additions in writing, until 4:30 p.m., January 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

### STATE OF LOUISIANA ALTERNATIVE POST-BACCALAUREATE CERTIFICATION SCHOLARSHIP PROGRAM

Candidates for admission to the program will have to meet and comply with the following:

1. Completed a baccalaureate degree from a regionally accredited institution with a major or other concentration in a teacher certification area.

2. Attained an overall grade point average (GPA) of at least 2.5 (4-point scale).

3. Shall be a resident of the State of Louisiana and a U. S. citizen, and be accepted to enroll in a Louisiana regionally accredited institution.

4. Shall be required to teach elementary or secondary school students in Louisiana public schools for a minimum of a four-year period. If the individual accepts assistance under the Post-Baccalaureate Program, then he accepts responsibility to teach four years in Louisiana public schools. Failure to do so would require the person to pay back the amount of the scholarship plus accrued interest. If the individual agrees to teach in a "critical need parish" as identified by the State Department of Education, the commitment to four years of teaching service may be reduced to two years of teaching service.

5. Shall pursue the alternative post-baccalaureate certification program as outlined. Written evaluations will be provided to candidate by the Department of Education, outlining the required courses needed for certification. All alterations to the individual's approved program must be approved by the State Department of Education.

6. Complete certification in lower elementary grades,

upper elementary grades, special education, or secondary subjects.

7. All regulations covered in the State of Louisiana Alternative Post-Baccalaureate Certification Program must be adhered to.

8. Newly certified teachers will be expected to actively seek employment in a Louisiana public school system and be gainfully employed within one year. Once employed, that teacher will be expected to request that the employing authority verify his/her employment to the Bureau of Higher Education and Teacher Certification on an annual basis. Service should be on a continuous basis, realizing that extenuating circumstances may prevent this from occurring. Such cases will be handled on an individual basis. This service of teaching in a public school system would cancel the scholarship debt.

9. The recipient shall be required to repay the awarded scholarship amount, with calculated interest, if he/she does not complete the prescribed courses as determined by the evaluation; if he/she does not complete his/her plan within specified time; if he/she does not meet required classroom teaching service in a Louisiana public school system; if he/she does not become Louisiana certified; and/or if he/she fails to meet any other established obligation as determined by the agreement letter.

10. Candidates may or may not be employed while working on their certification. Practical experience can be gained through a formal student teaching program or an internship, or this requirement may be met with three years of successful teaching experience in the area of certification.

11. Candidates will be required to complete and make formal application for a scholarship on or before the advertised due date.

12. Review and sign the Agreement Letter (Alternative Program Plan), and return to State Department of Education.

13. Scholarships are non-renewable and must track the approved program.

14. Approved candidates may be awarded scholarships in the amount of, but not to exceed \$4,000. Funds may be used for tuition, books, supplies and other school related expenses.

15. Candidates will be required to complete the approved alternative program as determined by the evaluation in a period not to exceed 18 months.

16. Candidates will be required to take the minimum semester hours each semester enrolled in a program as determined by the evaluation.

17. The recruitment process of candidates under the Scholarship Program will seek to attract the most qualified persons with special emphasis on the recruitment of minorities. Dissemination efforts to attract the 'best' and the 'brightest' will center on state universities, local school systems, major Louisiana newspapers, educational organizations, public television, and other major sources of public information.

18. Recipients will be selected based upon their general academic ability (degrees/GPA), specialized academic achievement (areas of degree(s)), communication skills (English GPA) and critical need (pursuit of certification in areas of critical shortage).

#### ALTERNATE POST-BACCALAUREATE CERTIFICATION PROGRAM

The State Alternate Post-Baccalaureate Certification Program provides opportunities for individuals with non-education degrees to become certified public school teachers. Candidates

for admission must have an earned baccalaureate degree from a regionally accredited institution.

Individuals seeking certification under this program must submit an official transcript directly to the Bureau of Higher Education and Teacher Certification for a written evaluation.

Certification requirements are as follows:

1. General Education

a. Secondary Certification and All Areas of Special Education at the Secondary Level

The general education component of the candidate's baccalaureate degree program must include course work in English and in other areas necessary to complete the general education of a teacher such as mathematics, science, and social studies.

b. Upper Elementary School Certification (All Subjects)

The general education component of the candidate's baccalaureate degree program must include course work in English (18 semester hours), mathematics (12 semester hours), science (16 semester hours) and social studies (18 semester hours).

c. Lower Elementary School Certification and All Areas of Special Education at the Elementary Level

The general education component of the candidate's baccalaureate degree program must include course work in English (12 semester hours), mathematics (6 semester hours), science (12 semester hours) and social studies (12 semester hours).

2. Specialized Academic Education

The candidate must have a degree (major) in the area of certification or a related field or meet the state minimum requirements as specified in Bulletin 746, Louisiana Standards for State Certification of School Personnel

3. Professional Education

Eighteen semester hours of course work in pedagogy (professional education) appropriate to the level of certification in areas such as the social context of education, theories of teaching and learning, exceptionalities of children, at-risk students, human growth and development, reading diagnosis and remediation, instructional methodology, classroom organization and management, student achievement and evaluation, parental involvement, and school-based management.

4. Student Teaching

Candidates for certification must complete one of the following requirements:

a. Student teaching or a one-year internship in the areas of certification.

OR

b. Three years of successful teaching experience in the area of certification.

5. NTE

The applicant must have attained a score on the NTE (National Teacher Examinations) that meets state requirements for certification.

NOTE No final grade below a "C" will be accepted for student teaching or any professional or specialized academic education course which is required for certification. In addition, no final grade below a "C" will be accepted for any other course specified as a deficiency under this plan.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Alternate Post-Baccalaureate Certification  
Scholarship Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The Post-Baccalaureate Scholarship Program has been given \$500,000 in 8(G) funds for implementation in FY 1989-90.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is anticipated that approximately 250 applications will be received from individuals seeking scholarships under this program. Each applicant must submit a \$25 evaluation fee. Therefore, it is estimated that approximately \$6,250 will be collected from individuals applying for scholarships under this program.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Selected individuals with non-education degrees seeking a Louisiana teaching certificate will be given scholarships of up to \$4,000.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no anticipated effect on competition and employment as a result of the adoption of this program.

Graig A. Luscombe  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Revised Certification Requirements for Principals

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following revised certification requirements for principals submitted by the Department of Education which would: (1) provide issuance of a provisional principal's endorsement upon completion of the current credit requirements, (2) upon successful completion of the two-year internship program, the individual would be issued a five-year renewable principal's endorsement. The revised certification requirements for principals will become effective for all individuals applying for certification as principal on or after July 1, 1990.

These revised certification requirements for principals supersede those that were advertised as a notice of intent in the July, 1989 issue of the *Louisiana Register*.

Interested persons may comment on the proposed change and/or additions in writing, until 4:30 p.m., January 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Revised Certification Requirements for  
Principals**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is anticipated that the cost of printing and postage associated with this rule change will be approximately \$50.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no effect on revenue collection.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
This proposed action will have no effect on individual or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
No effect on competition and employment is anticipated as a result of this proposed action.

Graig A. Luscombe  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Salary Schedule for Unclassified  
Vocational-Technical School Personnel

In accordance with the Louisiana Revised Statutes 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the new salary schedule for unclassified vocational-technical school personnel and directed the vocational-technical school directors to include the salary increase in their budgets for FY 90-91.

**POSTSECONDARY VOCATIONAL-TECHNICAL REGIONAL DIRECTOR'S PAY SCALE**

Steps	Level 1	Level 2	Level 3	Level 4	Level 5
1	32,000	32,100	32,200	32,300	32,400
2	32,600	32,800	33,000	33,200	33,400
3	33,200	33,500	33,800	34,100	34,400
4	33,800	34,200	34,600	35,000	35,400
5	34,400	34,900	35,400	35,900	36,400
6	35,000	35,600	36,200	36,800	37,400
7	35,600	36,300	37,000	37,700	38,400
8	36,200	37,000	37,800	38,600	39,400
9	36,800	37,700	38,600	39,500	40,400
10	37,400	38,400	39,400	40,400	41,400
11	38,000	39,100	40,200	41,300	42,400
12	38,600	40,000	41,000	42,200	43,400
13	39,200	41,000	42,000	43,100	44,400
14	39,800	42,000	43,000	44,000	45,400
15	40,400	43,000	44,000	44,900	46,400
16	41,000	44,000	45,000	45,800	47,400
17	41,600	45,000	46,000	46,700	48,400
18	42,200	46,000	47,000	47,600	49,400
19	42,800	47,000	48,000	48,500	50,400
20	43,400	48,000	49,000	49,400	51,400
21	44,000	49,000	50,000	50,300	52,400
22	44,600	50,000	51,000	51,200	53,400
23	45,200	51,000	52,000	52,100	54,400
24	45,800	52,000	53,000	53,000	55,400
25	46,400	53,000	54,000	54,000	56,400

- A. When moving from one step to another step within a salary level, move down when computing an individual's salary on July 1.
- B. When moving from one salary level to another salary level, move across and down one step when computing an individual's salary on July 1.
- C. When an individual has reached Step 5 on Salary Level 1, he/she must have accumulated 520 points in order to move to Salary Level 2.
- D. When an individual has reached Step 10 on Salary Level 2, he/she must have accumulated 970 points in order to move to Salary Level 3.
- E. When an individual has reached Step 15 on Salary Level 3, he/she must have accumulated 1,470 points in order to move to Salary Level 4.
- F. When an individual has reached Step 20 on Salary Level 4, he/she must have accumulated 2,020 points in order to move to Salary Level 5.

**Salary Adjustment Factors**

<b>Supervise:</b>	
1. <b>Directors (Region Wide)</b>	
1 - \$ 500	3. <b>Personnel (Region Wide)</b>
2 - \$ 600	1- 25 - \$ 500
3 - \$ 700	26- 50 - \$ 600
4 - \$ 800	51-100 - \$ 700
5 - \$ 900	101-125 - \$ 800
6 - \$ 1,000	126-150 - \$ 900
7 - \$ 1,100	151-175 - \$ 1,000
8 - \$ 1,200	176-200 - \$ 1,100
9 - \$ 1,300	201-225 - \$ 1,200
10 - \$ 1,400	226-250 - \$ 1,300
11 - \$ 1,500	251-300 - \$ 1,400
12 - \$ 1,600	301-350 - \$ 1,500
	351-400 - \$ 1,600

**2. Classified Personnel (Regional Staff)**

1 - \$ 400	4. <b>Facilities (Campuses)</b>
2 - \$ 500	<b>Personnel (Region Wide)</b>
3 - \$ 600	1 - \$ 600
4 - \$ 700	2 - \$ 700
5 - \$ 800	3 - \$ 800
6 - \$ 900	4 - \$ 900
7 - \$ 1,000	5 - \$ 1,000
8 - \$ 1,100	6 - \$ 1,100
9 - \$ 1,200	7 - \$ 1,200
10 - \$ 1,300	8 - \$ 1,300
11 - \$ 1,400	9 - \$ 1,400
12 - \$ 1,500	10 - \$ 1,500
	11 - \$ 1,600
	12 - \$ 1,700

**Placement of Individual on Pay Scale for 1st Time**

<b>Points</b>	<b>Step</b>	<b>Pay</b>
Basic Cert. (200 Points)	1	32,000
240	2	32,600
280	3	33,200
320	4	33,800
400	5	34,400
445	6	35,000
470	7	35,600
535	8	36,300
580	9	37,000
625	10	38,400

No individual entering the system as a Regional Director for the first time can exceed Step 10 of Level 2 (\$38,400) in base pay.

**NOTES:**

1. **Yearly Step Increment**  
 Steps 1-5 = \$600  
 Steps 6-10 = \$700  
 Steps 11-15 = \$800  
 Steps 16-20 = \$900  
 Steps 21-25 = \$1,000
2. **Points Needed to Enter Pay Level**  
 Level 1 = Meet Basic Cert. Requirements  
 Level 2 = 520      Level 4 = 1,470  
 Level 3 = 970      Level 5 = 2,020
3. Salary Adjustments will be given on July 1.
4. To receive a Step increment, an employee must have been employed in a position for more than six (6) months in the prior fiscal year and have a Temporary VTIE Certificate or higher.

**REGIONAL DIRECTOR ENTERING THE POSTSECONDARY/SECONDARY VOCATIONAL-TECHNICAL PAY SCALE FOR THE FIRST TIME**

<u>I. Work Experience</u> (Area of Certification)	<u>Points</u>
A. One Year Work Experience Part-Time (2,000 hours) at Entry Level	30
B. One Year Work Experience Full-Time at Entry Level	40
C. One Year Work Experience Full-Time at Journeyman Level	50
<u>II. Teaching Experience</u>	
A. One Year Teaching Experience Part-Time (180 days)	20
B. One Year Teaching Experience Full-Time	30
C. One Year Teaching Experience Full-Time in Certified Field at Secondary Level	40
D. One Year Teaching Experience Full-Time in Certified Field at Postsecondary Level	50
E. One Year Administrative Experience at Secondary Level	40
F. One Year Administrative Experience at Postsecondary Level	50
<u>III. Vocational Competency/Certification/Licenses</u> (Area of Certification)	
A. Passed State Approved Occupational Competency Test	100
B. National or State Certification	100
C. National or State Licenses	100
<u>IV. Degrees/Diplomas</u> (Highest Degree/Diploma Only)	
A. Three Year R.N. Diploma	80
B. B.S. Degree	80
C. B.S. Degree in Education	90
D. B.S. Degree in Certified Field	100
E. Master's Degree	110
F. Master's Degree in Certified Field	120
G. Master's Degree Plus 30 Hours	130
H. Specialist Degree in Certified Field	140
I. Doctor's Degree in Education	150
J. Doctor's Degree in Certified Field	160

**POINT COUNT**

**Postsecondary Vocational-Technical Personnel Point Count to Move From One Pay Level to Another Pay Level**

<u>Item</u>	<u>Point Count</u>
1. Approved College Course (3 semester hours after employment)	20
2. New Instructor Workshop	30
3. State Sponsored Inservice Workshop	One (1) Point per Inservice Hour
4. State Approved Inservice Workshop	One (1) Point per Inservice Hour
5. One Year Successful Employment	50
6. State Sponsored Professional Conference	10
7. National Sponsored Professional Conference	5
8. National or State Certification in Area of Certification	50
9. National or State License in Area of Certification	50
10. Complete a Degree After Employment	
A. B.S. Degree	80
B. B.S. Degree in Education	90
C. B.S. Degree in Certified Field	100
D. Master's Degree	110
E. Master's Degree in Certified Field	120
F. Master's Degree Plus 30 Hours	130
G. Specialist Degree in Certified Field	140
H. Doctor's Degree in Education	150
I. Doctor's Degree in Certified Field	160

\*If you had a degree when employed and earned a higher degree or degrees after employment, you will receive the difference in the point count.

Prior to attendance, all workshops and conferences must be approved by the Office of Vocational Education.

**POSTSECONDARY VOCATIONAL-TECHNICAL REGIONAL DIRECTOR'S PAY SCALE**

Steps	Level 1	Level 2	Level 3	Level 4	Level 5
1	30,000	30,100	30,200	30,300	30,400
2	30,600	30,800	31,000	31,200	31,400
3	31,200	31,500	31,800	32,100	32,400
4	31,800	32,200	32,600	33,000	33,400
5	32,400	32,900	33,400	33,900	34,400
6	33,000	33,600	34,200	34,800	35,400
7	34,000	34,300	35,000	35,700	36,400
8	35,000	35,000	35,800	36,600	37,400
9	36,000	36,700	36,600	37,500	38,400
10	36,400	36,400	37,400	38,400	39,400
11	38,200	38,200	38,200	39,300	40,400
12	39,000	39,000	39,000	40,200	41,400
13	39,800	39,800	39,800	41,100	42,400
14	40,600	40,600	40,600	42,000	43,400
15	41,400	41,400	41,400	42,900	44,400
16	43,800	43,800	43,800	45,400	45,400
17	44,700	44,700	44,700	46,400	46,400
18	45,600	45,600	45,600	47,400	47,400
19	46,500	46,500	46,500	48,400	48,400
20	47,400	47,400	47,400	49,400	49,400
21	50,400	50,400	50,400	51,400	51,400
22	51,400	51,400	51,400	52,400	52,400
23	52,400	52,400	52,400	53,400	53,400
24	53,400	53,400	53,400	54,400	54,400
25	54,400	54,400	54,400	55,400	55,400

- When moving from one step to another step within a salary level, move down when computing an individual's salary on July 1.
- When moving from one salary level to another salary level, move across and down one step when computing an individual's salary on July 1.
- When an individual has reached Step 5 on Salary Level 1, he/she must have accumulated 520 points in order to move to Salary Level 2.
- When an individual has reached Step 10 on Salary Level 2, he/she must have accumulated 970 points in order to move to Salary Level 3.
- When an individual has reached Step 15 on Salary Level 3, he/she must have accumulated 1,470 points in order to move to Salary Level 4.
- When an individual has reached Step 20 on Salary Level 4, he/she must have accumulated 2,020 points in order to move to Salary Level 5.

- Supervise Assistant Director  
 1 Assistant Director = \$400  
 2 Assistant Directors = \$500  
 3 Assistant Directors = \$600  
 4 Assistant Directors = \$700  
 5 Assistant Directors = \$800
- Supervise Student Personnel Officer  
 1 Student Personnel Officer = \$300  
 2 Student Personnel Officers = \$400  
 3 Student Personnel Officers = \$500  
 4 Student Personnel Officers = \$600  
 5 Student Personnel Officers = \$700
- Supervise Instructors  
 1 - 6 Instructors = \$ 900  
 7 - 12 Instructors = \$1,000  
 13 - 18 Instructors = \$1,100  
 19 - 24 Instructors = \$1,200  
 25 - 30 Instructors = \$1,300  
 31 - 36 Instructors = \$1,400  
 37 - 42 Instructors = \$1,500  
 43 - 48 Instructors = \$1,600  
 49 - 54 Instructors = \$1,700  
 55 - 60 Instructors = \$1,800  
 61 - 66 Instructors = \$1,900  
 67 - 72 Instructors = \$2,000

Placement of Individual on Pay Scale for 1st Time

Points	Step	Pay
Basic Cert. (200 Points)	1	30,000
240	2	30,600
280	3	31,200
320	4	31,800
400	5	32,400
445	6	33,000
490	7	33,600
535	8	34,200
580	9	34,800
625	10	35,400

No individual entering the system as a Director for the first time can exceed Step 10 of Level 2 (\$35,400) in base pay.

**NOTES:**

- Yearly Step Increment  
 Steps 1-5 = \$600  
 Steps 6-10 = \$700  
 Steps 11-15 = \$800  
 Steps 16-20 = \$900  
 Steps 21-25 = \$1,000
- Points Needed to Enter Pay Level  
 Level 1 = Meet Basic Cert. Requirements  
 Level 2 = 520    Level 4 = 1,470  
 Level 3 = 970    Level 5 = 2,020
- Salary Adjustments will be given on July 1.
- To receive a Step increment, an employee must have been employed in a position for more than six (6) months in the prior fiscal year and have a Temporary VTIE Certificate or higher.

- Supervise Classified Personnel  
 1 - 3 Classified Personnel = \$200  
 4 - 6 Classified Personnel = \$300  
 7 - 9 Classified Personnel = \$400  
 10 - 12 Classified Personnel = \$500  
 13 - 15 Classified Personnel = \$600  
 16 - 18 Classified Personnel = \$700  
 19 - 21 Classified Personnel = \$800
- Supervise Off-Campus Facilities  
 1 Facility = \$ 500  
 2 Facilities = \$ 750  
 3 Facilities = \$1,000  
 4 Facilities = \$1,250  
 5 Facilities = \$1,500



**DIRECTOR ENTERING THE POSTSECONDARY/SECONDARY VOCATIONAL-TECHNICAL PAY SCALE FOR THE FIRST TIME**

	<u>Points</u>
I. <u>Work Experience</u> (Area of Certification)	
A. One Year Work Experience Part-Time (2,000 hours) at Entry Level	30
B. One Year Work Experience Full-Time at Entry Level	40
C. One Year Work Experience Full-Time at Journeyman Level	50
II. <u>Teaching Experience</u>	
A. One Year Teaching Experience Part-Time (180 days)	20
B. One Year Teaching Experience Full-Time	30
C. One Year Teaching Experience Full-Time in Certified Field at Secondary Level	40
D. One Year Teaching Experience Full-Time in Certified Field at Postsecondary Level	50
E. One Year Administrative Experience at Secondary Level	40
F. One Year Administrative Experience at Postsecondary Level	50
III. <u>Vocational Competency/Certification/Licenses</u> (Area of Certification)	
A. Passed State Approved Occupational Competency Test	100
B. National or State Certification	100
C. National or State Licenses	100
IV. <u>Degrees/Diplomas</u> (Highest Degree/Diploma Only)	
A. Three Year R.N. Diploma	80
B. B.S. Degree	80
C. B.S. Degree in Education	90
D. B.S. Degree in Certified Field	100
E. Master's Degree	110
F. Master's Degree in Certified Field	120
G. Master's Degree Plus 30 Hours	130
H. Specialist Degree in Certified Field	140
I. Doctor's Degree in Education	150
J. Doctor's Degree in Certified Field	160

**POINT COUNT**

Postsecondary Vocational-Technical Personnel Point Count to Move From One Pay Level to Another Pay Level

<u>Item</u>	<u>Point Count</u>
1. Approved College Course (3 semester hours after employment)	20
2. New Instructor Workshop	30
3. State Sponsored Inservice Workshop	One (1) Point per Inservice Hour
4. State Approved Inservice Workshop	One (1) Point per Inservice Hour
5. One Year Successful Employment	50
6. State Sponsored Professional Conference	10
7. National Sponsored Professional Conference	5
8. National or State Certification in Area of Certification	50
9. National or State License in Area of Certification	50
10. Complete a Degree After Employment	
A. B.S. Degree	80
B. B.S. Degree in Education	90
C. B.S. Degree in Certified Field	100
D. Master's Degree	110
E. Master's Degree in Certified Field	120
F. Master's Degree Plus 30 Hours	130
G. Specialist Degree in Certified Field	140
H. Doctor's Degree in Education	150
I. Doctor's Degree in Certified Field	160

\*If you had a degree when employed and earned a higher degree or degrees after employment, you will receive the difference in the point count.

Prior to attendance, all workshops and conferences must be approved by the Office of Vocational Education.

**POSTSECONDARY VOCATIONAL-TECHNICAL INSTRUCTOR'S/DATA MANAGER'S/CURRICULUM SPECIALIST'S/  
COMPUTER SPECIALIST'S/STUDENT PERSONNEL SERVICES OFFICER'S AND ASSISTANT DIRECTOR'S PAY SCALE**

Steps	Level 1	Level 2	Level 3	Level 4	Level 5
1	24,000	24,100	24,200	24,300	24,400
2	24,600	24,800	25,000	25,200	25,400
3	25,200	25,500	25,800	26,100	26,400
4	25,800	26,200	26,600	27,000	27,400
5	26,400	26,900	27,400	27,900	28,400
6	27,000	27,600	28,200	28,800	29,400
7	28,300	29,000	29,000	29,700	30,400
8	29,000	29,800	29,800	30,600	31,400
9	29,700	30,600	30,600	31,500	32,400
10	30,400	31,400	31,400	32,400	33,400
11		32,200	32,200	33,300	34,400
12		33,000	33,000	34,200	35,400
13		33,800	33,800	35,100	36,400
14		34,600	34,600	36,000	37,400
15		35,400	35,400	36,900	38,400
16				37,800	39,400
17				38,700	40,400
18				39,600	41,400
19				40,500	42,400
20				41,400	43,400
21					44,400
22					45,400
23					46,400
24					47,400
25					48,400

- A. When moving from one step to another step within a salary level, move down when computing an individual's salary on July 1.
- B. When moving from one salary level to another salary level, move across and down one step when computing an individual's salary on July 1.
- C. When an individual has reached Step 5 on Salary Level 1, he/she must have accumulated 520 points in order to move to Salary Level 2.
- D. When an individual has reached Step 10 on Salary Level 2, he/she must have accumulated 970 points in order to move to Salary Level 3.
- E. When an individual has reached Step 15 on Salary Level 3, he/she must have accumulated 1,470 points in order to move to Salary Level 4.
- F. When an individual has reached Step 20 on Salary Level 4, he/she must have accumulated 2,020 points in order to move to Salary Level 5.

**SALARY ADJUSTMENT PER PAY PERIOD**

Data Manager	= \$100
Curriculum Specialist	= \$125
Computer Specialist	= \$125
Student Personnel Services Officer	= \$150
Assistant Director	= \$175

**Placement of Individual on Pay Scale for 1st Time**

Points	Step	Pay
Basic Cert. (200 Points)	1	24,000
240	2	24,600
280	3	25,200
320	4	25,800
400	5	26,400
445	6	27,000
490	7	28,300
535	8	29,000
580	9	29,700
625	10	30,400

No individual entering the system as an instructor/data manager/curriculum specialist/computer specialist/student personnel services officer or assistant director for the first time can exceed Step 10 of Level 2 (\$30,400) in base pay.

**NOTES:**

1. Yearly Step Increment
  - Steps 1-5 = \$600
  - Steps 6-10 = \$700
  - Steps 11-15 = \$800
  - Steps 16-20 = \$900
  - Steps 21-25 = \$1,000
2. Points Needed to Enter Pay Level
  - Level 1 = Meet Basic Cert. Requirements
  - Level 2 = 520
  - Level 3 = 970
  - Level 4 = 1,470
  - Level 5 = 2,020
3. Salary Adjustments will be given on July 1.
4. To receive a Step increment, an employee must have been employed in a position for more than six (6) months in the prior fiscal year and have a Temporary VTIE Certificate or higher.
5. Department Head Increments
  - 4-6 Staff Members = \$700
  - (Including Head)
  - 7+ Staff Members = \$800
  - (Including Head)

**Instructor/Data Manager/Curriculum Specialist/Computer Specialist/Student Personnel Services Officer and Assistant Director entering the Postsecondary Vocational-Technical Pay Scale for the First Time**

	<u>Points</u>
I. <u>Work Experience</u> (Area of Certification)	
A. One Year Work Experience Part-Time (2,000 hours) at Entry Level	30
B. One Year Work Experience Full-Time at Entry Level	40
C. One Year Work Experience Full-Time at Journeyman Level	50
II. <u>Teaching Experience</u>	
A. One Year Teaching Experience Part-Time (180 days)	20
B. One Year Teaching Experience Full-Time	30
C. One Year Teaching Experience Full-Time in Certified Field at Secondary Level	40
D. One Year Teaching Experience Full-Time in Certified Field at Postsecondary Level	50
III. <u>Vocational Competency/Certification/Licenses</u> (Area of Certification)	
A. Passed State Approved Occupational Competency Test	100
B. National or State Certification	100
C. National or State Licenses	100
IV. <u>Degrees/Diplomas</u> (Highest Degree/Diploma Only)	
A. Three Year R.N. Diploma	80
B. B.S. Degree	80
C. B.S. Degree in Education	90
D. B.S. Degree in Certified Field	100
E. Master's Degree	110
F. Master's Degree in Certified Field	120
G. Master's Degree Plus 30 Hours	130
H. Specialist Degree in Certified Field	140
I. Doctor's Degree in Education	150
J. Doctor's Degree in Certified Field	160

**POINT COUNT**

**Postsecondary Vocational-Technical Personnel Point Count to Move From One Pay Level to Another Pay Level**

<u>Level</u>	<u>Point Count</u>
1. Approved College Course (3 semester hours after employment)	20
2. New Instructor Workshop	30
3. State Sponsored Inservice Workshop	One (1) Point per Inservice Hour
4. State Approved Inservice Workshop	One (1) Point per Inservice Hour
5. One Year Successful Employment	50
6. State Sponsored Professional Conference	10
7. National Sponsored Professional Conference	5
8. National or State Certification in Area of Certification	50
9. National or State License in Area of Certification	50
10. Complete a Degree After Employment	
A. B.S. Degree	80
B. B.S. Degree in Education	90
C. B.S. Degree in Certified Field	100
D. Master's Degree	110
E. Master's Degree in Certified Field	120
F. Master's Degree Plus 30 Hours	130
G. Specialist Degree in Certified Field	140
H. Doctor's Degree in Education	150
I. Doctor's Degree in Certified Field	160

\*If you had a degree when employed and earned a higher degree or degrees after employment, you will receive the difference in the point count. Prior to attendance, all workshops and conferences must be approved by the Office of Vocational Education.

Interested persons may comment on the proposed change and/or additions in writing, until 4:30 p.m., January 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: New Vo-Tech Salary Schedule**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The estimated additional cost to the state in Fiscal Year 90-91 to implement the new vocational-technical salary schedule for existing positions is \$6,861,009. The last change in the salary schedule was September 1, 1984. The cost of printing and distributing the new salary schedule is estimated at \$45. This includes 100 sets of 15 pages at .03 per page. The new salary schedule will be explained to the directors at their monthly meeting in Baton Rouge.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The new salary schedule for all unclassified employees of the vocational-technical system will increase state income tax collection and also increase local government tax collection because of an increase in take-home pay. The increase in tax collections cannot be determined at this time.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

The new salary schedule will bring the present vocational-technical school employees closer to the present salaries of business and industry. It will strengthen the vocational-technical system by allowing us to employ competent, up-to-date personnel. In return, we will be able to provide better trained personnel to business and industry.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The new salary schedule will bring our salaries closer to business and industry, therefore allowing us to employ up-to-date personnel. In return, we will be able to turn out better job entry level personnel for business and industry.

Graig A. Luscombe  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Amend Vo-Tech Regional Advisory Council Membership**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved an amendment to Board Policy 4.03.20(B) to change the vo-tech regional advisory council membership from 15 to 25 as stated below:

**4.03.20 Organization of Local Vocational-Technical Advisory Bodies**

**B. Advisory Body Structure, Function, and Definition:**

1. Regional Advisory Council — An advisory body limited to 25 members, equally representative of employee, employer, educational and public interests, and ethnic minorities. The regional center director shall serve as executive secretary of the council. Such body is established for the purpose of advising the regional center on:

- a. regional program offerings as related to regional needs;
- b. facilities and equipment requirements;
- c. educational and employment trends;
- d. community relations;
- e. management and labor relations.

Interested persons may comment on the proposed change and/or additions in writing, until 4:30 p.m., January 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Amend Vo-Tech Regional Advisory Council Membership**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

This change to board policy is to increase the membership of the Vocational-Technical Regional advisory council from 15 to a maximum of 25. The only costs will be approximately \$50 for printing and mailing out the changes in board policy.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no change in revenue collection of state or local governmental units because of this policy change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

There is no additional costs to persons or non-governmental groups from this policy change.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This change will accommodate additional interested persons and groups to be involved in the growth of Vocational Education.

Graig Luscombe  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Environmental Quality Office of Air Quality and Nuclear Energy Air Quality Division

#### Title 33 ENVIRONMENTAL QUALITY Part III. Air

#### Chapter 21. Control of Emission of Organic Compounds Subchapter A—General

#### §2105. Storage of Volatile Organic Components (Small Tanks)

No person shall place, store or hold in any stationary tank, reservoir, or other container of more than 250 gallons (950 liters) capacity any volatile organic compounds unless the container is equipped with a submerged fill pipe or bottom fill or other equivalent equipment or means as may be approved by the administrative authority. This Section does not apply to storage of crude or condensate.

AUTHORITY NOTE: Promulgated in accordance with R.S.30:1084.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987), repealed LR 16:

#### §2107. Volatile Organic Compounds - Loading

A. Applicability - The following loading facilities for volatile organic compounds having a true vapor pressure at loading conditions of 1.5 psia (10.3 kPa) or greater must comply with the requirements of Subsections B through F when servicing tanks, trucks or trailers which have individual capacities in excess of 200 gallons (760 liters):

1. 20,000 gallons (75,700 liters) or more throughput per day (averaged over any 30-day period), for operations (all facilities on premises) for which construction commenced after May 20, 1979; or

2. 40,000 gallons (151,400 liters) or more throughput per day (averaged over any 30-day period), for operations (all facilities on premises) for which construction commenced prior to May 20, 1979;

Once a facility is subject to this Section, it must remain in compliance with the requirements of Subsections B through F, even during periods in which its throughput is below the applicability levels.

B. Control Requirements - The facility must be equipped with a vapor collection system properly installed, and in good working order. The vapor collection system shall consist of, at a minimum, a vapor return line which returns to the VOC dispensing vessel or to a disposal system all vapors displaced during loading. In the event a disposal system is used, it shall have a destruction/removal efficiency as referenced at Subsection E (demonstrated to the satisfaction of the Louisiana Department of Environmental Quality) of no less than 90 percent. Examples of vapor disposal systems include but are not limited to incinerators, flares, carbon absorbers or chillers.

Provisions must be made to prevent spills during the attachment and disconnection of filling lines or arms. Loading and vapor lines must be equipped with fittings which close automatically when disconnected, or must be equipped to permit residual VOC in the loading line to discharge into a collection system or disposal or recycling system.

C. Monitoring - No liquid or gaseous leaks shall exist during loading or unloading operations. Inspections for visible liquid leaks, visible fumes, or significant odors resulting from VOC dis-

persing operations shall be conducted by the owner or operator of the VOC loading facility or the owner or operator of the tank, truck, or trailer. VOC loading or unloading through the affected transfer lines shall be discontinued immediately when a leak is observed and shall not be resumed until the observed leak is repaired.

D. Recordkeeping - The owner or operator of any VOC loading facility shall maintain the following information on the premises for at least two years and shall make such information available to representatives of the Louisiana Department of Environmental Quality upon request.

1. A daily record of the total throughput of VOC loaded at the facility, and

2. For VOC loading operations subject to the requirements of this Section:

a. A daily record of the number of delivery vessels loaded at the facility and the quantity and type of VOC loaded to each delivery vessel,

b. A record of any leaks found at the facility in accordance with the provisions specified in Subsection C of this Section and the corrective action taken,

c. A record of the results of any testing conducted at the facility in accordance with the provisions specified in Subsection E of this Section.

E. Test Methods - Compliance with Subsection B of this Section shall be determined by applying the following test methods, as appropriate:

1. Test Methods 1-4 (40 CFR 60, Appendix A) for determining flow rates, as necessary;

2. Test Method 25 (40 CFR 60, Appendix A) for determining total gaseous nonmethane organic emissions as carbon; and

3. Test Method 25A or 25B (40 CFR 60, Appendix A) for determining total gaseous organic concentration using flame ionization or nondispersive infrared analysis.

F. Exemptions - This Section does not apply to a) crude or condensate loading facilities, b) ship and barge loading operations, and c) gasoline loading facilities which are regulated under Subsection F.

AUTHORITY NOTE: Promulgated in accordance with R.S.30:1084.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987), amended LR 16:

#### §2109. Oil/Water - Separation

A. Oil/Water - Separation. Single or multiple compartment volatile organic compound water separators which receive effluent water from any equipment processing, refining, treating, storing, or handling volatile organic compounds and emit greater than 100 tons per year of regulated hydrocarbons (uncontrolled) shall be equipped with one of the following vapor loss control devices properly installed, in good working order and in operation:

1. A container having all openings sealed and totally enclosed liquid contents. All gauging and sampling devices will be gas-tight except when gauging or sampling is taking place.

3. A container equipped with a vapor disposal system capable of processing such organic vapors and gases so as to limit their emission to the atmosphere to the same extent as LAC 33:III.2109.A.1 and 2 and with all container gauging and sampling devices gas-tight except when gauging or sampling is taking place.

4. Other equivalent equipment or means as may be approved by the administrative authority.

**B. Exemptions from LAC 33:III.2109.A**

1. Volatile organic compound water separators used exclusively in conjunction with the production of crude oil or condensate are exempt from the provisions of LAC 33:III.2109.A.

2. Any single or multiple compartment volatile organic compound water separator which separates less than 200 gallons (757 liters) a day of materials containing volatile organic compounds.

3. Any single or multiple compartment volatile organic compound water separator which separates materials having a true vapor pressure of volatile organic compounds less than 0.5 psia (3.4kPa).

**C. Compliance.** Compliance with LAC 33:III.2109.A shall be determined by monthly visible inspections or by use of one of the following test methods where appropriate:

1. Test Method 1 through 4 (LAC 33:III.6001, 6003, 6009, and 6013, respectively) for determining flow rates, as necessary;

2. Test Method 18 (LAC 33:III.6071) for measuring gaseous organic compound emissions by gas chromatographic analysis;

3. Test Method 21 (LAC 33:III.6077) for determination of volatile organic compounds leaks;

4. Test Method 25 (LAC 33:III.6085) for determining total gaseous nonmethane organic emissions as carbon;

5. Determination of true vapor pressure using ASTM Test Method D323-82 for the measurement of Reid vapor pressure, adjusted for actual storage temperature in accordance with API Publication 2517, Third Edition, 1989; or

6. additional performance test procedures, or equivalent test methods, approved by the administrative authority.

**D. Recordkeeping.** The owner/operator of any single or multiple compartment volatile organic compound water separator shall maintain records to verify compliance with or exemption from LAC 33:III.2109. The records shall be maintained for at least two years and will include but not be limited to the following:

1. Results of the monthly visual inspections and the results of other tests performed in accordance with LAC 33:III.2109.C.

2. Measurement of the volume and true vapor pressure of the volatile organic compound(s) recovered by the separator to demonstrate continuous compliance with the criteria for exempted facilities.

3. The date and reason for any maintenance and repair of the applicable control devices.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:1084.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987), amended LR 16:

**§2111. Pumps and Compressors**

All rotary pumps and compressors handling volatile organic compounds have a true vapor pressure of 1.5 psia or greater at handling conditions shall be equipped with mechanical seals or other equivalent equipment or means as may be approved by the administrative authority.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:1084.

**HISTORICAL NOTE:** Promulgated by the Department of

Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987), amended LR 16:

**§2113. Housekeeping**

Best practical housekeeping and maintenance practices must be maintained at the highest possible standards to reduce the quantity of organic compounds emissions. Emission of organic compounds must be reduced wherever feasible.

**A.** Good housekeeping shall include but not be limited to the following practices:

1. Spills of volatile organic compounds shall be avoided and clean up of such spills shall employ procedures that reduce or eliminate the emission of volatile organic compounds.

2. Containers of volatile organic compounds shall not be left open and the contents allowed to evaporate.

3. Waste materials that contain volatile organic compounds shall be stored and disposed of in a manner that reduces or eliminates the emission of volatile organic compounds.

4. Each facility shall develop a written plan for housekeeping and maintenance that places emphasis on the prevention or reduction of volatile organic compound emissions from the facility.

5. Good housekeeping shall be determined by compliance with LAC 33:III.2121 (Fugitive Emission Control) and the maintenance and the housekeeping plan required by LAC 33:III.2113.A.4.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:1084.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987), amended LR 16:

**§2117. Exemptions**

The following compounds are exempt from the control requirements of LAC 33:III.2101 to 2147:

Methane, ethane, 1,1,1-trichloroethane (methyl chloroform), methylene chloride (dichloromethane), trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (CFC-22), trifluoromethane (FC-23), trichlorotrifluoroethane (CFC-113), Dichloroettrafluoroethane (CFC-114), chloropentafluoroethane (CFC-115), dichlorothifluoroethane (HCFC-123), tetrafluoroethane (HFC-134a), dichlorofluoroethane (HCFC-14 1 b) and chlorodifluoroethane (HCFC-142b).

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:1084.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987), amended LR 16:

**§2119. Variances**

**A.** If upon written application of responsible person(s) the administrative authority finds that strict conformity with any provisions of these regulations would cause undue hardship, would be unreasonable, impractical or not feasible under the circumstances, the administrative authority may permit a variance from or consider a change in these regulations upon such conditions and with such time limitations as it may prescribe for prevention, control, or abatement of air pollution in harmony with the intent of the Act.

**B.** No variance may permit or authorize the maintenance of a nuisance, or a danger to the public health or safety.

**AUTHORITY NOTE:** Promulgated in accordance with

R.S. 30:1084.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987), amended LR 16:

**Subchapter D - Cutback Paving Asphalt**  
**§2127. Cutback Paving Asphalt**

A. No person may cause, allow or permit the manufacture, mixing, storage, use or application of cutback paving asphalts or emulsified asphalts used for paving which contain volatile organic compounds without approval of the administrative authority as provided in 2127.D.

B. Compliance. Compliance with this Section shall be determined on a daily basis by direct observation as specified in guideline report EPA-450/2-77-037.

C. Recordkeeping. The owner/operator of any operation involved with the manufacture, mixing, storage, use or application of cutback paving asphalts shall maintain records to verify compliance with this Section. The records will be maintained for at least two years and will include but not be limited to the following:

1. Purchase and sales receipts including delivery dates, quantities, types of materials and comments.
2. Equipment operation schedules and maintenance records.
3. Testing data to document compliance with LAC 33:III.2127.B and D.2.

D. Exemptions

1. The administrative authority may approve the manufacture, mixing, storage, use or application of cutback paving asphalt where:

- a. Long life stockpile storage is necessary.
- b. The use or application at ambient temperatures less than 10°C (50°F) is necessary.
- c. The cutback paving asphalt is to be used solely as a penetrating prime coat.
- d. It can be demonstrated that no VOC emissions will occur from the use of the cutback.

2. The administrative authority may approve the manufacture, mixing, storage, use or application of emulsified asphalts used for paving which contain volatile organic compounds where certain grades or applications of emulsified asphalt shall be allowed with the following maximum solvent contents as determined by ASTM D-244:

- a. 3.0 percent by weight for seal coats;
- b. 3.0 percent by weight for chip seals when dusty or dirty aggregate is used;
- c. 8.0 percent by weight for mixing with open graded aggregate with less than 1 percent by weight of dust or clay-like materials adhering to the coarse aggregate fraction (1/4 inch in diameter or greater); and
- d. 12.0 percent by weight for mixing with dense graded aggregate when used to produce a mix designed to have 10 percent or less voids when fully compacted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1084.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987), amended LR 16:

Interested persons may submit written comments concerning these proposed amendments to Atly Brasher, Program Manager, Department of Environmental Quality, Air Quality Division, Box 44096, Baton Rouge, LA 70804.

Paul H. Templet, Ph.D.  
Secretary

**Fiscal and Economic Impact Statement**  
**For Administrative Rules**  
**Rule Title: Revisions to LAC:33.III Sections 2107,**  
**2109, 2111, 2113, 2117, 2119 and 2127 - Delete 2105**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There should be no additional cost to state or local government. Regulations are made more enforceable and do not add any significant additional work load for state and local government.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No significant effect.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

These revisions will add some additional record keeping requirements for regulated industries and some additional testing of emissions. Except for some of the larger industries, the additional cost should be minor and most industries already record most of the data required for the records.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No significant effect.

Mike D. McDaniel, Ph.D.  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Environmental Quality**  
**Office of the Secretary**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in particular R.S. 30:2011.D.(1) and 2025.A.(2), and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to adopt rules governing administrative proceedings of the department. The proposed rules will provide a uniform and consistent system for governing administrative procedure within the Department of Environmental Quality.

These proposed regulations are to become effective on January 20, 1990, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held at 1 p.m. on December 8, 1989 in the Mineral Board Hearing Room on the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed rules of procedure.

All interested persons are invited to submit written comments on the proposed rule. Such comments should be submitted no later than 4:30 p.m. on December 11, 1989, to Joan Albritton, Acting Administrator, Department of Environmental Quality, Office of Legal Affairs and Enforcement, Box 44066, Baton Rouge, LA 70804. Copies of the proposed regulations are available for inspection at the following locations from 8:00 a.m. until 4:30 p.m.

Office of Environmental Affairs, 3945 North I-10 Service Road, Metairie, LA.

Office of Environmental Affairs, Eighth Floor, State Land and Natural Resources Building, 625 North Fourth St., Baton Rouge, LA.

Office of Environmental Affairs, 804 31st St., Monroe, LA.

State Office Building, 1525 Fairfield Ave., Shreveport, LA.

Office of Environmental Affairs, 1155 Ryan St., Lake Charles, LA.

Office of Environmental Affairs, 100 Eppler Rd., Lafayette, LA.

Elizabeth Megginson  
Assistant Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Rules of Procedure Incorporation  
of LAC 33:I.101-2333**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be some savings to the state under these rules because the state /DEQ no longer must pay the newspaper public notice advertising costs on certain permit applications which required a public notice of submission to the department. Under these rules of procedure, these costs may now be borne by the permit applicant, resulting in an estimated savings to the department of approximately \$12,000 annually. These savings, however, are difficult to accurately project.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There would be an annual increase in revenue collections of the state as DEQ would begin collecting additional adjudicatory hearing and subpoena service costs from the regulated community. Revenue collections are difficult to project but are estimated to increase by \$46,260 annually. The revenues collected would then be used to pay the adjudication and subpoena service costs.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Adoption of these rules will result in increased costs to directly affected persons. Public notice advertising costs on permit applications which required a public notice may now be borne by the permit applicant rather than DEQ. These costs are difficult to accurately project; however, it is estimated that costs to directly affected permit applicants will increase by approximately \$12,000 annually. DEQ would also begin collecting additional adjudicatory hearing and subpoena service costs from the regulated community. Although difficult to accurately project, these costs are estimated to increase by approximately \$46,260 annually. The total increase in costs to the regulated community from the above areas is estimated at approximately \$58,260 annually.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect of this proposed action on competition and employment in the public and private sector.

Elizabeth Megginson  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Board of Board Certified  
Social Work Examiners**

The Louisiana State Board of Board Certified Social Work Examiners hereby announces its intent to increase the fees applicable to the Board Certified Social Workers License as follows effective January 1, 1990:

**Title 46  
PROFESSIONAL AND OCCUPATIONAL STANDARDS  
Part XXV. Certified Social Workers**

**Chapter I. General Provisions**

**§119. Fees**

The fees charged in connection with a board certified social work certificate shall be set at the following amount:

- C. Re-Examination Fee . . . . . \$75.
- E. Renewal Fee . . . . . \$40.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2712.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board Certified Social Work Examiners, LR 10:204.

Interested persons may submit written comments or objections until 4:30 p.m. on November 30, 1989 to Brenda B. Trivette, Chairperson, Louisiana State Board of Board Certified Social Work Examiners, Box 345, Prairieville, LA 70769.

Brenda B. Trivette, BCSW  
Chairperson

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Fee Increase**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The cost to implement this rule change will be approximately \$110 in personal services which covers the amount of time to draft, promulgate and disseminate the rule to board members and licensees. The \$100 in professional services was for the attorney to review the proposed rule. The \$1,500 in operating expenses covers the cost of reproducing and mailing the proposed rule to all licensees and the cost of scheduling a public hearing. The total estimated cost to implement the rule is \$1,710.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The increase in the renewal fee for the BCSW License will increase the board's operating funds by approximately \$22,300 for the fiscal year 1990-91. The increase in the re-



examination fee for the BCSW License will increase the board's operating funds by approximately \$2,750 for the fiscal year 1989-90.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The fee increases on renewals and re-examinations will increase the renewal fee to the 2,237 active licensees by \$10 beginning with the 1990-91 renewal period for a total renewal fee of \$40 annually. The increase in the re-examination fee will increase the cost for retaking the BCSW Examination to \$75, a \$25 increase beginning in June, 1990.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The effects of the fee increases should be minimal on board certified social workers and applicants retaking the BCSW Examination and are under the national averages of fees paid by social workers in other states.

Suzanne L. Pevey  
Executive Secretary

John R. Rombach  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Health and Hospitals Board of Nursing

The Louisiana State Board of Nursing hereby gives notice that the board, at its January 18-19, 1990 meeting intends to adopt amendments to the administrative rules:

#### Title 46

#### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLVII. Nurses

#### Subpart 2. Registered Nurses

#### Chapter 35. Nursing Educational Programs

#### §3529. Selection and Use of Clinical Facilities

A. Hospitals used for clinical experiences shall be licensed by the state of Louisiana and certified by Health Care Financing Administration (HCFA). In addition, hospitals should be accredited by JCAHO. Other health care agencies shall be accredited or approved by a recognized accrediting or approving agency.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:189 (April 1977), amended LR 10:1026 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 16:

Public notification made herein indicates no final approval.

The public is made aware of the proposed amendments in compliance with R.S. 49:950 et seq.

Written comments may be addressed to Betty N. Adams, M.N., R.N., Associate Director/Nursing Consultant For Education, Louisiana State Board of Nursing, 907 Pere Marquette Building, 150 Baronne Street, New Orleans, LA, 70112-2382 until 4:30 p.m. on November 10, 1989.

Betty N. Adams MN, RN  
Associate Director/Nursing  
Consultant for Education

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Chapter 35: Nursing Educational Programs LAC46: XLVII.3529.A.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated implementation costs to state or local government units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Schools of nursing will have more flexibility in utilizing clinical agencies for student learning activities that have varying kinds or types of accreditation or approval.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment in nursing.

Betty N. Adams, M.N., R.N.  
Associate Director/Nursing  
Consultant for Education

John R. Rombach  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Health and Hospitals Board of Practical Nurse Examiners

Notice is hereby given that the Louisiana State Board of Practical Nurse Examiners, under the authority vested by R.S. Title 37, Chapter 11, Nurses, Part II, Practical Nurses, Section 961-979, plans to amend LAC 46:XLVII. Chapter 9, the administrative rules and minimum requirements relating to practical nursing education and licensure to practice in the state of Louisiana at its regular meeting on February 2, 1990.

#### Title 46

#### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLVII. Nurses

#### Chapter 9. Program Projection

#### Subchapter A. Faculty and Staff

#### §901. Faculty

A. Shall consist of a minimum of two nurse members one of whom shall be designated as program coordinator/department head.

#### B. Educational Qualifications

#### 1. Licensure

Each nurse faculty member shall hold a current, valid license to practice in the state of Louisiana, which license has never been encumbered in any jurisdiction.

#### 2. Application

Each applicant for a faculty position in an approved practical nursing program shall be approved by the Louisiana State Board of Practical Nurse Examiners before being approved for employment by any other agency.

#### 3. Nurse Coordinator/Department Head

Shall be a graduate of a three-year diploma nursing pro-

gram or a graduate of a baccalaureate nursing program with a minimum of four years experience in medical-surgical nursing or nursing education. At least one of these four years must have been as a hospital staff nurse providing direct patient care. An applicant for nurse coordinator must have worked as a nurse for a minimum of six full-time months during the three years immediately preceding application, or complete an approved review course and/or successfully pass a board approved competency examination.

4. Nurse Instructor

Shall be a graduate of a three-year diploma nursing program or a graduate of a baccalaureate nursing program with a minimum of three years experience in medical-surgical nursing or nursing education. At least one of these three years must have been as a hospital staff nurse providing direct patient care. An applicant for nurse instructor must have worked as a nurse for a minimum of six full-time months during the three years immediately preceding application or complete an approved review course and/or successfully pass a board approved competency examination.

5. No educational degree in nursing or in any other field shall substitute for the medical-surgical component of either of the above.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:969 and R.S. 37:976.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:194 (April 1977), amended LR 10:338 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 16:

Interested persons may direct inquiries to the Louisiana State Board of Practical Nurse Examiners, Tidewater Place, 1440 Canal Street, Suite 2010, New Orleans, LA, 70112, (504) 6480. Written comments will be received through December 31, 1989.

Terry L. DeMarcay  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Minimum Requirements Relating To Practical Nursing Education And Licensure To Practice In The State of Louisiana**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no implementation costs to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no estimated effect on competition and employment.

Terry L. DeMarcay, RN  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Office of Human Services  
Division of Mental Retardation**

The Department of Health and Hospitals, Office of Human Services, Division of Mental Retardation proposes to adopt the following rule in accordance with Act 1 of the First Extraordinary Session of 1988 of the Louisiana Legislature.

Currently the Division of Mental Retardation consists of a central office and eight regional service centers. The adoption of the proposed rule would result in a Division of Mental Retardation with a deputy assistant secretary as the administrative head of the division who will be responsible both fiscally and programmatically for the administration of ten regional service centers as well as the state operated Intermediate Care Facilities for individuals with mental retardation/developmental disabilities. In the reorganization of the regions, St. Mary Parish will become part of Region III to allow for consistency in apportionment of regions providing mental retardation, mental health and substance abuse services. This rule allows for the effective merging of the Divisions of Mental Retardation, Mental Health and Substance Abuse.

The Division of Mental Retardation currently consists of the following Regional Service Centers: Region I - Metropolitan Developmental Center which serves Orleans, Jefferson, St. Bernard, and Plaquemines parishes. Region II - Hammond State School which serves Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge, West Feliciana, St. Helena, Livingston, Tangipahoa, St. Tammany, and Washington parishes. Region III - Thibodaux State School which serves Assumption, Lafourche, St. Charles, St. James, St. John, and Terrebonne parishes. Region IV - Southwest State School which serves Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary, and Vermilion parishes. Region V - Southeast State School which serves Allen, Beauregard, Calcasieu, Jefferson Davis, and Concordia parishes. Region VI - Pinecrest State School which serves Avoyelles, Catahoula, Grant, LaSalle, Rapides, Vernon, and Winn parishes. Region VII - Northwest State School which serves Bienville, Bossier, Caddo, Webster, Sabine, Claiborne, Red River, Natchitoches, and DeSoto parishes. Region VIII - Ruston State School which serves East Carroll, West Carroll, Caldwell, Franklin, Jackson, Morehouse, Ouachita, Union, Richland, Madison, Lincoln, and Tensas parishes.

The administrative head of the Regional Services Center is responsible for the administration of the state school in the region and the community services office, headed by a community services regional manager, which provides technical assistance to community service providers, negotiates state contracts, monitors state contracts, provides diagnosis and evaluation services, case management services, and other related services.

**Title 48**

**PUBLIC HEALTH - GENERAL**

**Part IX. Mental Retardation/Developmental Disabilities Services**

The deputy assistant secretary of the Office of Human Services, Division of Mental Retardation, as the administrative head of the division will have fiscal and programmatic responsibility for state operated programs for individuals with MR/DD as well as direct line of authority over the community services regional managers of ten regional community services offices.

## NOTICE OF INTENT

### Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposes to adopt the following rule.

The Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) makes it possible for election by states to provide Medicaid assistance for adoption assistance children who can qualify for Title IV-E and also for non-Title IV-E (state subsidy) children. Title IV-E eligible coverage is a requirement if the state is to receive federal contribution for its program. Non-Title IV-E coverage is optional. Unless this option is taken by amendment of its Title XIX State Plan, Louisiana cannot receive federal contribution toward the medical costs of the non-Title IV-E (state subsidy) children and must continue to fund their medical costs from state money.

Failure to elect this option would result in allowing a burden on state funds which could be lessened by receipt of federal contribution to the cost of necessary medical services. The children involved are those with medical needs. If not adopted, all of their support must be provided by state funds. This includes often heavy and continuing medical expenses to cope with the handicapping conditions or other special medical needs of these children.

Under current procedures, non-IV-E (Category O) children receive state-funded medical assistance prior to beginning of the adoption process. Medical expenses become the responsibility of the adoptive parents when the adoption agreement is entered into, except for certain expenses for pre-existing conditions funded by state stipends. It is in the financial and social interest of the state to have as many special needs children adopted as possible. In addition, it puts more children in family homes of their own where they can have the stability of normal home environments with parents who are truly their own. Extending Medicaid coverage to state subsidy children is one of the most important ways to increase the number of children who can be moved from the status of state ward to that of adopted child.

#### Proposed Rule

Coverage for non-Title IV-E (state subsidy) children shall be extended to children under the age of 18 for whom there is in effect a state adoption assistance agreement (other than under Title IV-E of the Act), who, as determined by the state adoption agency, cannot be placed for adoption without medical assistance because the child has special needs for medical or rehabilitative care, and who before execution of the agreement:

(1) Was eligible for Medicaid under the state's approved Medicaid plan; or

(2) Would have been eligible for Medicaid if the standards and methodologies of the Title IV-E foster care program were applied rather than the AFDC standards and methodologies.

Individuals are eligible for coverage under 42 CFR 435.914 if all the conditions are met.

This option also applies to legally executed adoption proceedings entered into prior to the enactment of COBRA on April 7, 1986. The requirements are deemed to be met if the Office of Community Services determines that:

(1) At the time of adoption placement, the child had special needs for medical or rehabilitative care that made the child difficult to place absent receipt of Medicaid benefits under the plan;

Parish/Parishes included in the ten regions are follows:

Region I - Orleans, St. Bernard, Plaquemines;

Region II - Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge, West Feliciana;

Region III - Assumption, Lafourche, St. Charles, St. James, St. John, Terrebonne, St. Mary;

Region IV - Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, Vermilion;

Region V - Allen, Beauregard, Calcasieu, Jefferson Davis, Concordia;

Region VI - Avoyelles, Catahoula, Grant, LaSalle, Rapides, Vernon, Winn;

Region VII - Bienville, Bossier, Caddo, Webster, Sabine, Claiborne, Red River, Natchitoches, DeSoto;

Region VIII - East Carroll, West Carroll, Caldwell, Columbia, Franklin, Jackson, Morehouse, Ouachita, Union, Richland, Madison, Lincoln, Tensas;

Region IX - Tangipahoa, St. Tammany, Livingston, Washington, St. Helena;

Region X - Jefferson.

A public hearing on this proposed rule will be held December 6, 1989, at the Hearing Room on the plaza level, 950 N. Fifth St., Baton Rouge, LA (Building is next to State Capitol) beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

David L. Ramsey  
Secretary

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Establishment of Ten Mental Retardation Regions

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

None.

This action is a realignment of the current regional structure, and an expansion from eight to ten regions to assist the Office of Human Services in its goal of community based services as an alternative to institutionalization. Any costs related to this effort will be absorbed through a redistribution of existing funds.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units from the adoption of this proposed rule.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There are no costs and/or economic benefits to directly affected persons or non-governmental groups from the adoption of this proposed rule.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment from the adoption of this proposed rule.

Billy R. Stokes, Ed.D., M.B.A.  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

(2) There is in effect a legally executed adoption agreement between the state and the adoptive parent(s); and

(3) The Medicaid agency found the individual eligible for Medicaid under the plan prior to execution of the adoption agreement.

Once eligibility has been established, the state does not have to redetermine financial eligibility as long as the adoption agreement is in force.

Interested persons may submit written comments to the following address: Carolyn O. Maggio, Acting Director, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA. 70821-9030. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing to this proposed rule will be held on December 6, 1989 in Auditorium A, Second Floor, 755 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey  
Secretary

### **Fiscal and Economic Impact Statement For Administrative Rules**

#### **Rule Title: Coverage of Non-IV-E (state subsidy) Children**

##### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Implementation of the proposed rule could result in decreased state expenditures of \$81,360 in FY 89-90 (six months); \$163,862 in FY 90-91; \$166,320 in FY 91-92.

##### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Implementation of the proposed rule increases federal matching funds for Title XIX expenditures by \$81,360 in FY 89-90 (6 months); \$163,862 in FY 90-91 and \$166,320 in FY 91-92.

##### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

Under this rule total medical services provided to eligible recipients will be: \$112,050 in FY 89/90; \$224,100 in FY 90/91; and \$227,462 in FY 91/92. Medical expenses not covered by Medicaid will continue to be the responsibility of the child's adoptive parents and/or their insurance companies.

##### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no known effect on competition and employment.

Carolyn O. Maggio  
Director

John R. Rombach  
Legislative Fiscal Officer

### **NOTICE OF INTENT**

#### **Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposes to

adopt the following rule in the Title XIX (Medicaid) Program effective January 20, 1990.

Currently, state office approval is not needed for certain durable medical appliances, equipment and supplies if the cost is under \$25. This rule proposes that state office approval will not be needed for certain items of durable medical appliances, equipment and supplies if the cost is under \$100.

#### **PROPOSED RULE**

State office approval is not needed for certain durable medical appliances, equipment and supplies specified in Chapter XIX if the cost is under \$100. State office prior approval will continue to be required on those specific items so designated in Chapter XIX regardless of cost.

Interested persons may submit written comments to the following address: Carolyn O. Maggio, Director, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on December 6, 1989 in Auditorium A, Second Floor, 755 Riverside, Baton Rouge, LA., beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey  
Secretary

### **Fiscal and Economic Impact Statement For Administrative Rules**

#### **Rule Title: DME - Prior Authorization Maximum**

##### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The estimated implementation cost will be \$100 for manual revisions and provider notification of which \$50 is the projected cost to the state for FY 89/90.

##### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Implementation costs associated with adoption of this proposed rule will result in increased revenues of \$50 for the provision of manual materials and provider notification.

##### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

The Title XIX recipients in need of durable medical equipment, appliances or supplies would be the only persons or group directly affected by this proposal as it would serve to expedite their receipt of those items essential to their health and/or rehabilitation.

##### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no known effect on competition and employment.

Carolyn O. Maggio  
Director

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Public Safety and Corrections Liquefied Petroleum Gas Commission

In accordance with the provisions of R.S. 49:950, the Administrative Procedure Act, and R.S. 40:1846 relative to the authority of the Liquefied Petroleum Gas Commission to make and enforce rules and regulations, notice is hereby given that the commission proposes to adopt the following changes to its rules and regulations.

#### Title 55 PUBLIC SAFETY

#### Part IX. Liquefied Petroleum Gas

#### Chapter 7. Cylinder Systems

#### §713. Retest Requirements and Methods

A. Water Jacket Expansion Method: Each cylinder must be subjected, at least once in 12 years, to a test by interior hydrostatic pressure in a water jacket, or other apparatus of suitable form, for the determination of the expansion of the cylinder. The test apparatus must be approved as to type and operation by the Bureau of Explosives. This periodic retest must include a careful external examination.

B. 1. Modified Hydrostatic Method: In lieu of the above, each cylinder may be subjected to an internal hydrostatic pressure equal to at least two times the marked service pressure without determination of expansion but this type of test must be repeated each seven years after the expiration of the first 12-year period. When subjected to this latter test, cylinders must be carefully examined under test pressure and removed from service if leaks or other harmful defects exist.

2. Cylinder tested by the modified hydrostatic method shall be marked after each retest with the date of test as otherwise required but followed by the symbol S; for example, 8-46S, indicating retest by modified method in August, 1946.

C. 1. Recorded Visual Examination Method: In lieu of the above, each cylinder may be subjected to a recorded visual examination in order to requalify that cylinder for five years, after the expiration of the first 12-year period. When subjected to this test, cylinders must be carefully examined as required by DOT regulations by a competent person and removed from service if leaks or harmful defects exist.

2. Cylinders which pass the recorded visual examination method shall be marked after each retest with the date of test followed by the symbol E; for example 7-70E indicating retest by recorded visual examination in July, 1970.

D. Inspection At Time of Filling: All test must be supplemented by a very careful examination of the cylinder at each filling, and must be rejected if evidence is found of bad dents, corroded areas, a leak or other conditions that indicate possible weakness which would render the cylinder unfit for service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 7:635 (December 1981), amended LR 16:

The commission will hold a public hearing December 7, 1989, 265 South Foster Drive, 8:30 a.m. Written comments will be accepted through December 1, 1989 and should be sent to Jimmy Long at Box 66209, Baton Rouge, LA 70896. All interested persons will be afforded an opportunity to be heard at the public hearing.

Jimmy Long  
Director

## Fiscal and Economic Impact Statement For Administrative Rules

### Rule Title: Liquefied Petroleum Gas Cylinder Inspections

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no implementation costs to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There are no costs or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition and employment.

Rex McDonald  
Undersecretary

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Public Safety and Correction Office of Motor Vehicles

In accordance with R.S. 49:950, et seq., R.S. 47:505 as amended by Act 151 of the 1989 Regular Session of the Louisiana Legislature; and House Concurrent Resolution No. 6 of the Second Extraordinary Session of the 1989 Louisiana Legislature, notice is hereby given that the Department of Public Safety and Corrections, Office of Motor Vehicles, intends to adopt a proposed rule effective upon publication to facilitate the implementation of said law requiring removal of license plates on transfers of motor vehicles by sellers; removal and destruction of license plates by motor vehicle dealers upon acquisition for resale; and reporting thereof to the Office of Motor Vehicles by dealers. This rule also provides for the issuance of cardboard tags to serve as temporary license plates. These are to be printed at the direction of the Office of Motor Vehicles by the dealers through any available printing source to enable the dealers to demonstrate plateless vehicles offered for sale and for other described dealership business purposes.

Copies of the proposed rule may be viewed at the Office of the State Register or at 1771 N. Lobbell Blvd., Room 304, Baton Rouge, LA. Interested parties may comment on the proposed rule by writing or contacting John J. Politz, Assistant Secretary of the Office of Motor Vehicles, Box 64886, Baton Rouge, LA 70896.

Rex McDonald  
Undersecretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: License Plate Removal  
and Destruction Program**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Costs to the Office of Motor Vehicles to implement will be \$756,000 which will include the increase in printing, postage, license plates and stickers and upgrade of computer system. There will be no costs to local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Estimated increased revenue collections will be as follows:

State General Fund	\$7,980,000
Local Governments	5,040,000
Office of Motor Vehicles	756,000
Highway Fund #2	504,000

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Auto dealers will print temporary markers, at their expense.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment.

Rex McDonald  
Undersecretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Social Services  
Office of Eligibility Determinations**

The Department of Social Services, Office of Eligibility Determinations proposes to amend the rule published in the *Louisiana Register* on November 20, 1985 regarding income assignment on child support cases.

Rulemaking is necessary because the state enacted legislation to implement provisions of Family Support Act of 1988 which mandates changes in income assignment procedures. R.S. 46:236.3 sets forth these procedures. The proposed rule was published as an emergency rule with an effective date of October 1, 1989.

Proposed Rule

On new or modified child support orders enforced by the Department of Social Services, the court shall order an immediate income assignment unless there is a written agreement between the parties for an alternate arrangement, or the court finds good cause not to require an immediate income assignment.

For support orders existing before October 1, 1989, that are being enforced by the department, without regard to whether there is an arrearage, the court shall order an immediate income assignment upon motion of the department on its own behalf or if requested on behalf of the obligor or obligee.

The total amount withheld, including the dates withheld, shall be forwarded within 10 days.

Interested persons may submit written comments to the following address: Howard L. Prejean, Assistant Secretary, Box 94065, Baton Rouge, LA, 70804-4065. He is the person re-

sponsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held in the Second Floor Auditorium, 755 Riverside, Baton Rouge, Louisiana on Wednesday, December 6, 1989, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

May Nelson  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Child Support Enforcement Services  
Immediate Income Assignment**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The cost of implementing \$170 (\$57.80 state and \$112.20 federal) in FY 89-90 is for printing manual material.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The department expects an increase in collections since the implementation of the immediate income assignment provision will result in a streamlined procedure in the enforcement process, and therefore more administrative staff time can be devoted to establishing new child support orders in the intake process. However, the department is unable to estimate a dollar amount of increase.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Custodial parents will receive child support payments from an employed absent parent immediately rather than waiting for the absent parent to become 30 days delinquent.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

Howard L. Prejean  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Social Services  
Office of Eligibility Determinations**

The Department of Social Services, Office of Eligibility Determinations, proposes to amend the rule published in the *Louisiana Register* on September 20, 1987 concerning guidelines for setting child support award amounts.

This rule is necessary because the Family Support Act of 1988 mandated the implementation of Mandatory Award Guidelines. R.S. 9:315 through 9:315.14 sets forth the guidelines the state of Louisiana has chosen to use. This proposed rule was published as an emergency rule with an effective date of October 1, 1989.

PROPOSED RULE

Child support award guidelines are to be used in any pro-

ceeding to establish or modify child support filed on or after that date. There shall be a rebuttable presumption that the amounts of the child support obtained by use of the guidelines is the proper amount of child support.

The court may deviate from the guidelines if their application would not be in the best interests of the child or would be inequitable to the parties. The court shall give oral or written reasons for the deviation, and the reasons shall be made part of the record of the proceedings.

In determining whether to deviate from the guidelines, the court's considerations may include:

1. that the combined adjusted gross income of the parties is not within the amounts shown in the schedule, including an income less than the lowest sum shown in the schedule;

2. the legal obligation of a party to support dependents who are not the subject of the action before the court and who are in the party's household;

3. the extraordinary medical expenses of a party, or the extraordinary medical expenses for which a party may be responsible;

4. an extraordinary community debt of the parties;

5. the need for immediate and temporary support for a child when a full hearing on the issue of support is pending but cannot timely be held; and

6. any other consideration which would make application of the guidelines not in the best interests of the child or children or inequitable to the parties.

Calculations of the basic child support obligation are derived from each party providing to the court a verified income statement showing gross income and adjusted gross income, together with documentation of current and past earnings. Suitable documentation of current earnings shall include but not be limited to pay stubs, employer statements, or receipts and expenses if self-employed. Documentation shall include a copy of the party's most recent federal tax return. A copy of the statement and documentation shall be provided to the other party. The court shall determine the appropriate gross income if a party is voluntarily unemployed or underemployed.

The amounts of the parties' adjusted gross incomes are combined, and then each party's share of child support is determined by the percentage of his proportionate share of the combined adjusted income amount. The court shall determine the basic child support obligation amount from the Schedule of Basic Child Support Obligations by using the combined adjusted gross income of the parties and the number of children involved in the proceeding.

Net child care costs and the cost of health insurance premiums incurred on behalf of the child shall be added to the basic child support obligation. By agreement of the parties or order of the court, the following expenses may be added to the basic child support obligation:

1. extraordinary medical expenses incurred on behalf of the child;

2. expenses for attending a special or private elementary or secondary school to meet the particular educational needs of the child; and

3. expenses for transportation of the child from one parent to the other.

Income of the child that could reduce the basic needs of the child may be considered a deduction from the basic child support obligation, although income earned by a child while a full-time student even if earned during a summer or holiday break shall not be deducted. Additionally, in cases of joint cus-

tody, the court may adjust the calculated order to reflect the period of time spent with the obligor.

The guidelines are not in and of themselves a change of circumstances allowing the modification of an existing order. The law still requires a change in circumstances before an existing order can be modified.

### Schedule of Basic Child Support Obligations

Combined Adjusted Monthly Gross Income	Number of Children					
	One	Two	Three	Four	Five	Six or More
600	87	88	89	90	91	92
650	121	122	123	125	126	127
700	155	156	158	160	162	163
750	165	191	193	195	197	199
800	174	225	228	230	232	235
850	182	257	260	262	265	268
900	189	286	289	292	296	299
950	197	305	319	322	326	329
1000	203	315	349	352	356	360
1050	210	325	378	382	387	391
1100	216	335	408	412	417	421
1150	222	345	432	442	447	452
1200	229	354	444	472	477	483
1250	235	364	456	502	508	513
1300	241	374	469	528	538	544
1350	248	384	481	542	568	574
1400	254	394	494	556	599	605
1450	260	404	506	570	622	636
1500	267	414	519	584	637	666
1550	273	424	531	598	653	697
1600	281	435	545	614	670	717
1650	288	446	560	630	688	736
1700	295	458	574	647	705	755
1750	303	469	588	663	723	774
1800	310	481	603	679	741	792
1850	317	492	617	695	758	811
1900	325	503	631	711	776	830
1950	331	513	643	724	790	846
2000	337	522	655	737	805	861
2050	343	532	667	751	819	877
2100	349	541	679	764	834	892
2150	355	551	691	778	849	908
2200	361	561	703	792	864	924
2250	368	570	715	805	878	940
2300	374	580	727	819	893	956
2350	380	590	739	832	908	972
2400	386	600	751	846	923	988
2450	392	609	763	860	938	1004
2500	399	619	776	873	953	1020
2550	405	629	788	887	968	1035
2600	411	638	800	901	983	1051
2650	417	648	812	914	998	1067
2700	424	658	824	928	1013	1083
2750	430	668	836	942	1028	1099
2800	436	677	848	955	1042	1115
2850	442	687	860	969	1057	1131
2900	448	697	872	983	1072	1147
2950	455	706	885	996	1087	1163
3000	461	716	897	1010	1102	1179
3050	467	726	909	1024	1117	1195
3100	473	736	921	1037	1132	1211
3150	479	745	933	1051	1147	1227
3200	486	755	945	1065	1162	1243
3250	492	765	957	1078	1177	1259
3300	498	774	969	1092	1192	1275
3350	504	784	981	1106	1206	1291
3400	510	794	994	1119	1221	1307
3450	517	804	1006	1133	1236	1323
3500	523	813	1018	1146	1251	1339
3550	529	823	1030	1160	1266	1355
3600	535	833	1042	1174	1281	1371
3650	542	842	1054	1187	1296	1387
3700	548	852	1066	1201	1311	1402
3750	554	862	1078	1215	1326	1418
3800	560	872	1090	1228	1341	1434
3850	566	881	1103	1242	1356	1450
3900	573	891	1115	1256	1371	1466
3950	579	901	1127	1269	1385	1482
4000	585	910	1139	1283	1400	1498
4050	590	919	1149	1295	1414	1512





ders and a probable increase in obligation amounts. However, the department cannot predict the amount of increase.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Custodial parents are expected to receive higher child support amounts as a result of uniformity of support orders and a probable increase in obligation amounts.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

Howard L. Prejean  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Social Services Rehabilitation Services Commission for the Deaf

Effective January 1, 1990, the Louisiana Commission for the Deaf proposes to adopt its Policy Manual.

This proposed Policy Manual has been developed in accordance with R.S. 46:2351-2354, enacted by Act 629 of the 1980 Regular Session of the Legislature, as amended by Act 662 of the 1985 Regular Session of the Legislature, as amended by Act 660 of the 1988 Regular Session of the Legislature. This Policy Manual becomes effective subsequent to adoption by the Louisiana Commission for the Deaf and will form the basis for commission activities.

A public hearing on the proposed Policy Manual of the Louisiana Commission for the Deaf is scheduled as follows: December 13, 1989, 10 a.m., Rehabilitation Conference Room (Downstairs), 900 Murray Street, Alexandria, Louisiana.

All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing. A complete copy of these amendments is available by contacting Daniel D. Burch, Interim Executive Director, Louisiana Commission for the Deaf; Box 3074; Baton Rouge, LA 70821, or calling (504) 769-8160, (V/TDD).

May Nelson  
Secretary

#### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Policy Manual

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

\$1,166,824 has been appropriated by the Louisiana Legislature.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

\$1,166,824 has been appropriated by the Louisiana Legislature.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There is no estimated cost and/or benefit that will directly affect persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effects on competition and employment.

Alton Toms  
Director

John R. Rombach  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Wildlife and Fisheries Office of Fisheries

In accordance with R.S. 49:950 et seq. the Administrative Procedure Act, R.S. 967, R.S. 56:433, R.S. 56:434 and the authority granted the secretary, Department of Wildlife and Fisheries by the Wildlife and Fisheries Commission on August 4, 1989 relative to season closures, notice is hereby given that the secretary of the Department of Wildlife and Fisheries publishes her intent to close the Bay Junop, Hackberry Bay and Bay Gardene Oyster Seed Reservations as well as that portion of the Public Oyster Seed Grounds in Black Bay west of a line from Mozambique Point to Bell Island and all of Bay Crabe during the second segment of the 1989/90 oyster season beginning October 16, 1989. The Department of Wildlife and Fisheries has determined these areas have experienced a good spat set with as many as 100 spat per sample being observed and these spat have a good probability of survival in these areas while in areas remaining open such as Vermilion Bay and Atchafalaya Bay which receive direct freshwater input from the Atchafalaya River spat do not have a good probability of survival.

Interested persons may submit written comments to the Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898, attention Philip Bowman until 4:30 p.m. December 20, 1989.

Virginia Van Sickle  
Secretary

#### Fiscal and Economic Impact Statement For Administrative Rules

##### Rule Title: Closing the 1989/90 Oyster Season on Portions of the Public Grounds

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no cost to implement this season as it will be handled along with other duties.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This rule change will have no long-term effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

This proposed rule change will have no long-term effect on costs, but may decrease short-term economic benefits to oyster fishermen or processors, however this may also increase short-term benefits to oyster fishermen or processors in 1990.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Approximately 2,000 individuals are influenced by the oyster season. This proposed rule change allows proper biological management which may improve employment opportunities but should have no long-term effect on competition.

Bettie Baker  
Undersecretary

John R. Rombach  
Legislative Fiscal Officer

### NOTICE OF INTENT

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

Under the authority of R.S. 56:252.2a, R.S. 56:260, R.S. 56:262 and R.S. 56:262.2 and in accordance with the Administrative Procedure Act R.S. 49:950, the Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate a rule establishing the 1989/90 Annual Alligator Program Harvest. Said rule is made a part of this notice of intent.

The department secretary shall be authorized to close or extend the alligator season as biologically justifiable.

The Louisiana Department of Wildlife and Fisheries recommends that an alligator season be hereby established in accordance with the following regulations: No exceptions of these procedures will be permitted, and anyone taking alligators contrary to these regulations will be charged in accordance with Title 56 of the Louisiana Laws Pertaining to Wildlife and Fisheries, appropriate federal laws and regulations, Wildlife and Fisheries Commission regulations, and/or Louisiana Department of Health and Hospitals regulations.

1. Open area — Alligator habitat in the state of Louisiana. Harvest quotas will be rigidly controlled according to alligator population estimates within all of the state's wetland habitat types.

2. Harvest season — The open season shall run for a 30-day period beginning on September 9, 1988 and continue through October 8, 1989. It is legal to take, possess, or sell alligators or their skins under four feet in length as provided for by rules and regulations of the commission. A special department permit shall be issued to alligator hide dealers, farmers, ranchers and hunters in order to ship alligator skins below four feet in length.

3. Harvest methods — Alligators may be taken only during daylight hours, between official sunrise and official sunset. If a licensed hunter is cited for hunting alligators out of season, at night or on property other than that for which tags were assigned, all tags and skins for the current season will be confiscated in addition to revocation of the alligator hunting license.

Special instructions will be issued to the holders of alligator hunter licenses shortly before the opening of the season describing detailed methods regarding the skinning of alligators. Skins processed contrary to the specific requirements of the department will be considered illegal and will be confiscated by department personnel. Pole hunting is prohibited to protect the nesting female population. Hooks and lines may be set no more than one day prior to the season opening. No hook and line shall remain set after the closing day of the alligator season. All

alligator hooks and lines must be checked daily and all hooks and lines must be removed when a hunter's tag quota is reached. Alligators cannot be cut loose from hooks and lines for purposes of selecting larger alligators.

4. Licenses — An alligator hunter must have in possession a valid commercial alligator hunter license to take or sell alligators or their skins or other alligator parts. The fee for the resident license is \$25 per year and for the non-resident \$150. These licenses are non-transferable. In order to obtain a resident license, the hunter must have established bona fide residence in the state.

A hunter must complete application forms provided by the department and furnish proof that he owns the land or has an agreement with the landowner or another authorized hunter to hunt alligators on the specified property. Information as to the location and acreage of the property must be provided (all land descriptions must include parish, township, range, and section delineation figures).

Applications must be submitted beginning August 1, 1989. Property ownership and description requirements do not apply to public lake hunters. The alligator hunter license will be issued only after the hunter has satisfactorily complied with the above requirements. Commercial alligator hunter licenses will not be issued after September 18, 1989. Alligator sport hunter licenses may be issued throughout the season. Non-resident hunters and resident sport hunters must coordinate their hunt through landowners and licensed resident hunters. A non-resident hunter may take no more than three alligators per season.

A fur buyer license or fur dealer license is required for purchasing and handling raw alligator skins in Louisiana. An alligator parts dealer license is required of any person who deals in alligator parts other than hides and who: (a) buys from an alligator hunter or farmer for the purpose of resale; or (b) manufactures within the state, alligators parts into a finished product; or (c) purchases, cans, processes, or distributes alligator meat for wholesale or retail.

A retailer selling canned alligator parts or a retailer purchasing alligator parts from an alligator parts dealer or restaurant selling prepared alligator meat for human consumption shall not be classified as an alligator parts dealer. The fee for the parts dealer license is \$50 per year.

Persons or firms entering alligators, alligator eggs, or alligator skins and/or parts in interstate/foreign commerce in the course of a commercial activity must be licensed in accordance with state and federal regulations. Persons shipping alligators, alligator eggs, or alligator skins and/or parts to another state or country must do so in accordance with the regulations of that state or country.

Each retailer selling canned alligator parts or purchasing alligator parts and each restaurant selling prepared alligator meat for human consumption shall secure a license from the department before commencing business. The license shall be secured annually and shall be furnished upon the payment of \$5.

5. Disposition, Validation, Tagging and Labeling — All alligators killed within the state including those killed on farms and ranches shall have an official \$4 harvest tag attached. All shipments of eggs and alligators transported or otherwise disposed of out-of-state shall have an official alligator/egg shipping label attached prior to transport or shipment out-of-state. A \$4 fee will be charged for each egg or alligator contained within the shipment.

In addition to a valid commercial alligator hunting license,

the hunter must also obtain from the department, and have in his possession while hunting, official harvest tags which must be firmly attached to each alligator immediately upon taking. Numbered tags will only be issued in the name of license holders. Alligator tags will not be issued after September 18, 1989.

Harvest tags will be issued throughout the year to alligator farmers and ranchers and will only be issued to holders of valid Nongame Quadruped Breeders Licenses. All alligator tags issued to farmers and ranchers will only be issued from Rockefeller Refuge. Tags must be attached and locked in the last six inches of the tail. The tags must remain attached to the skin until final processing by the fabricator.

It shall be illegal to possess dead alligators or alligator skins in Louisiana without valid official tags or labels attached. Failure to properly tag or label an alligator or skin will result in confiscation of both the alligator or skin and tag. Alligator farmers and ranchers may hold dead farm raised alligators which may have died from disease in freezers until officially checked by a department biologist. Rockefeller Refuge must be notified within 30 days of any such deaths.

Official alligator tags will be issued to alligator hunters who have authorized applications. Each official tag will bear a serial number, and the tag issued to each hunter will be recorded. The number of tags will be issued on the basis of the quantity and quality of the habitat, and the rate per acre will be fixed based on extensive population estimates. Tags will be issued for alligator habitat only, based on final decision of department biologists.

Hunters, farmers and ranchers will be held accountable for all alligator tags issued to them. Unused tags must be returned by the hunter to the department no later than 15 days following the close of the season. Violation of this requirement shall result in the revocation of the alligator hunting license and no alligator tags will be issued for one year.

Department personnel must be notified, within 15 days following the season, of any alligator hides not sold to a commercial buyer or dealer on official Louisiana Department of Wildlife and Fisheries forms provided. Lost or stolen tags will not be replaced but must be reported within 15 days of close of season. Tags can be used only on the lands applied for and approved on the application.

Tags furnished by the Louisiana Department of Wildlife and Fisheries (Color: Blue) must be attached to all unprocessed alligator meat/parts upon transfer by a hunter or farmer.

Each shipment or transport of eggs or alligators out of the jurisdictional boundaries of Louisiana shall have affixed an official numbered alligator/egg shipping label which will be available upon request from the department. This label will contain the numbers of eggs and/or alligators being shipped/transported, the name and license number of the shipper and the destination address. Each label will be validated by a department employee. Shipment of eggs or alligators being used for department sanctioned research shall be exempt from the label fee but shall be accompanied by a permit issued by the department.

6. Alligator Farmers and Breeders — Licensed alligator farmers and ranchers must have department authorization to kill and skin their alligators but must follow the same rules and regulations which apply to wild alligators (except farm/ranched alligators can be harvested during closed season with department approval). Alligator farmers and ranchers must have written department authorization to sell or transfer live alligators or alligator eggs. All such requests shall be forwarded to Rockefeller Refuge. All alligator farmers and ranchers shall adhere to all requirements

contained in their state Alligator Farming/Ranching Permit.

7. Sale of Alligator Skins — All alligator skins taken during the alligator season must be validated by personnel of the Louisiana Department of Wildlife and Fisheries prior to the hides leaving the state. Special skinning instructions will be verified, and skins not prepared according to instructions issued in advance of season will be considered illegal. Buyers/dealers must abide by special skinning instructions or be subject to forfeiture of improperly skinned hides.

8. Buyer/Dealer Hides Records — All buyers and dealers making purchases of alligator hides shall maintain a complete set of records of all purchases and sales. Such records will include names and addresses of buyers and/or sellers, alligator hide tag number and length, and date purchased. Dealers will submit reports as required by the department for all hides purchased/sold. Every buyer or dealer having raw alligator hides in his possession shall file with the department within 60 days after the close of the alligator season, or prior to shipping out-of-state, a complete report as specified on forms provided by the department.

9. Shipment — All interstate shipments of raw alligator skins must be tagged with official out-of-state shipping tags provided by the department. All shipments of skins within the state must be tagged with official Louisiana Department of Wildlife and Fisheries in-state shipping tags. A severance tax of 25 cents per hide must be paid on all out-of-state shipments at the time skins are transported or shipped.

10. Sale of Meat and Parts — Meat and other parts from lawfully taken alligators can only be sold according to Louisiana and federal laws, including Louisiana Department of Health and Hospitals regulations, Louisiana Department of Wildlife and Fisheries regulations, and federal regulations.

Alligator meat sold for human food must be processed in a licensed facility approved by the Louisiana Department of Health and Hospitals. If a person or firm is cited for buying or selling alligator meat that was not processed through a licensed alligator processing plant, all alligator meat in possession will be confiscated.

Alligator hunters, farmers, and parts dealers shall maintain records of all transactions, purchases and sales on forms provided by the department. These forms shall be submitted to the department within 30 days following the close of the season and thereafter at 60-day intervals until all parts are sold. All alligator meat and parts, excluding hides, shall be tagged with an official alligator parts tag (Color: Blue) to be furnished by the department. The alligator parts tag must remain attached until processing by properly licensed individuals or firms.

Hunters, farmers, and alligator parts dealers shall furnish a bill of sale to all retailers and restaurants purchasing alligator parts. This bill of sale shall be maintained for a period of six months.

11. Alligator Nuisance Control Program — This program is incorporated into the Alligator Harvest Program to remove problem alligators occurring within the confines of communities which cannot be harvested under the tag allotment program. This program will allow the taking of problem alligators within the confines of municipal, ward, parish, or state responsibility where there are alligator-people conflicts. The program depends upon close cooperation of state, parish and local authorities.

The primary objective of the Alligator Nuisance Control Program is to reduce the number of human - alligator contacts, yet utilize a valuable natural resource. Alligators taken under this program must be taken in accordance with state regulations and

local regulations/ordinances. Skinning instructions issued by the department will be valid for one year, until the next year's skinning instructions are issued.

The selection of nuisance alligator hunters shall be coordinated through local governing bodies such as police juries or parish and city administrators. The final selection of nuisance alligator hunters rests with the department with appropriate background checks of all applicants. Alligator harvest tags may be issued by the department to an approved resident commercial license hunter who has been officially designated by the local governing body with concurrence of the department. The number of tags issued will be based on the number of legitimate complaints received, the quantity and quality of alligator habitat involved and with approval of department personnel. Numbered tags will only be issued in the name of the nuisance license holder for a sum of \$4 per tag.

Disposition of skins, meat and parts taken in this program will comply with existing federal and state statutes, commission rules and regulations, and regulations adopted by the Louisiana Department of Health and Hospitals.

12. **Hunting On Public Lakes** — The department may select public lakes for an experimental alligator hunting program. The harvest will be controlled by a tag allotment for each lake as determined by population surveys by department personnel. An alligator hunter can receive tags for and hunt on only one public lake each season. The tag quota for a public lake is five per hunter. Alligator tags issued on public lakes are non-transferable.

Applicants for public lake hunting must be 16 years of age or older. Applications for public lake hunting must be received at least 10 days prior to the season opening date. In the event that the number of applicants for any particular public lake exceeds the number of allowable hunters, a public drawing will be held to select hunters. Only the applicants whose names are drawn will be eligible to hunt public lakes.

13. **Harvest Rates** — Harvest rates are presently being calculated and will be determined by biologists of the Fur and Refuge Division. Aerial nest counts and night count surveys will be completed on July 15, 1989. This data will be analyzed, harvest rates calculated, and alligator tag allotments will be presented to department/commission administrators for their consideration.

14. The department secretary shall be authorized to close, extend or reopen the alligator season as biologically justifiable; harvest rates will be approved when available by the department secretary.

Interested persons may submit written comments on the proposed rule to Johnnie Tarver, Administrator, Fur and Refuge Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Don Hines  
Chairman

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: 1989-90 Annual Alligator Program Harvest**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Annual cost of implementation is approximately \$1,000 for tags and forms in compliance with CITES (Convention on International Trade in Endangered Species) and Federal

Export Regulations. This cost will be the same in 1989 as it was in 1988.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Severance tax (\$.25/skin) is collected by Department of Wildlife and Fisheries on each hide exported (\$.25 × 75,000 = \$18,750). A tag fee of \$4 per tag has been established by the Louisiana Wildlife and Fisheries Commission (\$4 × 75,000 tags issued = \$300,000), to replace the \$2 fee charged each hunter for all tags used during the 1988 season.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

Annual harvest of alligators at the basic level is approximately \$7.9 million and is projected to increase as the harvesting allotment figures are adjusted to allow maximum utilization. Additionally, the farmer income is anticipated at \$15,750,000 for 50,000,000 skins. This income may be multiplied as the skins move through commerce from the harvester landowner, fur buyer, fur dealer, tannery, fabricator, dresser, wholesaler and finally the retailer.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The alligator harvest program stimulates employment in the entire state especially in areas of largest harvest, i.e., coastal parishes. Approximately 75,000 hides and 750,000 pounds of meat enter commerce as a result of the Alligator Harvest Program. Temporary employment far in excess of 2,000 persons will result.

Virginia Van Sickle  
Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

**Title 76**

**WILDLIFE AND FISHERIES**

**Part VII. Fish and Other Aquatic Life**

**Chapter 3. Saltwater Sport and Commercial Fishing**

**§331. Size Limits and Quotas Set by Commission**

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to adopt rules and regulations establishing a minimum size limit of 14 inches total length for the recreational taking of black drum and for the commercial taking of black drum a minimum size limit of 18 inches total length along with an interim quota of 300,000 fish beginning October 12, 1989. The secretary of the Department of Wildlife and Fisheries is hereby authorized to enact an emergency closure, upon 72 hours notice, when the commercial harvest reaches 300,000 fish.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.56:326.1 and 326.3

**HISTORICAL NOTE:** Promulgated by Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 16:

Interested persons may submit written comments on the

proposed rule to: John E. Roussel, Saltwater Finfish Section, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Don Hines  
Chairman

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Black Drum Size Limits and Quotas**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no state or local governmental implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no long term effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be no long term costs and/or economic benefits to directly affected persons or non-governmental groups. The average number of black drum taken commercially per year for the years 1985 through 1988 is approximately 1.2 million fish. The rule would set a quota equal to approximately 25 percent of the average annual take. This quota is envisioned to be effective for a six-month period. If the department sets a similar quota for a subsequent six-month period, the average annual commercial take would be reduced by 50 percent. Thus, commercial fishermen will feel a short-term impact from these restrictions.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The proposed action will increase competition in both the commercial and recreational fishery, may decrease employment in the commercial fishery but should not affect employment in the recreational fishery.

Bettie Baker  
Undersecretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

The fur industry of Louisiana is the result of a major wildlife resource and provides supplemental income for many of the citizens of our state; and as this resource is a renewable natural one, which has proven under wise management to increase in importance; annual harvest of the surplus animals is in keeping with sound wildlife management. The creation of a north and south trapping zone continues to allow for the most efficient harvest of prime furbearers in these two diverse habitat types within the state. Under the authority of R.S. 56:260 and in accordance with the Administrative Procedure Act R.S. 49:950, the Wildlife and Fisheries Commission does hereby give notice of its intent to

promulgate a rule establishing the 1989/90 furbearer trapping seasons for the south and north zones of the state.

The Department of Wildlife and Fisheries does hereby establish the 1989-90 furbearer trapping season for the south zone as being December 1, 1989 through February 28, 1990. After carefully considering the market situation for some upland species, especially the raccoon, the department, in an attempt to provide more opportunity for trapping of bobcat and fox after deer hunting seasons are closed, does hereby establish the 1989-90 furbearer trapping season for the north zone as November 10, 1989 through February 15, 1990, with the addition of an experimental season from February 16, 1990, through March 15, 1990, with trapping techniques restricted to the use of Soft-Catch traps (padded jaw traps) or their equivalent. The department secretary shall be authorized to close or extend the trapping season in any portion of the state as biologically justifiable.

Federal restrictions imposed by the CITES Scientific Authority for otter and bobcat furs continue to require placement of an export tag prior to out-of-state shipment.

Interested persons may submit written comments on the proposed rule to Johnnie Tarver, Administrator, Fur and Refuge Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Don Hines  
Chairman

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: 1989-90 Fur Harvest Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Annual cost of implementation is approximately \$1500 for CITES tags to affix to bobcat and otter pelts in compliance with CITES and USFWS regulations for shipment in international commerce. Minimum expense for supplying yellow shipping tags is also required (RS 56:254C) and supplied by the Department of Wildlife and Fisheries.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Severance tax (\$7,180 for FY 88-89) is collected by the department on each furbearer pelt exported (RS 56:257B) and varies according to species. For FY 89-90, similar amounts of revenue from severance is expected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The 1988-89 FY fur harvest program resulted in 311,000 furs being placed on the market at an estimated value of approximately \$1 million. The 10 year average is considerably above that level (\$6 million); however, trends in nutria marketing have been depressed. The income received at the trapper level is an important source for trappers, landowners and fur dealers and associated industries.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The annual trapping season stimulates employment in the entire state and provides a major source of income for several thousand families with about 3000 licenses sold in 1988-89 FY.

Bettie Baker  
Undersecretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Louisiana Wildlife and Fisheries Commission publishes its intent to adopt a rule describing the conduct of the 1989/90 oyster season in Calcasieu and Sabine Lakes. The season shall be conducted as follows:

1. The 1989/90 oyster season in Calcasieu and Sabine Lakes will open 1/2 hour before sunrise Wednesday, November 15, 1989, and extend until 1/2 hour after sunset, Thursday, March 15, 1990.

2. Harvest will be by tonging only.

3. The waters of Calcasieu and Sabine Lakes will be open only when the state Department of Health and Hospitals classifies these waters as safe for the harvest of oysters.

4. The department's secretary has the authority to delay the closing of this season to compensate for health closures, such delay not to extend past April 30, 1990 or close the season if biological information indicates the need to do so or if enforcement problems arise.

Interested persons may submit written comments to the Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898, Attention: Philip Bowman, until 4:30 p.m. December 20, 1989.

Don Hines  
Chairman

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: 1989/90 Oyster Season Calcasieu and Sabine Lakes**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no cost to implement this season as it will be handled along with other duties.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This rule change will have no long-term effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
This proposed rule change will have no long-term effect on costs, but may increase short-term economic benefits to oyster fishermen or processors, in the Calcasieu/Sabine Lake area.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Approximately 1,000 individuals are influenced by the oyster season. This proposed rule change allows proper biological management which may improve employment opportunities but should have no long-term effect on competition.

Bettsie Baker  
Undersecretary

John R. Rombach  
Legislative Fiscal Officer

# Administrative Code Update

**ADMINISTRATIVE CODE UPDATE  
July, 1989 through September, 1989**

Vol.	Title:Part.	Section	Effect	Location
1	LAC 35			August, 1989
		I.1791	Adopted	LR 15:620
	LAC 64			September, 1989
		V.101	Adopted	LR 15:751
		V.103	Adopted	LR 15:751
2	LAC 7			August, 1989
		XIII.Chapter 87	Amended	LR 15:613
3	LAC 46			July, 1989
		LX.103	Amended	LR 15:544
		LX.109	Adopted	LR 15:544
		LX.305	Amended	LR 15:544
		LX.901	Amended	LR 15:545
		LX.1703	Amended	LR 15:545
		LX.1901-1905	Amended	LR 15:545
				August, 1989
		XIX.Chapter 7	Amended	LR 15:614
		XIX.1303	Amended	LR 15:616
		XIX.1703	Amended	LR 15:617
		XIX.Chapter 20	Adopted	LR 15:618
		XIX.2101	Amended	LR 15:619
		LX.Chapter 21	Adopted	LR 15:622
				September, 1989
		I.317	Amended	LR 15:732
		I.1101	Amended	LR 15:732
4	LAC 19			September, 1989
		VII.Chapter 1	Adopted	LR 15:733
5	LAC 76			July, 1989
		I.303	Adopted	LR 15:554
		VII.135	Adopted	LR 15:554
7	LAC 25			September, 1989
		I.Chapter 3	Amended	LR 15:720
9	LAC 48			July, 1989
		V.Chapter 71	Amended	LR 15:545
11	LAC 33			September, 1989
		III.Chapter 27	Adopted	LR 15:735
		III.6523	Amended	LR 15:735
13	LAC 33			September, 1989
		V.109	Amended	LR 15:737
		V.Chapters 5. 31. 41. 45	Amended	LR 15:737
14	LAC 33			September, 1989
		IX.Chapter 11	Amended	LR 15:738
15	LAC 33			September, 1989
		XV.Chapter 14	Adopted	LR 15:735

# Committee Reports

## COMMITTEE REPORT

### House Committee on Health and Welfare Oversight Review

On Thursday, October 26, 1989, the House Oversight Subcommittee on Health and Welfare determined that certain rule changes proposed by the Louisiana State Board of Physical Therapy Examiners are unacceptable. Notice of intent to promulgate said rules was published in the September 20, 1989 issue of the *Louisiana Register*.

The proposed rule provides definitions of "physical therapy evaluation" and "physical therapy diagnosis." The oversight subcommittee determined that such definitions exceeded the intent and scope of the statutes regulating the practice of physical therapy contained in Chapter 29 of Title 37 of the Louisiana Revised Statutes of 1950. Specifically, the subcommittee determined that the above referenced definitions would expand the scope of practice of physical therapy as limited by the provisions of R.S. 37:2410(A).

Representatives of the Louisiana State Board of Physical Therapy Examiners and related professional organizations argued that a judicial opinion in the case of Oday John Lavergne, Jr. vs. Louisiana State Board of Medical Examiners mandated promulgation of this rule. The oversight subcommittee felt, however, that since the court's reference was to an ambiguity in the statute (R.S. 37:2410), such problem should be corrected by legislation.

An ad hoc committee of representatives from the Louisiana State Board of Physical Therapy Examiners, the Louisiana Physical Therapy Association, the Louisiana State Medical Society, the Louisiana Chiropractic Association, the House Committee on Health and Welfare, and the Senate Committee on Health and Welfare agreed to work together to propose legislation which would clarify the ambiguities identified by the court.

Alphonse Jackson, Jr.  
Chairman

## Potpourri

### POTPOURRI

#### Board of Levee Commissioners East Jefferson Levee District

##### Insurance Requirements

The Board of Commissioners for the East Jefferson Levee District has ordained that public liability insurance with limits of no less than \$1,000,000 in form and content acceptable

to the board, naming this district as an additional insured, shall be carried and in force by any independent contractor performing construction activity on or traveling over rights-of-way or property owned by this district, if (a) the value of contract is in excess of \$500,000 and (b) board approval is required for any aspect of that contract.

Gregory F. Gambel  
President

### POTPOURRI

#### Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, hereby gives notice of the location and time for future meetings of the Louisiana Advisory Committee on Licensing of Child Care Facilities and Child Placing Agencies. With the exception of July and August, the Advisory Committee, mandated by LRS 46:1406, will meet every second Wednesday of each month at the following location: Department of Health and Hospitals, 1201 Capitol Access Road, East Entrance, Room 6 IR 2 - Sixth Floor, Baton Rouge, LA.

Meetings will begin at 10 a.m. and generally last until 3:00 p.m.

David L. Ramsey  
Secretary

### POTPOURRI

#### Louisiana Legislature Legislative Fiscal Office

On October 19, 1989, the Revenue Estimating Conference met pursuant to the requirements of R.S. 39:22-27. After review and discussion of both state and national economic conditions, it adopted a revised revenue estimate for 1989-90, including the impact of constitutional amendments approved by voters on October 7, 1989. The revised estimates for 1989-90 are as follows:

Total tax, license, and fee receipts	\$4,533,090,000
Available state general fund revenues	\$4,162,610,000

The conference also adopted a preliminary estimate of revenues for 1990-91, based on the tax laws that will be in effect as of 7/1/90, as follows:

Total tax, license and fee receipts	\$4,408,530,000
Available state general fund revenues	\$3,656,940,000

The economic and energy assumptions underlying these estimates, the individual estimates of tax, license and fee sources, and revenue dedications are reflected on the following tables.

**FORECAST ECONOMIC ASSUMPTIONS**

	FISCAL YEAR		
	1989	1990	1991
<b>UNITED STATES</b>			
REAL GNP: Billions of 1982 \$	\$4,088	\$4,183	\$4,276
IMPLICIT PRICE DEFLATOR: (Consumption)	127.3	133.2	139.3
Annual Change	4.20%	4.60%	4.60%
3 MONTH T-BILL RATE	7.9%	7.2%	7.3%
<b>LOUISIANA</b>			
REAL PERSONAL INCOME (billions)	\$44.149	\$44.366	\$44.937
NOMINAL PERSONAL INCOME (billions)	\$56.229	\$59.092	\$62.615
EMPLOYMENT (Millions)	1,509.8	1,517.3	1,521.7

**MINERAL RELATED ASSUMPTIONS**

	FISCAL YEAR		
	1989	1990	1991
TAXABLE OIL PRODUCTION (Million BBLs)	160.8	152.7	145.1
NAT'L GAS PRODUCT (Million MCF)	1,758.7	1,728.0	1,693.0
OIL PRICE (\$/BBL)	\$15.92	\$16.50	\$17.00
ROYALTY NAT'L GAS PRICE (\$/MCF)	\$1.67	\$1.85	\$2.00
ROYALTY NAT'L GAS PRODUCT (Million MCF)	72.0	69.3	67.2
ROYALTY OIL PRODUCTION (Million BBLs)	7.3	6.9	6.4

**CONSENSUS REVENUE ESTIMATING CONFERENCE  
REVISED ESTIMATES FOR 1989-90 AND  
PRELIMINARY REVENUE ESTIMATES FOR 1990-91  
(amounts in \$ millions)**

	1989-90 Revised Conference Estimate	1990-91 Preliminary Conference Estimate
<b>DEPARTMENT OF REVENUE</b>		
Alcoholic Beverage	16.00	16.00
Beer	29.00	32.00
Corporate Franchise	250.00	259.00
Corporate Income	300.00	305.00
Gasoline	361.13	408.00
Gift	2.30	2.40
Hazard Waste	9.00	9.00
Individual Income	712.00	750.00
Inheritance	36.50	38.00
Insp. Fee, Gasoline	0.84	0.84
Natural Gas Franchise	9.20	9.50
Public Utilities	25.20	25.00
Reforestation Tax	0.07	0.07
Sales Tax, General	1,398.10	1,125.00
Severance	391.00	416.00
Soft Drink	11.40	11.80
Special Fuels	67.84	77.00
Supervision/Inspection Fee	2.80	2.80
Tobacco	70.00	67.00
Unknown Owners	9.00	9.50
Miscellaneous Receipts	0.10	0.10
<b>TOTAL REVENUE</b>	<b>3,701.47</b>	<b>3,564.01</b>
<b>DEPARTMENT OF NATURAL RESOURCES</b>		
Royalties	221.00	226.00
Rentals	8.00	8.00
Bonuses	15.00	15.00
Conservation Fund	4.80	4.80
Rockefeller Fund	5.80	5.80
Marsh Island Fund	0.53	0.53
Mineral Interest	1.00	1.00
<b>TOTAL NATURAL RESOURCES</b>	<b>256.13</b>	<b>261.13</b>
<b>DEPARTMENT OF TREASURY</b>		
Interest Earnings	70.00	70.00
Var. Agy. INA	33.00	32.00
W. L. F. Fees	20.70	22.00
Bond Reimbursements	9.00	9.00
Banking Fees (SGF)	4.50	4.50
Quality Ed. Support Fund	53.79	53.79
<b>TOTAL TREASURY</b>	<b>190.99</b>	<b>191.29</b>
<b>DEPARTMENT OF INSURANCE</b>		
Excise License	125.00	125.00
Ins. Rating Fees (SGF)	25.00	25.00
<b>TOTAL INSURANCE</b>	<b>150.00</b>	<b>150.00</b>

	1989-90 Revised Conference Estimate	1990-91 Preliminary Conference Estimate
<b>DEPARTMENT OF PUBLIC SAFETY</b>		
Alcoholic Bev. Permits	1.10	1.10
Misc Permits	11.60	12.00
Cert. of Title	18.30	18.50
Vehicle Licenses	54.50	59.50
Vehicle Sales Tax	149.00	151.00
<b>TOTAL PUBLIC SAFETY</b>	<b>234.50</b>	<b>242.10</b>
<b>TOTAL TAXES, LICENSES AND FEES</b>	<b>4,533.09</b>	<b>4,408.53</b>
LESS: TOTAL DEDICATIONS	496.23	751.59
Budgeted Surplus from 1988-89	125.75	0.00
<b>NET GENERAL FUND REVENUES</b>	<b>4,162.61</b>	<b>3,656.94</b>
<b>REVENUE DEDICATIONS</b>		
Gasoline-Port of NO	0.50	0.50
Gasoline-L. Charles Harbor	1.00	1.02
Motor Fuels -Transp. Trust Fund	166.82	339.50
Motor Fuels -TIME Program	40.13	97.00
Motor Veh. Lic. - Transp. Trust Fund	7.70	15.40
Motor Veh. Lic-Hwy Fund No. 2	12.88	13.13
Severance Tax-Parishes	25.00	26.00
Royalties-Parishes	22.10	22.60
Cons. (DNR)-Conservation Fund	25.50	26.80
Rock. (DNR)-Rockefeller Fund	5.80	5.80
Marsh Is. DNR-Marsh Island Fund	0.53	0.53
Wetlands Fund	0.00	15.00
Quality Ed. Support Fund	53.79	53.79
Excise License - "2% Fire Ins."	6.66	6.70
Economic Recovery Dist	127.83	127.83
<b>Total Dedications</b>	<b>496.23</b>	<b>751.59</b>

Further information regarding the details of the adopted forecast may be obtained from the Legislative Fiscal Office at (504) 342-7233, or Box 44097, Baton Rouge, LA 70804.

William G. Black  
Senior Economist

**POTPOURRI**

**Department of Natural Resources  
Office of the Secretary  
Fishermen's Gear Compensation Fund**

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1, notice is given that 54 claims amounting to \$93,829 were received during the month of October, 1989. During the same month, 38 claims in the amount of \$88,507.74 were paid and three were denied.

Pursuant to the provisions of Act 33 of 1988, the following claims with the Fishermen's Gear Compensation Fund have been validated by the Fund's hearing examiner and the secretary of DNR will approve payment, effective December 1, 1989.

Written comments from interested parties may be addressed to: Department of Natural Resources, Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, and must be received on or before November 30, 1989.

Claim No. 89-90-38

Florena A. Billiot, Box 721, Galliano, LA 70354, SSN 438-80-2994, Lake Raccourci (Waterbody), Lafourche (Parish), Amount \$1377.26

Claim No. 88-89-519

Gavin Parria, Box 173, Lafitte, LA 70067, SSN 435-23-3118, Loran 28674.2 46855.2, Jefferson, Amount \$2329.05

Claim No. 89-90-16

Thomas Pacaccio Jr., Box 1133, Grand Isle, LA 70358, SSN 436-60-2796, Barataria Pass, Jefferson, Amount \$1768.50



Claim No. 88-89-475

Elmo Guidry, 113 E. 69th Street, Cut Off, LA 70345, SSN 433-40-5219, Gulf of Mexico, Lafourche, Amount \$2427.29

Claim No. 88-89-497

Brad Friloux, Box 576, Ama, LA 70031, SSN 434-06-3782, Breton Sound, Plaquemines, Amount \$935.

Claim No. 89-90-3

W.E. Cassidy, 2004 Bonnie Street, Metairie, LA 70001, SSN 438-56-0207, Gulf of Mexico, Plaquemines, Amount \$925.

Claim No. 89-90-72

Ronald Guidry, Jr., Box 281, Cut Off, LA 70345, SSN 434-76-3518, Loran 28271.0 46834.6, Lafourche, Amount \$345.31

Claim No. 89-90-25

Bernard Johnson, Rt. 1 Box 710A, St. Bernard, LA 70085, SSN 435-37-1884, Catfish Pass, St. Bernard, Amount \$1150.

Claim No. 88-89-515

Lester Evans, Box 306, St. Bernard, LA 70085, SSN 438-48-9140, Breton Sound, St. Bernard, Amount \$4712.70

Claim No. 88-89-355

Alfred Harvey, 146 Church Street, Lafitte, LA 70067, SSN 437-44-0918, Gulf of Mexico, Plaquemines, Amount \$1584

Claim No. 88-89-513

Jules B. Kain, Sr., 6112 East, St. Bernard Hwy., Violet, LA 70092, SSN 438-48-4236, Breton Sound, St. Bernard, Amount \$5000

Claim No. 88-89-464

R & R Trawlers, Inc., Box 143, Lafitte, LA 70067, Federal I.D. No. , Gulf of Mexico, Jefferson, Amount \$564

Claim No. 89-90-33

Larry Nettleton, Box 414, Montegut, LA 70377, SSN 438-80-4784, Bayou Barre, Terrebonne, Amount \$2106.57

Claim No. 88-89-491

Roger D. Cornwall, Rt. 1 Box 757, St. Bernard, LA 70085, SSN 434-60-7302, Newtons Pass, St. Bernard, Amount \$2837.88

Claim No. 89-90-37

Boat L & K, Inc., Rt. 1 Box 1M, Galliano, LA 70354, Federal I.D. No. 72-0810050, Loran 28877.1 46933.8, Plaquemines, Amount \$405.

Claim No. 89-90-94

Thomas Olander, Rt. 2 Box 164B, Jeanerette, LA 70544, SSN 437-70-7505, Lake Pelto, Terrebonne, Amount \$1268.44

Claim No. 89-90-23

Anthony Morales, Rt. 1 Box 896, St. Bernard, LA 70085, SSN 439-72-6532, Quarantine Bay, Plaquemines, Amount \$1684.64

Claim No. 88-89-526

Frances Juneau, Box 368, Galliano, LA 70354, SSN 434-03-3944, Bay Fortuna, St. Bernard, Amount \$345.64

Claim No. 88-89-512

Norman J. Couture, 3416 Campagne Drive, Chalmette, LA 70043, SSN 439-74-2820, Christmas Camp Lake, St. Bernard, Amount \$567.

Claim No. 88-89-482

Rodney J. Weiskopf, Jr., 2041 Deogracias, St. Bernard, LA 70085, SSN 436-94-0901, Timbalier Bay, Terrebonne, Amount \$987.94

Claim No. 88-89-468

David Price, Box 240, Lake Arthur, LA 70549, SSN 434-90-1557, Gulf of Mexico, Vermilion, Amount \$5000.

Claim No. 89-90-89

Captain J.H. III, Inc., 180 6th Street, Bridge City, LA 70094, Federal I.D. No. 72-0960091, Gulf of Mexico, Terrebonne, Amount \$1115.00

Claim No. 89-90-74

Master Terry, Inc., 5139 Shrimper's Row, Dulac, LA 70353, Federal I.D. No. 72-1121109, Lake Pelto, Terrebonne, Amount \$5000.

Claim No. 89-90-76

Barry Schaferkotter, 800 N. Cumberland, Metairie, LA 70003, SSN 438-62-5086, Lake Pontchartrain, Jefferson, Amount \$656.50

Claim No. 88-89-470

Ellis Schouest III, Star Route B, Box 414, Franklin, LA 70538, SSN 438-96-5295, Dry Reef, Iberia, Amount \$222.75

Claim No. 89-90-34

Stephen M. Dargis, 210 Poplar St., Apt. A, Metairie, LA 70005, SSN 436-19-3503, Lake Pontchartrain, Jefferson, Amount \$1472.73

Claim No. 88-89-520

Garrell S. Adam, Jr., Box 534, Lafitte, LA 70067, SSN 434-84-9866, Bayou St. Denis, Jefferson, Amount \$847.39

Claim No. 89-90-54

Kenneth Marrero, Box 21, Boothville, LA 70038, SSN 433-86-8914, Deadwoman Pass, Plaquemines, Amount \$2185.54

Claim No. 89-90-69

Ray Boudwin, 204 St. Malo Street, Houma, LA 70363, SSN 437-38-4248, Lake Borgne, St. Bernard, Amount \$1924.

Claim No. 89-90-57

Errol D. Lovell, 2817 DeBouchel, Meraux, LA 70075, SSN 439-68-5724, Mississippi River Gulf Outlet, St. Bernard, Amount \$1332.96

Claim No. 89-90-73

Nolan Breaux, Sr., Box 847, Larose, LA 70373, SSN 438-42-0841, Terrebonne Bay, Terrebonne, Amount \$3727.66

Claim No. 89-90-67

Anthony Bailey, Box 437, Des Allemands, LA 70030, SSN 434-27-5916, Zing Zing Bay, Plaquemines, Amount \$2384.50

Claim No. 89-90-95

Lambert R. Duncan, Box 214, Boothville, LA 70038, SSN 436-44-4375, Bay Coquette, Plaquemines, Amount \$ 1875.

Claim No. 89-90-92

Joseph H. Verdin, 4813 Grand Caillou, Houma, LA 70363, SSN 433-56-5989, Point Au Fer, St. Mary, Amount \$1288.26

Claim No. 89-90-51

Wiltom, Inc., Box 398, Naquin Street, Chauvin, LA 70344, Federal I.D. No. 72-0868909, Bayou Little Caillou, Amount \$865.89

Claim No. 88-89-276

Donald J. Parker, 775 Ruth Drive, Avondale, LA 70094, SSN 437-52-5639, Lake Pontchartrain, Orleans, Amount \$698.21

Claim No. 89-90-59

Rudy Joe, Inc., Rt. 1 Box 259A, Lockport, LA 70374, Federal I.D. No. 72-0839983, Gulf of Mexico, Plaquemines, Amount \$2670.

Claim No. 89-90-64

Rodney Weiskopf Sr., 2009 Deogracias St., Braithwaite, LA 70040, SSN 435-48-1330, Breton Sound, Plaquemines, Amount \$3513.32

Claim No. 89-90-111

Melvin Bowers, 132 Pelashyman St., Buras, LA 70041, SSN 437-56-4820, Quarantine Bay, Plaquemines, Amount \$343.60

Claim No. 89-90-81

Wallace Perez, Rt. 1 Box 653, St. Bernard, LA 70085, SSN 434-50-3645, Breton Sound, St. Bernard, Amount \$1421.42

Claim No. 89-90-6

Wallace Perez, Rt. 1 Box 653, St. Bernard, LA 70085, SSN 434-50-3645, Chandeleur Sound, St. Bernard, Amount \$1966.95

Claim No. 89-90-103

W.H. Blanchard, Inc., Box 153D, W. 210th Street, Galliano, LA 70354, Federal I.D. No. 72-0828368, Loran 2920.2 47041.0, St. Bernard, Amount \$1699.

Claim No. 89-90-65

Gene Alonzo, Rt. 1 Box 545A, St. Bernard, LA 70085, SSN 433-74-1546, Lake Borgne, St. Bernard, Amount \$672.

Claim No. 89-90-96

Gary Duncan, Box 169, Venice, LA 70091, SSN 433-66-6782, Dead Woman Pass, Plaquemines, Amount \$1000.

Claim No. 88-89-500

Joseph S. Verdin, Box 352, Galliano, LA 70354, SSN 433-88-5738, Bayou Rigaud, Jefferson, Amount \$3611.71

Raymond W. Stephens, Jr.  
Secretary

**CUMULATIVE INDEX  
(Volume 15, Number 11)**

**1989**

<i>Pages</i>	<i>Issue</i>
3— 54 .....	January
57— 136 .....	February
141— 231 .....	March
237— 346 .....	April
353— 431 .....	May
439— 517 .....	June
527— 584 .....	July
595— 673 .....	August
681— 775 .....	September
784— 924 .....	October
939— 1018 .....	November

**AGRICULTURE AND FORESTRY DEPARTMENT**

**Agricultural and Environmental Sciences, Office of**

- Advisory Commission on Pesticides, 76R, 441ER
- Chemistry Lab fee, 77R
- Crop pests, diseases
  - Quarantine, 344P
  - Sweet potato weevil quarantine, 427P, 772P
- Feed Commission
  - Aflatoxin adulterant standards, 241ER
- Honeybee import, 49P
- Horticulture Commission
  - Landscape architect exam, 134P
  - Retail floristry exam, 134P, 427P, 670P
- Nursery certificate fee, 77R
- Seed Commission
  - Hybrid seed corn, 394N, 613R
  - Okra seed, 394N, 613R
  - Onion bulbs and seed, 394N, 613R
  - Rice seed, 394N, 613R
  - Soybean seed, 394N, 613R
- Seed Irish potato, 78R
- Structural Pest Control Commission, 555N, 954R

**Agro-Consumer Services, Office of**

- Weights and Measures Commission
  - Registration, 78R

**Animal Health Services, Office of**

- Livestock Sanitary Board
  - Admittance of livestock, 868N
  - Auction market, 395N, 810R, 870N
  - Contagious diseases, 871N
  - Definitions 394N, 811R, 870N
  - Permanent identification, 396N, 812R
  - Poultry slaughter, testing, 396N, 812R
  - Reporting contagious diseases, 397N, 812R
- Swine
  - Backtag identification, 869N
  - Entering the state, 871N
  - Pseudorabies testing, 872N
- Video auction market, 501N, 813R

**Forestry, Office of**

- Burning fee, 503N
- Seedling prices, 398N
- Timber marking fee, 504N
- Timber stumpage, 5R, 981N
- Timberland fire protection, 79R

**Management and Finance, Office of**

- Central Registry
  - Farm product additions, 110N, 256R
- Meat, poultry, seafood fee, 79R
- Market Commission
  - Linked Deposit Loan Program, 979N
  - Market bulletin, 75R
- Security devices, 873N

**Marketing, Office of**

- Crawfish Promotion Research Board
  - Crawfish bags, 200N

**CIVIL SERVICE DEPARTMENT**

**Civil Service Commission**

- Amends certain rules, 201N
- Appeal disposition, 398N
- Disciplinary actions, 398N
- Hiring rate, 982N
- Job assignments, 982N
- Layoff avoidance, 504N
- Leave, unclassified position, 505N
- Pay adjustment, 16N, 202N, 281N
- Pay upon grade assignment, 982N
- Preferred reemployment list, 505N
- Red circle pay rate, 505N
- Referee decision review, 505N
- Restricted appointment, 505N
- Salary adjustment, 982N
- Suspensions, 398N
- Unsatisfactory rating, 505N

**CULTURE, RECREATION AND TOURISM DEPARTMENT**

**Cultural Development, Office of**

- Guide to Arts Program, 561N, 720R

**ECONOMIC DEVELOPMENT DEPARTMENT**

**Architectural Examiners, Board of**

- Application for exam, 5R
- Construction costs, 874N
- Examination, 5R, 562N
- Grades, reversing, 562N
- Nat'l. Council, Architectural Registration Bd., 506N, 732R

**CR—Committee Report**

**EO—Executive Order**

**L—Legislation**

**PPM—Policy and Procedure Memorandum**

**ER—Emergency Rule**

**P—Potpourri**

**R—Rule**

Registration, 5R  
Renewal procedure, 507N, 732R

**Auctioneers Licensing Board**

Licensing, 257R

**Certified Public Accountants, Board of**

Education requirements, 399N, 402N, 614R, 616R  
Qualifying experience, 403N, 617R  
Permits, 404N, 618R

**Commerce and Industry, Office of**

Finance Division  
Corporate Headquarters Tax Equalization, 875N  
General Provisions, 408N  
Financial fees, 441ER, 943ER  
Industrial Tax Equalization, 144ER, 879N  
Industry Assistance Program, 882N  
LA Capital Companies Tax Credit, 147ER, 685ER, 883N  
LA Industrial Training Program, 406N, 619R  
New Warehousing/Distribution Tax Equalization, 888N

**Contractors, Licensing Board for**

Examination, 596ER  
General Provisions, 596ER  
Licenses, 596ER

**Economic Development Corporation**

Minority and Women Business  
Development, 242ER, 281N, 445R  
Minority Venture Capital Match  
Program, 60ER, 293N, 464R  
Small Business Equity Program  
Feasibility studies, 64ER, 288N, 459R  
Loan guaranty, 64ER, 282N, 453R, 530ER  
Loan participation, 67ER, 285N, 456R  
Small Business Innovative Research Program, 405N,  
733R  
Technology Transfer/Commercialization Grant, 530ER  
Venture Capital Co-investment  
Program, 61ER, 289N, 460R  
Venture Capital Match Program, 63ER, 292N, 463R,  
531ER

**Financial Institutions, Office of**

ABC Financial Services, Inc., 427P  
Directors examining state banks, 983N  
Fees, assessments, 294N, 465R  
Judicial interest rate, 922R

**Racing Commission**

Application form, 7R  
Arabian horse racing, 789ER, 983N  
Bleeder medication, 7R  
Dangerous substance abuse testing, 789ER, 984N  
Disqualified horse recognized as winner, 202N,  
631N, 961R  
Horse registration, 7R, 3ER  
Jockey fee schedule, 790ER, 891N  
Super six, 8R  
Testing for dangerous substance abuse, 250ER,  
294N, 620R  
Twin trifecta, 8R

**Real Estate Appraisal Subcommittee**

Certification 410N, 583CR, 583CR, 600ER, 631N, 814R

**Real Estate Commission**

Exams, 80R  
License applications, 80R  
Revisions, 892N

**Secretary, Office of**

Minority and Women's Business Enterprise  
Certification, 598ER, 598ER, 630N, 960R  
Certification Procedure, 961R  
Recertification, 599ER, 630N, 959R

**Used Motor Vehicle and Parts Commission**

Procedural changes, 111N, 258R, 375R  
Salvage pool, dealer eligibility, 893N  
Vehicle service contracts, 295N, 466R

**EDUCATION DEPARTMENT**

**Elementary and Secondary Education, Board of**

8(g) Calendar, 8R  
8(g) Policy Manual, 16N, 181R, 260R, 753N  
8(g) Program, budget, 203N, 468R  
Act 832 implementation, 207N, 468R  
Adult Ed. State Plan, 566N, 818R  
Bulletin 741  
Chemical redistribution, 645N, 962R  
Elective/exploratory class list, 442ER  
Elementary class flex time, 442ER, 563N, 819R  
Elementary elective/exploratory courses, 563N, 818R  
H.S. credit for correspondence courses, 17N, 260R  
Journalism courses, 17N, 260R  
Local electives, 18N, 261R  
Maximum class size, K-3, 113N, 376R  
Pre-algebra, 80R  
Presidential election holiday, 298N, 544R  
Secondary local elective courses, 19N, 261R  
Sex education, 204N, 468R  
State Exit Exam, 373ER, 508N  
Vocational Ag. I, II, 536ER, 563N, 819R  
Bulletin 746  
Assistant Superintendent standards, 113N, 376R  
Principal certification, 564N, 792ER  
Reading specialist certification, 410N, 620R  
Upper elem. teacher certification, 564N, 819R  
Bulletin 1191  
Transportation Handbook-Age requirement, 204N, 468R  
Transportation Handbook-Driver experience, 205N,  
468R  
Bulletin 1196  
Competitive food policy, 9R  
Bulletin 1213  
Bus standards, 635N, 962R  
Type "D" buses, 298N, 544R  
Bulletin 1794  
Materials of Instruction/Textbooks procedure, 411N,  
621R  
Certification fee schedule, 604ER  
Child care food program, 9R  
Criterion referenced test/graduation test, 206N, 469R  
ECIA, ESEA application, 508N, 734R  
Homeless Children Education, 509N, 734R

**CR—Committee Report**

**EO—Executive Order**

**ER—Emergency Rule**

**L—Legislation N—Notice of Intent P—Potpourri**

**PPM—Policy and Procedure Memorandum R—Rule**

Honors Curriculum, 986N  
 Migrant Education, 355ER, 510N, 734R  
 Minimum standards waivers, 531ER, 632N, 791ER, 962R, 985N  
 Noncertified school personnel, 604ER, 754N  
 Nonpublic school standards, 19N, 261R  
 Nutrition/Training Program, 685ER, 894N  
 Post-Baccalaureate Certification Scholarship, 790ER, 987N  
 Principal certification, 989N  
 Remedial program, 250ER, 412N, 622R  
 SSD No. 1 reduction in force, 253ER, 411N, 621R  
 Special Ed Certification 604ER, 755N  
 Student count certification, 987N  
 Superintendent Certification, 754N  
 Teacher certification fee schedule, 757N  
 Teaching certificate denial, 9R  
 Temporary employment permit, 606ER, 758N  
 Test scores, 69ER  
 Test security, 70ER, 207N, 469R  
 Textbook funds for K-3 material, 533ER, 635N, 962R  
 Tuition exemption Continuing Education, 534ER, 636N, 962R  
 Vocational Education State Plan, 566N, 820R  
 Vo-tech Regional Advisory Council, 996N  
 Vo-tech salary schedule, 989N  
 Waivers of minimum standards, 531ER, 632N, 791ER, 962R, 985N

**Proprietary School Commission**

Licensure exemption, 210N, 377R  
 Occupational studies degree assoc., 209N, 376R  
 Staff qualifications, 210N, 378R

**ENVIRONMENTAL QUALITY DEPARTMENT**

**Air Quality and Nuclear Energy, Office of**

Asbestos-containing materials, 567N, 735R  
 Fee Schedule, 568N  
 Organic compound emission, 636N, 997N

**Nuclear Energy Division**

NORM, 299N, 510N, 735R  
 Radiation, 71ER

**Secretary, Office of**

Administrative procedure, 999N

**Solid and Hazardous Waste, Office of**

Hazardous Waste Division  
 Act 803, 211N, 378R  
 Boiler, industrial furnaces, 568N, 737R, 772CR, 772CR  
 Closure requirements, 181R  
 Conformity II, 301N, 470R  
 Definitions, 569N, 737R  
 Discarded commercial chemicals, 181R  
 Ignitable/reactive wastes, 181R  
 Incompatible wastes, 181R  
 Land disposal of waste, 894N  
 Prohibitions on land disposal of waste, 898N  
 Wastewater exclusions, 181R

**Solid Waste Division**

Recycling awareness, 899N

**Water Resources, Office of**

Oil and gas, 114N, 261R

Surface water, 570N, 738R  
 Water pollution, 73ER

**EXECUTIVE ORDERS**

- BR 89-1—Amends BR 88-41 — Creating Governor’s Special Task Force on Judicial Selection, 59
- BR 89-2—Amends BR 88-20 — Transferring Research Division to Department of Economic Development, 59
- BR 89-3—Amends BR 88-43 — Creating Employee Group Benefits Program Task Force, 59
- BR 89-4—Grants Excess Unused Ceiling to Certain Projects, 59
- BR 89-5—Increases Number of Ex-officio Members in Highway Safety Commission, 60
- BR 89-6—Amends BR 88-46 to appoint members to the Special Task Force from the Senate, 143
- BR 89-7—Creates a Task Force on Criminal Justice, 143
- BR 89-8—Declares a state of emergency for repairs to T.H. Harris Voc.-Tech School, 144
- BR 89-9—Appoints additional members to the Task Force on Criminal Justice, 144
- BR 89-10—Creates task force on disparity in state procurement, 239
- BR 89-11—Creates task force on shrimp management, 239
- BR 89-12—Composition and duties of the Louisiana Historical Records Advisory Commission, 240
- BR 89-13—Amends BR-89-7 to include another member on the task force, 355
- BR 89-14—Organizes the Louisiana Economic Development Cabinet, 355
- BR 89-15—Creates the Governor’s Task Force on Welfare Reform within the Department of Social Services, 439
- BR 89-16—Establishes state employee awareness about substance abuse, 439
- BR 89-17—Authorizes inmate labor for certain renovations at LTI in Baton Rouge, 440
- BR 89-18—Authorizes inmate labor to repair oxidation pond at LTI in Baton Rouge, 440
- BR 89-19—Declares July 3-4 holidays, 440
- BR 89-20—Amends BR 89-12 regarding composition of Louisiana Historical Records Advisory Commission, 527
- BR 89-21—Transfers functions being performed by Division of Administration under an Economic Development Administration grant to Department of Economic Development, 527
- BR 89-22—Transfers particular offices of the former Department of Health and Human Resources (DHHR) to the Department of Health and Hospitals (DHH) and Department of Social Services (DSS), 527
- BR 89-23—Creates a Governor’s Commission on Medical Malpractice, 595
- BR 89-24—Creates a Governor’s Task Force on Economic Development at the Port of Lake Charles, 595
- BR 89-25—Directs DOTD to be subject to the Louisiana Procurement Code and directs DOTD contracts to be reviewed by Office of Contractual Review, 596

**CR—Committee Report**

**EO—Executive Order**

**ER—Emergency Rule**

**L—Legislation**

**N—Notice of Intent**

**P—Potpourri**

**PPM—Policy and Procedure Memorandum**

**R—Rule**

- BR 89-26—Authorizes the Louisiana Housing Finance Agency to establish the comprehensive housing policies and the State Housing Plan, 683
- BR 89-27—Transfers certain scholarship programs to the Board of Regents, or its successor and to the Board of Elementary and Secondary Education, 684
- BR 89-28—Establishes the Louisiana Indian Gaming Commission, 684
- BR 89-29—Creates Task Force on Community Based Services for the functionally impaired elderly and disabled, 684
- BR 89-30—Rescinds Section 2 of BR 89-27 in its entirety, 788
- BR 89-31—Expands membership of Governor's Commission on Medical Malpractice (See BR 89-23), 788
- BR 89-32—Establishes a Land Acquisition Task Force, 788
- BR 89-33—Creates a Special Governor's Task Force on Public Higher Education, 939
- BR 89-34—Re-enacts and amends BR 88-52 regarding the Job Training Coordinating Council, 940
- BR 89-35—Creates the Calcasieu Estuary Environmental Task Force, 941
- BR 89-36—Grants private activity bond allocations, 942

## GOVERNOR'S OFFICE

### Architects Selection Board

Organization, 115N, 262R

### Division of Administration

Commissioner's Office

Incentive award, 901N

Policy and Procedure Memoranda

PPM No. 49, 606ER, 639N, 820R

PPM No. 71, 596

PPM No. 73, 528

Uniform fee schedule, 302N

Community Development

LCDBG, '89, 20N, 182R, 212N, 378R, 639N, 828R

Contractual review, 81R

Property Assistance Agency, 571N, 830R

Risk Management

Insurance, 85R

State Planning

LCDBG final statement, '89, 20N, 182R, 212N, 378R, 639N

### Elderly Affairs, Office of

Long-term care ombudsman, 213N, 379R

State Plan on Aging, 116N, 150ER, 263R

Title III-C Nutrition, 214N, 384R

### Law Enforcement and Administration of

#### Criminal Justice

Appeals procedure, 900N

Crime Victim Assistance, 901N

### Special Commission on Education Services

Award processing fee, 303N, 571N, 622R

Guaranteed student loan, 793ER

### Women's Services, Office of

Marriage license fees, 117N, 268R

## HEALTH AND HOSPITALS DEPARTMENT

### Board Certified Social Work Examiners, Board of

Fees, 1000N

Chiropractic Examiners, Board of

Peer Review Committee, 758N, 963R

Standards, 758N

### Dentistry, Board of

Dental assistant, 642N, 965R

Dental practice address, 642N, 965R

Dental specialist, 644N, 966R

Hygienist duties, 643N, 965R

Hygienist practice address, 643N, 965R

### Dietetics and Nutrition, Board of

Foreign graduate license, 86R

### Embalmers and Funeral Directors, Board of

Embalmer requirements, 9R

Exam, 134P, 670P, 923P

### Family Security, Office of

(see Office of Secretary)

MAP

Adds drugs to MAC, 414N, 548R

### Hospitals, Office of

Ambulance certification, 512N, 627R

### Human Services, Office of

(previously Office of Mental Health)

Mental retardation regions, 1002N

OMR/MH/PRADA Block Grant, 11R

Substance abuse group homes, 800ER, 904N

### Licensed Professional Vocational

#### Rehabilitation Counselors, Board of

General Provisions, 126N, 275R

### Medical Examiners, Board of

Alternative qualification, 37N, 272R

Licensure, 36N, 271R

Obesity medication, 773P, 923P

Physician records, 34N, 268R

### Mental Health, Office of

(see Office of Human Services)

OMR/MH/PRADA, Block Grant, 11R

### Nursing, Board of

Clinical facilities, 1001N

Education Program, 760N

Program Evaluation, 761N

### Nursing Home Administrators, Board of Examiners for

Certified nurse asst., 3ER, 32N, 194R

Emergency license, 32N, 195R

License refusal, 33N, 195R

Reciprocity, 33N, 195R, 303N

Register use, 572N

### Pharmacy, Board of

Prescription/refills, 761N, 966R

### Physical Therapy Examiners, Board of

Definitions, 763N, 1015N

Fees, 214N, 387R

### CR—Committee Report

EO—Executive Order

ER—Emergency Rule

L—Legislation N—Notice of Intent P—Potpourri

PPM—Policy and Procedure Memorandum R—Rule

Licensing/certification, 214N, 387R  
Practice, 214N, 387R

**Practical Nurse Examiners, Board of**

Faculty, staff, 1001N

**Professional Counselors, Board of Examiners of**

Adjudication, 645N, 837R  
Code of Conduct/Declaration statement, 511N, 622R  
License, 645N, 837R  
Mental health counseling, 413N, 544R

**Psychologists, Board of**

Address display, 87R  
Doctoral programs, 86R  
License display, 87R

**Public Health, Office of**

Handicapped Children  
Eligibility, 648N, 839R  
Fee adjustment schedule, 254ER, 304N, 471R  
Hemophilia program, 414N, 545R  
Laboratory certification, 763N, 968R  
Lead Poisoning Program, 88R  
Sanitary Code  
Mechanical wastewater treatment plant, 38N, 196R,  
306N, 472R  
Non-dairy frozen desserts, 88R  
Reportable diseases, conditions, 305N, 471R  
Safe Drinking Water Program, 765N, 969R  
Sewage treatment, 307N  
Swimming pools/bathing places, 767N, 970R  
Temporary food service, 39N, 89R  
Vaccine Preventable Disease Program, 905N  
Vital Records  
Certificate preparation, 765N, 970R  
Copies of records, 308N, 473R  
Local registrars, 308N, 473R  
Orleans Parish marriage license, 309N, 474R  
Paternity, 118N, 272R  
Records for research, 310N, 475R  
WIC State Plan, 670P

**Secretary, Office of**

Anesthesia services, 773P  
Block grants, 415N, 738R  
Child day care center, 222N, 546R  
Child placing agency, 222N, 546R  
Facility Need Review, 11R  
Fees, 312N, 476R, 905N  
ICF/MR additional beds, 573N, 738R  
Infectious disease notification, 42N, 196R  
MAP  
Adult day care licensing, 648N, 843R  
AIDS patients, facility need review, 649N, 843R  
Annual resident review, 374ER  
Chronic mental illness, 320N, 478R  
Closed restricted drug formulary, 803ER  
Drug price not subject to multiple source  
limits, 536ER, 944ER  
Facility Need Review Program, 220N, 392R, 416N,  
418N, 546R, 547R  
HIV disabled, 322N, 479R  
Hospice care, 155ER, 328N, 482R  
Infants, service limit, 331N, 485R  
Inpatient hospital reimbursement, 326N, 482R  
Insurance procedures, 319N, 483R

LMAC-multiple source drugs, 255ER, 414N, 548R,  
649N, 844R

LTC facility screening, 328N, 484R  
LTC income disregards, 92R  
LTC medical eligibility for SNF, 329N, 484R  
LTC reimbursement for ICF/MR, 572N, 739R, 844R  
LTC vacancy notice, 513N, 628R  
Mentally ill/emotionally disturbed, 769N, 976R  
Mentally ill rehab services, 948ER  
Non-IV-E (State Subsidy) children, 1003N  
OSS payment increase, 221N, 392R  
Pharmacist/Medical records practitioner, 512N,  
628R  
Preadmission screening, 374ER  
Pregnant women, 324N, 480R, 804ER  
Prenatal care, 946ER  
Prescription drug dispensing fee, 539ER, 947ER  
Provider ID instructions, 330N, 484R  
Psychiatric care reimbursement, 442ER  
Psychiatric hospitalization, 767N, 976R  
Purchasing approval, 947ER, 1004N  
SNF rate, technology dependent children, 374ER  
SNF/ICF, I and II reimbursement, 804ER  
SNF/TDC reimbursement, 443ER, 768N, 950ER, 976R  
Transportation schedule, 650N  
Medicaid recipient rights, 346P  
Medicare catastrophic coverage, 255ER, 607ER  
Meeting locations, 1015N  
Mentally ill rehab, 539ER  
Need Review Policy, 11R  
Physician inclusion of podiatrists, 49P  
Reimbursement for inpatient hospital services, 155ER  
Resident screening, review, 4ER  
Resource transfer, 805ER  
Sliding fee policy, 92R  
Spousal impoverishment, 805ER  
Traumatic brain injury, 951ER

**Substance Abuse Counselors, Board of  
Certification of**

Certification, 793ER, 903N  
Code of Ethics, 793ER, 903N  
General Provisions, 793ER, 903N

**Veterinary Medicine, Board of**

Equine dentistry, 799ER  
Sodium Pentobarbital, 800ER

**INSURANCE DEPARTMENT**

**Insurance Education Advisory Council**

Educational requirements for agents, 419N, 548R  
Medicare supplement, 692ER

**JUSTICE DEPARTMENT**

**Attorney General Office**

Electronic Video Bingo, 73ER, 74ER, 223N, 951ER

**CR—Committee Report**

**EO—Executive Order**

**ER—Emergency Rule**

**L—Legislation**

**N—Notice of Intent**

**P—Potpourri**

**PPM—Policy and Procedure Memorandum**

**R—Rule**

## LABOR DEPARTMENT

### Employment Security, Office of

No vested rights, 906N  
Overpayment recovery, 907N  
Regulation effective date, 906N  
Waiver of overpayment recovery, 907N  
Workmen's Comp. benefits, 671P

### Labor, Office of

Community Services Block Grant, 332N  
Job Training Partnership Act, 332N, 496R  
Minor labor law, 908N

### Plumbing Board

Enforcement fee, 650N

### Research and Statistics

Data estimates, 134P

### Review, Board of

Claims appeal, 120N, 485R  
Employment security law, 122N, 487R

### Worker's Compensation, Office of

Self-insurers, 514N

## LEVEE COMMISSIONERS, BOARD OF

### East Jefferson Levee District

Insurance requirements, 1015P  
Permit applications, 922P

## LOUISIANA ADMINISTRATIVE CODE UPDATE

October, 1988 -- December, 1988, 47  
January, 1989 - March, 1989, 343  
April, 1989 - June, 1989, 583  
July, 1989 - September, 1989, 1014

## LOUISIANA LEGISLATURE

### Legislative Fiscal Office

Revenue estimates, 1015P

## NATURAL RESOURCES DEPARTMENT

### Coastal Management

Hearing, 773P

### Conservation, Office of

Hazardous liquid pipeline, 224N, 420N, 552R, 629R  
Injection and Mining Division  
Hearing 430P, 430P  
Public hearing, 230P, 230P, 231P, 429P  
Statewide order 29-L-1, 575N, 741R  
Statewide order 29-N-2, 225N, 978R  
Statewide order 29-Q-1, 421N, 551R

### Fishermen's Gear Compensation Fund

Claims, 49P, 135P, 228P, 346P, 427P, 517P, 584P,  
671P, 773P, 923P, 1016P

Fee notice, 334N, 497R

### Secretary, Office of

Public hearing, 584P

## PUBLIC SAFETY AND CORRECTIONS DEPARTMENT (Corrections Services)

### Adult Services, Office of

Furloughs, 652N, 853R

### Liquefied Petroleum Gas Commission

Containers, 653N, 854R  
Cylinder inspections, 1005N  
General requirements, 653N, 854R  
Installations 653N, 854R  
Motor fuel, 653N, 854R  
Trucks, trailers, 653N, 854R

### (Public Safety)

### Motor Vehicles, Office of

Commercial driver license, 909N  
License plate removal, 374ER, 421N, 584CR, 608ER,  
1005N  
License plate tax, 953ER

### Private Security Examiners, Board of

Amendments, 11R, 651N, 846R

### State Fire Marshal, Office of

Health care facility emergency generator, 95R  
Life Safety Code, 96R  
Remanufactured housing, 718ER, 909N

### State Police, Office of

Charitable Gaming, 805ER  
DWI, 577N  
Vehicle towing, storage, 911N

## REPUBLICAN PARTY

### State Central Committee

General Provisions, 742R

## REVENUE AND TAXATION DEPARTMENT

### Secretary, Office of

Dealer recordkeeping, 124N, 274R  
Tax collection alternatives, 122N, 274R

### Tax Commission

Real/personal property, 655N  
Residential property appraisal, 430P  
Timber stumpage, 5R, 981N

## SECRETARY OF STATE DEPARTMENT

### Secretary, Office of

Foreign corporations, 125N, 338N, 498R

### CR—Committee Report

### EO—Executive Order

### ER—Emergency Rule

### L—Legislation

### N—Notice of Intent

### P—Potpourri

### PPM—Policy and Procedure Memorandum

### R—Rule



## SOCIAL SERVICES DEPARTMENT

### Community Services, Office of

Children's trust fund, 129N, 279R  
Executive Committee, 423N  
LIHEAP, 335N, 498R  
Parliamentary Procedure, 423N  
Proprietary school, 422N, 553R  
SSBG, 336N, 431P, 744R  
Telephone Access Program, 423N, 745R  
Three-year State Plan, 423N, 745R

### Council on Purchase of Products/Services of Severely Disabled

Sheltered Workshop, 912N

### Deaf, Commission for the

Telephone Access Program, 423N, 745R

### Eligibility Determinations, Office of

AFDC Program  
Bona fide loans, 225N, 392R  
Child support award, 807ER  
Child support enforcement, 96R, 1006N, 1006N  
Child support income assignment, 809ER, 1006N  
Earned income disregards, 515N, 629R  
Error rate, 130N, 279R  
Essential persons, 156ER, 337N, 497R  
Mandatory award guidelines, 1006N  
Monthly reporting, 609ER, 666N  
Food Stamp Program  
Dependent Care, 14R  
Earned income tax credit, 226N, 393R  
Elderly/disabled defined, 609ER, 666N  
Foster care, 227N, 393R  
Foster children, 74ER  
Income, 609ER, 666N  
Monthly reporting, 609ER, 666N  
Pre-release applications, 337N, 497R  
Public institution residents, 157ER  
Replacement issuances, 515N, 629R  
Resources, 609ER, 666N  
Verification, 609ER, 666N  
IFG Program, 444ER, 578N, 744R  
Income tax credit, 74ER  
RCA Program  
Monthly reporting, 424N, 553R, 609ER, 666N  
Work requirements, 96R

### Rehabilitation Services

ACT Score, 912N  
Deaf Commission  
Policy Manual, 1009N  
Three-year State Plan, 423N, 745R  
Proprietary school, 422N, 553R

### Secretary, Office of

LIHEAP, 335N, 498R  
Public hearing, 52P

## TRANSPORTATION AND DEVELOPMENT DEPARTMENT

### Maintenance

Driveway permit, 48CR

### Secretary, Office of

Ferry toll, 43N, 44N, 444ER, 444ER  
Real Estate, 157ER

### Traffic and Planning

Outdoor advertising, 15R

### Weights and Measures

Airport fuel vendors/distributors, 15R  
Fees for manuals, 15R  
New product evaluation, 48CR  
Project inspections, 48CR  
Qualified product list, 48CR

## TREASURY DEPARTMENT

### Bond Commission

Applications, 4ER, 44N, 197R  
Line of Credit, 719ER  
Tax-exempt bond issues, 375ER, 516N, 630R

### State Employees Group Benefits Program

Admission dates, 97R  
Case management, 578N, 750R  
Dental surgery, 97R  
Dependent changes, 913N  
Emergency Room, 130N, 279R  
Fee schedule, 131N, 280R, 339N, 499R  
HMO's, 97R  
Obesity treatment, 99R  
Out-patient surgery, 100R  
Plan Document, 610ER, 667N, 865R  
Rate increase, 132N, 280R  
Single claim determination period, 133N, 280R

### State Employees' Retirement System

Active member trustees, 342N

### Treasurer, Office of

Government agency obligations, 580N, 751R  
Linked Deposit Loan Program, 979N  
Time certificates of deposit, 580N, 751R

## WILDLIFE AND FISHERIES DEPARTMENT

### Fisheries, Office of

Oyster lease rental, 49CR  
Oyster lease survey, 197R  
Oyster season closure, 953ER, 1009N  
Pompano and Black Drum, 915N  
Underutilized species, 913N

### Wildlife and Fisheries Commission

Alligator season, 541ER, 1010N  
Bait dealer permit, 668N, 867R  
Black and Clear Lakes net ban, 15R  
Black Bass, 916N  
Black Drum, 809ER, 1012N  
Calcasieu Lake netting prohibition, 954ER

### CR—Committee Report

### EO—Executive Order

### ER—Emergency Rule

### L—Legislation

### N—Notice of Intent

### P—Potpourri

### PPM—Policy and Procedure Memorandum

### R—Rule

Calcasieu, Sabine Lakes oyster season, 1014N  
Commercial landings, 917N  
Fish seining prohibition, 133N, 281R  
Fish/wildlife values, 918N  
Free fishing days, 424N  
Furbearer trapping season, 719ER, 1013N  
Hunting seasons, 425N, 553R, 611ER  
Lake Bistineau netting prohibition, 426N, 554R  
Mesh size for nets, 256ER  
Migratory birds, 920N  
Oyster season, 612ER, 810ER, 921N  
Paddlefish prohibition, 669N, 868R  
Refugee, wildlife management areas, 100R  
Saltwater gill and trammel nets, 46N, 280R  
Seizure, forfeiture, disposition, 426N, 554R  
Shrimp season, 4ER, 46N, 375ER, 445ER, 445ER,  
612ER, 670N, 922N  
Spanish and King Mackerel, 669N, 868R  
Spotted seatrout, 256ER, 613ER  
Toledo Bend Reservoir-  
Black bass prohibition, 227N, 393R  
Waterfowl conservation stamp, 105R  
Wildlife value guidelines, 45N, 200R

**Wildlife, Office of**

Threatened/endangered species, 916N

**CR – Committee Report**  
**EO – Executive Order**                      **ER – Emergency Rule**  
**L – Legislation**      **N – Notice of Intent**      **P – Potpourri**  
**PPM – Policy and Procedure Memorandum**      **R – Rule**





D

D

D





