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Emergency Rules

DECLARATION OF EMERGENCY

Department of Children and Family Services Office of Family Support

Thrive: The Baby and Parent Network
(LAC 67:III.5507, 7101, 7103, 7105, 7117, and 7131)

The Department of Children and Family Services (DCFS), Division of Family Support, has exercised the provision of the Administrative Procedure Act, R.S. 49:962 to adopt LAC 67:III, Subpart 15 Temporary Assistance for Needy Families (TANF) Initiatives, Chapter 55 TANF Initiatives, Section 5507 Thrive: The Baby and Parent Network; and Subpart 21 Thrive: The Baby and Parent Network, Chapter 71 Thrive: The Baby and Parent Network. This emergency rule shall be effective July 1, 2023 and shall remain in effect for a period of 180 days.

Pursuant to Louisiana's Temporary Assistance for Needy Families (TANF) Block Grant, adoption of Section 5507 and Subpart 21, Chapter 71 is required to adopt and administer a continuum of care program for certain pregnant women and parents, hereafter called the Thrive: The Baby and Parent Network. The purpose of the program is to facilitate the operation of a statewide telecare support network that provides community outreach, consultations, and care coordination for pregnant women and parents that encourage healthy childbirth, support childbirth as an alternative to termination of pregnancy, promote family formation, assist parents in establishing successful parenting techniques, and increase the economic and self-sufficiency of families.

The department considers emergency action necessary to facilitate the expenditure of State General Funds (SGF) from the Statutory Dedications/Continuum of Care Fund and/or TANF funds. The authorization to promulgate emergency rules to facilitate the expenditure of TANF funds is contained in Act 199 of the 2022 Regular Session of the Louisiana Legislature.

Title 67

SOCIAL SERVICES

Part III. Family Support

Subpart 15. Temporary Assistance for Needy Families (TANF) Initiatives

Chapter 55. TANF Initiatives

§5507. Thrive: The Baby and Parent Network

A. The department shall enter into contract(s) to facilitate the operation of a statewide telecare support network that provides community outreach and direct services including, but not limited to, consultations, supports, social services case management, referrals, and care coordination for pregnant women and parents.

B. These services meet TANF Goal 4, encourage the formation and maintenance of two-parent families, by providing care plans and case management to assist families in addressing the challenges of pregnancies and parenting.

C. Eligibility for services is limited to Louisiana resident(s) who are the parent of an unborn child or a child under two years of age.

D. Medical services are prohibited, including but not limited to the provision of medically accurate, pregnancy-related medical information to program participants.

E. Services are considered non-assistance by the agency.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, and Act 561 of the 2022 Louisiana Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Family Support, LR 49:

Subpart 21. Thrive: The Baby and Parent Network Chapter 71. Thrive: The Baby and Parent Network Subchapter A. Program Administration

§7101. General Authority

A. From federal funds, state funds, and/or other funds made available for this purpose, the department is hereby authorized to establish a continuum of care program for certain pregnant women and parents, hereafter called the "Thrive: The Baby and Parent Network."

AUTHORITY NOTE: Promulgated in accordance with Act 561 of the 2022 Louisiana Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Family Support, LR 49:

§7103. Program Administration

A. The administration of the Thrive: The Baby and Parent Network will be administered by the department through contracts with outside entities in accordance with the Louisiana procurement code, R.S. 39:1605-1736.

B. To the extent that appropriations are available, the secretary may establish and make available to eligible families the Thrive: The Baby and Parent Network.

AUTHORITY NOTE: Promulgated in accordance with Act 561 of the 2022 Louisiana Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Family Support, LR 49:

§7105. Eligible Organizations

A. In order to receive funding, an entity must:

1. be a public or private nonprofit organization;
2. have the capacity and provide assurances to deliver services exclusively through electronic means;
3. acknowledge and certify that they are not an entity that:

a. performs, refers for, or assists with termination of a pregnancy; or

b. sets appointments with or refers women or parents to any entity that performs or recommends for termination of a pregnancy.

4. allow and agree that:

a. department personnel will make annual on-site programmatic contract reviews. The department, at its discretion, may make more than one programmatic visit per year. These site visits will be conducted for compliance with contractual requirements; and

b. the entity grants to the Office of the Legislative Auditor, the Office of the Inspector General, the department's Bureau of Audit and Compliance Services, the federal government, and any other officially designated authorized representatives of the department the right to audit, inspect, and review all books and records pertaining to services rendered under their contract with the department and the right to conduct on-site monitoring.

AUTHORITY NOTE: Promulgated in accordance with Act 561 of the 2022 Louisiana Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Family Support, LR 49:

Subchapter B. Eligibility

§7117. Conditions of Eligibility

A. Eligibility for services is limited to Louisiana residents who at the time of initial contact are the parent of either an unborn child or a child that is under two years of age, including a program participant whose pregnancy is involuntarily ended due to medical reasons.

B. Any program participant who voluntarily terminates a pregnancy is eligible to continue receiving services through the program for a period of six months from the date of the pregnancy termination.

AUTHORITY NOTE: Promulgated in accordance with Act 561 of the 2022 Louisiana Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Family Support, LR 49:

Subchapter C. Services

§7131. Services

A. Services include, but are not limited to:

1. outreach to at-risk populations eligible for the program;

2. utilization of registered nurses, who are licensed in accordance with R.S. 37:911 et seq., to perform the following functions:

a. assessment and evaluation of needs related to pregnancy or parenting; and

b. provision of medically accurate, pregnancy-related medical information to program participants.

3. utilization of social workers, who are licensed in accordance with R.S. 37:2701 et seq., or other licensed individuals with equivalent experience to perform the following functions:

a. development of a care plan, resources, and support for program participants to address identified needs;

b. referrals to appropriate local resources including, without limitation, state and federal benefits programs and local charitable organizations;

c. assistance in applying for state and federal benefits programs; and

d. assistance in accomplishing elements of the care plan.

4. coordination for pregnant women served by the telecare support network of appointments with in-person pregnancy resources centers or similar agencies in this state which provide information and services including, without limitation, counseling, ultrasound services, pregnancy tests, prenatal assistance, parenting classes, material support, and adoption information.

AUTHORITY NOTE: Promulgated in accordance with Act 561 of the 2022 Louisiana Regular Legislative Session.

ISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Family Support, LR 49:

Terri Porche Ricks
Secretary

2307#012

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Certification Endorsements
(LAC 28:CXXXI.1301)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXXXI. *Bulletin 746 – Louisiana Standards for State Certification of School Personnel*. The proposed revisions provide a future effective date relative to certain teacher certification area endorsements. Issuance of educator credentials is a consideration for employment, and school systems are staffing for the coming school year at this time. Educators completing course requirements for certification endorsements who are employed as teachers are completing the foundational literacy skills training through the LDOE-approved providers within the local school system. This Declaration of Emergency, effective June 14, 2023, is for a period of 180 days from adoption, or until finally adopted as Rule.

Title 28

EDUCATION

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

Chapter 13. Endorsements to Existing Certificates

§1301. Introduction

A. - C.3. ...

D. The requirements in §1305.A.3; §1307.A.3; §1327.A.3, B.3, C.3, D.3, E.3; and §1329.A.4 of this Chapter, shall be effective beginning September 1, 2024.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2059 (October 2007), LR 48:454 (March 2022), repromulgated LR 48: 1062 (April 2022), LR 49:

Dr. Holly Boffy
President

2306#001

DECLARATION OF EMERGENCY

Office of the Governor Boxing and Wrestling Commission

Boxing and Wrestling Standards
(LAC 46:XI.Chapters 1 and 9)

The Louisiana State Boxing and Wrestling Commission does hereby exercise the emergency provisions of the Administrative Procedure Act R.S. 49:962 and R.S. 4:64 in

order to define and promulgate a new chapter on a classic ring sport to the state of Louisiana, London Ring Fighting. London Ring Fighting is a traditional ring sport where fighters are gloveless. As more requests for these types of events are received, this commission determined it necessary to immediately establish a new chapter, with stringent rules, in order to achieve proper oversight of this ring sport to protect the health and welfare of the contestants and general public.

This Emergency Rule is effective as of July 20, 2023 and will remain in effect for a period of 180 days unless renewed by the commission or until adoption of the final rules, whichever occurs first.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XI. Boxing and Wrestling

Chapter 1. General Rules

§101. Definitions

* * *

London Ring Fighting—is the sport of boxing conducted without the use of boxing gloves or other padding on the participant’s hands.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 22:697 (August 1996), amended by the Office of the Governor, Boxing and Wrestling Commission, LR 31:2003 (August 2005), LR 32:242 (February 2006), LR 45:237 (February 2019), LR 49:

Chapter 9. London Ring Fighting (LRF)

§901. Application of General Rules; Professional Boxing Rules and Mixed Technique Event Rules

A. All general rules, excluding §127. Charity Events, shall apply to all LRF events;

B. All Chapter 3. Professional Boxing rules will apply to LRF events excluding rules §307, §309, §318, §320 and §322. Additionally, the following Chapter 9. London Rule Fighting rules will apply.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 49:

§903. Weight Class

A. Except with the approval of the commission or its commissioner, the classes for unarmed combatants competing in LRF events and the weights for each class are shown in the following schedule.

Weight Class	Weight Difference Allowance	Glove Weight
Jr. Welterweight (over 136 to 140 pounds)	not more than 5 pounds	8 oz.
Welterweight (over 141 to 147 pounds)	not more than 7 pounds	8 oz.
Jr. Middleweight (over 148 to 154 pounds)	not more than 7 pounds	10 oz.
Middleweight (over 155 to 160 pounds)	not more than 7 pounds	10 oz.
Super Middleweight (over 161 to 168 pounds)	not more than 7 pounds	10 oz.
Light Heavyweight (over 169 to 175 pounds)	not more than 7 pounds	10 oz.
Cruiserweight (over 176 to 190 pounds)	not more than 12 pounds	10 oz.
Heavyweight (over 190 pounds)	no limit	10 oz.

B. After the weigh-in of an unarmed combatant competing in LRF events:

1. weight loss in excess of 2 pounds is not permitted for an unarmed combatant who weighed in at 145 pounds or less;

2. weight loss in excess of 3 pounds is not permitted for an unarmed combatant who weighed in at over 145 pounds;

3. the weight loss described in Paragraph B.2 must not occur later than two hours after the initial weigh-in.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:64.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 49:

§905. Rounds, Duration and Intermission

A. Rounds shall be a minimum of 120 seconds long for male contestants and 60 seconds long for female fighters;

B. There shall be a 60-second intermission between rounds, unless otherwise directed or authorized by the commission. The referee, at the request of the ringside physician, may extend this intermission, if necessary to examine a participant, for up to 30 additional seconds;

C. No bout may be scheduled for longer than five rounds nor less than three rounds. Each championship contest will be scheduled for five rounds.

AUTHORITY NOTE Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 49:

§907. Fouls

A. All LRF events shall be subject to the rules for fouls under Professional Boxing Rule §321, Fouls, Deductions, of Points Because of a Foul and Accidental Fouling. Subsection A of §321 shall be amended as follows. Any participant persistently using foul tactics may be disqualified by either the referee or the commission and in addition be subject to such penalty as the commission may impose. Foul tactics include, but are not limited to:

1. hitting below the belt;
2. hitting an opponent who is down or who is getting up after being down;
3. holding an opponent with both hands or arms in an attempt to hold their opponent;
4. deliberately maintaining a clinch;

Weight Class	Weight Difference Allowance	Glove Weight
Mini Flyweight (up to and including 108 pounds)	not more than 3 pounds	8 oz.
Flyweight (over 108 to 111 pounds)	not more than 3 pounds	8 oz.
Bantamweights (over 112 to 118 pounds)	not more than 3 pounds	8 oz.
Featherweights (over 119 to 126 pounds)	not more than 3 pounds	8 oz.
Jr. Lightweight (over 127 to 130 pounds)	not more than 4 pounds	8 oz.
Lightweight (over 131 to 135 pounds)	not more than 5 pounds	8 oz.

5. butting with the head or shoulder or using the knee;
6. hitting with inside or butt of the hand, the wrist or the elbow; except a fighter may strike with the palm of his hand when in a clinch;
7. hitting or "flicking" with an open hand;
8. wrestling or roughing at the ropes;
9. purposely going down without being hit;
10. striking deliberately at that part of the body over the kidneys;
11. use of the pivot, backhand and rabbit punch;
12. the use of profane or abusive language;
13. engaging in any unsportsmanlike trick or action which causes injury to an opponent;
14. hitting on the break;
15. hitting after the bell has sounded the end of the round;
16. hitting an opponent whose head is between and outside of the ropes;
17. pushing an opponent about the ring or into the ropes;
18. hitting with an open hand;
19. kicking or kneeing an opponent;
20. eye gouging of any kind;
21. biting;
22. hair pulling;
23. fishhooking;
24. groin attacks of any kind;
25. putting a finger into any orifice or into any cut or laceration on an opponent;
26. small joint manipulation;
27. striking to the spine or the back of the head;
28. throat strikes of any kind, including without limitation, grabbing the trachea;
29. clawing, pinching or twisting the flesh;
30. grabbing the clavicle;
31. holding the shorts or hands of an opponent;
32. spitting at an opponent;
33. engaging in any unsportsmanlike conduct that causes an injury to an opponent;
34. holding the ropes or the fence;
35. attacking an opponent on or during the break;
36. attacking an opponent who is under the care of the referee;
37. attacking an opponent after the bell has sounded the end of the period of unarmed combat;
38. flagrantly disregarding the instructions of the referee;
39. timidity, including, without limitation, avoiding contact with an opponent, intentionally or consistently dropping the mouthpiece or faking an injury;
40. interference by the corner; and
41. throwing in the towel during the competition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 49:

§909. Wrapping of Hands:

- A. Hands may be wrapped with gauze and tape that ends no closer than 1 inch from the fighter's knuckles. The wrap must include the wrist and may travel up to 3 inches past the junction of the wrist bone.

B. Gauze may be applied to the wrist, palm of the hand, back of the hand and thumb. The length of gauze to be utilized may not exceed a length of 15 feet per hand.

C. Tape may be applied to the wrist, palm of the hand, back of the hand and thumb. The tape shall not be greater than 1 inch in width and shall not exceed 10 feet in length per hand.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 49:

§911. London Rules Fighting Ring

A. All LRF events shall be subject to the Professional Boxing rule §320, Boxing Ring and Ropes, which is hereby supplemented to permit the use of a circular ring.

B. LRF events may use a *circular ring* which is defined as follows.

1. The ring must be a minimum of no less than 18 feet or past a maximum of 26 feet within the ropes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 49:

§913. Toeing the Line

A. Any LRF event may use the following rules referred to as "Toeing the Line". If the promoter wishes to use the toeing the line rules, he must notify the commission in his event request form.

1. In every ring utilizing the toeing the line rule, there are 2 four-foot long lines painted in the center of the ring at a distance of 3 feet apart.

2. At the beginning of every round, both fighters will place at least one foot onto the line designated by the position of their corner before the match can be started by a signal from the referee.

3. If the participant is slow or stalling in approaching the line for the referee to start the round, the fighter can be either warned, have points deducted or be disqualified from the fight.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 49:

§915. Two Ringside Physicians

A. At all LRF events there shall be in attendance two physicians who are licensed in the state of Louisiana. Both physicians must be in attendance at ringside at all times during the fight. A fight/round shall not begin unless the referee insures that both ringside physicians are present at ringside; and

B. At least one of the two ringside physicians shall be certified as an expert in the area of plastic surgery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 49:

§917. Judges and Referees

A. Judges and referees for LRF events will be licensed officials in accordance with Professional Boxing rule §311, Judges and Referees herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 49:

A. L. "Buddy" Emбанato, Jr.
Chairman

2307#011

DECLARATION OF EMERGENCY

**Department of Health
Bureau of Health Services Financing**

Dental Benefit Plan Manager and Healthy Louisiana
Managed Care Organization Medical Loss Ratio
(LAC 50:I.2111 and 3509)

The Department of Health, Bureau of Health Services Financing amends LAC 50:I.2111 and §3509 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962 and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Title 42, Part 438.74 of the Code of Federal Regulations requires the Department of Health to report medical loss ratio (MLR) information for the dental benefits prepaid ambulatory health plan and the Healthy Louisiana managed care organizations annually. In compliance with 42 CFR 438.74, the Department of Health, Bureau of Health Services Financing amends the provisions governing managed care for physical and behavioral health in order to align the MLR period for the dental benefit plan manager (DBPM) and the Healthy Louisiana managed care organizations (MCOs) with the capitation rating period for the purposes of required reporting.

This action is being taken to avoid sanctions or penalties for noncompliance with federal reporting requirements. It is anticipated that this Emergency Rule will not result in a fiscal impact to the Medicaid Program for state fiscal year 2023-2024.

Effective July 1, 2023, the Department of Health, Bureau of Health Services Financing amends the provisions governing managed care for physical and behavioral health in order to align the MLR period for the DBPM and the Healthy Louisiana MCOs with the capitation rating period for reporting purposes.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

**Subpart 3. Managed Care for Physical
and Behavioral Health**

**Chapter 21. Dental Benefits Prepaid Ambulatory
Health Plan**

§2111. Payment Methodology

A. - I. ...

J. A DBPM shall have a medical loss ratio (MLR) for each MLR reporting year, which shall align with the capitation rating period, except in circumstances in which

the MLR reporting period must be revised to align to a CMS-approved capitation rating period.

1. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:788 (April 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 46:953 (July 2020), LR 47:369 (March 2021), LR 49:

**Chapter 35. Managed Care Organization
Participation Criteria**

§3509. Reimbursement Methodology

A. - E. ...

F. An MCO shall have a medical loss ratio (MLR) for each MLR reporting year, which shall align with the capitation rating period, except in circumstances in which the MLR reporting period must be revised to align to a CMS-approved capitation rating period.

1. - 2. ...

3. An MLR shall be reported in the aggregate, including all services provided under the contract, unless the department requires separate reporting and a separate MLR calculation for specific populations.

F.3.a. - N.2.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1587 (June 2011), amended LR 39:92 (January 2013), LR 41:937 (May 2015), LR 41:2367 (November 2015), LR 42:755 (May 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 45:1771 (December 2019), LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Tara A. LeBlanc, Bureau of Health Services Financing, is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Stephen R. Russo, JD
Secretary

2307#006

DECLARATION OF EMERGENCY

**Department of Health
Bureau of Health Services Financing**

Outpatient Hospital Services
Public Non-State Small Rural Hospitals
(LAC 50:V.5311, 5511, 5911, and 6113)

The Department of Health, Bureau of Health Services Financing amends LAC 50:V.5311, §5511, §5911 and §6113 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under

the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing amends the provisions governing outpatient hospital services in order to establish quarterly supplemental payments for certain public non-state small rural hospitals located in administrative region 3 that render qualifying services during the quarter.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring that certain small rural hospitals remain financially viable and obstetrical services remain available to citizens in their area. Implementation of this Emergency Rule is not anticipated to have a fiscal impact on the Medicaid Program for state fiscal year 2023-2024.

Effective July 1, 2023, the Department of Health, Bureau of Health Services Financing amends the provisions governing outpatient hospital services in order to establish quarterly supplemental payments for certain public non-state small rural hospitals located in administrative region 3 that render qualifying services during the quarter.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 5. Outpatient Hospital Services

Chapter 53. Outpatient Surgery

Subchapter B. Reimbursement Methodology

§5311. Small Rural Hospitals

A. - C.2. ...

D. Public Non-State Small Rural Hospitals. Effective for dates of service on or after July 1, 2023, quarterly supplemental payments will be issued to qualifying small rural hospitals for outpatient hospital surgery services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

1. Qualifying Criteria. In order to qualify, as of September 30, 2022, the small hospital must:

- a. be publicly (non-state) owned and operated;
- b. be located in Department of Health administrative region 3; and
- c. provide routine and emergency inpatient and outpatient obstetrical services with separately identified nursery department statistics reported on the cost report.

2. Effective for dates of service on or after July 1, 2023, quarterly supplemental payments will be issued to qualifying small rural public hospitals for outpatient hospital surgery services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:956 (May 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1251 (May 2012), LR 40:542 (March 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

Chapter 55. Clinic Services

Subchapter B. Reimbursement Methodology

§5511. Small Rural Hospitals

A. - C.2. ...

D. Public Non-State Small Rural Hospitals. Effective for dates of service on or after July 1, 2023, quarterly supplemental payments will be issued to qualifying small rural hospitals for outpatient hospital clinic services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

1. Qualifying Criteria. In order to qualify, as of September 30, 2022, the small hospital must:

- a. be publicly (non-state) owned and operated;
- b. be located in Department of Health administrative region 3; and
- c. provide routine and emergency inpatient and outpatient obstetrical services with separately identified nursery department statistics reported on the cost report.

2. Effective for dates of service on or after July 1, 2023, quarterly supplemental payments will be issued to qualifying small rural public hospitals for outpatient hospital clinic services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:956 (May 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1251 (May 2012), LR 40:542 (March 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

Chapter 59. Rehabilitation Services

Subchapter B. Reimbursement Methodology

§5911. Small Rural Hospitals

A. - C.2. ...

D. Public Non-State Small Rural Hospitals. Effective for dates of service on or after July 1, 2023, quarterly supplemental payments will be issued to qualifying small rural hospitals for outpatient hospital rehabilitation services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

1. Qualifying Criteria. In order to qualify, as of September 30, 2022, the small hospital must:

- a. be publicly (non-state) owned and operated;
- b. be located in Department of Health administrative region 3; and
- c. provide routine and emergency inpatient and outpatient obstetrical services with separately identified nursery department statistics reported on the cost report.

2. Effective for dates of service on or after July 1, 2023, quarterly supplemental payments will be issued to qualifying small rural public hospitals for outpatient hospital rehabilitation services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:956 (May 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1251 (May 2012), LR 40:543 (March 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

Chapter 61. Other Outpatient Hospital Services

Subchapter B. Reimbursement Methodology

§6113. Small Rural Hospitals

A. - C.2. ...

D. Public Non-State Small Rural Hospitals. Effective for dates of service on or after July 1, 2023, quarterly supplemental payments will be issued to qualifying small rural hospitals for outpatient hospital services other than clinical diagnostic laboratory, outpatient surgeries, rehabilitation, and outpatient facility fees clinic services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

1. Qualifying Criteria. In order to qualify, as of September 30, 2022, the small hospital must:

- a. be publicly (non-state) owned and operated;
- b. be located in Department of Health administrative region 3; and
- c. provide routine and emergency inpatient and outpatient obstetrical services with separately identified nursery department statistics reported on the cost report.

2. Effective for dates of service on or after July 1, 2023, quarterly supplemental payments will be issued to qualifying small rural public hospitals for outpatient hospital services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:956 (May 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1251 (May 2012), LR 40:543 (March 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Tara A. LeBlanc, Bureau of Health Services Financing, is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Stephen R. Russo, JD
Secretary

2307#007

DECLARATION OF EMERGENCY

**Department of Health
Bureau of Health Services Financing**

**Rural Health Clinics—Reimbursement Methodology
(LAC 50:XI.16705)**

The Department of Health, Bureau of Health Services Financing amends LAC 50:XI.16705 as authorized by R.S. 36:254 and Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Act 327 of the 2007 Regular Session of the Louisiana Legislature required the Department of Health, Bureau of Health Services Financing to reimburse small rural hospital outpatient services at 110 percent of cost. In compliance with the directives of Act 327, the department amended the provisions governing the reimbursement methodology for rural health clinics (RHCs) licensed as part of small rural hospitals and included a July 1, 2007 cutoff date (*Louisiana Register*, Volume 35, Number 5). The department now amends the provisions governing rural health clinics in order to remove the cutoff date which will allow existing RHCs licensed as small rural hospital outpatient departments after July 1, 2007 and new RHCs to receive the enhanced reimbursement going forward.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring continued provider participation in the Medicaid program. It is anticipated that implementation of this Emergency Rule will increase expenditures in the Medicaid program by \$17,331,336 for state fiscal year 2023-2024.

Effective July 1, 2023, the Department of Health, Bureau of Health Services Financing amends the provisions governing rural health clinics in order to remove the cutoff date to allow existing RHCs licensed as small rural hospital outpatient departments after July 1, 2007 and new RHCs to be reimbursed at 110 percent of cost.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XI. Clinic Services

Subpart 15. Rural Health Clinics

Chapter 167. Reimbursement Methodology

§16705. Hospital-Based Rural Health Clinics

A. - A.2. ...

3. The payment received under this methodology will be compared each year to the BIPA PPS rate to assure the clinic that their payment under this alternative payment methodology (APM) is at least equal to the BIPA PPS rate. If the payment calculation at 110 percent of allowable cost is less than the BIPA PPS payments, the clinic will be paid the difference.

B. Effective for dates of service on or after July 1, 2023, the reimbursement methodology for services rendered by a rural health clinic licensed as part of a small rural hospital and included as a hospital outpatient department on the hospital's fiscal year end cost report prior to July 1, 2023 shall be eligible for the APM at 110 percent of allowable costs as calculated through cost settlement. Reimbursement shall be as follows:

1. The reimbursement methodology will be in accordance with §16705.A.1-3 as indicated above.

2. Future qualifications for the 110 percent alternative payment methodology reimbursement shall be determined on an annual basis for hospital-based rural health clinics enrolling and licensing as hospital outpatient departments during the hospital's fiscal year end cost reporting periods subsequent to June 30, 2023. Payments shall begin effective for dates of service beginning on July 1 after qualification.

3. Hospital-based rural health clinics that terminate their licensing as hospital outpatient departments will no longer be eligible for the alternative payment methodology at 110 percent of allowable costs upon termination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:957 (May 2009), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Tara A. LeBlanc, Bureau of Health Services Financing, is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Stephen R. Russo, JD
Secretary

2307#008

DECLARATION OF EMERGENCY

Department of Health Office of Public Health

Registration of Foods, Drugs, Cosmetics and
Prophylactic Devices (LAC 49:I.Chapter 5)

The Louisiana Department of Health, Office of Public Health (LDH/OPH), pursuant to rulemaking authority granted by R.S. 3:1483(L), including the emergency rulemaking authority granted therein, and to the emergency rulemaking authority granted by R.S. 40:4(A)(13), hereby adopts the following Emergency Rule for the protection of public health. This Emergency Rule is promulgated specifically in accordance with R.S. 49:962 of the Administrative Procedure Act (R.S. 49:950, et seq.). This Emergency Rule expressly rescinds and replaces the Emergency Rule adopted by LDH/OPH on January 20, 2023.

The LDH/OPH finds it necessary to promulgate an Emergency Rule effective June 26, 2023. This Emergency

Rule is necessary to prevent imminent peril to the public health, safety, or welfare and is also done pursuant to the express statutory authority granted by R.S. 3:1483(L). Current LDH/OPH rules in LAC 49 Chapter 5 concerning the registration of consumable hemp products do not explicitly prohibit the registration of products utilizing dosage vehicles designed or intended for other than oral consumption or topical use, or require that applicants submit any documentation concerning same. This Emergency Rule will provide LDH/OPH with explicit authority concerning dosage vehicles to: i) require proof that consumable hemp products for which registration is sought are not designed or intended for other than oral consumption or topical use, or to facilitate same, ii) deny requested registration of consumable hemp products that are designed or intended for other than oral consumption or topical use, or to facilitate same, and iii) authorize LDH/OPH to revoke the registration of consumable hemp products that are designed or intended for other than oral consumption or topical use, or to facilitate same.

This Emergency Rule also provides that a consumable hemp product packaged, labeled, or marketed in a manner that physically or functionally combines individual servings, resulting in a functional or suggested product serving size that exceeds eight milligrams of total THC per serving, shall not be registered and shall be subject to revocation of registration. The emergency rule also speaks specifically to the topic of "serving", and includes streamlined requirements for registration and registration renewal.

Accordingly, the following Emergency Rule, effective June 26, 2023, shall remain in effect for a maximum of 180 days, or until the final Rule is promulgated, whichever occurs first.

Title 49

PUBLIC HEALTH—FOOD, DRUGS, AND COSMETICS

Part I. Regulations

Chapter 5. Registration of Foods, Drugs, Cosmetics and Prophylactic Devices

§501. Definitions [Formerly 49:2.2100]

* * *

E-Cigarette—a battery-operated device that is typically designed to resemble a traditional cigarette and is used to inhale a (usually nicotine-containing) vapor atomized by the device's heating element.

* * *

Vape Cartridge—the part of a vape pen containing the liquid to be inhaled by the user.

Vape Pen—a type of e-cigarette.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(L), R.S. 40:4(A)(13), R.S. 40:5(A)(8)(17) and R.S. 40:604.

HISTORICAL NOTE: Adopted by the Louisiana State Board of Health, September 1968, amended by the Department of Health, Office of Public Health, LR 46:358 (March 2020), LR 47:479 (April 2021), LR 48:1290 (May 2022), LR 49:

§517. Registration of Consumable Hemp Products

A. - B. ...

C. In lieu of the annual examination and administration charge normally collected under R.S. 40:628(B), the applicant for a consumable hemp product registration must

provide (both initially and on or before July 1 of each year) the department with a packet that includes:

1. a completed application form;
2. a cashier's check, money order, or electronic payment made payable to the department in the amount of \$50 per each separate and distinct product;
3. specimen copies of labeling for each separate and distinct product in electronic format;
4. laboratory accreditation verification documentation;
5. laboratory certificate of analysis (COA) for each separate and distinct product;
6. attestation that the product was produced from hemp. However, the department reserves the right to request a copy of the current grower or processor's license issued by the authority of competent jurisdiction for the firm responsible for the hemp crop from which the products are derived;
7. for each separate and distinct product, photographs or renderings of the product that accurately depict the entirety of the product, including all accessories or physical items included or sold with the product, whether attached or not. The department may require the submission of a specimen of the actual product and all included accessories if it determines in its sole discretion that submitted renderings or photographs do not allow a sufficient determination that the product meets all applicable requirements of this Chapter; and

8. for each separate and distinct product, a detailed written description of how individual servings will be packaged and marketed for sale. A product whose label fails to comply with the requirements of §533 of this Chapter will not be registered. A product packaged, labeled, or marketed in a manner that physically or functionally combines individual servings, resulting in a functional or suggested product serving size that exceeds eight milligrams of total THC per serving, shall not be registered and shall be subject to revocation of registration pursuant to §518 of this Chapter.

D. If all required packet contents, as set forth in Subsection C of this Section, are submitted and a product meets the applicable requirements of this Chapter and R.S. 3:1483, the department shall register the product by entering the application information into the consumable hemp products database. In instances of an annual renewal of a product, the department may allow for the applicant to attest/certify that the required information has not changed since the last application in lieu of repeat submission.

E. No person is authorized to distribute any consumable hemp product in the State of Louisiana unless such product is currently registered and entered into the consumable hemp products database by the department, except that if a firm submits product labeling and supporting documentation for review to the department and does not receive a written response within 15 business days of that initial submission, the product may be sold after the fifteenth business day by any permitted wholesaler or retailer until the submitting party receives notice in writing from the department that the product in question is accepted or rejected for registration. Upon the expiration of the 15 business days, the department will send written notice, via electronic mail only, confirming the "pending" status of any application and, if known, a date by which a final determination will be made.

F. Any firm may apply to the department for the designation of its products as "Louisiana Hemp Products," provided that those products are produced from hemp grown in Louisiana and are processed at a Louisiana-based manufacturer. These items shall be designated with a special mark on the department's list of registered products once they have been registered with the department.

G. No consumable hemp product shall be registered if one or more of the following conditions concerning dosage vehicles apply:

1. it is explicitly or clearly intended or characterized as being for inhalation, or to facilitate same; this prohibition shall not apply to hemp rolling papers;
2. it is explicitly or clearly intended or characterized as being for subcutaneous or transdermal use, or to facilitate same; this prohibition shall not apply to transdermal patches that are not designed for or capable of piercing the skin;
3. it is explicitly or clearly intended or characterized as being for intravenous or intramuscular infusion or injection, or to facilitate same;
4. it is explicitly or clearly intended or characterized as being for rectal or vaginal insertion, including, but not limited to, vaginal or anal suppositories; this prohibition shall not apply to products that are topical personal lubricants; or
5. it includes, is contained within, or constitutes a vape cartridge, vape pen, e-cigarette or a substantially similar item designed to facilitate inhalation.

H. Notice of final denial of a requested product registration shall state the specific reason(s) for the denial and shall include notice of right to an administrative hearing concerning same, which right shall expire unless the applicant files, in the manner specified therein, a written request for an administrative hearing with the department within 20 calendar days of receipt of the Notice. Any such request timely received shall be forwarded by the department to the Louisiana Division of Administrative Law. In addition to any method of service authorized by this Title, service of the Notice on the applicant may be effected through any means authorized by LAC 51:I:109. Additionally, service may be made by electronic mail sent to any email address provided by the registrant to the department as part of or subsequent to the permitting or registration process, and shall be deemed effective even if returned as undeliverable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483(L) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended LR 47:479 (April 2021), LR 48:1290 (May 2022), LR 49:

§518. Revocation of a Consumable Hemp Product Registration

A. The department may revoke the registration of a consumable hemp product if:

1. any of the enumerated criteria set forth in §517.G. of this Chapter apply to the product;
2. any materials, including product information, specifications, photographs, or renderings, provided to the department in connection with the registration approval were erroneous or misleading, if non-erroneous or non-misleading materials would have resulted in denial of registration;

3. the product, including any accessories or physical items included therewith, is materially modified in a way that makes the photographs, renderings, or specimen submitted in connection with the registration no longer an accurate depiction thereof; or

4. the product, product label, product packaging, or product marketing violates any provision or requirement of this Chapter or R.S. 3:1483.

B. Revocation shall occur through issuance and service of an order revoking registration. The order shall state with specificity the nature of the violation(s), including citations to the provision(s) of this Chapter that have been violated. In addition to any method of service authorized by this Title, service on the registration holder may be effected through any means authorized by LAC 51:I:109. Additionally, service may be made by electronic mail sent to any email address provided by the registrant to the department as part of or subsequent to the registration process, and shall be deemed effective even if returned as undeliverable.

C. An order revoking registration shall include notice of right to an administrative hearing concerning same, which right shall expire unless the registrant files, in the manner specified therein, a written request for an administrative hearing with the department within 20 calendar days of receipt of the order. If such a written request is timely filed, then it shall be forwarded by the department to the Louisiana Division of Administrative Law. The order shall be stayed pending the decision of the Division of Administrative Law, subject to the provisions in Subsection D of this Section.

D. If the state health officer determines, in his sole discretion, that the product in question constitutes a nuisance dangerous to the public health or a danger to the public life, health, or safety, and includes that finding in the order revoking registration, the order shall be deemed an Emergency Order and shall not be stayed pending the decision of the Division of Administrative Law. Further, as of the effective date of this Emergency Rule, any registration of any product that, based on a determination by the department, in its sole discretion,

1. exceeds the THC limits set forth in R.S. Title 3, Chap. 10-a, Part VI, including, but not limited to, the milligrams per serving limit;

2. meets the criteria of §517.G.1 or §517.G.5 of this Chapter;

3. contains any type of cannabinoid that does not naturally occur in hemp; or

4. violates the criteria of §533 of this Chapter shall be deemed to meet the criteria for revocation under an Emergency Order.

E. This Section shall apply to any consumable hemp product registered with the department, regardless of registration date. This Section is expressly intended to apply to consumable hemp products registered both prior to and after June 26, 2023, the effective date of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483(L) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended, LR 47:479 (April 2021), LR 48:1290 (May 2022), LR 49:

§533. Consumable Hemp Products Labeling Requirements: Serving Sizes and THC Content

A. ...

B. Serving sizes shall be delineated as follows:

1. for tinctures, extracts, concentrates, and other liquid-type products, there shall be an included measuring device capable of administering a single serving;

2. for beverages, the packaging must clearly enable a consumer to determine when a single serving has been consumed;

3. for all other products (e.g. tablets, capsules, cookies, gummies, etc.), an individual unit shall constitute a single serving and shall be separate and unattached to other units within a package. Thus, multiple servings shall not be combined and subject to scoring or separating in order to produce a single serving.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483(L) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended, LR 47:479 (April 2021), amended, LR 48:1290 (May 2022), amended, LR 49:

A representative of the LDH Cannabis Program, is responsible for responding to inquiries regarding this Emergency Rule, which may be sent to LACannabisProgram-hemp@la.gov.

Stephen Russo
Secretary

2307#009

DECLARATION OF EMERGENCY Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2023 Commercial Greater Amberjack Season Closure Modification

Louisiana's commercial Greater Amberjack season was previously opened on January 1, 2023. The regional administrator of NOAA Fisheries has informed the secretary that the 2023 commercial season for the harvest of Greater Amberjack in the federal waters of the Gulf of Mexico closed on June 18, 2023 and will remain closed until January 1, 2024. Action by the Gulf of Mexico Fisheries Management Council established new catch limits in order to prevent overfishing of greater amberjack and data indicate those catch limits have been met. Compatible season regulations in state waters are preferable to provide effective rules and efficient enforcement for the fishery, and to prevent overfishing of the species in the long term.

In accordance with the emergency provisions of R.S. 49:962, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency rules to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the secretary by the commission in LAC 76:VII.335.G.5 to modify opening and closing dates of any commercial or

recreational reef fish seasons in Louisiana state waters when he is informed by the regional administrator of NOAA Fisheries that the seasons have been modified in adjacent federal waters, the secretary hereby declares:

The season for the commercial harvest of Greater Amberjack in Louisiana state waters shall close at 11:59 p.m. on June 23, 2023 and remain closed until the start of the 2024 commercial season, currently expected to open on January 1, 2024. Effective with this closure, no person shall commercially harvest, possess, purchase, barter, trade, sell or attempt to purchase, barter, trade, or sell Greater Amberjack whether within or without Louisiana waters. Nothing shall prohibit the possession or sale of fish legally taken prior to the closure providing that all commercial dealers possessing Greater Amberjack taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

Robert E. Shadoin
Secretary

2307#002

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Closure of Spring Inshore Shrimp Season in State Inside Waters

The secretary of the Department of Wildlife and Fisheries has been notified that the occurrence of small juvenile white shrimp collected in biological samples within inside state

waters has rapidly increased. Closing these waters is necessary to protect developing white shrimp.

In accordance with the emergency provisions of R.S. 49:962 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and declaration of emergencies adopted by the Wildlife and Fisheries Commission on April 19, 2023 and May 4, 2023 which authorized the secretary of the Department of Wildlife and Fisheries to close the 2023 spring inshore shrimp season in any portion of Louisiana's inside waters to protect small white shrimp if biological and technical data indicate the need to do so or if enforcement problems develop, the secretary hereby declares:

The 2023 Louisiana spring inshore shrimp season will close on Monday, June 26, 2023, at 6 p.m. in all Louisiana inside waters from the Mississippi/Louisiana state line westward to the Louisiana/Texas state line.

The open waters of Breton and Chandeleur Sounds as bounded by the double-rig line described in R.S. 56:495.1(A)2 and all state outside waters seaward of the Inside/Outside Shrimp Line, as described in LAC 76:VII.370 will remain open to shrimping until further notice.

Robert E. Shadoin
Secretary

2306#003

Rules

RULE

Department of Civil Service Board of Ethics

Food and Drink Limit (LAC 52:I.1703)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Civil Service, Board of Ethics, has amended the rules for the Board of Ethics to bring the rules into compliance with current statutory provisions and section 1115.1(C) of the Code of Governmental Ethics. This Rule is hereby adopted on the day of promulgation.

Title 52 ETHICS

Part 1. Board of Ethics

Chapter 17. Code of Governmental Ethics

§1703. Food and Drink Limit

A. In accordance with R.S. 42:1115.1(C), beginning on July 1, 2023, the limit for food, drink or refreshments provided in R.S. 42:1115.1(A) and (B) is \$77.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1115.1.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 36:304 (February 2010), amended LR 36:1466 (July 2010), LR 38:1951 (August 2012), LR 39:3062 (November 2013) LR 40:1678 (September 2014), LR 41:1262 (July 2015), LR 44:1237 (July 2018), LR 49:1207 (July 2023).

Kathleen M. Allen
Ethics Administrator

2307#014

RULE

Board of Elementary and Secondary Education

Biocontaminants, Hazardous Materials,
and Procedural Requirements for Documentation
(LAC 28:CLXI.103 and 1901;
CLXV.103, 309, 311, and 313)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CLXI in *Bulletin 137—Louisiana Early Learning Center Licensing Regulations* and LAC 28:CLXV in *Bulletin 139—Louisiana Child Care and Development Fund Programs*. The Rule revisions provide a definition of biocontaminants and set forth safety requirements regarding biocontaminants and hazardous materials to be followed by family child care providers, in-home child care providers, public schools, and BESE-approved nonpublic school child care centers. Additionally, the revisions provide the required information that must be maintained in a cumulative file. Finally, the aforementioned

revisions set forth policy and procedural requirements regarding shaken baby syndrome, abusive head trauma, and child maltreatment. This Rule is hereby adopted on the day of promulgation.

Title 28 EDUCATION

Part CLXI. Bulletin 137—Louisiana Early Learning Center Licensing Regulations

Chapter 1. General Provisions

§103. Definitions

* * *

Behavior Management—the ongoing positive process of helping children develop inner control so that they can manage their own behavior in an appropriate and acceptable manner by using corrective action to change the inappropriate behavior.

Biocontaminants—any biological contaminant that includes blood and any bodily fluids, excretions, or waste that may spread infectious disease.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.31 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:616 (April 2015), effective July 1, 2015, amended LR 41:2103 (October 2015), LR 43:638 (April 2017), LR 44:247 (February 2018), effective March 1, 2018, LR 44:1858 (October 2018), LR 47:1274 (September 2021), LR 49:1207 (July 2023).

Chapter 19. Minimum Health, Safety, and Environment Requirements and Standards

§1901. General Safety Requirements

A. - R. ...

S. Biocontaminants. Staff shall properly dispose of all biocontaminants to safeguard against the spread of infectious disease.

1. Discard disposable rubber gloves that come into contact with a biocontaminant after each use.

2. Discard tissues, paper towels, disposable wipes, and similar products that come into contact with a biocontaminant after each use.

3. Place soiled disposable diapers in a closed container that is lined with a leak-proof or impervious lining, remove the soiled disposable diapers from the facility, and place them in a closed garbage receptacle outside the building on a daily basis.

4. Place soiled non-disposable diapers in a sealed plastic container that has been labeled with the child's name and return the diapers to the child's parent at the end of the day.

5. Place soiled clothes in a sealed plastic container that has been labeled with the child's name and return the clothes to the child's parent at the end of each day or launder the clothes at the facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 42:555 (April 2016), LR 44:1867 (October 2018), LR 47:1278 (September 2021), LR 49:1207 (July 2023).

Part CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs

Chapter 1. Child Care Assistance Program

§103. Definitions

* * *

BESE Bulletin 137—Louisiana Early Learning Center Licensing Regulations.

Biocontaminants—any biological contaminant that includes blood and any bodily fluids, excretions, or waste that may spread infectious disease.

* * *

AUTHORITY NOTE: Promulgated in accordance with 45 CFR part 98 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2109 (October 2015), amended LR 42:42 (January 2016), LR 42:1870 (November 2016), LR 43:1279 (July 2017), LR 44:257 (February 2018), effective March 1, 2018, LR 44:800 (April 2018), LR 47:1279 (September 2021), LR 48:30 (January 2022), LR 48:1006 (April 2022), LR 49:1208 (July 2023).

Chapter 3. CCAP Provider Certification

§309. Specific Certification and Registration

Requirements for Family Child Care Providers

A. - A.16.b. ...

17. Hazardous Materials and Other Items that Can Be Harmful to Children. Items such as medications, poisons, cleaning supplies and chemicals, equipment, tools, knives and other potentially dangerous utensils that can be harmful to children shall be kept in a locked cabinet or other secure place that ensures items are inaccessible to children.

18. - 28.k. ...

29. Biocontaminants. Staff shall properly dispose of all biocontaminants to safeguard against the spread of infectious disease.

a. Discard disposable rubber gloves that come into contact with a biocontaminant after each use.

b. Discard tissues, paper towels, disposable wipes, and similar products that come into contact with a biocontaminant after each use.

c. Place soiled disposable diapers in a closed container that is lined with a leak-proof or impervious lining, remove the soiled disposable diapers from the facility, and place them in a closed garbage receptacle outside the building on a daily basis.

d. Place soiled non-disposable diapers in a sealed plastic container that has been labeled with the child's name and return the diapers to the child's parent at the end of the day.

e. Place soiled clothes in a sealed plastic container that has been labeled with the child's name and return the clothes to the child's parent at the end of the day or launder the clothes at the facility.

f. Sheets and coverings shall be changed immediately when soiled or wet.

30. Cumulative File. A cumulative file that shall include an information form, written authorization for emergency medical treatment, individuals to whom the child may be released, and special dietary requirements shall be maintained on each child.

a. The information form shall be signed and dated by the parent and updated as changes occur. The form shall contain the name of the child, date of birth, sex, date of admission, the name of parents, the home address of both child and parents, the phone numbers where parents may be reached while the child is in care, the name and phone number of the person to contact in an emergency if parents cannot be located promptly, any special concerns, including but not limited to allergies, chronic illnesses, and any special needs of the child, if applicable, and any special dietary needs, restrictions or food allergies, or intolerances, if applicable.

b. Emergency medical treatment written authorization shall be signed and dated by the parent to secure emergency medical treatment.

c. Written authorization for child release shall be signed and dated by the parent noting the first and last names of individuals to whom the child may be released other than the parents, and any person or persons who may remove the child from the home.

i. The parent may further authorize additional individuals via a text message, fax, or email to the provider in unplanned situations and follow it with written authorization.

ii. A child shall never be released to anyone unless authorized in writing by the parent.

iii. Any additions and deletions to the list of authorized individuals shall be signed and dated by the parent.

iv. The provider shall verify the identity of the authorized person prior to releasing the child.

d. Special Diets

i. A parent may request in writing special diet adjustments (i.e. no milk on a particular day).

ii. If a center is on the Child and Adult Care Food Program (CACFP), a written statement from a health care provider and the parent is required when the child requires a special diet for medical reasons if the meal is to be reimbursed by CACFP.

iii. Information regarding food allergies and special diets of children shall be posted in the food preparation area with special care taken to ensure that individual names of children are not in public view. If a parent chooses to allow the provider to post the child's name and allergy information in public view, a signed and dated authorization from the parent shall be obtained.

31. Shaken Baby Syndrome, Abusive Head Trauma, and Child Maltreatment. The provider shall maintain policy and procedures to identify, prevent, and respond to shaken baby syndrome, abusive head trauma, and child maltreatment.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, and R.S. 17:407.71.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2111 (October 2015), amended LR 42:2173 (December 2016), LR 43:1279 (July 2017), LR 44:258 (February 2018), effective March 1, 2018, LR 47:1280 (September 2021), LR 49:1208 (July 2023).

§311. Specific Certification Requirements for In-Home Child Care Providers

A. - A.15.b. ...

16. Hazardous Materials and Other Items Harmful to Children. Items such as medications, poisons, cleaning supplies and chemicals, equipment, tools, knives, and other potentially dangerous utensils that can be harmful to children shall be kept in a locked cabinet or other secure place that ensures items are inaccessible to children.

17. - 27.k. ...

28. Biocontaminants. Staff shall properly dispose of all biocontaminants to safeguard against the spread of infectious disease.

a. Discard disposable rubber gloves that come into contact with a biocontaminant after each use.

b. Discard tissues, paper towels, disposable wipes, and similar products that come into contact with a biocontaminant after each use.

c. Place soiled disposable diapers in a closed container that is lined with a leak-proof or impervious lining, remove the soiled disposable diapers from the facility, and place them in a closed garbage receptacle outside the building on a daily basis.

d. Place soiled non-disposable diapers in a sealed plastic container that has been labeled with the child's name and return these diapers to the child's parent at the end of the day.

e. Place soiled clothes in a sealed plastic container that has been labeled with the child's name and return the clothes to the child's parent at the end of the day or launder the clothes at the facility.

f. Sheets and coverings shall be changed immediately when soiled or wet.

29. Cumulative File. A cumulative file that shall include an information form, written authorization for emergency medical treatment, individuals to whom the child may be released, and special dietary requirements shall be maintained on each child.

a. The information form shall be signed and dated by the parent and updated as changes occur. The form shall contain the name of the child, date of birth, sex, date of admission, the name of parents, the home address of both child and parents, the phone numbers where parents may be reached while the child is in care, the name and phone number of the person to contact in an emergency if parents cannot be located promptly, any special concerns, including but not limited to allergies, chronic illnesses, and any special needs of the child, if applicable, and any special dietary needs, restrictions or food allergies, or intolerances, if applicable.

b. Emergency medical treatment written authorization shall be signed and dated by the parent to secure emergency medical treatment.

c. Written authorization for child release shall be signed and dated by the parent noting the first and last names of individuals to whom the child may be released other than the parents, and any person or persons who may remove the child from the home.

i. The parent may further authorize additional individuals via a text message, fax, or email to the provider in unplanned situations and follow it with written authorization.

ii. A child shall never be released to anyone unless authorized in writing by the parent.

iii. Any additions and deletions to the list of authorized individuals shall be signed and dated by the parent.

iv. The provider shall verify the identity of the authorized person prior to releasing the child.

d. Special Diets

i. A parent may request in writing special diet adjustments (i.e. no milk on a particular day).

ii. If a center is on the Child and Adult Care Food Program (CACFP), a written statement from a health care provider and the parent is required when the child requires a special diet for medical reasons if the meal is to be reimbursed by CACFP.

iii. Information regarding food allergies and special diets of children shall be posted in the food preparation area with special care taken to ensure that individual names of children are not in public view. If a parent chooses to allow the provider to post the child's name and allergy information in public view, a signed and dated authorization from the parent shall be obtained.

30. Shaken Baby Syndrome, Abusive Head Trauma, and Child Maltreatment. The provider shall maintain policy and procedure to identify, prevent, and respond to shaken baby syndrome, abusive head trauma, and child maltreatment.

B. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, and R.S. 17:407.71.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2112 (October 2015), amended LR 42:2174 (December 2016), LR 43:1280 (July 2017), LR 44:260 (February 2018), effective March 1, 2018, amended LR 47:1282 (September 2021), LR 49:1209 (July 2023).

§313. Specific Certification Requirements for Public School and BESE-Approved Nonpublic School Child Care Centers

A. - A.12.b. ...

13. Hazardous Materials and Other Items Harmful to Children. Items such as medications, poisons, cleaning supplies and chemicals, equipment, tools, knives, and other potentially dangerous utensils that can be harmful to children shall be kept in a locked cabinet or other secure place that ensures items are inaccessible to children.

14. - 22.k. ...

23. Biocontaminants. Staff shall properly dispose of all biocontaminants to safeguard against the spread of infectious disease.

a. Discard disposable rubber gloves that come into contact with a biocontaminant after each use.

b. Discard tissues, paper towels, disposable wipes, and similar products that come into contact with a biocontaminant after each use.

c. Place soiled disposable diapers in a closed container that is lined with a leak-proof or impervious lining, remove the soiled disposable diapers from the facility, and place them in a closed garbage receptacle outside the building on a daily basis.

d. Place soiled non-disposable diapers in a sealed plastic container that has been labeled with the child's name and return these diapers to the child's parent at the end of the day.

e. Place soiled clothes in a sealed plastic container that has been labeled with the child's name and return the clothes to the child's parent at the end of the day or launder the clothes at the facility.

f. Sheets and coverings shall be changed immediately when soiled or wet.

24. - 25. ...

26. Cumulative File. A cumulative file that shall include an information form, written authorization for emergency medical treatment, individuals to whom the child may be released, and special dietary requirements shall be maintained on each child.

a. The information form shall be signed and dated by the parent and updated as changes occur. The form shall contain the name of the child, date of birth, sex, date of admission, the name of parents, the home address of both child and parents, the phone numbers where parents may be reached while the child is in care, the name and phone number of the person to contact in an emergency if parents cannot be located promptly, any special concerns, including but not limited to allergies, chronic illnesses, and any special needs of the child, if applicable, and any special dietary needs, restrictions or food allergies, or intolerances, if applicable.

b. Emergency medical treatment written authorization shall be signed and dated by the parent to secure emergency medical treatment.

c. Written authorization for child release shall be signed and dated by the parent noting the first and last names of individuals to whom the child may be released other than the parents, and any person or persons who may remove the child from the home.

i. The parent may further authorize additional individuals via a text message, fax, or email to the provider in unplanned situations and follow it with written authorization.

ii. A child shall never be released to anyone unless authorized in writing by the parent.

iii. Any additions and deletions to the list of authorized individuals shall be signed and dated by the parent.

iv. The provider shall verify the identity of the authorized person prior to releasing the child.

d. Special Diets

i. A parent may request in writing special diet adjustments (i.e. no milk on a particular day).

ii. If a center is on the Child and Adult Care Food Program (CACFP), a written statement from a health care provider and the parent is required when the child requires a special diet for medical reasons if the meal is to be reimbursed by CACFP.

iii. Information regarding food allergies and special diets of children shall be posted in the food preparation area with special care taken to ensure that individual names of children are not in public view. If a parent chooses to allow the provider to post the child's name and allergy information in public view, a signed and dated authorization from the parent shall be obtained.

27. Shaken Baby Syndrome, Abusive Head Trauma, and Child Maltreatment. The provider shall maintain policy and procedures to identify, prevent, and respond to shaken baby syndrome, abusive head trauma, and child maltreatment.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2113 (October 2015), amended LR 42:2174 (December 2016), LR 44:261 (February 2018), effective March 1, 2018, amended LR47:1284 (September 2021), LR 49:1209 (July 2023).

Shan N. Davis
Executive Director

2307#059

RULE

Board of Elementary and Secondary Education

Bulletin 1508—Pupil Appraisal Handbook
Interventions and Screenings
(LAC 28:CI.305, 703, and 725)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CI in *Bulletin 1508—Pupil Appraisal Handbook*. The revisions provide additional screening requirements for certain students and modify vision impairment eligibility in alignment with legislation of the Louisiana 2022 Regular Legislative Session and federal guidelines. This Rule is hereby adopted on the day of promulgation.

Title 28 EDUCATION

Part CI. Bulletin 1508—Pupil Appraisal Handbook Chapter 3. Interventions and Screenings

§305. Screening Activities

A. - B.2.c. ...

d. If the student's medical history indicates a neurological insult or neurological impairment, the student must be screened for Cerebral/Cortical Visual Impairment.

B.3. - C.2. ...

3. A review of developmental and medical/health history for evidence of premature birth, history of extended stay in NICU following birth, history of prenatal, natal, or postnatal neurologic insult, and/or history of genetic assessment for syndromic diagnosis.

D. - J.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:898 (May 2009), effective July 1, 2009, amended LR 42:400 (March 2016); LR 49:1210 (July 2023).

Chapter 7. Disabilities §703. Deaf-Blindness

A. - A.1. ...

B. Criteria for Eligibility. Evidence of criteria listed in Paragraphs 1, 2, and 3 are required.

1. Vision impairment in accordance with §725 of this Chapter.

2. Deaf and/or hard of hearing in accordance with §709 of this Chapter.

B.3. - D.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:905 (May 2009), effective July 1, 2009, amended LR 43:2493 (December 2017), LR 49:1210 (July 2023).

§725. Visual Impairment

A. - A.1. ...

B. Criteria for Eligibility. Evidence of 1 of the criterion listed below must be met:

1. visual impairment or loss of vision identified by a functional vision assessment which adversely interferes with the ability to perform academically and which requires the use of specialized textbooks, techniques, materials, or equipment; or

2. - 4. ...

5. other blindness resulting from a medically documented condition that could include bilateral dysfunction of the optic radiations, the visual cortex, or both, and may coexist with ocular and ocular motor disorders and may include, but not be limited to, the result of trauma or perinatal brain dysfunction.

C. - E.1. ...

2. the educational assessment shall include:

a. a braille skills inventory, commensurate with grade level literacy and math standards in accordance with R.S. 17:24.4(A)(4) including a functional vision assessment of the degree to which the student utilizes vision to operate within the educational environment performed by a certified teacher of the blind or visually impaired or an orientation and mobility specialist;

b. a research-based learning media assessment to determine the student's needs in appropriate reading and writing media including an assessment of the student's future needs for instruction in Braille or the use of Braille and a statement of the student's strengths and needs. For the student who is a non-reader, learning medium assessment would involve systematic examination of how he/she obtains information through visual, tactile, or auditory methods;

3. - 5. ...

6. If necessary, a low vision assessment centered on how the student uses vision on a daily basis to determine if the student would benefit from optical devices, such as monocular telescopes or magnifiers. As appropriate, visual acuity, visual fields, and color vision shall be assessed.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:914 (May 2009), effective July 1, 2009, amended LR 43:2493 (December 2017), LR 49:1211 (July 2023).

Shan N. Davis
Executive Director

2307#060

RULE

**Board of Regents
Office of Student Financial Assistance**

Scholarship/Grant Programs—Mental Health Exception
(LAC 28:IV.2103)

The Board of Regents has amended its Scholarship/Grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6). This Rule is hereby adopted on the day of promulgation. (SG23208R)

Title 28

EDUCATION

**Part IV. Student Financial Assistance—Higher
Education Scholarship and Grant Programs**

Chapter 21. Miscellaneous Provisions and Exceptions

**§2103. Circumstances Warranting Exception to the
Initial and Continuous Enrollment
Requirements**

A. - D.3....

4.a. Temporary Disability—Student

i. Definition. The student/recipient is recovering from an accident, injury, illness or required surgery.

ii. Certification Requirements. The student/recipient must submit:

(a) a completed exception request form, the reason for the disability, the necessity of withdrawing, dropping hours, etc., the semester(s) involved, and any other information or documents that may be relevant to student's request; and

(b) a written statement from a qualified professional if a medical disability certifying the existence of a temporary disability, the dates of treatment, and opinions as to the impact of the disability on the student's ability to attend school.

iii. Maximum length of exception—up to two full academic years.

b. Temporary Disability—Student/Recipient's Care of Immediate Family Member

i.(a). Definition. The student/recipient is providing continuous care to his/her immediate family member due to an accident, illness, injury or required surgery.

(b). An immediate family member is his/her spouse, dependent, parent, stepparent, custodian, or grandparent.

ii. Certification Requirements. The student/recipient must submit:

(a) a completed exception request form, the reason for the disability, the necessity of withdrawing, dropping hours, etc., the semester(s) involved, and any other information or documents that may be relevant to student's request; and

(b) a written statement from a qualified professional of the existence of a temporary disability of the immediate family member, and the beginning and ending dates of the doctor's care; and

(c). a statement from a family member or a qualified professional confirming the care given by the student.

iii. Maximum length of exception—up to a maximum of two consecutive semesters (three consecutive quarters).

c. Temporary Disability—Mental Health

i. Definition. The student/recipient is receiving mental health care services.

ii. Certification Requirements. The student/recipient must submit:

(a). a completed exception request form, the reason for the disability, the necessity of withdrawing, dropping hours, etc., the semester(s) involved, and any other information or documents that may be relevant to student's request; and

(b). a written statement from a qualified professional or from a clergyman certifying the existence of an issue which requires mental health care, the dates of treatment, an opinion as to the impact of the disability on the student's ability to attend school, and a statement of when the disability is/was affecting student's ability to attend school.

iii. Maximum length of exception—up to two full academic years.

E. - I.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:5001 et seq., and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), amended LR 23:1648 (December 1997), repromulgated LR 24:647 (April 1998), amended LR 24:1916 (October 1998), LR 26:1015 (May 2000), LR 26:2002 (September 2000), LR 27:36 (January 2001), repromulgated LR 27:1866 (November 2001), amended LR 27:1875 (November 2001), LR 28:46 (January 2002), LR 28:449 (March 2002), LR 28:775 (April 2002), LR 28:2330 and 2333 (November 2002), LR 29:126 (February 2003), LR 29:2373 (November 2003), LR 29:2373 (November 2003), LR 30:785 (April 2004), LR 30:1167 (June 2004), LR 31:1060 (May 2005), LR 33:440 (March 2007), LR 35:1233 (July 2009), LR 38:3160 (December 2012), LR 41:657, 667 (April 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:562 (March 2018), LR 45:1173 (September 2019), amended LR 47:862 (July 2021), LR 47:867 (July 2021), amended LR 47:871 (July 2021), LR 49:1211 (July 2023).

Robyn Rhea Lively
Senior Attorney

2307#043

RULE

**Office of the Governor
Motor Vehicle Commission**

Availability of Vehicles
(LAC 46:V.709)

In accordance with the Administrative Procedure Act, R.S.49:950 et seq., pursuant to the authority granted by R.S. 32:1253(E), the Motor Vehicle Commission (hereinafter "Agency") has amended LAC 46:V.709 to expand the opportunity of a new motor vehicle dealer to advertise used

motor vehicle by: also allowing a new motor vehicle dealer to advertise a used motor vehicle in the possession of its franchised manufacturer, franchised distributor, or that manufacturer's or distributor's affiliated financial institution at the time of the placement of the advertising, and by also allowing a new motor vehicle dealer to advertise a used motor vehicle that is in the possession of another new motor vehicle dealership for which the advertising new motor vehicle dealer is a majority owner. This Rule is hereby adopted on the day of promulgation.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part V. Automotive Industry

Subpart 1. Motor Vehicle Commission

Chapter 7. Advertising

§709. Availability of Vehicles

A. Motor vehicle dealers and recreational products dealers may advertise a specific new motor vehicle or new recreational product or line-make which they are licensed to sell if:

1. the specific vehicle or line is in their possession at the time the advertisement is placed, or the vehicle may be obtained from the manufacturer or distributor, and this information is clearly and conspicuously disclosed in the advertisement; and

2. the price advertisement sets forth the number of vehicles available at the time the advertisement is placed or a dealer can show he has available a reasonable expectable public demand based on prior experience. In addition, if an advertisement pertains to only one specific vehicle, then the advertisement must also disclose the vehicle's stock number or vehicle identification number.

B. Dealers may advertise a specific used vehicle for sale only if the specific used vehicle is in the possession of the dealer at the time the advertisement is placed and the title certificate to the used vehicle has been assigned to the dealer, except as provided in Paragraphs 1 and 2, below.

1. A motor vehicle dealer may advertise a used motor vehicle for sale when that used motor vehicle is in the possession of the manufacturer, distributor, or manufacturer's or distributor's affiliated financial institution. That advertisement must clearly and conspicuously disclose that the used motor vehicle is in the possession of the manufacturer, distributor, or manufacturer's or distributor's affiliated financial institution and that the used motor vehicle is available to be shipped to the advertising motor vehicle dealer from the manufacturer, distributor, or manufacturer's or distributor's affiliated financial institution within a reasonable period of time, not to exceed 10 business days.

2. A dealer may advertise a used vehicle for sale when that used vehicle is in the possession of a different dealership(s) under majority common ownership. That advertisement must clearly and conspicuously disclose that the used vehicle is in the possession of an affiliate dealership and state the specific location of the used vehicle, and that the used vehicle is available to be shipped to the dealer within a reasonable period of time, not to exceed 10 business days.

C. This Section does not prohibit general advertising of vehicles by a manufacturer, dealer advertising association, or

distributor and the inclusion of the names and addresses of the dealers selling such vehicles in the particular area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1253.E.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 34:76 (January 2008), amended LR 36:1549 (July 2010), LR 49:1212 (July 2023).

Lessie A. House
Executive Director

2307#018

RULE

**Office of the Governor
Division of Administration
Racing Commission**

Horses Disqualified for a Foul (LAC 35:V.7907)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, the Racing Commission has amended LAC 35:V.7907. The amendment, along with the amendment to LAC 35:V.6335, loosens the restrictions on entries by allowing the uncoupling of same owner entries in order to help increase field sizes in Louisiana horse races and to help Louisiana racing compete with multiple state racing jurisdictions that already allow uncoupling of same owner entries. This Rule is hereby adopted on the day of promulgation.

**Title 35
HORSE RACING**

Part V. Racing Procedures

Chapter 79. Post to Finish

§7907. Horses Disqualified for a Foul

A. If a horse is disqualified for a foul, any horse or horses of the same ownership or interest, whether coupled as an entry or not, may also be disqualified.

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

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:445 (December 1976), amended LR 3:41 (January 1977), LR 4:285 (August 1978), LR 49:1213 (July 2023).

Charles A. Gardiner III
Executive Director

2307#005

RULE

**Office of the Governor
Division of Administration
Racing Commission**

Owner's Entry of More Than One Horse (LAC 35:V.6335)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, the Racing Commission has amended LAC 35:V.6335. The amendment, along with the amendment to LAC 35:V.7907, loosens the restrictions on entries by

allowing the uncoupling of same owner entries in order to help increase field sizes in Louisiana horse races and to help Louisiana racing compete with multiple state racing jurisdictions that already allow uncoupling of same owner entries. This Rule is hereby adopted on the day of promulgation.

**Title 35
HORSE RACING**

Part V. Racing Procedures

Chapter 63. Entries

§6335. Owner's Entry of More Than One Horse

A. Not more than two horses of the same ownership or interest may be entered in an overnight race, unless the race is divided. In divided races, the starters in the separate divisions shall be determined by lot. If a race is divided, an additional conditional entry may be accepted from any interest.

B. In overnight races, the stewards may allow no more than two horses of the same ownership or interest to race as separate wagering interests, but in no case may two horses of the same ownership or interest start to the exclusion of a single entry should the number of entries exceed the starting gate capacity.

C. When making a double or joint entry in overnight races, the owner or trainer must express a preference to start should the number of entries exceed the starting gate capacity.

D. In stakes races, the stewards may allow two or more horses of the same ownership or interest to race as separate wagering interests.

E. The stewards may require horses entered in any race to be coupled for wagering interests if a majority of the stewards find it necessary in the public interest.

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

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission LR 2:437 (December 1976), amended LR 3:33 (January 1977), LR 4:280 (August 1978), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 38:3168 (December 2012), LR 49:1213 (July 2023).

Charles A. Gardiner III
Executive Director

2307#004

RULE

**Department of Health
Bureau of Health Services Financing**

Adult Dentures Program
Reimbursement
(LAC 50:XXV.701)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XXV.701 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXV. Adult Dentures

Chapter 7. Reimbursement

§701. Fees

A. - D.1. ...

E. Effective for dates of service on or after July 1, 2023, the reimbursement rates for adult denture services shall be reimbursed based on the Louisiana Medicaid fee schedule. All rates in the fee schedule are published on the Medicaid provider website at www.lamedicaid.com.

1. Implementation of these rates is subject to approval by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:81 (January 2005), repromulgated LR 31:1589 (July 2005), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:316 (February 2013), LR 40:1006 (May 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1214 (July 2023).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Stephen R. Russo
Secretary

2307#031

RULE

Department of Health
Bureau of Health Services Financing

Early and Periodic Screening, Diagnosis and Treatment
Dental Services
(LAC 50:XV.6905)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XV.6905 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 5. Early and Periodic Screening, Diagnosis and Treatments

Chapter 69. Direct Dental Services

§6905. Reimbursement

A. - K.1.b. ...

L. Effective for dates of service on or after July 1, 2023, the reimbursement rates for EPSDT dental services shall be reimbursed based on the Louisiana Medicaid fee schedule. All rates in the fee schedule are published on the Medicaid provider website at www.lamedicaid.com.

1. Implementation of these rates is subject to approval by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:81 (January 2005), repromulgated LR 31:1589 (July 2005), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:316 (February 2013), LR 40:1006 (May 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1214 (July 2023).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Stephen R. Russo
Secretary

2307#032

RULE

Department of Health
Bureau of Health Services Financing

Federally Qualified Health Centers
Alternative Payment Methodology
(LAC 50:XI.10703)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XI.10703 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XI. Clinic Services

Subpart 13. Federally-Qualified Health Centers

Chapter 107. Reimbursement Methodology

§10703. Alternate Payment Methodology

A. - I. ...

J. Effective for dates of service on or after July 20, 2023, Medicaid will increase FQHC payments by \$30 per encounter. This payment shall be reimbursed through an alternative payment methodology when these services are provided on the same date as a medical/dental/behavioral health visit that includes an evaluation and management procedure code as one of the detailed lines on the claim. The APM will pay FQHCs an add-on amount of \$30 in addition to the PPS rate on file for the date of service. The APM must be agreed to by the department and the FQHC and must result in a payment to the FQHC, which is at least the PPS rate on file for the date of service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1033 (June 2008), amended by the Department of Health, Bureau of Health Services Financing, LR

44:1894 (October 2018), LR 44:2162 (December 2018), LR 45:434 (March 2019), 46:182 (February 2020), LR 47:1528 (October 2021), LR 47:1875 (December 2021), LR 49:1214 (July 2023).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Stephen R. Russo
Secretary

2307#033

RULE

Department of Health Bureau of Health Services Financing

Healthcare Facility Sanctions (LAC 48:I.Chapter 46)

The Department of Health, Bureau of Health Services Financing has amended LAC 48:I.Chapter 46 as authorized by R.S. 36:254, 40:2009.11, 40:2009.23, 40:2199, and 40:2199.1. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 3. Licensing and Certification

Chapter 46. Healthcare Facility Sanctions

Subchapter A. General Provisions

§4601. Introduction

A. The purpose of this Chapter is to:

1. provide for the development, establishment, and enforcement of statewide standards for the imposition of sanctions pursuant to state statutes against healthcare facilities in the state of Louisiana that have violations of federal or state law or statutes, licensure standards and requirements, certification requirements, or Medicaid requirements;

2. - 6. ...

B. This Chapter shall not apply to any individual healthcare provider who is licensed or certified by one of the boards under LDH. These boards include, but are not limited to:

1. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.11, 40:2009.23, 40:2199 and 40:2199.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:3077 (November 2013), LR 49:1215 (July 2023).

§4603. Definitions

Administrative Reconsideration—for purposes of this Chapter, also known as an informal reconsideration.

Class A Violation—a violation of a rule or regulation that creates a condition or occurrence relating to the maintenance and/or operation of a facility which results in death or serious harm to the resident(s), patient(s), or client(s). Examples of class A violations include, but are not limited to:

1. acts or omissions by an employee or employees of a facility that either knowingly or negligently resulted in the death of the resident(s), patient(s), or client(s); or

2. acts or omissions by an employee or employees of a facility that either knowingly or negligently resulted in serious harm to the resident(s), patient(s), or client(s).

Class B Violation—a violation of a rule or regulation in which a condition or occurrence relating to the maintenance and/or operation of a facility is created which results in the substantial probability of death or serious physical or mental harm to the resident(s), patient(s), or client(s). Examples of class B violations include, but are not limited to:

1. - 3 ...

4. failure to employ a sufficient number of adequately trained staff to care for resident(s), patient(s), or client(s); or

5. ...

Class C Violation—a violation of a rule or regulation in which a condition or occurrence relating to the maintenance and/or operation of a facility creates a potential for harm by directly threatening the health, safety, or welfare of the resident(s), patient(s) or client(s). Examples of class C violations include, but are not limited to:

1. - 5 ...

6. lack of adequately trained staff necessary to meet the resident(s), patient(s), or client(s)' needs;

7. failure of a regulated entity to display on its premises at least one sign, which is at least 18 inches tall by 18 inches wide and written in the English language with letters that are not less than one-square-inch in size, in a conspicuous location in a publically-accessible area;

8. failure by a regulated entity to develop a workplace violence prevention plan that includes, as a minimum, all of the following resources:

a. resources for ongoing education on the issue of workplace violence;

b. resources for prevention of workplace violence; and

c. resources on responding to incidents of workplace violence and debriefing with respect to such incidents and responses thereto;

9. failure by a regulated entity to have a healthcare workplace violence prevention plan that addresses and encompasses all of the following:

a. personnel education and policies requiring all healthcare workers who provide direct care to resident(s), patient(s), or client(s) to receive, at least annually, education and training in a format that provides an opportunity for interactive questions and answers with a person knowledgeable about the workplace violence prevention plan. The education and training delivered pursuant to a workplace violence prevention plan that covers topics including but not limited to all of the following:

i. how to recognize the potential for violence to occur;

ii. when and how to seek assistance to prevent or respond to violence;

iii. how to report violent incidents to law enforcement; and

iv. resources available to employee or employees for coping with incidents of workplace violence.

b. a system for responding to and investigating violent incidents and situations involving violence; and

c. a system for regularly, and not less than annually, assessing and improving upon factors that may contribute to or help in preventing workplace violence. The system must address, without limitation, all of the following aspects of the workplace:

i. staffing, including staffing patterns that may contribute to, or be insufficient to address, the risk of violence;

ii. sufficiency of security systems including alarms, emergency response systems, and availability of security personnel;

iii. job design, equipment, and facilities; and

iv. security risks associated with particular units of the workplace, areas of the regulated entity's facility with uncontrolled access, late night, or early morning shifts, and areas surrounding the facility such as employee or employees' parking areas;

10. failure by a regulated entity to orient all permanent and temporary employee or employees of the entity's workplace violence prevention plan;

11. failure by a regulated entity to maintain its workplace violence prevention plan in effect at all times; or

12. failure by a regulated entity to protect resident(s), patient(s), or client(s) from personal exploitation including, but not limited to, sexual conduct involving facility staff and the resident(s), patient(s), or client(s).

Class D Violation—a violation of a rule or regulation related to administrative and reporting requirements that do not directly threaten the health, safety, or welfare of the resident(s), patient(s), or client(s), or the safety of its employee or employees through workplace violence. Examples of *class D violations* include, but are not limited to:

1. - 2. ...

3. falsification of a record;

4. failure to maintain the resident(s), patient(s), or client(s)' financial records as required by rules and regulations;

5. failure by a regulated entity to maintain and make available to its employee or employees, a written safety and security plan; or

6. a regulated entity taking retaliatory action against a person who, in good faith:

a. reports an allegation or instance of workplace violence;

b. seeks assistance and intervention from local emergency services or law enforcement when a violent incident occurs; or

c. reports to law enforcement a crime or allegation involving workplace violence at the regulated entity's facility.

* * *

Department or LDH—the Louisiana Department of Health.

* * *

Employee—for purposes of this Chapter, a person who performs a job or task for the healthcare provider. An employed person may be permanent, temporary, or contracted.

Healthcare Facility or Facility—any healthcare provider or entity licensed or certified by LDH, including all regulated entities, as defined by R.S. 40:2199.12, under the

regulatory jurisdiction of LDH. In other laws, statutes and regulations, this entity may be referred to as a provider, agency, clinic, residential unit, or home. A healthcare facility shall include, but not be limited to a/an:

1. - 11. ...

12. free-standing birth center;

13. supplier of portable x-ray services;

14. home and community-based services (HCBS)

provider;

15. home health agency;

16. hospice agency;

17. hospital;

18. intermediate care facility for persons with developmental disabilities (ICF-DD);

19. mental health clinic;

20. mental health center;

21. mental health rehabilitation agency;

22. non-emergency medical transportation agency;

23. nursing facility;

24. nurse staffing agency;

25. rural health clinic;

26. pain management clinic;

27. pediatric day healthcare (PDHC) facility;

28. psychiatric residential treatment facility (PRTF);

29. substance use/addiction treatment facility;

30. therapeutic group home (TGH); and

31. any other program licensed or certified by LDH.

HSS—the LDH Health Standards Section.

* * *

Regulated Entity—any licensed healthcare facility as defined by R.S. 40:2199.12.

Secretary—the secretary of LDH or his/her designee.

Workplace Violence—violent acts, including battery or the intentional placing of another person in reasonable apprehension of sustaining battery, directed toward persons at work or on duty with their employment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.11, 40:2009.23, 40:2199 and 40:2199.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:3077 (November 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1215 (July 2023).

Subchapter B. Sanctions and Standards for the Imposition of Sanctions

§4611. General Provisions

A. - B.12.c. ...

C. Considerations. When determining whether to impose a sanction, the department may consider some or all of the following factors:

1. whether the violations pose an immediate threat to the health, safety, or welfare of the resident(s), patient(s), or client(s);

C.2. - E ...

F. Any facility sanctioned under this Rule and found to have a violation that poses a threat to the health, safety, or welfare of the resident(s), patient(s), or client(s) may have additional actions, such as criminal charges, brought against it under another applicable law, statute or regulation.

G. Unless otherwise provided for in state law or statute, if the secretary determines that the violations committed by the facility pose an imminent or immediate threat to the health, safety, or welfare of any resident(s), patient(s), or client(s) receiving services, the imposition of the sanction

may be immediate and may be enforced during the pendency of the administrative appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.11, 40:2009.23, 40:2199 and 40:2199.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:3078 (November 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1216 (July 2023).

§4613. Civil Fines

A. - B.2. ...

C. Class C Violations

1. ...

2. A facility may elect to pay 50 percent of the civil fine imposed for a class C violation in exchange for waiving its right to an administrative reconsideration and appeal if it submits, and HSS receives, the following within 30 days of the facility's receipt of the civil fine notice:

a. ...

b. the facility's written waiver of the right to an administrative reconsideration and appeal on the form provided by LDH.

D. - E.1. ...

F. Determination of the Amount of Civil Fines

1. In establishing the amount of civil fines to be imposed against the provider, the department may consider:

a. all relevant aggravating circumstances, including, but not limited to:

i. - iii. ...

iv. the extent of actual or potential harm to resident(s), patient(s), or client(s); and

b. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.11, 40:2009.23, 40:2199 and 40:2199.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:3079 (November 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1217 (July 2023).

§4619. Removal from the Freedom of Choice List

A. The department may impose the sanction of removal from the freedom of choice list to a facility placed on a freedom of choice list. LDH may impose this sanction for any violation including, but not limited to:

A.1. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.11, 40:2009.23, 40:2199 and 40:2199.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:3080 (November 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1217 (July 2023).

§4621. Transfer of Resident(s), Patient(s), or Client(s) Receiving Services

A. The department may impose the sanction of transfer of resident(s), patient(s), or client(s) receiving services provided by a facility. This sanction may be imposed for any violation of statute, rule or regulation including but not limited to:

A.1. - F.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.11, 40:2009.23, 40:2199 and 40:2199.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:3080 (November 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1217 (July 2023).

§4623. License Suspension

A. Unless otherwise provided by federal or state law, the department may impose a suspension of a license if the department determines that the violations committed by the facility pose an imminent or immediate threat to the health, welfare or safety of its resident(s), patient(s), or client(s).

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.11, 40:2009.23, 40:2199 and 40:2199.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:3081 (November 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1217 (July 2023).

§4627. Special Staffing Requirements

A. - B.5. ...

C. The department may impose the sanction of special staffing for any violation of statute, rule or regulation including, but not limited to:

1. a violation of a rule or regulation that creates a condition or occurrence relating to the maintenance and/or operation of a facility which results in death or serious harm to the resident(s), patient(s), or client(s);

2. a violation of a rule or regulation in which a condition or occurrence relating to the maintenance and/or operation of a facility is created and results in the substantial probability of death or serious physical or mental harm to the resident(s), patient(s) or client(s) will result from the violation;

3. a repeat violation of a rule or regulation in which a condition or occurrence relating to the maintenance and/or operation of a facility creates a potential for harm by directly threatening the health, safety, or welfare of the resident(s), patient(s), or client(s);

4. ...

5. when there is an imminent threat to the health, safety, or welfare of the facility's resident(s), patient(s), or client(s).

D. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.11, 40:2009.23, 40:2199 and 40:2199.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:3081 (November 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1217 (July 2023).

§4629. Temporary Management

A. The department may require the immediate appointment of a temporary manager, at the facility's expense, to:

1. ...

2. ensure the health, safety, and welfare of the facility's resident(s), patient(s), or client(s).

B. Temporary management may be imposed for any violation of statute, rule or regulation including, but not limited to:

1. a violation of a rule or regulation that creates a condition or occurrence relating to the maintenance and/or operation of a facility which results in death or serious harm to the resident(s), patient(s) or client(s);

2. a violation of a rule or regulation in which a condition or occurrence relating to the maintenance and/or operation of a facility is created and results in the substantial

probability of death, serious physical harm or mental harm to the resident(s), patient(s) or client(s);

3. a repeat violation of a rule or regulation in which a condition or occurrence relating to the maintenance and/or operation of a facility creates a potential for harm by directly threatening the health, safety, or welfare of the resident(s), patient(s), or client(s);

B.4. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.11, 40:2009.23, 40:2199 and 40:2199.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:3082 (November 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1217 (July 2023).

Subchapter C. Notice and Appeals

§4643. Administrative Appeal Process

A. - C.5. ...

D. Hearings

1. - 2.b.v. ...

c. The administrative law judge (ALJ) may question any party or witness and may admit any relevant and material evidence.

2.d. - 7....

8. The ALJ does not have the authority to:

a. rescind or amend any violation of federal law, statute, or regulation found by LDH on behalf of CMS; or

D.8.b. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.11, 40:2009.23, 40:2199 and 40:2199.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:3083 (November 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1218 (July 2023).

Subchapter D. Enforcement of Sanctions

§4651. Enforcement of Sanctions/Collection of Fines

A. - D.2....

E. The facility is prohibited from:

1. ...

2. increasing charges to resident(s), patient(s), or client(s) as a result of civil fines and/or interest imposed by LDH.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.11, 40:2009.23, 40:2199 and 40:2199.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:3085 (November 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1218 (July 2023).

Stephen R. Russo
Secretary

2307#034

RULE

Department of Health Bureau of Health Services Financing and Office of Behavioral Health

Healthy Louisiana and Coordinated System of Care Waiver
Behavioral Health Directed Payments
(LAC 50:XXXIII.503 and 703)

The Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health have adopted

LAC 50:XXXIII.503 and 703 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXXIII. Behavioral Health Services

Subpart 1. Healthy Louisiana and Coordinated System of Care Waiver

Chapter 5. Reimbursement

§503. Directed Payments

A. Provider Directed Payments

1. Subject to written approval by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), the Department of Health (hereafter referred to as “the department” and/or “LDH”) shall provide directed payments to qualifying providers that participate in the Healthy Louisiana Medicaid managed care program or Coordinated System of Care (CSoC) waiver, in accordance with the applicable section 438.6(c) preprint(s) approved by CMS, federal regulations, and departmental requirements. Each CMS approved directed payment arrangement is effective for one Healthy Louisiana Medicaid managed care or CSoC contract rating period, unless otherwise approved by CMS.

2. Qualifying Provider

a. High fidelity wraparound agencies (WAA) and wraparound facilitators (WF), WF supervisors, WAA coaches, and WAA administrators that meet the criteria specified in the applicable section 438.6(c) preprint approved by CMS and departmental requirements; or

b. Peer support specialists, supervisors, trainers, and administrators employed by the family support organization (FSO) that meet the criteria specified in the applicable section 438.6(c) preprint approved by CMS and departmental requirements; or

c. Licensed mental health practitioners (LMHPs) and psychiatrists that provide behavioral health outpatient services and that meet the criteria specified in the applicable section 438.6(c) preprint approved by CMS and departmental requirements.

3. The Healthy Louisiana Medicaid managed care organization (MCO) and CSoC contractor shall assign qualifying providers to provider classes based upon criteria specified in the applicable section 438.6(c) preprint(s) approved by CMS, in accordance with departmental requirements.

a. Qualifying providers shall have no right to an administrative appeal regarding the qualifying provider criteria or determination of which providers meet the qualifying provider criteria.

4. The MCO and CSoC contractor shall utilize a payment process, whereby directed payments will be calculated and paid out based on the data and methodology specified in the applicable section 438.6(c) preprint(s) approved by CMS, in accordance with departmental requirements.

a. Qualifying providers shall have no right to an administrative appeal regarding calculation of directed payments or measurement rates.

5. Based upon the methodology specified in the applicable section 438.6(c) preprint(s) approved by CMS, in accordance with departmental requirements, the department shall cause directed payments to be paid in a single upfront lump sum payment to the MCOs; and payments shall be paid to the CSoC contractor within 30 days of receipt of invoice(s), on a retrospective basis.

a. Funding for the directed payments is only available during the time period in the applicable section 438.6(c) preprint(s) approved by CMS or until payments are exhausted, whichever comes first.

6. In accordance with the applicable section 438.6(c) preprint(s) approved by CMS and departmental requirements, directed payments must be based on actual utilization and delivery of services during the applicable contract period.

a. Within six months of the end of the rating period, the MCOs and CSoC contractor shall perform a reconciliation as specified in the applicable section 438.6(c) preprint approved by CMS or as otherwise dictated in accordance with departmental requirements.

i. Qualifying providers shall have no right to an administrative appeal regarding any issue related to reconciliation, including, but not limited to, the timing, amount of the reconciliation, and process.

7. If a qualifying provider is subject to a reconciliation, the qualified provider shall pay all amounts owed to the MCO or CSoC contractor, in accordance with departmental requirements.

a. In addition to all other available remedies, the MCO and the CSoC contractor has the authority to offset all amounts owed by a qualifying provider due to a reconciliation against any payment owed to the qualifying provider, including, but not limited to, any payment owed by the MCOs or CSoC contractor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 49:1218 (July 2023).

Chapter 7. Grievance and Appeals Process

§703. Provider Grievance and Appeal Process

A. If the provider is filing a grievance or appeal on behalf of the member, the provider shall adhere to the provisions outlined in §701 of this Chapter.

B. The MCO and CSoC contractor must have a grievance and appeals process for claims, medical necessity, and contract disputes for providers in accordance with the contract and department issued guidance.

1. The MCO and CSoC contractor shall establish and maintain a procedure for the receipt and prompt internal resolution of all provider initiated grievances and appeals as specified in the contract and department issued guidance.

2. The grievance and appeals procedures, and any changes thereto, must be approved in writing by the department prior to their implementation.

3. Notwithstanding any MCO, CSoC contractor, or department grievance and appeal process, nothing contained in any document, including, but not limited to Rule or contract, shall preclude a provider's right to pursue relief through a court of appropriate jurisdiction.

4. The MCO and CSoC contractor shall report on a monthly basis all grievance and appeals filed and resolutions in accordance with the terms of the contract and department issued guidance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 49:1219 (July 2023).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Stephen R. Russo
Secretary

2307#035

RULE

Department of Health Bureau of Health Services Financing

Hospice Services
Payment Methodology
(LAC 50:XV.4305 and 4309)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XV.4305 and §4309 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 3. Hospice

Chapter 43. Reimbursement

§4305. Payment Methodology

A. Reimbursement for hospice services is made to a designated hospice provider based on the Medicaid rates published annually in a memorandum issued by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), Center for Medicaid and CHIP Services. These rates are effective from October 1 of each year through September 30 of the following year.

1. Payment for hospice care will be made at predetermined rates for each day in which a beneficiary is under the care of the hospice provider. The daily rate is applicable to the type and intensity of services furnished to the beneficiary for that day.

a. - b. Repealed.

2. For routine home care, continuous home care, and inpatient respite care, only one rate is applicable for each day. For continuous home care, the amount of payment is determined based on the number of hours of continuous care furnished to the recipient on that day.

a. - d.ii. Repealed.

B. A service intensity add-on (SIA) payment will be reimbursable for a visit by a registered nurse or a social worker, when provided during routine home care in the last seven days of a patient's life. The SIA payment is made in addition to the routine home care rate.

1. The hospice provider shall submit claims for payment for hospice care only on the basis of the geographic location at which the services are furnished.

a. The nursing facility shall be considered an individual's home if the individual usually lives in the nursing facility.

2. Payment for Physician Services. The four basic payment rates for hospice care are designed to reimburse the hospice for the costs of all covered services related to the treatment of the recipient's terminal illness. This includes the administrative and general supervisory activities performed by physicians who are employees of or working under arrangements made with the hospice. These activities are generally performed by the physician serving as the medical director and the physician member of the hospice interdisciplinary group. Group activities include participation in the establishment of plans of care, supervision of care and services, periodic review and updating of plans of care, and establishment of governing policies. The costs for these services are included in the reimbursement rates for routine home care, continuous home care, and inpatient respite care.

a. The hospice is paid for other physicians' services, such as direct patient care services, furnished to individual patients by hospice employees and for physician services furnished under arrangements made by the hospice unless the patient care services were furnished on a volunteer basis. The physician visit for the face-to-face encounter will not be reimbursed by the Medicaid Program.

b. The hospice is reimbursed in accordance with the usual Medicaid reimbursement policy for physicians' services. This reimbursement is in addition to the daily rates.

c. Physicians who are designated by recipients as the attending physician and who also volunteer services to the hospice are, as a result of their volunteer status, considered employees of the hospice in accordance with the 42 CFR 418.3. All direct patient care services rendered by these physicians to hospice patients are hospice physician services, and are reimbursed in accordance with the procedures outlined in §4305.B.1. Physician services furnished on a volunteer basis are excluded from Medicaid reimbursement. The hospice may be reimbursed on behalf of a volunteer physician for specific services rendered which are not furnished on a volunteer basis (a physician may seek reimbursement for some services while furnishing other services on a volunteer basis). The hospice must have a liability to reimburse the physician for those physician services rendered. In determining which services are furnished on a volunteer basis and which services are not, a physician must treat Medicaid patients on the same basis as other patients in the hospice.

d. An independent attending physician is reimbursed in accordance with the usual Medicaid reimbursement methodology for physician services.

i. The only services billed by the attending physician are the physician's personal professional services.

Costs for services such as lab or x-rays are not included on the attending physician's bill.

ii. Services provided by an independent attending physician must be coordinated with any direct care services provided by hospice physicians.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1470 (June 2002), amended LR 34:441 (March 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:132 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1219 (July 2023).

§4309. Limitation on Payments for Inpatient Care

A. Payments to a hospice for inpatient care are limited according to the number of days of inpatient care furnished to Medicaid patients.

1. A hospice cap period is a 12-month period beginning November 1 of each year and ending October 31 of the following year.

2. - 2.b....

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1472 (June 2002), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:132 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:2294 (September 2022), LR 49:1220 (July 2023).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Stephen R. Russo
Secretary

2307#036

RULE

Department of Health Bureau of Health Services Financing

Hospital Licensing Standards
Rural Emergency Hospitals
(LAC 48:I.Chapter 93)

The Department of Health, Bureau of Health Services Financing has amended LAC 48:I.Chapter 93 as authorized by R.S. 36:254 and 40:2100-2115. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 93. Hospitals

Subchapter A. General Provisions

§9301. Purpose

A. - B. ...

C. Primarily Engaged

1. - 1.b....

2. Exemptions. The following licensed hospitals are not subject to the primarily engaged provisions/requirements of this Chapter:

a. ...

b. a licensed hospital designated as a rural hospital as defined by R.S. 40:1189.3;

c. a licensed hospital currently certified and enrolled as a Medicare/Medicaid certified hospital which has not been determined out of compliance with the federal definition of primarily engaged; if a hospital is currently Medicare/Medicaid certified, and has been determined to be currently meeting the federal definition of primarily engaged, it shall be exempt from compliance with the following provisions in this section regarding primarily engaged; and

d. a licensed hospital designated as a rural emergency hospital, as established in Section 125 of the Consolidated Appropriations Act of 2021 and defined by the Code of Federal Regulations at 42 CFR 485.500 et seq., or its successor provisions, provided that such facility is in compliance with the provisions of Section 9310 of this Chapter.

C.3. - E.9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2399 (November 2003), amended by the Department of Health, Bureau of Health Services Financing, LR 45:1474 (October 2019), LR 46:1682 (December 2020), LR 49:1220 (July 2023).

§9303. Definitions

A. The following definitions of selected terminology are used in connection with Chapter 93 through Chapter 96.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2400 (November 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:513 (March 2010), LR 37:3028 (October 2011), LR 38:1413 (June 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 45:1475 (October 2019), LR 49:1221 (July 2023).

§9310. Rural Emergency Hospitals

A. A rural emergency hospital (REH) is a hospital facility that converts from either a critical access hospital (CAH) or a rural hospital with less than 50 beds, as established in Section 125 of the Consolidated Appropriations Act of 2021. Only a CAH or rural hospital with less than 50 beds that was licensed by the department as of December 27, 2020 may convert to a REH.

B. A REH shall be in compliance with the federal regulations for REHs, namely 42 CFR 485.500 et seq., or successor regulations.

C. Pursuant to the federal requirements, the REH shall provide emergency department services and observation care, but shall not provide acute inpatient services except for the optional service of post-hospital extended care services

furnished in a unit of the facility that is a distinct part skilled nursing unit.

1. The CAH or rural hospital that is converting to a REH shall contact the licensing section of the department to temporarily inactivate its licensed acute care hospital beds while it is designated and certified as a REH by the Medicare program.

2. If the facility loses its designation or certification as a REH or begins operating again as a CAH or rural hospital, the facility shall contact the licensing section of the department to immediately re-activate its licensed acute care hospital beds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1221 (July 2023).

§9311. Enforcement

A. The department shall have the authority to interpret and enforce Chapter 93 through Chapter 96 as authorized by and in accordance with the Health Care Facilities and Services Enforcement Act, R.S. 40:2199.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended by the Department of Health, Bureau of Health Services Financing, LR 29:2404 (November 2003), LR 49:1221 (July 2023).

Stephen R. Russo
Secretary

2307#037

RULE

Department of Health
Bureau of Health Services Financing

Inpatient Hospital Services—Medicare Part A Claims for
Medicaid Eligible Beneficiaries (LAC 50:V.Chapter 23)

The Department of Health, Bureau of Health Services Financing has repealed the following uncodified rules and adopts LAC 50:V.Chapter 23 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act.

Register Date	Title	Register Volume, Number	Page Number
November 20, 2000	Inpatient Hospital Services—Medicare Part A Claims	Vol 26 No 11	2621
November 20, 2000	Inpatient Psychiatric Services—Medicare Part A Claims	Vol 26 No 11	2621
February 20, 2002	Inpatient Hospital Services Medicare Part A	Vol 28 No 2	308

This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950

et seq. This Rule is hereby adopted on the day of promulgation.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part V. Hospital Services
Subpart 1. Inpatient Hospital Services
Chapter 23. Medicare Part A Claims for Medicaid
Eligible Beneficiaries

§2301. Reimbursement Methodology

A. To determine the amount that Medicaid will reimburse on a claim for a Medicaid beneficiary who is also eligible for Medicare Part A, the Medicare claim payment is compared to the Medicaid payment rate on file for the inpatient service multiplied by the inpatient covered days. If the Medicare payment exceeds the Medicaid rate that would have been paid, the claim is adjudicated as a paid claim with a zero payment. If the Medicaid rate that would have been paid exceeds the Medicare payment, the claim is reimbursed at the lesser of the co-insurance and deductible or up to the Medicaid maximum payment. If the Medicaid payment is reduced or eliminated as a result of the Medicare/Medicaid payment comparison, the amount of the Medicare payment plus the amount of the Medicaid payment, if any, shall be considered to be payment in full for the service.

B. Medicare Part A claims for small rural hospitals, as defined in R.S. 40:1300, are exempt from the Medicaid maximum payment limitation.

C. The beneficiary does not have any legal liability to make payment for the service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1222 (July 2023).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Stephen R. Russo
Secretary

2307#038

RULE

Department of Health
Bureau of Health Services Financing
and
Office for Citizens with Developmental Disabilities

Medicaid Eligibility
Act 421 Children's Medicaid Option
(LAC 50:III.2331)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities have amended LAC 50:III.2331 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part III. Eligibility
Subpart 3. Eligibility Groups and Factors
Chapter 23. Eligibility Groups and Medicaid
Programs

§2331. Act 421 Children's Medicaid Option (Act 421-CMO/TEFRA)

A. Pursuant to section 1902(e)(3) of the Social Security Act the state may extend Medicaid eligibility to certain children living in the community, who require the level of care provided in an institution, and who would be eligible for Medicaid if living in an institution.

1. - 2. Repealed.

B. Effective January 1, 2022, the department implemented the Act 421 Children's Medicaid Option (Act 421-CMO) program to provide Medicaid State Plan services to children with disabilities who, despite parental or household income and resources, meet the eligibility criteria set forth in this Section.

1. - 2.b.iii.(c). Repealed.

C. Eligibility Criteria. In order to qualify for the 421-CMO program, an applicant/Act 421-CMO beneficiary must meet all of the following criteria:

1. is 18 years of age or younger (under 19 years of age);

a. - b. Repealed.

2. is a U.S. citizen or qualified non-citizen;

3. is a Louisiana resident;

4. has countable resources that are equal to or less than the resource limits for the Supplemental Security Income (SSI) program;

5. has countable income equal to or less than the special income level for long-term care services (nursing facility, ICF/IID, and home and community-based services);

6. qualifies as a disabled individual under section 1614(a) of the Social Security Act;

7. must meet a level of care, assessed on an annual basis, provided in an intermediate care facility for individuals with intellectual disabilities (ICF/IID), a nursing facility, or a hospital; and

8. care needs are being safely met at home at a lower cost than the cost of services provided in an institutional setting.

D. Act 421 Children's Medicaid Option (Act 421-CMO/TEFRA) Levels of Care

1. The individual meets Act 421-CMO ICF/IID level of care when demonstrating both of the following:

a. has obtained a statement of approval from the Office for Citizens with Developmental Disabilities, or its designee, or EarlySteps eligibility (depending on age) confirming that he/she has a developmental disability as defined in R.S. 28:451.2; and

b. meets the requirements for active treatment of a developmental disability under the supervision of a qualified developmental disability professional, as prescribed on the Request for Medical Eligibility Determination, Form 90-L.

2. The individual meets Act 421-CMO nursing facility level of care when demonstrating both of the following, assessed in accordance with the Act 421 Children's Medicaid Option assessment tool:

a. has a diagnosis of a medical/physical condition resulting in needs requiring long term care services of at least six months; and

b. requires skilled nursing interventions and/or has substantial functional limitations (SFLs) requiring hands-on assistance from others throughout the day.

3. The individual meets hospital level of care when demonstrating all of the following, assessed in accordance with the Act 421 Children’s Medicaid Option assessment tool:

a. the need for frequent medical care that requires the use of equipment to prevent life-threatening situations, with skilled medical care required more than once during each 24-hour period;

b. the need for skilled medical interventions that are expected to persist for at least six months; and

c. an overall health condition that is unstable, presenting the constant potential for complications or rapid deterioration, such that he/she requires monitoring by professional nurses, parents, or other properly instructed individuals, in order to detect unstable and life-threatening conditions and respond promptly with appropriate care.

E. Cost Effectiveness

1. On an annual basis, each 421-CMO beneficiary’s expenditures will be measured against the average cost of care in an institution that corresponds to his/her level of care (i.e. hospital, ICF/IID, nursing facility) to ensure that home and community-based care is more cost effective than institutional care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:977.21-977.25, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1872 (December 2021), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 49:1222 (July 2023).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Stephen R. Russo
Secretary

2307#039

RULE

**Department of Health
Bureau of Health Services Financing**

Medicaid Eligibility
Disregard of Accumulated Resources
(LAC 50:III.10705)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:III.10703 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

**Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part III. Eligibility
Subpart 5. Financial Eligibility**

Chapter 107. Resources

§10705. Resource Disregards

A. - D. ...

E. Resources accumulated from March 18, 2020 through March 31, 2023, that, but for the continuous enrollment provision at section 6008(b)(3) of the Families First Coronavirus Response Act, would have been paid toward the cost of a beneficiary’s home and community-based services waiver or institutional services based on the application of post-eligibility treatment of income, will be disregarded through the twelfth month following the first full redetermination of the beneficiary’s eligibility conducted after March 31, 2023.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:1899 (September 2009), amended LR 36:2867 (December 2010), LR 41:949 (May 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 45:1772 (December 2019), LR 46:1393 (October 2020), LR 49:1223 (July 2023).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Stephen R. Russo
Secretary

2307#040

RULE

**Department of Health
Office of Public Health**

List of Conditions that Shall Deem an Unborn Child
“Medically Futile” (LAC 48:I.401)

Under the authority of R.S. 14:87.1, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Health, Office of Public Health (LDH-OPH), has promulgated the following Section in LAC 48:I.Chapter 4. As required by Act 545 of the 2022 regular session of the Louisiana Legislature, the following Rule establishes the exclusive list of anomalies, diseases, disorders, and other conditions that shall deem an unborn child “medically futile” for purposes of R.S. Title 14, Chapter 1, Part V, Subpart A. This Rule is hereby adopted on the day of promulgation.

**Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 1. General**

**Chapter 4. Medically Futile Pregnancies
§401. Conditions that Shall Deem an Unborn Child
“Medically Futile”**

A. Pursuant to Act 545 of the 2022 regular session of the Louisiana Legislature, the Department of Health establishes

the following exclusive list of anomalies, diseases, disorders, and other conditions that shall deem an unborn child “medically futile” for purposes of R.S. Title 14, Chapter 1, Part V, Subpart A:

1. achondrogenesis;
2. acrania;
3. anencephaly;
4. arcadia;
5. body stalk anomaly;
6. campomelic dysplasia;
7. craniorachischisis;
8. dysencephalia splanchnocystica (Meckel-Gruber syndrome);
9. ectopia cordis;
10. exencephaly;
11. gestational trophoblastic neoplasia;
12. holoprosencephaly;
13. hydrops fetalis;
14. iniencephaly;
15. perinatal hypophosphatasia;
16. osteogenesis imperfecta (type 2);
17. renal agenesis (bilateral);
18. short rib polydactyly syndrome;
19. sirenomelia;
20. thanatophoric dysplasia;
21. triploidy;
22. trisomy 13;
23. trisomy 16 (full);
24. trisomy 18;
25. trisomy 22; and
26. a profound and irremediable congenital or chromosomal anomaly existing in the unborn child that is incompatible with sustaining life after birth in reasonable medical judgment as certified by two physicians that are licensed to practice in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 14:87.1

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 49:1223 (July 2023).

Dr. Courtney N. Phillips
Secretary

2307#055

RULE

Department of Natural Resources Office of Conservation

Pipeline Safety
(LAC 33:V.30260, 30418, and 30420,
LAC 43:XIII.508 and 2945)

Editor's Note: This Rule is being repromulgated to correct citation errors. The original Rule can be viewed in its entirety on pages 1089-1110 of the June 20, 2023 *Louisiana Register*.

The Department of Natural Resources, Office of Conservation has amended LAC 43:XI, 43:XIII and LAC 33:V in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana.

The Rule changes include minor changes to LAC XI and the changes for LAC 43:XIII and LAC 33:V are required as a part of the Department of Natural Resources certification agreement with the US Department of Transportation and are intended to adopt existing federal regulations as state regulations. This Rule is hereby adopted on the day of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Wastes and Hazardous Materials

Subpart 3. Natural Resources

Chapter 301. Transportation of Hazardous Liquids by Pipeline

[49 CFR Part 195]

Subchapter B. Reporting Accidents and Safety Related Conditions [Subpart B]

§30260. Valves: Location [49 CFR 195.260]

A. A valve must be installed at each of the following locations: [49 CFR 195.260]

1. on the suction end and the discharge end of a pump station in a manner that permits isolation of the pump station equipment in the event of an emergency; [49 CFR 195.260(a)]

2. on each pipeline entering or leaving a breakout storage tank area in a manner that permits isolation of the tank area from other facilities; [49 CFR 195.260(b)]

3. on each pipeline at locations along the pipeline system that will minimize or prevent safety risks, property damage, or environmental harm from accidental hazardous liquid or carbon dioxide discharges, as appropriate for onshore areas, offshore areas, and high-consequence areas (HCA). For newly constructed or entirely replaced onshore hazardous liquid or carbon dioxide pipeline segments, as that term is defined at §30105, that are installed after April 10, 2023, valve spacing must not exceed 15 miles for pipeline segments that could affect or are in HCAs, as defined in §30450, and 20 miles for pipeline segments that could not affect HCAs. Valves on pipeline segments that are located in HCAs or which could affect HCAs must be installed at locations as determined by the operator's process for identifying preventive and mitigative measures established pursuant to §195.452(i) and by using the selection process in Section I.B of Appendix C of Part 195, but with a maximum distance that does not exceed 7 1/2 miles from the endpoints of the HCA segment or the segment that could affect an HCA. An operator may request an exemption from the compliance deadline requirements of this section for valve installation at the specified valve spacing if it can demonstrate to PHMSA, in accordance with the notification procedures in §30123, that those compliance deadline requirements would be economically, technically, or operationally infeasible. [49 CFR 195.260(c)]

4. on each lateral takeoff from a pipeline in a manner that permits shutting off the lateral without interrupting the flow in the trunk line; [49 CFR 195.260(d)]

5. on each side of a water crossing that is more than 100 feet (30 meters) wide from high-water mark to high-water mark as follows:[49 CFR 195.260(e)]

a. Valves must be installed at locations outside of the 100-year flood plain or be equipped with actuators or

other control equipment that is installed so as not to be impacted by flood conditions; and [49 CFR 195.260(e)(1)]

b. The maximum spacing interval between valves that protect multiple adjacent water crossings cannot exceed 1 mile in length; [49 CFR 195.260(e)(2)]

6. on each side of a reservoir holding water for human consumption. [49 CFR 195.260(f)]

7. on each highly volatile liquid (HVL) pipeline that is located in a high-population area or other populated area, as defined in §30420, and that is constructed, or where 2 or more miles of pipe have been replaced within any 5 contiguous miles within any 24-month period, after April 10, 2023, with a maximum valve spacing of 7 1/2 miles. The maximum valve spacing intervals may be increased by 1.25 times the distance up to a 9 3/8-mile spacing, provided the operator: [49 CFR 195.260(g)]

a. submits for PHMSA review a notification pursuant to §30123 requesting alternative spacing because installation of a valve at a particular location between a 7-mile to a 7 1/2-mile spacing would be economically, technically, or operationally infeasible, and that an alternative spacing would not adversely impact safety; and [49 CFR 195.260(g)(1)]

b. keeps the records necessary to support that determination for the useful life of the pipeline. [49 CFR 195.260(g)(2)]

B. An operator may submit for PHMSA review, in accordance with §30123, a notification requesting site-specific exemption from the valve installation requirements or valve spacing requirements of Subsections C, E, or F of this Section and demonstrating such exemption would not adversely affect safety. An operator may also submit for PHMSA review, in accordance with §30123, a notification requesting an extension of the compliance deadline requirements for valve installation and spacing of this section because those compliance deadline requirements would be economically, technically, or operationally infeasible for a particular new construction or pipeline replacement project. [49 CFR 195.260(h)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2821 (December 2003), amended LR 49:1091 (June 2023), repromulgated LR 49:1224 (July 2023).

Chapter 304. Transportation of Hazardous Liquids by Pipeline—Operation and Maintenance [49 CFR Part 195 Subpart F]

§30418. Valves: Onshore Valve Shut-Off For Rupture Mitigation [49 CFR 195.418]

A. Applicability. For newly constructed and entirely replaced onshore hazardous liquid or carbon dioxide pipeline segments, as defined at §30105, with diameters of 6 inches or greater that could affect high-consequence areas or are located in high consequence areas (HCA), and that have been installed after April 10, 2023 an operator must install or use existing rupture-mitigation valves (RMV), as defined at §30105, or alternative equivalent technologies according to the requirements of this section and §30419. RMVs and alternative equivalent technologies must be operational within 14 days of placing the new or replaced pipeline segment in service. An operator may request an extension of this 14-day operation requirement if it can demonstrate to

PHMSA, in accordance with the notification procedures in §30123, that application of that requirement would be economically, technically, or operationally infeasible. The requirements of this section apply to all applicable pipe replacements, even those that do not otherwise directly involve the addition or replacement of a valve. [49 CFR 195.418(a)]

B. Maximum spacing between valves. RMVs and alternative equivalent technology must be installed in accordance with the following requirements. [49 CFR 195.418(b)]

1. Shut-off Segment. For purposes of this Section, a “shut-off segment” means the segment of pipeline located between the upstream valve closest to the upstream endpoint of the replaced pipeline segment in the HCA or the pipeline segment that could affect an HCA and the downstream valve closest to the downstream endpoint of the replaced pipeline segment of the HCA or the pipeline segment that could affect an HCA so that the entirety of the segment that could affect the HCA or the segment within the HCA is between at least two RMVs or alternative equivalent technologies. If any crossover or lateral pipe for commodity receipts or deliveries connects to the replaced segment between the upstream and downstream valves, the shut-off segment also extends to a valve on the crossover connection(s) or lateral(s), such that, when all valves are closed, there is no flow path for commodity to be transported to the rupture site (except for residual liquids already in the shut-off segment). Multiple segments that could affect HCAs or are in HCAs may be contained within a single shut-off segment. All entirely replaced onshore hazardous liquid or carbon dioxide pipeline segments, as defined in §30105, that could affect or are in an HCA must include a minimum of one valve that meets the requirements of this section and section 30419. The operator is not required to select the closest valve to the shut-off segment as the RMV or alternative equivalent technology. An operator may use a manual pump station valve at a continuously manned station as an alternative equivalent technology. Such a manual valve used as an alternative equivalent technology would not require a notification to PHMSA in accordance with §30123. [49 CFR 195.418(b)(1)]

2. Shut-Off Segment Valve Spacing. Pipeline segments subject to Subsection A of this Section must be protected on the upstream and downstream side with RMVs or alternative equivalent technologies. The distance between RMVs or alternative equivalent technologies must not exceed: [49 CFR 195.418(b)(2)]

a. for pipeline segments carrying non-highly volatile liquids (HVL): 15 miles, with a maximum distance not to exceed 7 1/2 miles from the endpoints of a shut-off segment: or [49 CFR 195.418(b)(2)(i)]

b. for pipeline segments carrying non-highly volatile liquids (HVL): 15 miles, with a maximum distance not to exceed 7 1/2 miles from the endpoints of a shut-off segment: or [49 CFR 195.418(b)(2)(ii)]

3. Laterals. Laterals extending from shut-off segments that contribute less than 5 percent of the total shut-off segment volume may have RMVs or alternative equivalent technologies that meet the actuation requirements of this section at locations other than mainline receipt/delivery points, as long as all of these laterals contributing hazardous

liquid volumes to the shut-off segment do not contribute more than 5 percent of the total shut-off segment volume, based upon maximum flow volume at the operating pressure. A check valve may be used as an alternative equivalent technology where it is positioned to stop flow into the lateral. Check valves used as an alternative equivalent technology in accordance with this paragraph are not subject to §30419 but must be inspected, operated, and remediated in accordance with §30420, including for closure and leakage, to ensure operational reliability. An operator using a such a valve as an alternative equivalent technology must submit a request to PHMSA in accordance with §30123. [49 CFR 195.418(b)(3)]

4. Crossovers. An operator may use a manual valve as an alternative equivalent technology for a crossover connection if, during normal operations, the valve is closed to prevent the flow of hazardous liquid or carbon dioxide with a locking device or other means designed to prevent the opening of the valve by persons other than those authorized by the operator. The operator must document that the valve has been closed and locked in accordance with the operator's lock-out and tag-out procedures to prevent the flow of hazardous liquid or carbon dioxide. An operator using a such a valve as an alternative equivalent technology must submit a request to PHMSA in accordance with §30123. [49 CFR 195.418(b)(4)]

C. Manual operation upon identification of a rupture. Operators using a manual valve as an alternative equivalent technology pursuant to Subsection A of this Section must develop and implement operating procedures and appropriately designate and locate nearby personnel to ensure valve shut-off in accordance with this section and §30419. Manual operation of valves must include time for the assembly of necessary operating personnel, the acquisition of necessary tools and equipment, driving time under heavy traffic conditions and at the posted speed limit, walking time to access the valve, and time to manually shut off all valves, not to exceed the response time in §30419.B. [49 CFR 195.418(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 49:1093 (June 2023), repromulgated LR 49:1225 (July 2023).

§30420. Valve Maintenance **[49 CFR 195.420]**

A. ...

B. Each operator must, at least twice each calendar year, but at intervals not exceeding 7½ months, inspect each valve to determine that it is functioning properly. Each rupture-mitigation valve (RMV), as defined in §30105, or alternative equivalent technology that is installed under §§30258.C or 30418, must also be partially operated. Operators are not required to close the valve fully during the drill; a minimum 25 percent valve closure is sufficient to demonstrate compliance, unless the operator has operational information that requires an additional closure percentage for maintaining reliability. [49 CFR 195.420(b)]

C. ...

D. For each remote-control valve (RCV) installed in accordance with §§30258.C or 30418, an operator must conduct a point-to-point verification between SCADA system displays and the installed valves, sensors, and

communications equipment, in accordance with §30446(c) and (e). [49 CFR 195.420(d)]

E. For each alternative equivalent technology installed under §§30258.C, 30258.D, or 30418.A that is manually or locally operated (i.e., not an RMV, as that term is defined in §30105: [49 CFR 195.420(e)]

1. operators must achieve a response time of 30 minutes or less, as required by §30419.B, through an initial drill and through periodic validation as required by Subsection E.2 of this Section. An operator must review each phase of the drill response and document the results to validate the total response time, including the identification of a rupture, and valve shut-off time as being less than or equal to 30 minutes after rupture identification; [49 CFR 195.420(e)(1)]

2. within each pipeline system, and within each operating or maintenance field work unit, operators must randomly select an authorized rupture-mitigation alternative equivalent technology for an annual 30-minute-total response time validation drill simulating worst-case conditions for that location to ensure compliance with §30419. Operators are not required to close the alternative equivalent technology fully during the drill; a minimum 25 percent valve closure is sufficient to demonstrate compliance with the drill requirements unless the operator has operational information that requires an additional closure percentage for maintaining reliability. The response drill must occur at least once each calendar year, at intervals not to exceed 15 months. Operators must include in their written procedures the method they use to randomly select which alternative equivalent technology is tested in accordance with this Paragraph; [49 CFR 195.420(e)(2)]

3. if the 30-minute-maximum response time cannot be achieved in the drill, the operator must revise response efforts to achieve compliance with §30419 no later than 12 months after the drill. Alternative valve shut-off measures must be in accordance with Subsection F of this Section within seven days of the drill; [49 CFR 195.420(e)(3)]

4. based on the results of the response-time drills, the operator must include lessons learned in: [49 CFR 195.420(e)(4)]

a. training and qualifications programs; [49 CFR 195.420(e)(4)(i)]

b. design, construction, testing, maintenance, operating, and emergency procedures manuals; and [49 CFR 195.402(e)(4)(ii)]

c. any other areas identified by the operator as needing improvement. [49 CFR 195.402(e)(4)(ii)]

F. Each operator must implement remedial measures as follows to correct any valve installed on an onshore pipeline in accordance with §30258.C, or an RMV or alternative equivalent technology installed in accordance with §30418, that is indicated to be inoperable or unable to maintain effective shut-off: [49 CFR 195.420(f)]

1. repair or replace the valve as soon as practicable but no later than 12 months after finding that the valve is inoperable or unable to maintain shut-off. An operator may request an extension of the compliance deadline requirements of this section if it can demonstrate to PHMSA, in accordance with the notification procedures in §30123, that repairing or replacing a valve within 12 months

would be economically, technically, or operationally infeasible; and [49 CFR 195.420(f)(1)]

2. designate an alternative compliant valve within 7 calendar days of the finding while repairs are being made and document an interim response plan to maintain safety. Alternative compliant valves are not required to comply with valve spacing requirements of this part. [49 CFR 195.420(f)(2)]

G. An operator using an ASV as an RMV, in accordance with §§30105, 30260, 30418, and 30419, must document, in accordance with §30419.F, and confirm the ASV shut-in pressures on a calendar year basis not to exceed 15 months. ASV shut-in set pressures must be proven and reset individually at each ASV, as required by §30419.F, at least each calendar year, but at intervals not to exceed 15 months. [49 CFR 195.420(g)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2828 (December 2003), amended LR 49:1095 (June 2023), repromulgated LR 49:1226 (July 2023).

Title 43

NATURAL RESOURCES

Part XI. Office of Conservation—Pipeline Division

Subpart 3. Transportation of Natural Gas or Other Gas

by Pipeline: Minimum Safety Standards

[49 CFR Part 192]

Chapter 5. General

[49 CFR Part 192 Subpart A]

§508. How are Onshore Gathering Lines and Regulated Onshore Gathering Lines Determined?

[49 CFR 192.8]

A. - A.4. ...

5. For new, replaced, relocated, or otherwise changed gas gathering pipelines installed after May 16, 2022, the endpoint of gathering under sections 2.2(a)(1)(E) and 2.2.1.2.6 of API RP 80 (incorporated by reference, see §507), also known as “incidental gathering,” may not be used if the pipeline terminates 10 or more miles downstream from the furthestmost downstream endpoint as defined in paragraphs 2.2(a)(1)(A) through (a)(1)(D) of API RP 80 (incorporated by reference, see §507) and this section. If an “incidental gathering” pipeline is 10 miles or more in length, the entire portion of the pipeline that is designated as an incidental gathering line under 2.2(a)(1)(E) and 2.2.1.2.6 of API RP 80 shall be classified as a transmission pipeline

subject to all applicable regulations in this chapter for transmission pipelines. [49 CFR 192.8(a)(5)]

B. Each operator must determine and maintain for the life of the pipeline records documenting the methodology by which it calculated the beginning and end points of each onshore gathering pipeline it operates, as described in the second column of the table to Paragraph C.2 of this Section, by: [49 CFR 192.8(b)]

1. November 16, 2022, or before the pipeline is placed into operation, whichever is later; [49 CFR 192.8(b)(1)]

2. An alternative deadline approved by the Pipeline and Hazardous Materials Safety Administration (PHMSA). The operator must notify PHMSA and State or local pipeline safety authorities, as applicable, no later than 90 days in advance of the deadline in Subsection B.1 of this section. The notification must be made in accordance with §518 and must include the following information: [49 CFR 192.8(b)(2)]

a. description of the affected facilities and operating environment; [49 CFR 192.8(b)(2)(i)]

b. justification for an alternative compliance deadline; and [192.8(b)(2)(ii)]

c. proposed alternative deadline. [192.8(b)(2)(iii)]

C. For purposes of part 191 of this chapter and Sec. 192.9, the term *regulated onshore gathering pipeline* means: [49 CFR 192.8(c)]

1. each Type A, Type B, or Type C onshore gathering pipeline (or segment of onshore gathering pipeline) with a feature described in the second column of the table to Paragraph C.2 of this Section that lies in an area described in the third column; and [49 CFR 192.8(c)(1)]

2. as applicable, additional lengths of pipeline described in the fourth column to provide a safety buffer: [49 CFR 192.8(c)(2)]

3. a Type R gathering line is subject to reporting requirements under part 191 of this chapter but is not a regulated onshore gathering line under this part. [49 CFR 192.8(c)(3)]

4. for the purpose of identifying Type C lines in table 1 to Paragraph C.2 of this Section, if an operator has not calculated MAOP consistent with the methods at §§2719.A or C.1, the operator must either: [49 CFR 192.8(c)(4)]

a. calculate MAOP consistent with the methods at §2719.A or C.1; or [49 CFR 192.8(c)(4)(i)]

b. use as a substitute for MAOP the highest operating pressure to which the segment was subjected during the preceding five operating years. [192.8(c)(4)(ii)]

Type	Feature	Area	Safety Buffer
A	—Metallic and the MAOP produces a hoop stress of 20 percent or more of SMYS. If the stress level is unknown, an operator must determine the stress level according to the applicable provisions in Chapter 9 of this Subpart. —Non-metallic and the MAOP is more than 125 psig (862 kPa).	Class 2, 3, or 4 location (see §505).	None.
B	—Metallic and the MAOP produces a hoop stress of less than 20 percent of SMYS. If the stress level is unknown, an operator must determine the stress level according to the applicable provisions in Chapter 9 of this Subpart. —Non-metallic and the MAOP is 125 psig (862 kPa) or less.	Area 1. Class 3 or 4 location. Area 2. An area within a Class 2 location the operator determines by using any of the following three methods: (a) A Class 2 location. (b) An area extending 150 feet (45.7 m) on each side of the centerline of any continuous 1 mile (1.6 km) of pipeline and including more than 10 but fewer than 46 dwellings. (c) An area extending 150 feet (45.7 m) on each side of the centerline of any continuous 1000 feet (305 m) of pipeline and including 5 or more dwellings.	If the gathering line is in Area 2(b) or 2(c), the additional lengths of line extend upstream and downstream from the area to a point where the line is at least 150 feet (45.7 m) from the nearest dwelling in the area. However, if a cluster of dwellings in Area 2 (b) or 2(c) qualifies a line as Type B, the Type B classification ends 150 feet (45.7 m) from the nearest dwelling in the cluster.
C	Outside diameter greater than or equal to 8.625 inches and any of the following: —Metallic and the MAOP produces a hoop stress of 20 percent or more of SMYS; —If the stress level is unknown, segment is metallic and the MAOP is more than 125 psig (862 kPa); or —Non-metallic and the MAOP is more than 125 psig (862 kPa)	Class 1 location	None.
R	—Metallic and the MAOP produces a hoop stress of less than 20 percent of SMYS. If the stress level is unknown, an operator must determine the stress level according to the applicable provisions in Chapter 9 of this Subpart. —Non-metallic and the MAOP is 125 psig (862 kPa) or less.	Class 1 and Class 2 locations	None.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:476 (March 2007), amended LR 49:1099 (June 2023), repromulgated LR 49:1227 (July 2023).

§2945. Valve Maintenance: Transmission Lines
[49 CFR 192.745]

A. - B. ...

C. For each remote-control valve (RCV) installed in accordance with §§1139 or 2734, an operator must conduct a point-to-point verification between SCADA system displays and the installed valves, sensors, and communications equipment, in accordance with §2731.C and E. [49 CFR 192.745(c)]

D. For each alternative equivalent technology installed on an onshore pipeline under §§1139.E, 1139.F, or 2734 that is manually or locally operated (i.e., not a rupture-mitigation valve (RMV), as that term is defined in §503). [49 CFR 192.745(d)]

1. Operators must achieve a valve closure time of 30 minutes or less, pursuant to §2736.B, through an initial drill and through periodic validation as required in Paragraph D.2 of this Section. An operator must review and document the results of each phase of the drill response to validate the total response time, including confirming the rupture, and valve shut-off time as being less than or equal to 30 minutes after rupture identification. [49 CFR 192.745(d)(1)]

2. Operators must achieve a valve closure time of 30 minutes or less, pursuant to §2736.B, through an initial drill and through periodic validation as required in Paragraph D.2 of this Section. An operator must review and document the results of each phase of the drill response to validate the total response time, including confirming the rupture, and valve

shut-off time as being less than or equal to 30 minutes after rupture identification. [49 CFR 192.745(d)(2)]

3. If the 30-minute-maximum response time cannot be achieved during the drill, the operator must revise response efforts to achieve compliance with §2736 as soon as practicable, but no later than 12 months after the drill. Alternative valve shut-off measures must be in place in accordance with Subsection E of this Section within 7 days of a failed drill. [49 CFR 192.745(d)(3)]

4. Based on the results of response-time drills, the operator must include lessons learned in: [49 CFR 192.745(d)(4)]

a. training and qualifications programs; [49 CFR 192.745(d)(4)(i)]

b. design, construction, testing, maintenance, operating, and emergency procedures manuals; and [49 CFR 192.745(d)(4)(ii)]

c. any other areas identified by the operator as needing improvement. [49 CFR 192.745(d)(4)(iii)]

5. The requirements of this Subsection D do not apply to manual valves who, pursuant to §2736.G, have been exempted from the requirements of §2736.B. [49 CFR 192.745(d)(5)]

E. Each operator must develop and implement remedial measures to correct any valve installed on an onshore pipeline under §§1139.E, 1139.F, or 2734 that is indicated to be inoperable or unable to maintain effective shut-off as follows: [49 CFR 192.745(e)]

1. Repair or replace the valve as soon as practicable but no later than 12 months after finding that the valve is inoperable or unable to maintain effective shut-off. An operator must request an extension from PHMSA in accordance with §518 if repair or replacement of a valve

within 12 months would be economically, technically, or operationally infeasible; and [49 CFR 192.745(e)(1)]

2. Designate an alternative valve acting as an RMV within 7 calendar days of the finding while repairs are being made and document an interim response plan to maintain safety. Such valves are not required to comply with the valve spacing requirements of this part. [49 CFR 192.745(e)(2)]

F. An operator using an ASV as an RMV, in accordance with §§503, 1139, 2734, and 2736, must document and confirm the ASV shut-in pressures, in accordance with 2736.F, on a calendar year basis not to exceed 15 months. ASV shut-in set pressures must be proven and reset individually at each ASV, as required, on a calendar year basis not to exceed 15 months. [49 CFR 192.745(f)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:246 (April 1983), amended LR 10:539 (July 1984), LR 30:1271 (June 2004), LR 49:1109 (June 2023), repromulgated LR 49:1228 (July 2023).

Richard P. Ieyoub
Commissioner

2307#015

RULE

Department of Public Safety and Corrections Office of Motor Vehicles

Auto Title Companies (LAC 55:III.Chapter 15)

Under the authority of R.S. 32:735 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:961 et seq., the Office of Motor Vehicles has amended sections in Chapter 15, regarding auto title companies. The new and amended sections address the qualifications of applicants, the application process including background checks, office locations, performance audits, grounds to suspend or revoke a contract, advertising, surety bonds, dishonored or denied payments, and administrative actions for failing to comply with all requirements in statute, this Rule, and the contract. This Rule shall become effective upon promulgation in the *Louisiana Register*. This Rule is hereby adopted on the day of promulgation.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 15. Services Provided by Persons and Business Entities

Subchapter A. Auto Title Companies

§1503. Requirement of Contract

A. Any person who is engaged primarily in the transfer and recordation of sales, leases, or mortgages of vehicles including, but not limited to, mobile homes, trailers, and motor vehicles shall contract with the Department of Public Safety and Corrections, Office of Motor Vehicles prior to conducting any business as an auto title company.

B. A person shall not be required to obtain a contract as an auto title company if the person is an insurance company transferring titles to wrecked vehicles, a licensed motor

vehicle dealer, a lending institution, or a financial institution regulated by state or federal authorities. Additionally, a notary, attorney, or individual shall not be required to obtain a contract as an auto title company unless the person is doing business as an auto title company.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:735(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:345 (February 1998), amended LR 49:1229 (July 2023).

§1505. Application Requirements

A. The application for an auto title company shall be on a form approved by the department, and shall require the applicant to provide the following information:

1. the full legal name of the applicant, including any trade names or aliases;

2. the complete physical and mailing addresses for the applicant's principal place of business, as well as for any location from which the applicant intends to conduct business as an auto title company;

3. the telephone number, including area code, for each place of business or location listed on the application;

4. if the applicant is not a natural person, the full name, complete physical and mailing addresses, and telephone number of a contact person;

5. if the applicant is not a natural person, the full name, complete physical and mailing addresses, and telephone number of all officers, directors, and managers of the applicant;

6. a signed and dated statement by each natural person listed in the application, stating that they are submitting themselves for review by the department to determine if they are persons of good moral character, and that they authorize the department to check their criminal history; and

7. the auto title company owner(s) must be citizen(s) of the United States or be lawfully present in the United States in a status that allows the person to own and operate a business;

8. the auto title company owner(s) must have earned at least a high school diploma, GED or its equivalent;

9. the auto title company must have a business location within the state of Louisiana where the auto title company office will operate;

10. proof of registration with the secretary of state to do business in the state of Louisiana;

11. possess any required business license;

12. such other information or documentation that the department may require in order to determine the eligibility of the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:735(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:345 (February 1998); amended LR 49:1229 (July 2023).

§1507. Application Fee

A. The applicant shall pay a biennial annual contract application fee of \$400 for one business location. An annual fee of \$100 will be required for each additional business location. The contract fee shall be paid by cash, money order, or check, made payable to the Department of Public Safety and Corrections. If payment is made with a check, the check must be written on an account in the same name as the business name.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:735(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:346 (February 1998), amended LR 49:1229 (July 2023).

§1509. Renewal Application

A. Every contract issued shall expire on May 31 following the year in which such license was issued. The contract shall be renewed bi-annually at least 60 days in advance of the expiration date of the license by submitting to the Office of Motor Vehicles an application for renewal, together with the license renewal fee and the surety bond continuation certificate for the renewal period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:735(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:346 (February 1998); amended LR 49:1230 (July 2023).

§1511. Change of Location or Information

A. In the event a licensed auto title company changes its business location, or any information provided on the original application or subsequent renewal application changes, the company shall submit an updated application (DPSMV 1968), an original bond change rider, and the current original auto title company license.

B. Application for change of location must be approved prior to the auto title company conducting business in the new location.

C. An \$8 handling fee shall be assessed when a Public Tag Agent relocates and a new certificate is issued or if a duplicate certificate is required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:735(B) and R.S. 32:412.1(C).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:346 (February 1998), amended LR 49:1230 (July 2023).

§1515. Inspections and Audits

A. As part of its application for a contract, an auto title company shall agree, in writing, to the audit and inspection requirements of §1515.

B. During the normal working hours of the department, or at any other time the licensee is open for business, employees or agents of the department or of the Department of Revenue shall have the right to inspect and audit any and all records or reports of the auto title company. The records and reports shall be made available immediately on request, unless the records or reports are currently in use, but no later than by the close of business following the day the request for the records was made. In lieu of submitting the original records and reports, the auto title company may submit copies to the person requesting the records and reports, at the auto title company's cost, if the person requesting the records and reports is satisfied with the accuracy of the copies.

C. During the normal working hours of the department, or at any other time the licensee is open for business, employees or agents of the department or of the Department of Revenue shall have the right to inspect the premises of any office of the licensee where auto title business is conducted or where the records and reports of the auto title company are kept.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:735(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:346 (February 1998), amended LR 49:1230 (July 2023).

§1517. Contract Suspension, Revocation, Cancellation, Nonissuance, or Restrictions

A. The following actions by a contractor or applicant or any of the contractor's or applicant's employees, managers, agents, representatives, officers, directors or owners may subject the contractor or applicant to suspension, revocation, or cancellation of the contract by the department or the imposition of restrictions by the department. Additionally, the department may deny an application and refuse to issue a contract for any of the following actions by a contractor or applicant or any of the contractor's or applicant's employees, managers, agents, representatives, officers, directors or owners:

1. failure to remit taxes and fees collected from applicants for title transfers;
2. repeated late filings;
3. operating as an auto title company without a license for each location, with an expired license, or without a valid surety bond on file with the Office of Motor Vehicles;
 - 4.a. the issuance of more than one temporary registration (T-marker) to a title applicant; or
 - b. the issuing of a T-marker without first collecting all taxes and fees and requiring the title applicant to show proof of compliance with the compulsory insurance law;
5. operating from an unlicensed location;
6. changing the ownership of the auto title company and not reporting, in writing, to the Office of Motor Vehicles within 30 days from the date of such change;
7. changing the officers or directors of the auto title company and not reporting, in writing, to the Office of Motor Vehicles within 30 days from the date of such change;
8. being a principal or accessory to the alteration of documents relevant to a registration or titling transaction that results in material injury to the public records or a shortfall in the collection of taxes owed;
9. the forwarding to the Office of Motor Vehicles by an auto title company of a document relevant to a registration or titling transaction that results in a material injury to the public records, or a shortfall in the collection of taxes owed when the auto title company had knowledge of facts causing such injury or shortfall, and failed to disclose the same to the Office of Motor Vehicles;
10. conviction of, or an entry plea of guilty or nolo contendere to any felony; or conviction of, or an entry plea of guilty or nolo contendere to any criminal charge, an element of which is fraud;
11. fraud, deceit, or perjury in obtaining any license issued under this Chapter;
12. failure to maintain, at all times during the existence of the license, all qualifications required for issuance or renewal of a license;
13. any material misstatement of fact, or omission of fact, in any application for the issuance or renewal of a license for an auto title company;
14. the repeated submission of checks which have been dishonored by the bank on which the check was drawn;
15. failure to provide requested documents in a manner set forth in §1515.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:735(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:346 (February 1998), amended LR 25:2414 (December 1999); amended LR 49:1230 (July 2023).

§1521. Insufficient Funds Checks

A. Any auto title company which has submitted more than one payment, whether in the form of an electronic ACH, debit, paper draft, or check to the department which have been returned because of insufficient funds in the account a shall be required to use a cashier's check, certified check, or money order to pay taxes and fees when submitting any transaction to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:735(B) and R.S. 49:962.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:347 (February 1998), amended LR 49:1231 (July 2023).

§1527. Name, Trade Name, Advertisements, and Other Signage of Auto Title Companies

A. Since auto title companies may charge convenience fees and may offer services not available at an Office of Motor Vehicles field office, no auto title companies shall display any sign which may mislead the public into believing that the auto title company's office or business establishment is a field office of the Office of Motor Vehicles.

B. No auto title company shall display any sign, logo, business name, or trade name, or cause to be advertised any sign, logo, business name, or trade name which includes the words "office of motor vehicles," "motor vehicle office," or "motor vehicles office," or any similar phrases, unless the sign, logo, business name, trade name, or advertisement clearly and prominently includes a statement indicating the business's status as an auto title company.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:735(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 25:2415 (December 1999); amended LR 49:1231 (July 2023).

Karen St. Germain
Commissioner

2307#048

RULE

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

**Hunting Regulations for the 2023-2025 Seasons
(LAC 76:XIX.Chapter 1)**

The Wildlife and Fisheries Commission has amended the general and wildlife management area rules and regulations for the 2023-2024 season, the resident game hunting season for the 2023-2025 hunting seasons, the general and wildlife management area rules and regulations for the turkey season, the turkey hunting areas, and seasons, and bag limits for the

2024 turkey season, and the migratory bird seasons, regulations, and bag limits for the 2023-2024 hunting season. The department manages the take of resident game, outlaw quadrupeds and migratory birds in Louisiana and this action defines legal participants, sets the legal season bag limits along with legal methods of take and hunting season dates for the 2023-2024 hunting season for wildlife in Louisiana. The hunting rules and regulations for the 2023-2024 and 2024-2025 seasons clarify opening and closing dates of certain hunting seasons; adds legal gear for hunting exotics and deer in Louisiana; establishes new regulations for certain wildlife management areas (WMA); clarifies rules and regulations for hunting and discharging firearms on roads on WMAs, establishes a Limited Access Area and changes Small Game Emphasis Area regulations on Pomme de Terre WMA, removes a Small Game Emphasis Area on Bayou Pierre WMA and adds one on Bodcau WMA, adds nighttime raccoon hunting days on Bodcau WMA, creates a youth lottery deer hunt and removes some Physically Challenged Hunter Permit (PCHP) hunting weekends on Alexander State Forest WMA, closes Bussey Brake WMA to certain nighttime activities, opens a waterfowl hunting area during the modern firearm either-sex deer hunt on Dewey Wills WMA, adds either-sex firearm hunting days on Joyce and Maurepas Swamp WMAs, changes firearm hunting days on Little River WMA, removes a youth turkey lottery on Pearl River WMA and establishes a youth turkey lottery on Sandy Hollow WMA, closes turkey season on Richard K. Yancey and Sherburne WMAs, removes a turkey lottery and modifies the timing of turkey season on Tunica Hills WMA and establishes a PCHP limited use area and wheelchair blind on West Bay WMA; moves the portions of Franklin and Tensas parishes that were in Turkey Area A to Turkey Area C; and changes the bag limit for mottled ducks the first 15 days of the waterfowl season. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§101. General

A. The resident game hunting season regulations have been adopted by the Wildlife and Fisheries Commission. A complete copy of the regulations pamphlet may be obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), LR 30:1493 (July 2004), LR 31:1627 (July 2005), LR 32:1253 (July 2006), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 36:1580 (July 2010), LR 37:2206 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1534 (August 2014), LR 41:958 (May 2015), LR 42:1107 (July 2016), LR 44:1273 (July 2018), LR 45:933 (July 2019), LR 46:957 (July 2020), LR 47:901 (July 2021), LR 48:1863 (July 2022), LR 49:1231 (July 2023).

§103. Resident Game Birds and Animals

A. Shooting Hours—one-half hour before sunrise to one-half hour after sunset.

B. Consult Regulation Pamphlet for Seasons or Specific Regulations on Wildlife Management Areas or Specific Localities

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	OPENS: third Saturday of November CLOSES: last Day of February	10	30
Rabbit and Squirrel	OPENS: first Saturday of October CLOSES: last Day of February	8	24

Species	Season Dates	Daily Bag Limit	Possession Limit
Squirrel*	OPENS: first Saturday of May for 23 days	3	9
Deer 2023-2024	See Schedule	1 antlered and 1 antlerless (when legal)	Deer Areas 1,2,3,5,6,7,8, and 9 6/season (not to exceed 3 antlered deer or 4 antlerless deer). Deer Areas 4 and 10 limit 3/season (not to exceed 2 antlered or 2 antlerless deer).

*NOTE: Spring squirrel season is closed on the Kisatchie National Forest, National Wildlife Refuges, U.S. Army Corps of Engineers property. Some state wildlife management areas will be open, check WMA season schedule.

C. Deer Hunting Schedule 2023-2024

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	OPENS: first day of Oct. CLOSES: last day of Jan.	OPENS: second Sat. of Nov. CLOSES: Fri. after second Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: last day of Jan.	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Fri. before second Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the first Sat. of Dec. OPENS: Mon. after first Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the first Sat. of Dec. CLOSES: Sun. after first Sat. of Jan.
2	OPENS: first day of Oct. CLOSES: last day of Jan.	OPENS: next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after the last day of Modern Firearm Season in Jan. CLOSES: After 7 days.	OPENS: last Sat. of Oct. CLOSES: Tues. before second Sat. of Dec. in odd numbered years and on Wed. during even numbered years except when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the first Sat. of Dec.	OPENS: Wed. before the second Sat. of Dec. in odd numbered years and on Thurs. during even numbered years except when there are 5 Sats. in Nov., then it will open on the Wed. before the first Sat. of Dec. on odd years and Thurs. during even numbered years CLOSES: 40 days after opening in odd numbered years or 39 days after opening in even numbered years
3	OPENS: third Sat. of Sept. CLOSES: Jan. 15	OPENS: second Sat. of Oct. CLOSES: Fri. before third Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: third Sat. of Oct. CLOSES: Sun. after Thanksgiving Day	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
4	OPENS: first day of Oct. CLOSES: last day of Jan.	OPENS: second Sat. of Nov. CLOSES: Fri. after second Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: last day of Jan.	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Fri. before second Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the first Sat. of Dec. OPENS: Mon. after first Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the first Sat. of Dec. CLOSES: Sun. after first Sat. of Jan.

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
5	OPENS: first day of Oct. CLOSES: Feb. 15 (first 15 days are BUCKS ONLY)	(All Either Sex except as noted.) OPENS: second Sat. of Nov. CLOSES: Fri. before third Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: last day of Jan.	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Fri. before second Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the first Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Sun. of the same weekend. (EITHER SEX) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the first Sat. of Dec. CLOSES: next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: second Sat. of Dec. CLOSES: Sun. after second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open first Sat. of Dec. and closes Sun. of the same weekend EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. after third Sat. of Dec. before Christmas except when there are 5 Sats. in Nov., then it will open the second Sat. of Dec. and close Sun. of the same weekend (EITHER SEX).
6	OPENS: first day of Oct. CLOSES: Feb. 15 (first 15 days are BUCKS ONLY)	OPENS: second Sat. of Nov. CLOSES: Fri. before third Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: last day of Jan.	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Fri. before second Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the first Sat. of Dec.	OPENS: second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the first Sat. of Dec. CLOSES: next to last Sun. of Jan.
7	OPENS: third Sat. of Sept. CLOSES: Jan. 15.	OPENS: second Sat. of Oct. CLOSES: Fri. before third Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: third Sat. of Oct. CLOSES: Sun. after Thanksgiving	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
8	OPENS: third Sat. of Sept. CLOSES: Jan. 15	OPENS: second Sat. of Oct. CLOSES: Fri. before third Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: third Sat. of Oct. CLOSES: Sun. after Thanksgiving Day.	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
9	OPENS: first day of Oct. CLOSES: Feb. 15 (first 15 days are BUCKS ONLY)	OPENS: second Sat. of Nov. CLOSES: Fri. before third Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: last day of Jan. Bucks Only	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Fri. before second Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the first Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Sunday of the same weekend. (EITHER SEX) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the first Sat. of Dec. CLOSES: next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: second Sat. of Dec. CLOSES: Sun. after second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open the first Sat. of Dec. and closes Sun. of the same weekend (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. after third Sat. of Dec. before Christmas except when there are 5 Sats. in Nov., then it will open the second Sat. of Dec. and closes Sun. of the same weekend (EITHER SEX)
10	OPENS: third Sat. of Sept. CLOSES: Jan. 15	OPENS: second Sat. of Oct. CLOSES: Fri. before third Sat. of Oct. OPENS: Mon. after last day of Modern Firearms CLOSES: after 7 days	OPENS: third Sat. of Oct. CLOSES: 38 days after Thanksgiving Day	

D. Deer Hunting Schedule 2024-2025

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	OPENS: first day of Oct. CLOSES: last day of Jan.	OPENS: second Sat. of Nov. CLOSES: Fri. after second Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: last day of Jan.	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Fri. before second Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the first Sat. of Dec. OPENS: Mon. after first Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the first Sat. of Dec. CLOSES: Sun. after first Sat. of Jan.
2	OPENS: first day of Oct. CLOSES: last day of Jan.	OPENS: next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after the last day of Modern Firearm Season in Jan. CLOSES: After 7 days.	OPENS: last Sat. of Oct. CLOSES: Tues. before second Sat. of Dec. in odd numbered years and on Wed. during even numbered years except when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the first Sat. of Dec.	OPENS: Wed. before the second Sat. of Dec. in odd numbered years and on Thurs. during even numbered years except when there are 5 Sats. in Nov., then it will open on the Wed. before the first Sat. of Dec. on odd years and Thurs. during even numbered years CLOSES: 40 days after opening in odd numbered years or 39 days after opening in even numbered years
3	OPENS: third Sat. of Sept. CLOSES: Jan. 15	OPENS: second Sat. of Oct. CLOSES: Fri. before third Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: third Sat. of Oct. CLOSES: Sun. after Thanksgiving Day	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
4	OPENS: first day of Oct. CLOSES: last day of Jan.	OPENS: second Sat. of Nov. CLOSES: Fri. after second Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: last day of Jan.	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Fri. before second Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the first Sat. of Dec. OPENS: Mon. after first Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the first Sat. of Dec. CLOSES: Sun. after first Sat. of Jan.
5	OPENS: first day of Oct. CLOSES: Feb. 15 (first 15 days are BUCKS ONLY)	(All Either Sex except as noted.) OPENS: second Sat. of Nov. CLOSES: Fri. before third Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: last day of Jan.	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Fri. before second Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the first Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Sun. of the same weekend. (EITHER SEX) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the first Sat. of Dec. CLOSES: next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: second Sat. of Dec. CLOSES: Sun. after second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open the first Sat. of Dec. and closes Sun. of the same weekend (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. after third Sat. of Dec. before Christmas except when there are 5 Sats. in Nov., then it will open the second Sat. of Dec. and close Sun. of the same weekend (EITHER SEX)
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Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
7	OPENS: third Sat. of Sept. CLOSES: Jan. 15.	OPENS: second Sat. of Oct. CLOSES: Fri. before third Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: third Sat. of Oct. CLOSES: Sun. after Thanksgiving	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
8	OPENS: third Sat. of Sept. CLOSES: Jan. 15	OPENS: second Sat. of Oct. CLOSES: Fri. before third Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: third Sat. of Oct. CLOSES: Sun. after Thanksgiving Day.	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
9	OPENS: first day of Oct. CLOSES: Feb. 15 (first 15 days are BUCKS ONLY)	OPENS: second Sat. of Nov. CLOSES: Fri. before third Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. CLOSES: last day of Jan. Bucks Only	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Fri. before second Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the first Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Sunday of the same weekend. (EITHER SEX) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the first Sat. of Dec. CLOSES: next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: second Sat. of Dec. CLOSES: Sun. after second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open the first Sat. of Dec. and closes Sun. of the same weekend (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. after third Sat. of Dec. before Christmas except when there are 5 Sats. in Nov., then it will open the second Sat. of Dec. and close Sun. of the same weekend (EITHER SEX)
10	OPENS: third Sat. of Sept. CLOSES: Jan. 15	OPENS: second Sat. of Oct. CLOSES: Fri. before third Sat. of Oct. OPENS: Mon. after last day of Modern Firearms CLOSES: After 7 days	OPENS: third Sat. of Oct. CLOSES: 38 days after Thanksgiving Day	

E. Farm-raised white-tailed deer on supplemented shooting preserves:

1. archery, firearm, primitive firearms—October 1 - January 31 (either-sex).

F. Exotics on supplemented shooting preserves:

1. either sex—no closed season.

G. Spring squirrel hunting:

1. season dates—opens first Saturday of May for 23 days;

2. closed areas:

a. Kisatchie National Forest, national wildlife refuges, and U.S. Army Corps of Engineers property and all WMAs except as provided in Paragraph 3 below;

3. wildlife management area schedule—opens first Saturday of May for nine days on all WMAs except Fort Polk, Peason Ridge, Camp Beauregard, Atchafalaya Delta, Pass-a-Loutre and Salvador/Timken. Dogs are allowed during this season for squirrel hunting;

4. limits—daily bag limit is three and possession limit is nine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:109(B) and R.S. 56:141(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), repromulgated LR 29:1521 (August 2003), amended LR 30:1494 (July 2004), LR 31:1627 (July 2005), LR

32:1254 (July 2006), LR 33:115 (January 2007), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 35:2856 (December 2009), LR 36:1580 (July 2010), LR 37:2207 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1535 (August 2014), LR 41:958 (May 2015), LR 42:1108 (July 2016), LR 43:1420 (July 2017), LR 44:1273 (July 2018), LR 45:934 (July 2019), LR 46:957 (July 2020), LR 47:901 (July 2021), LR 48:1863 (July 2022), LR 49:1232 (July 2023).

§111. General and Wildlife Management Area Hunting Rules and Regulations

A. Hunting Seasons and Wildlife Management Area (WMA) Regulations

1. The rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by sections 115 and 116 of title 56 of the *Louisiana Revised Statutes* of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The secretary of the Department of Wildlife and Fisheries (LDWF) has the authority to close or alter seasons in emergency situations in order to protect fish and wildlife resources.

2. Pursuant to section 40.1 of title 56 of the *Louisiana Revised Statutes* of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other wildlife and aquatic life shall be required to reimburse the LDWF a sum of money equal to the value of the wildlife

illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

B. Resident Game Birds and Animals

1. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

C. Other Season Dates

1. Turkey. Please refer to turkey regulations.

2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 caliber or smaller rimfire firearm. A licensed hunter may take raccoon or opossum with .22 caliber or smaller rimfire firearm, .36 caliber or smaller muzzleloader rifle, archery gear, air rifle or shotgun during daylight hours. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is two per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Nutria. On WMAs and private property nutria may be taken recreationally by licensed hunters from September 1 through the last day of February, during legal shooting hours by any legal hunting method with a daily limit of five. Except nutria may be taken on Atchafalaya Delta, Salvador/Timken, Pointe-Aux-Chenes and Pass-a-Loutre WMAs from September 1 to March 31. When taken with a shotgun, non-toxic shot must be used. On WMAs during waterfowl seasons, nutria may be taken only with the use of shotguns with shot no larger than F steel, and during gun deer seasons, anyone taking nutria must display 400 square inches of "hunter orange" and wear a "hunter orange" cap or hat. Recreational nutria hunters must remove each nutria carcass in whole condition from the hunting area, except that nutria may be gutted. Possession of detached nutria parts, including nutria tails, by recreational hunters is illegal. Nutria harvested recreationally may not be pelted nor may such nutria or any nutria parts from recreationally taken nutria be sold, including the tail. Trespassing upon private property for the purpose of taking nutria or other furbearing animals is punishable by fines and possible jail time (R.S. 56:265). The Coastwide Nutria Control Program is a separate program and is in no way related to the nutria recreational season. For questions on the Coastwide Nutria Control Program, call the Lafayette Field Office, (337) 735-8672.

4. Crows. The season for crows shall be September 1 through January 1 with no limit. Crows, blackbirds, cowbirds and grackles may be taken year round during legal shooting hours if they are depredateing or about to depredate upon ornamentals or shade trees, agricultural crops, livestock, wildlife, or when concentrated in such numbers as

to cause a health hazard. Louisiana has determined that the birds listed above are crop depredateors and that crows have been implicated in the spread of the West Nile virus in humans. As described in 50 CFR Part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special depredateion order. In addition an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

5. Pheasant. Open concurrently with the quail season; no limit.

6. Falconry. Special permit required. Resident and migratory game species may be taken except turkeys. Seasons and bag limits are the same as for statewide and WMA regulations. Refer to LAC 76:V.301 for specific falconry rules.

7. Licensed Hunting Preserve, October 1 - April 30, Pen-Raised Birds Only. No limit entire season. Refer to LAC 76:V.305 for specific hunting preserve rules.

8. Deer Management Assistance Program (DMAP). Refer to LAC 76:V.111 for specific DMAP rules. Deer management assistance tags must be in the possession of the hunter in order to harvest an antlerless deer. The tag shall be attached through the hock in such a manner that it cannot be removed before the deer is transported (including those taken on either-sex days and those taken with approved archery equipment or primitive firearms). Failure to do so is a violation of R.S. 56:115. Deer harvested on property enrolled in DMAP do not count in the season or daily bag limit for hunters when legally tagged with DMAP tags. DMAP participants must follow the deer season schedule established for their respective areas, EXCEPT antlerless deer may be harvested any day of the deer season on property enrolled in DMAP provided that a DMAP tag is possessed by the hunter at the time of harvest. Failing to follow DMAP rules and regulations may result in suspension and cancellation of the program on those lands involved.

9. Farm Raised White-tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

a. Definitions

Exotics—for purposes of this Section means any animal of the family *Bovidae* (except the tribe *Bovini* [cattle]) or *Cervidae* which is not indigenous to Louisiana and which is confined on a supplemented hunting preserve. *Exotics* shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

Hunting—in its different tenses and for purposes of this Section means to take or attempt to take, in accordance with R.S. 56:8.

Same as Outside—for purposes of this Section means hunting on a supplemented hunting preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in title 56 of the *Louisiana Revised Statutes* and as established annually by the Wildlife and Fisheries Commission.

Supplemented Hunting Preserve—for purposes of this Section means any enclosure for which a current farm-raising license has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the

LDWF and is authorized in writing by the LDAF and LDWF to permit hunting.

White-Tailed Deer—for purposes of this Rule means any animal of the species *Odocoileus virginianus* which is confined on a supplemented hunting preserve.

b. Seasons:

i. farm-raised white-tailed deer: consult the regulations pamphlet;

ii. exotics: year round.

c. Methods of take:

i. white-tailed deer: same as outside;

ii. exotics: exotics may be taken with traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; centerfire handguns and rifles no smaller than .22 caliber, rimfire no smaller than .30 caliber, pre-charged pneumatic devices no smaller than .30 caliber and at least 150 grains in weight with a minimum muzzle velocity of 800 feet per second or any combination of bullet weight and muzzle velocity that produces muzzle energy of at least 215 foot pounds of energy or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only and other approved primitive firearms.

d. Shooting hours:

i. white-tailed deer: same as outside;

ii. exotics: one-half hour before sunrise to one-half hour after sunset.

e. Bag limit:

i. farm-raised white-tailed deer: same as outside;

ii. exotics: no limit.

f. Hunting licenses:

i. white-tailed deer: same as outside;

ii. exotics: no person shall hunt any exotic without possessing a valid basic and deer hunting license.

g. Tagging. White-tailed deer and exotics: each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

10. Bobcat. No person other than the holder of a valid basic hunting license may take or possess bobcat, except licensed trappers who may take or possess bobcat during the open trapping season. A basic hunting licensee shall only take bobcat during the time period from one-half hour before sunrise to one-half hour after sunset with approved archery equipment, shotgun, muzzleloader or centerfire firearm. A basic hunting licensee shall not take more than one bobcat per calendar year. This regulation applies only to property that is privately owned, state WMAs, Kisatchie National Forest, and the Bayou des Ourses, Bodcau, Bonnet Carre, and Indian Bayou tracts owned by the Corps of Engineers, but does not apply to state wildlife refuges, or other federally owned refuges and lands. On state WMAs and Kisatchie National Forest, the take of bobcat is restricted to those open seasons on the WMAs which require the respective legal weapons noted above.

D. Hunting—General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. No person born on or after September 1, 1969, shall hunt unless that person has first been issued a certificate of satisfactory completion of a firearm and hunter education course approved by the department, except any active or veteran member of the United States armed services or any POST-certified law enforcement officer. Application for the exemption shall be filed in person at the LDWF main office building in the city of Baton Rouge. A person under 16 years of age may hunt without such certificate if he/she is accompanied by and is under the direct supervision of a person who was born before September 1, 1969, and has a valid hunting license or who is 18 years of age or older and has proof of successful completion of a firearm and hunter education course approved by the department. A person who has not completed the firearm and hunter safety course may be issued a valid hunting license by the department. Such license shall be issued with a restriction that requires that person be accompanied by and under the direct supervision of a person who was born before September 1, 1969 and has a valid hunting license or who is 18 years of age or older and has proof of successful completion of a firearm and hunter education course approved by the department.

3. A deer or turkey license, whichever is appropriate, is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer or turkey. Additionally, any person younger than 18 years of age engaged in an activity that necessitates the use of deer tags or turkey tags, or involves participation in a youth lottery hunt shall have in their immediate possession a valid, original youth license.

4. A hunting guide license is required for any person or entity who publicly represents himself to be a hunting guide or who transports, aids or provides assistance to another individual(s) in the act of taking, or attempting to take, any wildlife species for compensation on a transactional or for-hire basis. For purposes of this rule, a hunting guide license is not required for any person or entity employed or contracted by a private hunting club to provide hunting guide services exclusively for the club's private members and its invited guests.

5. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

6. Methods of Taking Resident Game Birds and Quadrupeds

a. It is illegal to intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered raw sweet potatoes to wild game quadrupeds.

b. Use of a traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means or a shotgun not larger than a 10 gauge fired from the shoulder shall be legal for taking all resident game birds and

quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than .22 caliber, any centerfire firearm, or a muzzleloading firearm larger than .36 caliber. It shall be legal to hunt or take squirrels, rabbits, and outlaw quadrupeds with air rifles.

c. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

d. No person shall take or kill any game bird or wild quadruped with a firearm fitted with an infrared sight, laser sight, or except as provided in R.S. 56:116(A)(8) any sighting device which projects a beam of light to the target or otherwise electronically illuminates the target, or device specifically designed to enhance vision at night [R.S. 56:116.1(B)(3)(a-b)].

7. Nuisance Animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found depredating commercial crops of pecans may be taken year-round by permit issued by the LDWF. This permit shall be valid for 30 days from the date of issuance. Contact the local region office for details.

8. Threatened and endangered species. Taking or harassment of any of these species is a violation of state and federal laws. (LAC 76:1.317)

1. Invertebrates		
Pink Mucket	Lampsilis abrupta	E
Louisiana Pearlshell	Margaritifera hembeli	T
Fat Pocketbook	Potamilus capax	E
Inflated Heelsplitter	Potamilus inflatus	T
Rabbitsfoot	Quadrula cylindrica	T
2. Fish		
Gulf Sturgeon	Acipenser oxyrinchus desotoi	T
Pallid Sturgeon	Scaphirhynchus albus	E
Smalltooth Sawfish	Pristis pectinata	E
3. Amphibians		
Dusky Gopher Frog	Lithobates sevosus	E
4. Reptiles (including eggs)		
Loggerhead Sea Turtle	Caretta caretta	T
Green Sea Turtle	Chelonia mydas	T
Hawksbill Sea Turtle	Eretmochelys imbricata	E
Kemp's Ridley Sea Turtle	Lepidochelys kempii	E
Leatherback Sea Turtle	Dermodochelys coriacea	E
Ringed Map Turtle	Graptemys oculifera	T
Gopher Tortoise	Gopherus polyphemus	T
Black Pinesnake	Pituophis melanoleucus lodingi	T
Louisiana Pinesnake	Pituophis ruthveni	T

5. Birds (including eggs)		
Whooping Crane	Grus americana	E
Piping Plover	Charadrius melodus	T
Red Knot	Calidris canutus rufa	T
Interior Least Tern	Sternula antillarum athalassos	E
Red-cockaded Woodpecker	Picoides borealis	E
6. Mammals		
West Indian Manatee	Trichechus manatus	T
Northern Long-eared Bat	Myotis septentrionalis	T
Sperm Whale	Physeter macrocephalus	E
Florida Panther	Felis concolor coryi	E
7. Plants		
American Chaffseed	Schwalbea americana	E
Earth-fruit	Geocarpon minimum	T
Louisiana Quillwort	Isoetes louisianensis	E
Pondberry	Lindera melissifolia	E
E = Endangered; T = Threatened		

9. Outlaw Quadrupeds. Holders of a legal hunting license may take coyotes, feral hogs, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to chase only when using dogs during still hunting segments of the firearm and archery only seasons for deer. Foxes are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed by licensed hunters. On private property, outlaw quadrupeds may be taken with or by means of an automatic-loading or hand-operated repeating shotgun capable of holding more than three shells when using buckshot or rifled slug ammunition and may be taken while riding or standing in or upon a moving land vehicle.

10. Nighttime Take of Nuisance Animals and Outlaw Quadrupeds. On private property, the landowner, or his lessee or agent with written permission from the landowner and the landowner's contact information in his possession, may take outlaw quadrupeds (coyotes, armadillos and feral hogs), nutria, or beaver during nighttime hours. However, no person shall be allowed to participate or be present during the nighttime hunting activities if convicted of a Class 3 or greater wildlife violation within the previous five years or if he has any other prohibition which would prevent the legal use of a firearm or participation in a hunting activity. Such taking may be with or without the aid of artificial light, infrared or laser sighting devices, or night vision devices. In addition, pursuant to R.S. 56:116(D)(3) any person who is authorized to possess a firearm suppressor may use a firearm fitted with a sound suppressor when taking outlaw quadrupeds, nutria, or beaver. Any person attempting to take outlaw quadrupeds, nutria, or beaver under the provisions of the Paragraph, shall notify the Sheriff of the Parish in which the property is located of his intention to attempt to take outlaw quadrupeds, nutria or beaver within twenty-four hours prior to the attempted taking or immediately upon taking the animal.

11. Hunting and/or Discharging Firearms on Public Roads. Hunting, standing, loitering or shooting game quadrupeds or game birds while on a public road or public road right-of-way is prohibited. Hunting or discharging a firearm on or across an open LMV road or LMV road right-of-way is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and public road rights-of-way is prohibited.

12. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and deer or turkey or youth license number, whichever is the appropriate license, of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. See DMAP Regulations (LAC 76:V.111) for deer management assistance tagging requirements on lands enrolled in DMAP.

13. Sex Identification. Positive evidence of sex identification, including the head or sex organs, shall remain on any deer taken or killed within the state of Louisiana, or on all turkeys taken or killed so long as such deer or turkey is kept in camp or field, or is in route to the domicile of its possessor, or until a deer has been appropriately tagged and validated, and proof of electronic tagging or the carcass tag remains with the carcass, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game. Possessors of any portion of a deer or wild turkey, which has been divided in camp or field, without evidence of positive sex identification shall affix a tag in accordance with LAC 76:XIX.111.D.12 identifying the sex of the animal.

E. General Deer Hunting Regulations

1. Prior to hunting deer, all deer hunters, regardless of age or license status, must obtain carcass or electronic deer tags and have in possession when hunting deer. Immediately upon harvesting a deer, the hunter must tag the deer with the appropriate carcass or electronic tag. Deer tags may only be used by the hunter to whom the tag was issued. Hunters who allow their deer tags to be used by another person, or who use tags issued to another person, are in violation of this Rule and are subject to fines and other administrative penalties, including, but not limited to, the automatic forfeiture of any remaining deer tags for the season for which they are issued. If using physical tag, the parish and date of kill must be documented on the deer tag and the hunter must validate the harvest by calling the validation toll free number or by utilizing the department's website within 72 hours of the kill. Hunters utilizing electronic tags shall electronically tag and validate their harvest before moving the deer. Hunters harvesting deer on DMAP lands can validate deer per instructions by LDWF using the DMAP harvest data sheets.

2. 2023-2024 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou Area owned by the US Army Corps of Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days. Deer harvested on property enrolled in DMAP may not count in the season or daily bag limit for hunters. See DMAP Regulations (LAC 76:V.111) for more information.

3. 2024-2025 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou Area owned by the US Army Corps of

Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days. Deer harvested on property enrolled in DMAP may not count in the season or daily bag limit for hunters. See DMAP Regulations (LAC 76:V.111) for more information.

4. A legal antlered deer is a deer with at least one visible antler of hardened bony material, broken naturally through the skin. Killing antlerless deer is prohibited except where specifically allowed.

5. *Either-Sex Deer* is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

6. It is illegal to hunt or shoot deer with centerfire firearms smaller than .22 caliber, rimfire firearms smaller than .30 caliber, or a shotgun loaded with anything other than buckshot or slug. Pre-charged pneumatic devices may be used during the modern firearm season for deer provided that they fire a projectile of at least .30 caliber in diameter and at least 150 grains in weight with a minimum muzzle velocity of 800 feet per second or any combination of bullet weight and muzzle velocity that produces muzzle energy of at least 215 foot pounds of energy. Arrows or bolts used with a pre-charged pneumatic device shall only be used with well sharpened broadhead points and may be used to hunt deer only during modern firearm deer season. Handguns may be used for hunting.

7. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

8. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. A dog may be used to trail and retrieve wounded or unrecovered deer. The dog must be leashed during legal hunting hours, but may be unleashed after legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address, and phone number.

9. It is illegal to take deer while deer are swimming or while the hunter is in a boat with motor attached in operating position; however the restriction in this Paragraph shall not apply to any person who has lost one or more limbs.

10. Areas not specifically designated as open are closed.

11. It is unlawful to import, sell, use or possess scents or lures that contain natural deer urine or other bodily fluids, except natural deer urine products produced by manufacturers or entities that are actively enrolled and participating in either the Responsible Hunting Scent Association (RHSA) or Archery Trade Association Deer Protection Program, which has been tested using real-time

quaking induced conversion (RT-QuIC) and certified that no detectable levels of Chronic Wasting Disease (CWD) are present and is clearly labeled as such.

12. Primitive Firearms Season: Still Hunt Only. Specific WMAs will also be open, check WMA schedule for specific details. A deer or senior license, whichever is appropriate, is required for all hunters 18 years of age and older. Additionally, any person younger than 18 years of age hunting the primitive firearms season shall have in their immediate possession a valid, original youth license. Either-sex deer may be taken in all areas open for deer hunting except when a Bucks Only season is in progress. In such cases, hunters must conform to the bucks only regulations except antlerless deer may be harvested any day of the deer season on property enrolled in DMAP provided that a DMAP tag is possessed by the hunter at the time of harvest.

a. Legal Firearms for Primitive Firearms Season

i. Rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle, use black powder or approved substitute only, take ball, shot, or bullet projectile only, including sabot bullets, and may be fitted with magnified scopes.

ii. Single shot, breech loading rifles or single shot, breech loading pistols, .35 caliber or larger, having an exposed hammer, that use metallic cartridges loaded either with black powder or modern smokeless powder, and may be fitted with magnified scopes.

iii. Single shot, breech loading shotguns, 10 gauge or smaller, having an exposed hammer, loaded with buckshot or slug.

iv. Youths 17 or younger may hunt deer with any legal weapon during the primitive firearms season in each deer hunting area.

13. Archery Season. A deer or senior license, whichever is appropriate, is required for all bow hunters 18 years of age and older. Additionally, any person younger than 18 years of age archery deer hunting shall have in their immediate possession a valid, original youth license. Either-sex deer may be taken in all areas open for deer hunting except when a bucks only season is in progress for gun hunting, and except in areas 5, 6 and 9 from October 1-15. Archers must conform to the bucks only regulations except antlerless deer may be harvested any day of the deer season on property enrolled in DMAP provided that a DMAP tag is possessed by the hunter at the time of harvest. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMA.

a. Bow and Arrow Regulations. Traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means will be a legal means of take for all properly licensed hunters. Hunting arrows for deer must have well-sharpened broadhead points. Bow and arrow fishermen must have a sport fishing license and may not carry any arrows with broadhead points unless a deer or turkey season is in progress.

i. It is unlawful:

(a). to have in possession or use any poisoned or drugged arrow or arrows with explosive tips;

(b). to hunt deer with a bow having a pull less than 30 pounds;

(c). to hunt with a bow or crossbow fitted with an infrared, laser sight, electrically-operated sight or device specifically designed to enhance vision at night (does not include non-projecting red dot sights) [R.S. 56:116.1.B.(4)].

14. Hunter Orange or Blaze Pink. Any person hunting any wildlife during the open gun deer hunting season and possessing buckshot, slugs, a primitive firearm, or a centerfire rifle shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange" or "blaze pink". Persons hunting on privately owned land may wear a "hunter orange" or "blaze pink" cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned or to archery deer hunters hunting on lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting deer on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a "hunter orange" or "blaze pink" cap or hat while walking to and from elevated stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange" or "blaze pink".

15. Physically Challenged Firearms Season on Private Lands (Either-Sex): first Saturday of October for two days. Restricted to individuals with physically challenged hunter permit.

16. Youth and Honorably Discharged Veterans Season on Private Lands (Either-Sex). Areas 1, 4, 5, 6 and 9: last Saturday of October for seven days; area 2: second Saturday of October for seven days; and areas 3, 7, 8 and 10: fourth Saturday of September for seven days. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Additionally, any person younger than 18 years of age shall have in their immediate possession a valid, original youth license. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. Except youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. One of the following must be carried by veterans while hunting:

a. Louisiana OMV issued U.S. Veterans Driver's License; or

b. U.S. Department of Defense Form 214 or one of the following DD 214 equivalents:

i. pre DD 214 era documents (1941-1950):

(a). WE AGO (war department adjutant general) forms, to include WD AGO 53, WD AGO 55, WD AGO 53_55;

(b). JAVPERS (naval personnel) discharge documents, to include NAVPERS 553, NAVMC78PD, NAVCG 553;

ii. National Personnel Records Center NPRC "statement of service," issued as a result of a destroyed discharge record during the 1973 National Archives fire;

iii. National Guard/Air National Guard must have NGB_22 with 6 or more years of service.

F. Description of Areas, 2021-2023

1. Area 1

a. All of the following parishes are open: Concordia, East Carroll, Franklin, Madison, Richland, Tensas, West Carroll.

b. Portions of the following parishes are also open:

i. Catahoula—east of Boeuf River to Ouachita River, east of Ouachita River from its confluence with Boeuf River to LA 8, south and east of LA 8 southwesterly to parish line;

ii. Grant—east of US 165 and south of LA 8;

iii. LaSalle—south of a line beginning where Little River enters Catahoula Lake following the center of the lake eastward to Old River then to US 84, east of US 84 northward to LA 8, south of LA 8 eastward to parish line;

iv. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Brake;

v. Rapides—east of US 165 and north of Red River.

c. Still hunting only in all or portions of the following parishes:

i. Catahoula—south of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to LA 8 at Harrisonburg, west of LA 8 to LA 913, west of LA 913 and LA 15 to Deer Creek;

ii. East Carroll—all;

iii. Franklin—all;

iv. Morehouse—east of US 165 (from Arkansas state line) to Bonita, south and east of LA 140 to junction of LA 830-4 (Cooper Lake Road), east of LA 830-4 to Bastrop, east of LA 139 at Bastrop to junction of LA 593, east and north of LA 593 to Collinston, east of LA 138 to junction of LA 134 and south of LA 134 to Ouachita line at Wham Brake;

v. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Brake;

vi. Richland—all;

vii. West Carroll—all.

2. Area 2

a. All of the following parishes are open:

i. Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Jackson, Lincoln, Natchitoches, Red River, Sabine, Union, Webster, Winn;

ii. except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as area 2, except still hunting only for deer.

b. Portions of the following parishes are also open:

i. Allen—north of US 190 from parish line westward to Kinder, east of US 165 from Kinder northward to LA 10 at Oakdale, north of LA 10 from Oakdale westward to the parish line;

ii. Avoyelles—that portion west of I-49;

iii. Catahoula—west of Boeuf River to Ouachita River, west of Ouachita River from its confluence with Boeuf River to LA 8, north and west of LA 8 southwesterly to parish line;

iv. Evangeline—all except the following portions: east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte, and north of US 167 east of Ville Platte;

v. Grant—all except that portion south of LA 8 and east of US 165;

vi. Jefferson Davis—north of US 190;

vii. LaSalle—north of a line beginning where Little River enters Catahoula Lake, following the center of the lake eastward to Old River then to US 84, west of US 84 northward to LA 8, north of LA 8 eastward to parish line;

viii. Morehouse—west of US 165 (from Arkansas state line) to Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to Bastrop, west of LA 139 to junction of LA 593, west and south of LA 593 to Collinston, west of LA 138 to junction of LA 134 and north of LA 134 to Ouachita Parish line at Wham Brake;

ix. Ouachita—all except south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse Parish line at Wham Brake;

x. Rapides—all except north of Red River and east of US 165, south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill, and north of LA 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and US 167 to junction of US 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line;

xi. Vernon—north of LA 10 from the parish line westward to LA 113, south of LA 113 eastward to parish line. Also the portion north of LA 465 west of LA 117 from Kurthwood to Leesville and north of LA 8 from Leesville to Texas state line.

c. Still hunting only in all or portions of the following parishes:

i. Claiborne and Webster—Caney, Corney and Middlefork tracts of Kisatchie National Forest (see Kisatchie National Forest regulations);

ii. Ouachita—east of Ouachita River;

iii. Rapides—west of US 167 from Alexandria southward to I-49 at Turkey Creek exit, west of I-49 southward to parish line, north of parish line westward to US 165, east of US 165 northward to US 167 at Alexandria. North of LA 465 from Vernon Parish line to LA 121, west of LA 121 to I-49, west of I-49 to LA 8, south and east of LA 8 to LA 118 (Mora Road), south and west of LA 118 to Natchitoches Parish line;

iv. Vernon—east of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to LA 465, east and north of LA 465 to Rapides Parish line.

3. Area 3

- a. Portions of the following parishes are open:
- i. Acadia—north of I-10;
 - ii. Allen—west of US 165 and south of LA 10;
 - iii. Beauregard—east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;
 - iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;
 - v. Jefferson Davis—north of I-10 and south of US 190;
 - vi. Lafayette—west of I-49 and north of I-10;
 - vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line;
 - viii. St. Landry—west of US 167;
 - ix. Vernon—east of LA 113 to Pitkin, south of LA 10 to Allen Parish line, west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

b. Still hunting only for portions of the following parishes:

- i. Acadia—north of I-10;
- ii. Allen—south of US 190 and west of LA 113;
- iii. Beauregard—west of LA 113 and east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;
- iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;
- v. Jefferson Davis—north of I-10 and south of US 190;
- vi. Lafayette—west of I-49 and north of I-10;
- vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line;
- viii. St. Landry—west of US 167;
- ix. Vernon—west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

4. Area 4

a. All of St. Helena and Washington Parishes are open.

- b. Portions of the following parishes are also open:
- i. East Baton Rouge—all except that portion west of I-110 and west of US 61;
 - ii. East Feliciana—east of US 61;
 - iii. Livingston—north of I-12;
 - iv. Tangipahoa—north of I-12;
 - v. St. Tammany—all except that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

c. Still hunting only in all or portions of the following parishes:

- i. East Feliciana and East Baton Rouge—east of Thompson Creek from the Mississippi state line to LA 10, north of LA 10 from Thompson Creek to LA 67 at Clinton, west of LA 67 from Clinton to Mississippi state line, south of Mississippi state line from LA 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of LA 67 from LA 64 north to Parish Line, south of Parish Line from

LA 64 eastward to Amite River, west of Amite River southward to LA 64, north of LA 64 to LA 37 at Magnolia, east of LA 37 northward to LA 64 at Indian Mound, north of LA 64 from Indian Mound to LA 67. Also, that portion of East Feliciana Parish east of LA 67 from parish line north to LA 959, south of LA 959 east to LA 63, west of LA 63 to Amite River, west of Amite River southward to parish line, north of parish line westward to LA 67;

- ii. St. Helena—north of LA 16 from Tickfaw River at Montpelier westward to LA 449, east and south of LA 449 from LA 16 at Pine Grove northward to Rohner Road, south of Rohner Road to LA 1045, south of LA 1045 to the Tickfaw River, west of the Tickfaw River from LA 1045 southward to LA 16 at Montpelier;

- iii. Tangipahoa—that portion of Tangipahoa Parish north of LA 10 from the Tchefuncte River to LA 1061 at Wilmer, east of LA 1061 to LA 440 at Bolivar, south of LA 440 to the Tchefuncte River, west of the Tchefuncte River from LA 440 southward to LA 10;

- iv. Washington and St. Tammany—east of LA 21 from the Mississippi state line southward to the Bogue Chitto River, north of the Bogue Chitto River from LA 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi state line, south of the Mississippi state line from the Pearl River westward to LA 21. Also, that portion of Washington Parish west of LA 25 from the Mississippi state line southward to the Bogue Chitto River, then west of the Bogue Chitto River to its junction with the St. Tammany Parish line, north of the St. Tammany Parish line to the Tangipahoa Parish line, east of the Tangipahoa Parish line to the Mississippi state line, south of the Mississippi state line to its junction with LA 25.

5. Area 5

a. Portions of the following parishes are open:

- i. St. Martin—south of I-10 and east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;

- ii. Iberville—south of I-10 and west of the East Atchafalaya Basin Protection Levee;

- iii. Iberia—east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;

- iv. St. Mary—east of the West Atchafalaya Basin Protection Levee;

- v. High water benchmark closure. Deer hunting in those portions of Iberville and St. Martin parishes south of I-10, west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee, and north of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches 18 feet msl at Butte LaRose, and will reopen when the river stage recedes to 17 feet msl at Butte LaRose. Deer hunting in those portions of Iberville, St. Martin, St. Mary and Iberia parishes west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee and south of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches

15 feet msl at Butte LaRose, and will reopen when the river stage recedes to 14 feet msl at Butte LaRose.

6. Area 6

a. All of West Feliciana and Pointe Coupee Parishes are open.

b. Portions of the following parishes are also open:

i. Avoyelles—all except that portion west of I-49;

ii. East Baton Rouge—that portion west of I-110 and west of US 61;

iii. East Feliciana—west of US 61;

iv. Evangeline—that portion east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte and north of US 167 east of Ville Platte;

v. Iberville—all north of I-10, and that portion south of I-10 at the Atchafalaya Basin protection levee south to Upper Grand River, then north of Upper Grand River to the Intracoastal Canal at Jack Miller, then west of the Intracoastal Canal northward to Bayou Plaquemine, then north of Bayou Plaquemine to the Mississippi River;

vi. Lafayette—north of I-10 and east of I-49;

vii. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;

viii. St. Landry—east of US 167;

ix. St. Martin—north of I-10;

x. West Baton Rouge—north of I-10.

c. Still hunting only in all or portions of the following parishes:

i. Avoyelles—north of LA 1 from Simmesport westward to LA 115 at Marksville, east of LA 115 from Marksville northward to the Red River near Moncla, south and west of the Red River to LA 1 at Simmesport;

ii. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;

iii. West Feliciana—west of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of US 61 and LA 966, east of LA 966 from US 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

7. Area 7

a. Portions of the following parishes are open:

i. Iberia—south of LA 14 and west of US 90;

ii. St. Mary—all except that portion north of US 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River.

8. Area 8

a. Portions of the following parishes are open:

i. Beauregard—that portion west of LA 27 from parish line northward to DeRidder, south of US 190 from DeRidder to Texas state line;

ii. Calcasieu—that portion west of LA 27 from the parish line southward to Sulphur and north of I-10 from Sulphur to the Texas state line.

9. Area 9

a. All of the following parishes are open: Ascension, Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John, Terrebonne.

b. Portions of the following parishes are open:

i. Iberia—east of US 90 and west of the West Atchafalaya Basin Protection Levee and east of the East Atchafalaya Basin Protection Levee;

ii. Iberville—east of the East Atchafalaya Basin Protection Levee and south of Upper Grand River to the Intracoastal Canal to Bayou Plaquemines, then south of Bayou Plaquemines to the Mississippi River;

iii. Lafayette—south of I-10 and east of US 90;

iv. Livingston—south of I-12;

v. St. Martin—west of the Atchafalaya Basin Protection Levee and south of I-10. East of the East Atchafalaya Basin Protection Levee and south of I-10;

vi. St. Mary—east of US 90 from Iberia Parish line to the Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River except for portion within the East and West Atchafalaya Basin Protection Levees;

vii. St. Tammany—that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain;

viii. Tangipahoa—south of I-12.

c. Still hunting only in all or portions of the following parishes:

i. Iberville—east of the Mississippi River;

ii. Plaquemines—east of the Mississippi River;

iii. St. Bernard—all of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre;

iv. St. John—south of Pass Manchac from Lake Pontchartrain to US 51, east of US 51 from Pass Manchac to LA 638 (Frenier Beach Road). North of LA 638 from US 51 to Lake Pontchartrain, west of Lake Pontchartrain from LA 638 to Pass Manchac.

10. Area 10

a. All of Cameron and Vermillion Parishes are open.

b. Portions of the following parishes are open:

i. Acadia—south of I-10;

ii. Calcasieu—south of I-10;

iii. Iberia—west of US 90 and north of LA 14;

iv. Jefferson Davis—south of I-10;

v. Lafayette—south of I-10 and west of Hwy 90.

G. WMA Regulations

1. General

a. The following rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority

provided in *Louisiana Revised Statutes* of 1950, section 109 of title 56. Failure to comply with these regulations will subject individual to citation and/or expulsion from the management area.

b. Citizens are cautioned that by entering a WMA managed by the LDWF they may be subjecting themselves and/or their vehicles to game and/or license checks, inspections and searches.

c. WMA seasons may be altered or closed anytime by the LDWF secretary in emergency situations (floods, fire or other critical circumstances).

d. Hunters may enter the WMA no earlier than 4 a.m. unless otherwise specified. Hunters must check out and exit the WMA no later than two hours after sunset, or as otherwise specified.

e. All privately owned property which is completely surrounded by a wildlife management area shall be subject to all state hunting and fishing provisions, including those provisions regarding seasons. Such private property shall not be subject to the special hunting and fishing provisions which govern the wildlife management area, except that deer may not be taken with the aid of dogs. However, the owner or lessee of such property shall be required to participate in the deer management assistance program provided for in R.S. 56:110. In addition, the owner or lessee of such property shall not be allowed to hunt, trap or take resident game by the aid of baiting or placing bait intended to attract or entice the resident game to the area where hunters are attempting to take them.

f. Dumping garbage or trash on WMAs is prohibited. Garbage and trash may be properly disposed of in designated locations if provided.

g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.

h. Damage to or removal of trees, shrubs, hard mast (including but not limited to acorns and pecans), wild plants, non-game wildlife (including reptiles and amphibians) or any species of butterflies, skippers or moths is prohibited without a permit from the LDWF. Gathering and/or removal of American lotus (*grande volée*, *Nelumbo lutea*) seeds and pods, soft fruits, mushrooms and berries shall be limited to five gallons per person per day.

i. Burning of marshes is prohibited. Hunting actively burning marsh is prohibited.

j. Nature Trails. Trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, bicycles, etc. allowed. Removal of vegetation (standing or down) or other natural material prohibited.

k. Deer seasons are for legal antlered deer unless otherwise specified.

l. Small game, when listed under the WMA regulations may include both resident game animals and game birds as well as migratory species of birds.

m. Oysters may not be harvested from any WMA, except that oysters may be harvested from private oyster leases and state seed grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health.

n. Free ranging livestock prohibited.

o. Operation of drones or unmanned aerial vehicles (UAV) on WMAs is prohibited.

p. Operating, modifying, tampering with or altering any water control structures on WMAs is prohibited.

q. Limited Access Areas (LAA): Operation of internal combustion powered vessels prohibited September through January. Operation of trolling motors allowed. A *trolling motor* is defined as a self-contained unit that includes a completely submerged electric motor at the end of the shaft, propeller and controls, and is affixed to a vessel, either at the bow or stern. Vehicles prohibited November through January. Limited access areas are on Atchafalaya Delta, Boeuf, Dewey W. Wills, Joyce, Manchac, Pass-a-Loutre, Pointe-aux-Chenes, Pomme de Terre and Russell Sage WMAs. See WMA maps for specific locations.

2. Permits

a. A valid WMA access permit shall be required for use of department-administered lands including wildlife refuges, Wildlife Management Areas (WMA) and Wildlife Conservation Areas (WCA). Persons under 18 years of age are exempt from this requirement. WMA access permits are not required for persons only traveling through the department-administered lands provided that the most direct route is taken and no activities or stops take place.

b. Self-Clearing Permits. A self-clearing permit is required for all activities (hunting, fishing, hiking, bird watching, sightseeing, etc.) on WMAs. The self-clearing permit will consist of two portions: check in, check out. All persons must either check in/check out electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal or obtain a WMA self-clearing permit from an information station. Users may check in one day in advance of use. Users that check in by electronic means are required to possess proof of check in and must check out within 24 hours. If utilizing paper Self-Clearing Permit from an information station, check in portion must be completed and put in a permit box before each day's activity. The check-out portion must be carried by each person while on the WMA and must be completed and put in a permit box immediately upon exiting the WMA. No permit is required of fishers and boaters who do not travel on a WMA road and/or launch on the WMA as long as they do not get out of the boat and onto the WMA. When mandatory deer checks are specified on WMAs, hunters must check deer at a check station. When mandatory check in for deer seasons is specified on WMAs, hunters must check in at designated locations, and obtain a daily hunt permit. Self-clearing permits are not required for persons only traveling through the WMA provided that the most direct route is taken and no activities or stops take place.

3. Special Seasons

a. Youth Deer Hunt. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult was born before September 1, 1969 and has a valid hunting license or who is 18 years of age or older and has proof of successful completion of a firearm and hunter education course approved by the department, this requirement is waived for the youth. Additionally, any youth participating in the hunt shall have in their immediate possession a valid, original youth license. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for

deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Contact the appropriate region office for maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts.

NOTE: Some hunts may be by pre-application lottery.

b. Youth Squirrel Hunt (on selected WMAs only). Only youths 17 or younger may hunt. Squirrel, rabbit, raccoon, hogs and opossum may be taken. No dogs allowed. All other seasons will remain open to other hunters. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult was born before September 1, 1969 and has a valid hunting license or who is 18 years of age or older and has proof of successful completion of a firearm and hunter education course approved by the department, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Self-clearing permits are required. Consult the regulations pamphlet for WMAs offering youth squirrel hunts.

c. Youth Mourning Dove Hunt. A youth mourning dove hunt will be conducted on specific WMAs and will follow the same regulations provided for youth deer hunts on the first or second weekend of the mourning dove season (Saturday and/or Sunday only). Consult the regulations pamphlet for WMAs offering youth mourning dove hunts.

d. Physically Challenged Season. An either-sex deer season will be held for hunters possessing a physically challenged hunter permit on WMAs during the dates specified under the individual WMA. Participants must possess a physically challenged hunter permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering physically challenged seasons.

e. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. Contact region offices for more details.

f. Waterfowl Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadline. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division office for more details.

g. Mourning Dove Lottery Hunts. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division office for more details.

h. Trapping. Consult annual trapping regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. Hunter orange required when a deer gun season is in progress.

i. Raccoon Hunting. A licensed hunter may take raccoon or opossum, two per person per day, during daylight hours only, during the open hunting season in progress on WMAs.

Nighttime Experimental—all nighttime raccoon hunting where allowed is with dogs only. There is no bag limit. Self-clearing permit required.

j. Sport Fishing. Sport fishing, crawfishing and frogging are allowed on WMAs when in compliance with current laws and regulations except as otherwise specified under individual WMA listings.

k. Small Game Emphasis Areas. Specially designated areas on certain WMAs will allow small game hunting with dogs, confined to that specific area when the remainder of the WMA is restricted to still hunt only. Additionally, off season training of rabbit and bird dogs may be allowed on some of the small game emphasis areas. Small game emphasis areas are offered on Big Colewa Bayou, Bayou Macon, Bodcau, Boeuf, Dewey W. Wills, Marsh Bayou, Pomme de Terre, Richard K. Yancey, Russell Sage, Sandy Hollow, Sherburne, Tunica Hills and Walnut Hill WMAs.

4. Firearms

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms and crossbows cocked in the ready position are not allowed in or on vehicles, boats under power, motorcycles, ATVs, UTVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after permitted hours except in authorized camping areas and except as may be permitted for authorized trappers.

b. Firearms and bows and arrows are not allowed on WMAs during closed seasons except on designated shooting ranges or as permitted for trapping and except as allowed pursuant to R.S. 56:109(C) and R.S. 56:1691. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or as permitted for bowfishing. Active and retired law enforcement officers in compliance with POST requirements, federal law enforcement officers and holders of Louisiana concealed handgun permits or permit holders from a reciprocal state who are in compliance with all other state and federal firearms regulations may possess firearms on WMAs provided these firearms are not used for any hunting purpose.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under WMA listing.

d. Loaded firearms are not allowed near WMA check stations.

e. The following cannot be carried onto any WMA except during modern and primitive firearm deer seasons and during special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador/Timken WMAs (consult regulations pamphlet for specific WMA regulations):

- i. centerfire rifles;
- ii. centerfire break-action and centerfire bolt-action handguns;
- iii. centerfire scoped handguns;
- iv. shotgun slugs or shot larger than BB lead or F steel.

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or across, or hunting from designated roads, ATV/UTV trails, nature trails, hiking trails, and their rights-of-way is prohibited during the modern firearms and primitive firearms deer seasons.

5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drives and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On WMAs, except Floy McElroy WMA, the daily limit shall be one antlered deer and one antlerless deer (when legal) per day, not to exceed the Deer Area limit for the Deer Area that a WMA is contained within (all segments included) by all methods of take.

c. Baiting, hunting over bait, or possession of bait is prohibited on all WMAs, except bait may be kept in a vehicle traversing a WMA road or parked on a WMA road. Bait is defined as any substance used to attract game via ingestion.

d. During mandatory deer check hunts, deer may not be skinned nor have any external body parts removed including but not limited to feet, legs, tail, head or ears before being checked out.

e. Deer hunting on WMAs is restricted to still hunting only.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting time each day. Blinds with frames of wood, plastic, metal poles, wire, mesh, webbing or other materials may be used but must be removed from the WMA within two hours after the end of legal shooting time each day. Blinds made solely of natural vegetation and not held together by nails or other metallic fasteners may be left in place but cannot be used to reserve hunting locations. Natural vegetation (including any material used as corner posts) is defined as natural branches that are two inches or less in diameter. All decoys must be removed from the WMA daily. Permanent tree stands are any stands that use nails, screws, spikes, etc., to attach to trees and are strictly prohibited. Deer stands may not be left on WMAs unless the stands are removed from trees, placed flat on the ground, and left in a non-hunting position (a non-hunting position is one in which a hunter could not hunt from the stand in its present position). Also, all stands left must be legibly tagged with the user's name, address, phone number and LDWF ID number. No stand may be left on any WMA prior to the day before deer season opens on that WMA and all stands must be removed from the WMA within one day after the close of deer hunting on that WMA. Free standing blinds must be disassembled when not in use. Stands left will not reserve hunting sites for the owner or user. All portable stands, blinds, tripods, etc., found unattended in a hunting position, not placed flat on the ground, or untagged will be confiscated and disposed of by the LDWF. LDWF is not responsible for unattended stands left on an area.

g. Physically Challenged Wheelchair Confined Deer and Waterfowl Hunting Areas: special deer and waterfowl hunting areas, blinds and stands identified with LDWF logos, have been established for physically challenged hunter permit (PCHP) wheelchair confined

hunters on WMAs. Hunters must obtain a PCHP permit and are required to make reservations to use blinds and stands. PCHP wheelchair hunting areas are available on Alexander State Forest, Bayou Pierre, Big Colewa Bayou, Buckhorn, Clear Creek, Floy McElroy, Fort Polk-Vernon, Maurepas Swamp, Sherburne, and West Bay WMAs. Check WMA hunting schedules or call the LDWF field offices in Pineville, Lafayette, Lake Charles, Minden, Monroe or Hammond for information.

h. Hunting from utility poles and structures, and oil and gas exploration facilities or platforms is prohibited.

i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc. are illegal.

j. Tree climbing spurs, spikes or screw-in steps are prohibited.

k. Unattended decoys will be confiscated and forfeited to the LDWF and disposed of by the LDWF. This action is necessary to prevent preemption of hunting space.

l. Spot lighting (shining) from vehicles is prohibited on all WMAs.

m. Horses and mules may be ridden on WMAs except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails depicted on WMA map, self-clearing permit is required. Organized trail rides prohibited except allowed by permit only on Camp Beauregard. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified. Horse-drawn conveyances are prohibited.

n. All hunters (including archers and small game hunters) except waterfowl hunters and mourning dove hunters on WMAs must display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during open gun season for deer. Quail and woodcock hunters and hunters participating in special dog seasons for rabbit, squirrel and feral hogs are required to wear a minimum of a "hunter orange" or "blaze pink" cap. All other hunters and archers (while on the ground) except waterfowl hunters also must wear a minimum of a "hunter orange" or "blaze pink" cap during special dog seasons for rabbit and squirrel and feral hogs. Also all persons afield during hunting seasons are encouraged to display "hunter orange" or "blaze pink". Hunters participating in special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador/Timken WMAs must display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap.

o. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches of "hunter orange" or "blaze pink" above or around their blinds which is visible from 360 degrees.

p. Archery Season for Deer. The archery season on WMAs is the same as outside and is open for either-sex deer except as otherwise specified on individual WMAs. Archery season restricted on Atchafalaya Delta and closed on certain WMAs when special seasons for youth or physically challenged hunts are in progress. Consult regulations pamphlet for specific seasons.

q. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide

by bucks only regulations and other restrictions when such seasons are in progress.

r. Primitive Firearms Season for Deer. Either-sex unless otherwise specified. See WMA deer schedule. Except youths 17 or younger may use any legal weapon during the primitive firearm season.

6. Camping

a. A WMA camping permit is required for all persons camping on LDWF operated campgrounds on WMAs. Camping on WMAs, including trailers, houseboats, vessels, recreational vehicles and tents, is allowed only in designated areas and for a period not to exceed 16 consecutive days, regardless if the camp is attended or unattended. At the end of the 16-day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities. Camping is available on a first-come, first-serve basis unless otherwise specified.

b. Houseboats and vessels utilized for recreational activities are prohibited from overnight mooring within WMAs except on stream banks adjacent to designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. Houseboats and vessels shall not impede navigation. On Atchafalaya Delta WMA houseboats may be moored by permit only in designated areas during hunting season. Permits are available by lottery annually or by five-year lease through a bid program.

c. Discharge of human waste onto lands or waters of any WMA is strictly prohibited by state and federal law. In the event public restroom facilities are not available at a WMA, the following is required. Anyone camping on a WMA in a camper, trailer, or other unit (other than a houseboat or tent) shall have and shall utilize an operational disposal system attached to the unit. Tent campers shall have and shall utilize portable waste disposal units and shall remove all human waste from the WMA upon leaving. Houseboats moored on a WMA shall have a permit or letter of certification from the Health Unit (Department of Health) of the parish within which the WMA occurs verifying that it has an approved sewerage disposal system on board. Further, that system shall be utilized by occupants of the houseboats when on the WMA.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area unless otherwise specified.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Trash must be contained at all times while camping.

h. Burning of trash is prohibited.

i. Glass containers prohibited on campgrounds.

j. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

k. Swimming is prohibited within 100 yards of boat launching ramps.

7. Restricted Areas

a. For your safety, all oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or unauthorized hunting in restricted areas, refuges, or limited use areas unless otherwise specified.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is experimental as required by law. Having or using dogs on any WMA is prohibited except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting, hog hunting and bird dog training when allowed; see individual WMA season listings for WMAs that allow dogs. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be liable. Only recognizable breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons. A leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

9. Vehicles

a. An all-terrain vehicle is a wheeled or tracked off-road vehicle (not legal for highway use) with specifications not to exceed the following: weight-750 pounds, length-85", and width-48". ATV tires are restricted to those no larger than 26 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 12 psi. as indicated on the tire by the manufacturer. Use of all other ATVs or ATV tires are prohibited on a WMA.

b. *Utility Type Vehicle (UTV, also Utility Terrain Vehicle)*—any recreational motor vehicle other than an ATV, wheeled or tracked, not legal for highway use, designed for and capable of travel over designated unpaved roads, traveling on four or more low-pressure tires or tracks, with specifications not to exceed the following: weight-1900 pounds, length-128" and width-68". UTV tires are restricted to those no larger than 27 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 12 psi. UTV's are commonly referred to as side by sides and may include golf carts.

c. Vehicles having wheels with a wheel-tire combination radius of 17 inches or more measured from the center of the hub and horizontal to ground are prohibited.

d. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within WMAs due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

e. Tractor or implement tires with farm tread designs R1, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles.

f. Airboats, aircraft, personal water craft, “mud crawling vessels” (commonly referred to as crawfish combines which use paddle wheels for locomotion) and hover craft are prohibited on all WMAs and refuges, except type A personal water craft, model year 2003 and beyond, which are eight feet in length and greater, may be operated within WMAs except Bussey Brake WMA from April 1 until the Monday of Labor Day weekend, from sunrise to sunset only, and except personal water craft allowed on designated portions of Alexander State Forest WMA year-round. Personal water craft are defined as a vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. No person shall operate such water craft at a speed greater than slow/no wake within 100 feet of an anchored or moored vessel, shoreline, dock, pier, or persons engaged in angling or any other manually powered vessel.

g. Driving or parking vehicles on food or cover plots and strips is prohibited.

h. Blocking the entrance to roads and trails is prohibited.

i. Licensed motorized vehicles (LMVs) legal for highway use, including motorcycles, are restricted entirely to designated roads as indicated on WMA maps. UTVs are restricted to marked UTV trails only, except that those UTVs in which the manufacturer’s specifications do not exceed the weight, length, width, and tire restrictions for ATVs are allowed on ATV trails. ATVs are restricted to marked ATV trails only. When WMA roads are closed to LMVs, ATVs and UTVs may then use those roads when allowed. This restriction does not apply to bicycles.

NOTE: Only ATV and UTV trails marked with signs and/or paint, and depicted on WMA maps are open for use.

j. Use of special ATV trails for physically challenged persons is restricted to ATV physically challenged permittees. Physically challenged ATV permittees are restricted to physically challenged ATV trails or other ATV trails only as indicated on WMA maps or as marked by sign and/or paint. Persons 60 years of age and older, with proof of age, are also allowed to use special physically challenged trails and need not obtain a permit. However, these persons must abide by all rules in place for these trails. Physically challenged persons under the age of 60 must apply for and obtain a physically challenged hunter program permit from the LDWF.

k. Entrances to ATV trails will be marked with peach colored paint. Entrances to physically challenged-only ATV trails will be marked with blue colored paint. Entrances to ATV trails that are open year round will be marked with purple paint. The end of all ATV trails will be marked by red paint. WMA maps serve only as a general guide to the route of most ATV trails, therefore all signage and paint marking as previously described will be used to determine compliance.

l. Roads and trails may be closed due to poor condition, construction or wet weather.

m. ATVs, and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 4 a.m., except

raccoon hunters may use ATVs during nighttime raccoon take seasons only. ATVs are prohibited from March 1 through August 31 except squirrel hunters are allowed to use ATV trails during the spring squirrel season on the WMA and except certain trails may be open during this time period to provide access for fishing or other purposes and some ATV trails will be open all year long on certain WMAs.

n. Caution. Many LDWF-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads, unless specific signage otherwise allows or restricts.

o. Hunters are allowed to retrieve their own downed deer and hogs with the aid of an ATV or electric bicycle except on Thistlethwaite, Sherburne, Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes, Salvador/Timken, Lake Boeuf, Biloxi, and the Crusel Tract of Maurepas Swamp WMAs under the following conditions:

i. no firearms or archery equipment is in possession of the retrieval party or on the ATV;

ii. the retrieval party may consist of no more than one ATV and one helper;

iii. ATVs may not be used to locate or search for wounded game or for any other purpose than retrieval of deer and hogs once they have been legally harvested and located;

iv. UTV’s may not be used to retrieve downed deer or hogs.

p. No wake zones. Operation of vessels beyond bare steerage speed (the slowest speed a vessel can travel while allowing the operator to maintain directional control of the vessel) in posted no wake zones is prohibited.

q. Electric bicycles are restricted to designated roads and ATV/UTV trails.

r. Factory OEM installed or OEM equivalent exhausts are required for all boat/powercraft motors. No person shall operate or allow to be operated a powercraft with an altered muffler or muffler cutout or in a manner that bypasses or reduces the effectiveness of the muffler system.

10. Commercial Activities

a. Hunting Guides/Outfitters. No person or group may act as a hunting guide, outfitter or in any other capacity for which they are paid or promised to be paid directly or indirectly by any other individual or individuals for services rendered to any other person or persons hunting on any WMA, regardless of whether such payment is for guiding, outfitting, lodging or club memberships.

b. Except for licensed activities otherwise allowed by law, commercial activities are prohibited without a permit issued by the secretary of the LDWF.

c. Commercial Fishing. Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Drag seines (except minnow and bait seines) are prohibited except experimental bait seines allowed on Dewey Wills WMA north of LA 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Richard K. Yancey WMA. Commercial fishing is prohibited on Salvador/Timken, Pointe-aux-Chenes, and Russell Sage WMAs except commercial fishing

on Pointe-aux-Chenes is allowed in Cut Off Canal. No commercial fishing activity shall impede navigation and no unattended vessels or barges will be allowed. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

11. WMAs Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

12. Resident Small Game (squirrel, rabbit, quail, mourning dove, woodcock, snipe, rail and gallinule). Same as outside except closed during modern firearm either-sex deer seasons on certain WMAs (see WMA schedule) and except non-toxic shot, size 6 or smaller must be used for dove, rail, snipe, and gallinule. Unless otherwise specified under a specific WMA hunting schedule, the use of dogs for rabbit and squirrel hunting is prohibited. Spring squirrel season with or without dogs: first Saturday of May for nine days. Consult regulations pamphlet for specific WMAs.

13. Waterfowl (ducks, geese and coots). Consult regulations pamphlet. Hunting after 2 p.m. prohibited on all WMAs except for Atchafalaya Delta, Biloxi, and Pass-a-Loutre. Consult specific WMA regulations for shooting hours on these WMAs.

14. Archery. Consult regulations pamphlet.

15. Hogs. Feral hogs may be taken during any open hunting season on WMAs by properly licensed and/or permitted hunters using only guns or bow and arrow legal for specified seasons in progress, except take of hogs is prohibited during nighttime raccoon seasons. Hogs may not be taken with the aid of dogs, except feral hogs may be taken with the aid of dogs during the month of February on Attakapas, Bodcau, Clear Creek, Little River, Pearl River, Sabine, Sabine Island, and West Bay and that portion of Dewey W. Wills north of the Catahoula Lake Diversion Canal by self-clearing permit. All hogs must be killed immediately and may not be transported live under any conditions. During the February dog season hunters may use centerfire handguns in addition to using guns allowed for season in progress. Additionally, feral hogs may be taken on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador/Timken WMAs from February 16 through March 31 with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber. Additional requirements may be specified under individual WMAs, see regulation pamphlet.

16. Outlaw Quadrupeds and Birds. Consult regulations pamphlet. During hunting seasons specified on WMAs, except the turkey and spring squirrel seasons, take of outlaw quadrupeds and birds, with or without the use of electronic calls, is allowed by properly licensed hunters and only with guns or bows and arrows legal for season in progress on WMA. However, crows, blackbirds, grackles and cowbirds may not be taken before September 1 or after January 1. As described in 50 CFR Part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special depredation order. In addition an annual

report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

17. WMAs Hunting Schedule and Regulations

a. Acadiana Conservation Corridor. Self-Clearing Permit required for all activities.

i. Archery only: Oct. 1 - 15 bucks only, Oct. 16 - Feb. 15, either sex.

ii. All other seasons closed. No motorized vehicles allowed and no access via I-49 right-of-way.

b. Alexander State Forest. From December through February all hunters must check daily with the Office of Forestry for scheduled burning activity. No hunting or other activity will be permitted in burn units the day of the burning. Call 318-487-5172 or 318-487-5058 for information on burning schedules. Attaching stands to Red Cockaded Woodpecker cavity trees is prohibited. Cavity trees are marked with painted, double white bands. Self-Clearing Permits required for hunters only. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires except in recreational areas. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Pineville or Baton Rouge Offices for details and applications. PCHP blind hunting by reservation for Class I, III and IV PCHP permittees only.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Firearms: first Sat. of Nov. for 2 days, either sex. Mandatory Deer Check; Fri. after Thanksgiving Day for 3 days, bucks only.

(c). Primitive Firearms: second Sat. of Oct. for 2 days. Mandatory Deer Check.

(d). Youth Lottery: last Sat. of Oct. for 2 days, Fri. after Thanksgiving for 3 days, third Sat. in Dec. for 2 days, either-sex.

(e). PCHP Blinds: first Sat. of Nov. for 2 days, Mandatory Deer Check, second Sat. in Dec. for 2 days.

ii. Small Game: same as outside except closed during primitive firearms season and open to squirrel hunting during the spring season, first Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

iii. Waterfowl: same as outside. (Certain areas may be closed as posted).

c. Atchafalaya Delta. Self-Clearing Permit required for all activities. All persons must either check in/check out electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal or obtain a WMA Self-Clearing Permit from an information station located at Main Delta campground, Wax Delta Campground, Cul-de-sac on Big Island, and Berwick Public Boat Launch (Jesse Fontenot Boat Launch). Camping and houseboat mooring allowed ONLY in designated campgrounds. Houseboat mooring allowed by permit only during hunting season (see Subparagraph G. 6. Camping b. for details) and by normal means during remainder of the year. Vessels/Vehicles: Mudboats or air-cooled propulsion vessels powered by more than 36 total horsepower are prohibited on the WMA. All ATVs/UTVs, motorcycles, horses and mules prohibited except as permitted for authorized WMA trappers. Big Island: Except for youth deer hunting (provided for below),

all other hunting closed from October 1 through the last day of youth deer seasons. Main Delta area closed to all hunting except for youth deer hunting during youth deer seasons.

i. Deer Archery (either-sex): Oct. 1 - Jan. 31 on Main Delta only; no deer hunting on Wax Lake Delta.

ii. Deer Youth Shotgun (buckshot only, either-sex) and Archery (either-sex): first Sat. of Oct. for 2 days; second Sat. of Oct. for 2 days on Main Delta only; no deer hunting on Wax Lake Delta.

iii. Small Game: same as outside except Rabbit Only:

(a). Wax Lake Delta: first Sat. of Oct. through last day of Feb. Beagles prohibited November through January.

(b). Main Delta: first day of Feb. through last day of Feb. with or without beagles. Closed October through January.

iv. Waterfowl: same as outside, except shooting hours shall be 1/2 hour before sunrise to 2 p.m. during opening weekends of teal and duck season and 1/2 hour before sunrise to sunset the remainder of the season, and except shooting hours are the same as outside for the Youth Hunt weekend.

v. Feral Hogs: May be taken by properly licensed hunters Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.

d. Attakapas. Area closed to all except Youth Deer Hunters when the Youth deer season is open.

i. Deer

(a). Deer hunting will be closed when the river stage of the Atchafalaya River reaches 15 feet msl at Butte LaRose and will reopen when the river stage recedes to 14 feet msl at Butte LaRose.

(b). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

(c). Youth: last Sat. of Oct. for 2 days, either-sex.

(d). Firearms Either-Sex: Fri. after Thanksgiving Day for 2 days.

(e). Firearms Bucks Only: fourth Sat. of Dec. for 9 days.

(f). Primitive Firearms (Bucks only): third Sat. of Jan. for 2 days.

ii. Turkey: closed.

iii. Small Game and Waterfowl: same as outside except small game hunting closed during either-sex modern firearms seasons closed during youth deer seasons and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iv. Raccoon (Nighttime): second Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

e. Bayou Macon. Area Closed: To all except Youth Deer Hunters last Sat. of Oct. for 2 days. All night activities prohibited except as otherwise provided.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: last Sat. of Oct. for 2 days, either-sex.

(c). Firearms: Either sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Primitive Firearms: third Sat. of Dec. for 9 days.

ii. Turkey: General Lottery: last Sat. of Area B season for 2 days.

iii. Small Game and Waterfowl: same as outside except closed during either-sex modern firearms season and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after third Sat. of Oct.-Sun. prior to firearms either-sex deer, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon (Nighttime): Sept. 1 for 16 days and first Sat. of Jan. to the last day of Feb.

f. Bayou Pierre. Waterfowl Refuge is closed to all hunting, trapping and fishing except for archery hunting for deer, which is allowed on the entire area. Refuge is marked with "Waterfowl Refuge" signs. Contact Minden Office for details for lottery hunts listed below at 318-371-3050.

i. Deer

(a). Archery only: Oct. 1-Jan. 31, either-sex. Archery hunting is allowed in the waterfowl refuge.

ii. Waterfowl Lottery Only: (designated portion)

(a). Lottery Youth Hunt: same as outside youth waterfowl hunt.

(b). General Lottery Hunt: second weekend of first split and first weekend of second and third splits of the West Zone season.

iii. Other Small Game: same as outside and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to last day of Feb.

iv. Raccoon (Nighttime): Sat. before Christmas to last day of Feb.

g. Big Colewa Bayou. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Monroe or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Fri. after Thanksgiving for 3 days, either-sex and second Sat. of Dec. for 16 days, bucks only.

i. Deer

(a). Archery only: Oct. 1-Jan. 31, either-sex.

ii. Small Game and Waterfowl: same as outside and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbit hunting Jan. first to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after third Sat. of Oct. - Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1 - August 31.

iii. All nighttime activities prohibited.

h. Big Lake. Area closed to all south of Big Lake and Crystal Roads when youth deer season is open. North of Big Lake and Crystal Roads open to all activities.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: last Sat. of Oct. for 2 days, either-sex.

Youth hunt on designated portion. See WMA map for specific location.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: second Sat. of Dec. for 14 days.

(e). Primitive Firearms: day after firearms bucks only season closes for 14 days.

ii. Turkey: opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens on Good Friday.

(a). Youth: Sat. before opening day of statewide season for 2 days, except when that Sat. falls on Easter weekend then season will open on Good Friday for 3 days.

iii. Small Game: same as outside except closed during either-sex firearms seasons and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iv. Waterfowl: same as outside except closed during either-sex modern firearms seasons.

v. Raccoon (Nighttime): the day after primitive firearms season ends to the last day of Feb.

vi. Sport Fishing: yoyos, limblines and trotlines prohibited on Big and Chain Lakes.

vii. Commercial fishing: commercial fishing is prohibited.

i. Biloxi. Self-Clearing Permits required for all activities. Vessels/Vehicles: all airboats, ATVs/UTVs, motorcycles, horses, and mules are prohibited. Mud boats or air cooled propulsion vessels can only be powered by straight shaft "long-tail" air-cooled mud motors that are 25 total horsepower or less. All other types of mud boats or air cooled propulsion vessels, including "surface-drive" boats, are prohibited. Overnight mooring of all vessels 50 feet in length or more is prohibited. Dogs are prohibited except retrievers allowed for waterfowl hunting. No structures may be erected including fixed or permanent blinds of any type.

i. Deer

(a). Archery (bucks only): Oct. 1 - 15.

(b). Deer Archery (either-sex): Oct. 16 - Jan. 31.

ii. Small Game and Waterfowl: same as outside except closed to squirrel hunting during the spring season.

j. Bodcau. Area closed to all except Youth deer hunters during the Youth Deer Hunt on designated portion. Limited Use Area: Small game and waterfowl same as rest of WMA. Deer hunting archery only. See WMA map for specific location.

i. Deer

(a). Archery: Oct. 1 - Jan. 31, either-sex.

(b). Youth: Sat. after second Fri. of Oct. for 2 days, either-sex on designated portion.

(c). Firearms either-sex: last Sat. of Oct. to the Sun. after Thanksgiving Day. Last Sat. of Oct. and Sun. after last Sat. of Oct., Mandatory Deer Check.

(d). Primitive Firearms: Mon. after Thanksgiving Day for 7 days.

ii. Turkey

(a). Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

(b). Youth: Sat. before opening day of statewide season for 2 days except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days. fourth Sat. of April for 2 days.

iii. Small Game and Waterfowl: same as outside except closed during the youth deer hunt on designated portion and entire area first 2 days of modern firearms deer season except spring squirrel season will be open the first Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms deer season ends to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles allowed for rabbit and dogs allowed for squirrel from the first Sat. of Oct. through the Fri. immediately prior to the opening day of firearms deer season, and training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): day after primitive firearms deer season ends to the last day of Feb. and May 1-Sept. 30.

v. Bird Dog Training Area: open all year except closed during WMA Turkey Season. Contact Minden Office for information.

vi. Fishing: Nets and traps prohibited on Ivan Lake.

k. Boeuf. Area Closed to all south of LA 4 except Youth Deer Hunters when youth deer season is open. North of LA 4 open to all activities. Internal combustion engines and craft limited to 10 hp rating or less in the Greentree Reservoir.

i. Deer

(a). Archery: Oct. 1 - Jan. 31, either-sex.

(b). Youth: second Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. - Mandatory Deer Check, Sun. - Self-Clearing Permit.

(d). Firearms Bucks Only: first Sat. of Dec. for 14 days.

(e). Primitive Firearms: day after the close of Firearms Bucks Only for 14 days. second Sat. of Nov. for 7 days.

ii. Turkey: opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: same as outside except closed during Deer Either-sex modern firearms season, and except spring squirrel season will be open the first Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel

hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb. Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after third Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1 - August 31.

iv. Raccoon (Nighttime): second Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

1. Buckhorn. Area Closed: last Sat. of Oct. for 2 days to all except Youth and Physically Challenged Deer hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit; and second Sat. of Dec. for 2 days.

(d). Firearms Bucks Only: third Sat. of Dec. for 14 days.

(e). Primitive Firearms: day after firearms bucks only season ends for 14 days.

(f). Youth and Physically Challenged Wheelchair Confined Deer Hunting Area: check map for location. Access restricted. Call Monroe or Baton Rouge Offices for further details.

(g). Youth Lottery: second weekend and last consecutive Sat. and Sun. of Dec. except when either of those days falls on Dec. 24 or 25, then it will be the third weekend of Dec. and first consecutive Sat. and Sun. in Jan. Either-sex. Hunting by pre-application lottery only.

(h). Physically Challenged Wheelchair Confined: second weekend and last consecutive Sat. and Sun. of Dec. except when either of those days falls on Dec. 24 or 25, then it will be the third weekend of Dec. and first consecutive Sat. and Sun. in Jan. Either-sex. Hunting by reservation for wheelchair confined. PCHP permittees only.

ii. Small Game and Waterfowl: same as outside except closed during either-sex modern firearm season and open to squirrel hunting during the spring season, First Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iii. Raccoon (Nighttime): day after primitive firearms season ends to the last day of Feb.

m. Bussey Brake. Area closed to all hunting and trapping activity. Area closed to all activities between two hours after sunset until 4 a.m. with the exception of rod and reel or cane pole fishing. Fishing may take place between these hours at the north fishing pier or by boat. Access to all other areas are prohibited between these hours. Recreational fishing and all other allowed non-consumptive uses only. No personal watercraft or water skiing. No camping. No ATVs/UTVs or electric bicycles allowed. No motorized vehicles of any type allowed on reservoir levee except at boat launch for purpose of launching boat or to access fishing pier. Pulling boats over levees or any other activities that cause detriment to the levees is prohibited. Horseback

riding and non-motorized bicycles are allowed only on the designated trail named Levee Trail (see map at boat launch kiosk). Access is granted at two marked locations, adjacent to the boat launch and just beyond the boat launch parking area. No tying boats to channel marker poles. A No-Wake Zone is in effect in the harbor inside the wave break. No boats allowed within 30 feet of fishing piers.

i. Fishing: Fish may be taken only by rod and reel or cane pole for recreational purposes. All types of nets, including but not limited to gill nets, trammel nets, hoop nets, wire nets, fyke nets and fish seines are prohibited. Trotlines, yo-yos, limb lines, stump lines, slat traps, jugs, cans, and pipes are prohibited. Shoreline (non-boat) fishing only allowed at designated locations. No fishing or lake access from rocks along interior of reservoir levee.

(a). Black Bass (*Micropterus spp.*)

(i). Daily limit: recreational daily creel limit shall be five fish, in the aggregate;

(ii). Possession limit: possession limit shall be five fish while on water and ten fish while off water, in the aggregate;

(iii). Length: the maximum total length limit shall be 16 inches, with the exception that one fish over 16 inches may be kept.

(b). Crappie (*Pomoxis spp.*)

(i). Daily limit: recreational daily limit shall be 25 fish in the aggregate;

(ii). Possession limit: possession limit shall be 25 fish while on water and 50 fish while off water, in the aggregate;

(iii). Length: the minimum total length shall be 10 inches.

(c). Bream (*Lepomis spp.*)

(i). Daily limit: recreational daily creel limit shall be 50 fish, in the aggregate;

(ii). Possession limit: possession limit shall be 50 fish while on the water and 100 while off the water in the aggregate;

(iii). Length: no minimum length.

n. Camp Beauregard. All or portions of the area may be closed daily due to military activities. All game harvested must be reported on self-clearing checkout permit. No hunting in Restricted Areas. Swimming in Twin Lakes prohibited. Retriever training allowed on selected portions of the WMA. Area Closed: To all except Youth Deer Hunters second full weekend in November.

i. Deer

(a). Archery: Oct. 1 - Jan. 31, either-sex.

(b). Youth Deer Hunt: second full weekend in Nov., either-sex on designated portion of the WMA.

(c). Firearms Bucks Only: Dec. 26 - Jan. 1.

(d). Primitive Firearms: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit. All deer harvested must be brought to Rifle Range Road Weigh Station. Second Sat. of Dec. for 2 days Self-Clearing Permit.

ii. Turkey: opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: same as outside, except closed during either-sex gun hunts for deer and

except closed to squirrel hunting during the spring season. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. after Jan. 1 to the last day of Feb.

iv. Raccoon (Nighttime): last consecutive Sat. and Sun. in Jan. to last day of Feb.

v. Fishing: Special regulations to be posted at Twin Lakes.

o. Clear Creek. Area Closed to all except Youth Deer Hunters when the Youth Deer Season is open. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lake Charles or Baton Rouge Offices for details and applications. Hunting blind reservations for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer

(a). Archery: third Sat. of Sept. to Jan. 15, either-sex.

(b). Youth Deer Hunt: next to last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: last Sat. of Oct. for 2 days, Mandatory Deer Check and Fri. after Thanksgiving for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: Mon. after close of Primitive Season to Thanksgiving Day, and second Sat. of Dec. to Jan. 1.

(e). Primitive Firearms: Mon. after first either-sex firearms weekend for 7 days.

ii. Turkey

(a). Mon. after second Sat. of April for 21 days.

(b). General Lottery: opening day of statewide season for two days, second Sat. of April for 2 days.

(c). Youth Lottery: Sat. before opening day of statewide season for 2 days.

iii. Small Game and Waterfowl: same as outside except closed during either-sex gun hunts and except spring squirrel season will be open first Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after firearms bucks only season closes to the last day of Feb.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): day after firearms bucks only season closes to the last day of Feb.

p. Dewey Wills. Area Closed: to all except Youth and Physically Challenged Deer Hunters during the Physically Challenged and Youth Deer Hunt only on that portion of the area north of the Diversion Canal. High Water Benchmark Road Closures: Hunt Road (South of the Catahoula Lake Diversion Canal) and Muddy Bayou Road east of Nolan Bayou Road will be closed when water levels at the Larto Lake gauge reaches 45.0 ft. msl, and will reopen when water levels recede to 43.0 ft. msl, and Muddy Bayou Road west of the intersection of Nolan Bayou Road and Sandy Bayou Road will be closed when water levels at the Larto Lake gauge reaches 42.0 ft. msl and will reopen when water levels recede to 40.0 ft. msl.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Physically Challenged and Youth: last Sat. of Oct. for 2 days, either-sex. Only that portion of the area north of the Diversion Canal shall be open only to Physically

Challenged and youth deer hunters. The remainder of the area is open to all.

(c). Youth Lottery: first Sat. of Dec. for 2 days, first Sat. of Jan. for 2 days except when Jan. 1 falls on one of those days, then there will be no hunt that weekend, second Sat. of Jan. for 2 days, and third Sat. of Jan. for 2 days, either-sex. Contact Pineville Office (318-487-5885) for details and applications.

(d). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit. No hunting allowed in the greentree impoundment or within 100 feet of the greentree levee if duck season is in progress.

(e). Firearms Bucks Only: fourth Sat. of Dec. for 16 days.

(f). Primitive Firearms: second Sat. of Dec. for 2 days.

ii. Turkey: closed.

iii. Small Game and Waterfowl: same as outside except closed during Physically Challenged and Youth Deer Season north of the Diversion Canal and the entire area during the either-sex firearm hunt except waterfowl hunting will be allowed in the greentree impoundment and Catahoula Basin during the firearm either-sex season and open to squirrel hunting during the spring season first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after Firearms Bucks-Only season ends to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel first Sat. of Oct. to the third Sun. of Nov., and training of beagles for rabbit and dogs for squirrel allowed June 1 - August 31.

iv. Raccoon

(a). Nighttime: day after primitive firearms season ends to the last day of Feb.

(b). Nighttime Chase only: May 1-Sept. 25, Tuesdays and Thursdays only. Raccoon hunters may use ATVs on designated trails during take season only.

v. Crawfish: limited to 100 pounds per person per day.

vi. Larto Tracts: all season dates on Larto Tracts (see WMA map) same as outside, except deer hunting restricted to archery only. All vehicles, including ATVs, are prohibited.

q. Elbow Slough

i. Mourning Dove: Saturdays, Sundays and Wednesdays only during first and second split of the outside season, and except by lottery only opening Sat. and second Sat. of first 8 days of first split. Applications available at Pineville office and online. Contact Pineville office for details.

ii. Rabbit: Feb. 1 to the last day of Feb. Beagles allowed.

iii. Crawfish: March-July. Limit: 100 lbs. per person per day. Recreational crawfishing only. No traps or nets left overnight.

iv. Woodcock: same as outside.

v. All other seasons closed. Non-toxic (minimum size #6) shot only for all hunting. All motorized vehicles prohibited.

r. Elm Hall. ATVs/UTVs prohibited.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

(b). Firearms Either-sex: Fri. after Thanksgiving Day for 2 days.

(c). Firearms Bucks Only: Sun. after Thanksgiving Day and the fourth Sat. of Dec. for 9 days.

(d). Primitive Firearms: next to last Sat. in Jan. for two days.

ii. Small Game and Waterfowl: same as outside except closed during either-sex firearm seasons for deer, beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the close of primitive firearms to the end of Feb. and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs.

s. Floy Ward McElroy. Access restricted. Contact Monroe Wildlife Field Office at 318-343-4045 for information.

i. Deer: limit 1 deer per participant per weekend for all hunts.

(a). Youth Lottery: second weekend and last consecutive Sat. and Sun. of Dec. except when either of those days falls on Dec. 24 or 25, then it will be the third weekend of Dec., and second consecutive Sat. and Sun. in Jan., either-sex. Restricted to those selected as a result of the pre-application lottery.

(b). Physically Challenged Wheelchair Confined Lottery: first Sat. of Nov. for 2 days, either-sex. Restricted to wheelchair confined PCHP permittees only selected as a result of the pre-application lottery.

(c). Beyond Becoming an Outdoors Woman (BOW) Lottery Deer Hunt: first weekend in Dec. Hunt restricted to those that have successfully completed the Becoming an Outdoors Woman Deer Management Course. Must be Hunter Education certified. Contact LDWF Education Section, 318-343-1241, for more information.

t. Fort Polk-Vernon. Self-clearing permit required daily for all activities. All or portions of the area may be closed daily due to military activities. Check LDWF Hunting Pamphlet for information on open areas and special ATV regulations. Hunters are cautioned not to pick up any foreign material or objects while hunting on the WMA. Also, it is mandatory for hunters to check the open area maps, located at check stations, daily for sudden closures. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lake Charles Office for details and applications. Hunting blind reservations for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer

(a). Archery: third Sat. of Sept. to Jan. 15, either-sex. Special Archery regulations for Archery Only Area, check locally at Building 2396 on Twenty-second Street, either-sex deer legal the entire season. Remainder of WMA restricted to bucks only when bucks only gun season is in progress.

(b). Primitive Firearms: second Sat. of Oct. for 7 days, Self-Clearing Permit required.

(c). Firearms Either-Sex: last Sat. of Oct. for 2 days mandatory deer check, and Fri. after Thanksgiving Day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(d). Firearms Bucks Only: Mon. after last Sat. of Oct. to Thanksgiving Day, Second Sat. of Dec. to Jan. 1.

ii. Turkey: same as outside.

(a). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts for deer and except closed to squirrel hunting during the spring season. "Hunter orange" or "blaze pink" must be worn when bucks only gun hunts for deer are in progress. Squirrel hunting with dogs allowed Mon. after Thanksgiving Day for 12 days and Jan. 2 to the last day of Feb.

iv. Feral Hogs: may be taken by properly licensed hunters from beginning of Archery Season to Jan. 1. Hunters may hunt feral hogs with shotguns loaded with buckshot or slugs from Jan. 2 to the end of Feb. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for hogs.

v. Fishing: special regulations pertaining to fishing are posted at specific lakes.

u. Grassy Lake. Area Closed: to all except Youth Deer Hunters during Youth Deer Hunt.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth: last Sat. of Oct. for 2 days.

(c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: fourth Sat. of Dec. for 9 days.

(e). Primitive Firearms (either-sex): second Saturday of Dec. for 2 days.

ii. Turkey: closed.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts for deer and open to squirrel hunting during the spring season first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.

iv. Sport Fishing: same as outside except allowed after 2 p.m. during waterfowl season, and except allowed after 10 a.m. during early Teal Season on Smith Bay, Red River Bay and Grassy Lake proper.

v. Commercial Fishing: Permitted except on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor Spring Bayou Headquarters or Lafayette Field Office.

vi. Raccoon (Nighttime): second Sat. of Sept. for 16 days, day after primitive firearms season ends for 12 days, and day after bucks only firearm season ends to the last day of Feb.

vii. Crawfish: March 15-July 31. Recreational only. 100 pounds per person daily. No nets or traps may be left overnight.

v. Hutchinson Creek.

i. Deer: same as outside, Archery Only, Either-sex.

- ii. Turkey: same as outside.
- iii. Small Game and Waterfowl: same as outside.
Open to squirrel hunting during the spring season first Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting first Sat. of Jan to the last day of Feb.
- iv. Raccoon: second Sat. of Sept. for 16 days and first Sat. of Jan to the last day of Feb.
- w. J. C. Sonny Gilbert. Area Closed: last Sat. of Oct. for 2 days to all except Youth Deer Hunters.
 - i. Deer
 - (a). Archery: Oct. 1-Jan. 31, either-sex.
 - (b). Youth: last Sat. of Oct. for 2 days, either-sex.
 - (c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, self-clearing permit.
 - (d). Firearms Bucks Only: first Sat. of Dec. for 14 days.
 - (e). Primitive Firearms: day after close of Firearms Bucks Only for 14 days.
 - ii. Turkey
 - (a). General Lottery: opening day of statewide season for 9 days, with 3 consecutive 3 day hunts.
 - (b). Youth Lottery: Sat. before opening day of statewide season for 2 days, except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days.
 - iii. Small Game and Waterfowl: same as outside except closed during either-sex modern firearms seasons for deer and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.
 - iv. Raccoon (Nighttime): the day after the last deer firearms season (bucks only or primitive) to last day of Feb.
 - v. Sport Fishing: Restricted to rod and reel, and pole fishing only. All other gear prohibited.
- x. John Franks
 - i. Deer
 - (a). Archery Only: Oct. 1-Jan. 31, either-sex.
 - ii. Small Game and Waterfowl: same as outside. Beagles allowed for rabbits and dogs allowed for squirrel Sat. before Christmas to end of Feb. Open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs.
 - y. Joyce. Swamp Walk: closed from 30 minutes after sunset to 30 minutes before sunrise. No loaded firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk.
 - i. Deer
 - (a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.
 - (b). Youth: first Sat. of Nov. for 2 days, either-sex.
 - (c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.
 - (d). Firearms bucks only: third Sat. of Dec. for 16 days.
 - (e). Primitive Firearms (either-sex): second Sat. of Jan. for 2 days and Mon. after the next to last Sun. of Jan. for 7 days.

- ii. Small Game and Waterfowl: same as outside and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms ends to the last day of Feb.
 - (a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.
- iii. Raccoon (Nighttime): day after primitive firearms ends to last day of Feb.
- iv. Crawfish: limited to 100 pounds per person per day.
- z. Lake Boeuf. Self-Clearing Permit required for all activities. Self-Clearing Permit available at Theriot Canal boat landing off LA 308. All nighttime activities prohibited. ATVs/UTVs, motorcycles, horses and mules are prohibited.
 - i. Deer
 - (a). Archery (bucks only): Oct. 1-15
 - (b). Archery (either-sex): Oct. 16 - Jan. 31
 - ii. Waterfowl: same as outside.
 - iii. Small Game: first day of Nov. to the last day of Feb. and open to squirrel hunting during the spring season from the first Sat. of May for 9 days, with or without dogs. Beagles prohibited November and December.
 - aa. Lake Ramsey. All vehicles restricted to Parish Roads and designated parking areas.
 - i. Deer
 - (a). Archery only, Oct. 1-Jan. 31, either-sex.
 - ii. Turkey: opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.
 - iii. Small Game and Waterfowl: same as outside and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. after Jan. 1 to last day of Feb.
 - iv. Foot traffic only—all vehicles restricted to Parish Roads, except ATVs allowed for hunters retrieving downed deer or feral hogs.
 - v. Bird Dog Training Area: open all year except closed during WMA Turkey Season. Contact Hammond Office (985-543-4777) for information.
 - bb. Little River
 - i. Deer
 - (a). Archery: Oct. 1-Jan. 31, either-sex.
 - (b). Firearms Bucks Only: last Sat. of Oct. for 16 days.
 - (c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, and second Sat. of Dec. for 2 days.
 - ii. Turkey: opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.
 - iii. Raccoon
 - (a). Nighttime: Mon. after second Sat. of Jan. to last day of Feb.
 - (b). Nighttime Chase Only: May 1-Sept. 25, Tuesdays and Thursdays only. Raccoon hunters may use ATVs on designated trails during take seasons only.
 - iv. Small Game and Waterfowl: same as outside except spring squirrel season will be open the first Sat. of May for 9 days only, with or without dogs. Beagles allowed

for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.

v. Crawfish: March-July. Limit: 100 pounds per person per day. Recreational crawfishing only. No traps or nets left overnight.

cc. Loggy Bayou. Limited Use Area: Small game and waterfowl same as rest of WMA. Deer hunting archery only. See WMA map for specific location.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(c). Primitive Firearms: Mon. after Thanksgiving Day for 7 days.

ii. Small Game and Waterfowl: same as outside except closed during either-sex firearms seasons for deer and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

iii. Raccoon (Nighttime): Sat. before Christmas to the last day of Feb.

dd. Manchac.

i. Deer

(a). Archery: Oct. 1-15 bucks only; Oct. 16-Feb. 15 either-sex.

ii. Small Game and Waterfowl: same as outside except steel shot required for rails, snipe and gallinules and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Feb. 1 to the last day of Feb.

iii. Raccoon (Nighttime): Feb. 1 to the last day of Feb.

iv. Crabs: No crab traps allowed. Attended lift nets are allowed.

ee. Marsh Bayou

i. Deer: same as outside, Archery Only, Either-Sex.

ii. Small Game: same as outside. Open to squirrel hunting during the spring season first Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting first Sat. of Jan. to the last day of Feb. On that portion designated as Small Game Emphasis Area, training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.

iii. Raccoon: second Sat. of Sept. for 16 days and first Sat. of Jan. to the last day of Feb.

ff. Maurepas Swamp. Camping limited to tent camping in designated areas. See WMA map for locations. No loaded firearms or hunting allowed within 100 yards of Nature Trail. Benchmark Closure: Area Closed to all deer hunting when USGS water level gauge CRMS 5373, available at <http://waterdata.usgs.gov/la/nwis/rt> is at or above 3.0 ft. gage height and reopens to deer hunting when water levels recede to 2.5 ft. gage height following a closure. Motorized vehicles prohibited on Crusel Tract (see WMA map for Crusel Tract). Limited Use Area: Small game same as outside except shotgun only. Deer hunting archery only.

See WMA map for specific location. Area Closed to all hunters except Youth Deer Hunters during Youth Deer Season. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Hammond Office for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer

(a). Archery: Oct. 1-15 bucks only; Oct. 16-Feb. 15 either sex.

(b). Youth: first Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, and Sun. Self-Clearing Permit

(d). Firearms Bucks Only: third Sat. of Dec. for 16 days.

(e). Primitive Firearms (either-sex): second Sat. of Jan. for 2 days and Mon. after the next to last Sun. of Jan. for 7 days.

ii. Small Game and Waterfowl: same as outside except closed Friday after Thanksgiving Day for 3 days during either-sex firearms hunts and closed during youth deer season and except spring squirrel season will be open the first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms ends to the last day of Feb.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): day after primitive firearms ends to last day of Feb.

iv. Crawfish: limited to 100 pounds per person per day.

gg. Pass-A-Loutre. Self-Clearing Permit required for all activities. Permits available at Pass-a-Loutre Headquarters, Camp Canal and all designated camping areas. Oyster harvesting is prohibited. Camping allowed ONLY in designated areas. See self-clearing permit station at headquarters and WMA map for designated camping areas. Vessels/Vehicles: all ATVs/UTVs, motorcycles, horses and mules are prohibited. Mud boats or air-cooled propulsion vessels powered by more than 36 total horsepower prohibited. Operation of mud boats and air-cooled propulsion engines prohibited after 2 p.m. Sept. 1-Jan. 31, except allowed after 2 p.m. in South Pass, Pass-a-Loutre, Southeast Pass, Loomis Pass, Dennis Pass, and Cadro Pass.

i. Deer

(a). Archery (bucks only): Oct. 1- Feb.15.

(b). Youth Shotgun bucks only: second to last Sat. in Oct. for 2 days.

(c). Deer Shotgun: Bucks only may be taken with shotguns with either slugs or buckshot for seven days starting the day after the closure of the first split of duck season.

ii. Small Game and Waterfowl: same as outside. Beagles prohibited October through last day of waterfowl season.

iii. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no

larger than .22 caliber from Feb. 16-March 31. Hogs may be taken with the aid of dogs Feb. 16-March 15. Hunters must also display 400 square inches of “hunter orange” or “blaze pink” and wear a “hunter orange” or “blaze pink” cap during special shotgun season for feral hogs.

iv. Commercial Fishing: same as outside. Commercial mullet fishing open only in: South Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay, Northshore Bay, East Bay (west of barrier islands) and oil and gas canals as described on the LDWF Pass-a-Loutre WMA map.

hh. Pearl River. Shooting range: Self-clearing permit not required but all range users must obtain a daily check in validation slip at the range upon sign-in at the range. For dates, time or more information call 985-643-3938 or www.honeyisland.org. No loaded firearms or hunting within 100 yards of Boardwalk. All roads closed 8 p.m. - 4 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting except waterfowl hunting south of Hwy. 90 will be closed when the river stage at Pearl River reaches 16.5 feet. No hunting in the vicinity of the Nature Trail. Observe “No Hunting” signs. Area Closed to all hunters except Youth Hunters during Youth deer hunt.

i. Deer

(a). Archery: Oct. 1 - Jan. 31, either-sex.

(b). Youth Deer Hunt: first Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: first Sat. of Dec. for 16 days.

(e). Primitive Firearms: Two Sats. prior to Thanksgiving for 7 days and day after firearms bucks only season closes for 14 days.

ii. Turkey

(a). General Lottery: opening day of statewide season for 2 days.

(b). Youth: Sat. and Sun. before opening day of statewide season.

iii. Small Game: same as outside except closed the Friday after Thanksgiving Day for 3 days during either-sex firearms hunts for deer, and closed during youth deer hunt, and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.

iv. Waterfowl: same as outside except no hunting in Waterfowl Refuge Area and except closed Fri. after Thanksgiving for 3 days, and during youth deer hunt north of U.S. Hwy. 90.

v. Raccoon (Nighttime): second Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vi. Crawfish: Commercial crawfishing prohibited. Limited to 100 pounds per person per day.

ii. Peason Ridge. Self-clearing permit required daily for all activities. All or portions of the area may be closed daily due to military activities. Check LDWF Hunting Pamphlet for information on open areas and special ATV regulations. Hunters are cautioned not to pick up any foreign material or objects while hunting on the WMA. Also, it is mandatory for hunters to check the open area maps, located at check stations, daily for sudden closures.

i. Deer

(a). Archery: third Sat. of Sept. to Jan. 15, either-sex except restricted to bucks only when bucks only gun season is in progress.

(b). Primitive Firearms: second Sat. of Oct. for 7 days. Self-Clearing Permit required.

(c). Firearms Either-Sex: last Sat. of Oct. for 2 days mandatory deer check, and Fri. after Thanksgiving Day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(d). Firearms Bucks Only: Mon. after last Sat. of Oct. to Thanksgiving Day, second Sat. of Dec. to Jan. 1.

ii. Turkey: same as outside.

(a). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts for deer and except closed to squirrel hunting during the spring season. “Hunter orange” or “blaze pink” must be worn when bucks only gun hunts for deer are in progress. Squirrel hunting with dogs allowed Mon. after Thanksgiving Day for 12 days and Jan. 2 to last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from beginning of Archery Season to Jan. 1. Hunters may hunt feral hogs with shotguns loaded with buckshot or slugs from Jan. 2 to the end of Feb. Hunters must also display 400 square inches of “hunter orange” or “blaze pink” and wear a “hunter orange” or “blaze pink” cap during special shotgun season for hogs.

jj. Pointe-Aux-Chenes. All nighttime activities prohibited. Possession of more than one daily limit of fish/crab/shrimp while on the WMA is prohibited. Self-clearing permits available at Grand Bayou Boat Launch and at Point Farm gate behind Montegut Middle School. Parking of vehicles on levees prohibited. Vessels/Vehicles: all boats powered by internal combustion engines having total horsepower above 25 Hp are not allowed in the Grand Bayou, Montegut and Pointe-aux-Chenes water management units. Public is permitted to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue, Grand Bayou Blue, St. Louis Canal, and Bayou Pointe-aux-Chenes unless authorized by LDWF. All ATVs/UTVs, motorcycles, horses and mules are prohibited. Fishing, crabbing, cast netting or any other activities or trespassing on water control structures are prohibited.

i. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16-March 31. Hunters must also display 400 square inches of “hunter orange” or “blaze

pink” and wear a “hunter orange” or “blaze pink” cap during special shotgun season for feral hogs. All Point-aux-Chenes Property except Point Farm Unit and Restricted Areas

ii. Deer

(a). archery (bucks only): Oct. 1-15.

(b). archery (either-sex): Oct. 16-Feb. 15.

(c). firearms (bucks only): Fri. after Thanksgiving Day for 3 days and second Sat. of Dec. for 7 days.

iii. Waterfowl: same as outside.

iv. Small Game: same as outside except closed during bucks only firearms season and open to squirrel hunting during the spring season from the first Sat. of May for 9 days, with or without dogs. Beagles prohibited October through December.

v. Recreational Fishing: The harvest of all fish, shrimp, crabs and crawfish is for recreational purposes only and any commercial use is prohibited. All cast net contents shall be contained and bycatch returned to the water immediately.

vi. Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 lbs. per boat or vehicle per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 lbs. per boat or vehicle per day (heads on) may be taken for bait.

vii. Oyster Harvesting Prohibited.

viii. Fish may be taken only by rod and reel or hand lines for recreational purposes only.

ix. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. No drop net is allowed to be left unattended at any time. A maximum of 12 drop nets may be possessed/attended per boat or vehicle. Twelve dozen crabs maximum are allowed per boat or vehicle per day.

x. Crawfish: may be harvested in unrestricted portions of the WMA and shall be limited to 100 lbs. per person per day. Gear used to catch crawfish shall not remain set overnight.

xi. Point Farm Unit (Pointe-aux-Chenes). An approximately 1300-acre area inside the Pointe-aux-Chenes WMA which is generally bounded on the west by the double gates behind the Montegut Middle School, the Point Farm levee and the WMA boundary, and on the north by the WMA boundary, and is bounded on the east and south by the Point Farm ridge levee. The boundary of Point Farm is more accurately marked with signs. Point Farm gate will be open all Saturdays during the month of February, weather permitting. Parking in designated areas required for mourning dove hunting. No motorized vessels allowed in the drainage ditches. Except for mourning dove hunting, (provided for below) all other hunting activities closed until after the last day of youth deer hunts.

(a). Deer

(i). Youth Lottery (either-sex): first Sat. of Oct. for 2 days, second Sat. of Oct. for 2 days, daily youth hunt permit required. Call the Lafayette Field Office, Coastal WMAs, 337-735-8667 for details.

(ii). Archery (either-sex): Oct. 16-Jan. 14.

(b). Waterfowl: closed.

(c). Small Game: same as outside, except closed until the day after the last youth deer hunt day and open to squirrel hunting during the spring season from the first Sat. of May for 9 days, with or without dogs. Beagles prohibited October and November. Non-toxic shot only south of the dove field gate.

(d). Mourning Dove: Hunting will be permitted each day during the September split and each day of the second and third splits (AFTER the last youth deer hunt day). Gates will be opened on Saturdays during the first and second segments, weather permitting, except during waterfowl season and Youth Deer Hunt weekends. Parking will be allowed in designated areas only. Non-toxic shot only south of the dove field gate.

kk. Pomme de Terre. Area Closed: To all except Youth Deer Hunters during Youth Deer Hunt.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth: last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: fourth Sat. of Dec. for 9 days.

(e). Primitive Firearms: second Sat. of Dec. for 2 days.

ii. Turkey: fourth Sat. of April for 9 days.

(a). Youth Lottery: third Sat. of April for 2 days.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunt for deer and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel first Sat. of Oct. - day before last Sat. of Oct., Mon. after Thanksgiving for 12 days, and Mon. after primitive firearms season for 12 days and training of beagles for rabbit and dogs for squirrel allowed June 1 - August 31.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): second Sat. of Sept. for 16 days and day after firearms bucks only season ends to last day of Feb.

v. Commercial Fishing: Permitted Monday through Friday except closed during duck season. Commercial Fishing Permits available from area supervisor, Lafayette Wildlife Field Office or Spring Bayou Headquarters.

vi. Sport Fishing: same as outside except allowed after 2 p.m. during waterfowl season, and except allowed after 10 a.m. during early Teal Season.

vii. Crawfish: March 15 - July 31. Recreational only. 100 lbs. per person daily. No nets or traps may be left overnight.

ll. Richard K. Yancey. Area closed on that portion of the area south of Black Hawk Acme Levee Road, west of LA Hwy. 15, southward to Old River Control Structure, thence

south to Sugar Mill Chute, last Sat. of Oct. for 2 days to all except Youth and Physically Challenged Deer Hunters. The remainder of the WMA is open to all users.

i. Deer

(a). Archery: Oct. 1 - Jan. 31, either-sex.

(b). Youth Lottery: third and fourth Sat of Dec. except if the fourth Sat. is Christmas Day, then the hunt will be the second and third Sat. of Dec. and the first and second Sat. in Jan. except when the first Sat. of Jan. is New Year's Day then the hunt will be the second and third Sat. of Jan., either-sex.

(c). Youth and Physically Challenged: last Sat. of Oct. for 2 days, either-sex.

(d). Firearms Either-Ex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(e). Firearms Bucks Only: last Sat. of Dec. for 9 days.

(f). Primitive Firearms (Either-Sex): second Saturday in December for 2 days.

ii. Turkey: closed.

iii. Small Game and Waterfowl: same as outside except closed during the either-sex firearms season and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms bucks only season ends to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel first Sat. of Oct. - Oct. 31, and Mon. after Thanksgiving for 12 days, and training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.

iv. Quail: closed.

v. Raccoon (Nighttime): second Sat. of Sept. for 16 days and day after firearms bucks only season ends to last day of Feb.

vi. Crawfish: Recreational crawfishing allowed west of the Mississippi River Levee only Mar. 15 to July 31, recreational crawfishing only. Crawfish harvested limited to 100 pounds per person per day. No traps left overnight. No motorized watercraft allowed.

vii. Sport Fishing and Commercial Fishing: same as outside except closed from 30 minutes before sunrise until 2 p.m. on: Grand Bay, Silver Lake, Lower Sunk Lake, Lac A' Sostien, and Moreau Lake during open waterfowl seasons, except during early Teal Season, recreational fishing allowed after 10 a.m.

mm. Russell Sage. Area Closed: last Sat. of Oct. for 2 days South of I-20 only to all except youth and physically-challenged deer hunters. North of I-20 open to all other allowable activities. Wham Brake: September 1 - Jan. 31 all motorized vessels prohibited 2 p.m. - 4 a.m., and all nighttime activities prohibited during open waterfowl season. Waterfowl Refuge: North of LA Highway 15 closed to all hunting, fishing, trapping and ATV use during duck season including early teal season, except hunting allowed during Falconry Waterfowl Season. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided. Chauvin Tract: all season dates on Chauvin Tract (US 165 North) same as outside, except still hunt only, except deer hunting restricted to archery only, and except small game shotgun

only. All vehicles including ATVs prohibited. Wham Brake Area: Waterfowl hunting open during either-sex deer season.

i. Deer

(a). Archery: Oct. 1 - Jan. 31, either-sex.

(b). Youth and Physically Challenged: last Sat. of Oct. for 2 days, either-sex, south of I-20 only.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: second Sat. of Dec. for 14 days.

(e). Primitive Firearms: Mon. after Firearms either-sex season for 7 days.

ii. Small Game and Waterfowl: same as outside except closed during either-sex firearms deer seasons, except Wham Brake area, South Bosco Tract and Pintail Alley area will remain open during either-sex firearms deer seasons, and except spring squirrel season will be open the first Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after third Sat. of Oct. - Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1 - August 31. Snipe hunting after 2 p.m. prohibited during duck season.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): first Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to last day of Feb.

iv. Crawfish: 100 pounds per person per day limit.

nn. Sabine. Area Closed: To all activities third Sat. of Oct. for 2 days to all but Youth Deer Hunters.

i. Deer

(a). Archery: Oct. 1 - Jan. 31, either-sex.

(b). Youth and Physically Challenged: third Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: fourth Sat. of Oct. for 2 days, Fri. after Thanksgiving Day for 3 days, Self-clearing Permit.

(d). Firearms Bucks Only: day after primitive firearm season to day before Thanksgiving Day. First Sat. of December for 9 days.

(e). Primitive Firearms: Monday after the fourth Sat. in Oct. for 7 days.

ii. Turkey

(a). General Lottery: second Fri. of April for 3 days, fourth Fri. of April for 3 days.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts for deer and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to last day of Feb.

iv. Raccoon (Nighttime): Sat. before Christmas to last day of Feb.

oo. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east. Self-Clearing Permits required for hunters only. Area Closed:

fourth Sat. of Sept. for 2 days to all except Youth Deer Hunters.

i. Deer

(a). Same as Area 8 Deer Season except still hunt only.

(b). Archery: third Sat. of Sept. to Jan. 15, either-sex.

(c). Youth: fourth Sat. of Sept. for 2 days, either-sex.

ii. Small Game and Waterfowl: same as outside except closed fourth Sat. of Sept. for 2 days and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Squirrel hunting with dogs allowed day after Area 8 deer season ends to last day of Feb.

iii. Raccoon (Nighttime): day after Area 8 deer season ends to last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from third Sat. of Sept. to last day of Feb. Hogs may be taken with the aid of dogs Feb. 1 to last day of Feb.

pp. Salvador/Timken. Self-Clearing Permit required for all activities. Permits available at Pier 90, Bayou Gauche, Bayou Segnette State Park landings, and at Airboat Adventures in Lafitte. Vessels/Vehicles: all ATVs/UTVs, motorcycles, horses and mules prohibited. Use of mud boats powered by internal combustion engines with more than four cylinders is prohibited. Pulling boats over levees, dams or water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited. AREA Closed: During the month of October to all activities except fishing, Youth Deer Hunters and Youth Waterfowl Hunters, if the latter is provided for.

i. Deer

(a). Archery (either-sex): Nov. 1 - Jan. 31.

(b). Youth (either-sex): last 4 Sats. of Oct. for 2 days each except when the last Sat. is the thirty-first in which case the season will be the first four Sats. of Oct. for 2 days each, either sex.

(c). Firearms (either-sex): Fri. before Thanksgiving for 3 days.

(d). Firearms (bucks only): Mon. before Thanksgiving Day for 28 days.

(e). Deer Primitive Firearms (either-sex): day after Firearms Bucks Only for 7 days.

ii. Waterfowl: same as outside.

iii. Small Game: same as outside except closed October through December. Beagles allowed for rabbits Jan. through last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.

v. Recreational Fishing: The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited.

vi. Shrimp: may be taken by the use of cast nets only. During the inside open shrimp season, 25 lbs. per boat

per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 lbs. per boat per day (heads on) maximum may be taken for bait. All cast net contents shall be contained and bycatch returned to the water immediately.

vii. Fish: may be taken only by rod and reel or hand lines for recreational purposes.

viii. Crabs: may be taken only through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day.

ix. Crawfish: may be harvested in unrestricted portions of the WMA and shall be limited to 100 lbs. per person per day. Fishing gear used to catch crawfish shall not remain set overnight.

x. Experimental Nighttime Activity Season:

(a). 12 a.m., June 1 through official sunrise Aug. 15. Nighttime activities LIMITED to the take of frogs and fishing with a rod and reel. All other nighttime activities prohibited. Daily limit of 50 frogs per vessel in aggregate (bull frogs/pig frogs). If engaged in frogging on or while traversing the WMA, all frogs in possession will be deemed to have been taken from the WMA. At no time may anyone possess more than one daily limit of frogs while on the water.

(b). Size Limit: (Measured from the tip of the muzzle to the posterior end of the body between the hind legs). Bull frogs harvested must be 5 inches or larger. Pig frogs harvested must be 3 inches or larger.

(c). Check out portion of self-clearing permit must include boat registration number under the comments section. Possession of firearms while participation in any experimental nighttime activity is prohibited.

qq. Sandy Hollow. No hunting with any firearm south of Jackson Road, except school board tract, on days of scheduled field trials. Dates of field trials are listed on the check stations or can be obtained from the Hammond office (985-543-4777). Area Closed: North tract closed to all hunters first Sat. of Nov. for 2 days, except Youth and Physically Challenged Deer Hunters.

i. Deer

(a). Youth/Physically Challenged: first Sat. of Nov. for 2 days, either-sex.

(b). Archery: Oct. 1 - Jan. 31, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, and third Sat. of Dec. for 2 days.

(d). Primitive Firearms: second Sat. of Dec. for 7 days, fourth Sat. of Dec. for 7 days, and the first Sat. of Jan. for 2 days.

ii. Turkey: opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

(a). Youth Lottery: Sat. and Sun. before opening day of statewide season.

iii. Small Game and Waterfowl: same as outside except closed Fri. after Thanksgiving for 3 days and Youth/Physically Challenged hunt, and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and

dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days. On that portion designated as Small Game Emphasis Area, training of beagles for rabbit and dogs for squirrel allowed June 1 - August 31.

iv. Raccoon (Nighttime): day after primitive firearms season ends to last day of Feb.

v. Mourning Dove: first day and second Sat. through end of first split. Closed remainder of first split. Second and third splits are same as outside except Youth Hunt on Northern tract during the opening day of the first segment. Hunt restricted to youths younger than 18 years of age and supervising adult who must be 18 years of age or older. The supervising adult must maintain visual and voice contact with the youth at all times.

vi. Bird Dog Training: Mon. after opening day of Mourning Dove Season to the Sun. before opening of Quail Season and Feb. 1 to last day of Feb., except restricted to that portion south of LA Hwy. 10 only and except blank pistols only. Wild birds only (use of pen-raised birds prohibited).

vii. Bird Dog Training Area: An area has been designated to allow use of released birds for dog training purposes. Open all year except closed during either-sex modern firearm hunts for deer, WMA turkey season and opening weekend of the first segment of dove season. Contact Hammond office (985-543-4777) for information.

viii. Bird Dog Field Trials: Permit required from Hammond Office.

ix. Horseback Riding: Self-clearing Permit required. Organized trail rides prohibited. Riding allowed only on designated roads and trails (see WMA map). Horses and mules are specifically prohibited during turkey and gun season for deer except as allowed for bird dog field trials. No horses and mules on green planted areas. Horse-drawn conveyances prohibited.

rr. Sherburne. The area known as the South Farm is located on the East Side of Sherburne WMA. No hunting will be allowed except specified lottery hunts, within the levee system of the farm from the Fri. before the first lottery youth deer hunt on the South Farm until the day after the last lottery duck hunt on the South Farm. Waterfowl hunting will be allowed by lottery only during the open regular duck hunting season. Hunting will be allowed in the wooded portions east of the waterfowl impoundments. Consult the WMA maps for exact locations. No hunting allowed within the levee system of the farm. Area Closed: last Sat. of Oct. for 2 days except to Youth and Physically Challenged Deer Hunters and South Farm closed to all hunters except youth lottery deer hunters. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lafayette or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons as listed below. Physically Challenged Wheelchair Confined Waterfowl Hunting Area: Access restricted. Call Lafayette or Baton Rouge Offices for further details. Hunting by reservation for wheelchair confined PCHP permittees only.

i. Deer

(a). Archery: Oct. 1 - 15 bucks only, Oct. 16 - Feb. 15 either sex.

(b). Youth and Physically Challenged: last Sat. of Oct. for 2 days, either-sex, all other seasons closed, Self-Clearing Permit.

(c). Youth Lottery: last Sat. and Sun. of Oct., fourth Mon. of Dec., and first and second Sun. of Jan. except no hunt on Christmas Day or Christmas Eve, either-sex. Contact Lafayette office, 337-262-2080 for details and applications.

(d). Firearms Either-Sex: Fri. after Thanksgiving Day for 2 days Mandatory Deer Check and Sun. after Thanksgiving, Self-Clearing Permit, and second Sat. after Thanksgiving for 2 days, Self-Clearing Permit.

(e). Firearms Bucks Only: fourth Sat. of Dec. for 9 days.

(f). Primitive Firearms: Fri. after close of Firearms Bucks only for 3 days.

ii. Turkey: closed.

iii. Small Game: same as outside except closed during Firearms Either-Sex Deer and except spring squirrel season will be open the first Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.

(b). On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel first Sat. of Oct. - Oct. 31, and Mon. after close of second firearms either-sex deer season for 9 days, except closed last Sat. of Oct. for 2 days, and training of beagles for rabbit and dogs for squirrel allowed June 1 - August 31.

iv. Waterfowl, Snipe, Rail, and Gallinules: same as outside except closed during Firearms Either-Sex Deer and except hunting after 2 p.m. prohibited except no hunting in Waterfowl Refuge. That portion of Sherburne WMA known as the South Farm restricted to lottery hunts only. South Farm waterfowl hunting limited to one hunt per calendar week per person. All other hunting closed on South Farm complex from the Friday before Youth Lottery Deer Hunt until the day after the last Waterfowl hunt on the South Farm. Contact the Wildlife Field Office for details and description of "South Farm."

(a). Youth Waterfowl Lottery: Contact Lafayette office for details and applications.

(b). Disabled Veterans Waterfowl Lottery: Contact Lafayette office for details and applications.

v. Quail: closed.

vi. Raccoon (Nighttime): second Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vii. Crawfish: March 15 - July 31, Recreational crawfishing only. Crawfish harvest limited to 100 pounds per person per day. No traps or nets left overnight. No motorized watercraft allowed on farm complexes. Retriever training allowed on selected portions of the WMA. Contact the Wildlife Field office for specific details.

viii. Vehicular traffic prohibited on East Atchafalaya River levee within Sherburne WMA boundaries.

ix. Rifle and Pistol/Handgun Range open Tuesday - Sunday. Skeet ranges: manual thrower range open Tuesday through Sunday. High and low house open by appointment only, contact Lafayette office, 337-262-2080. No trespassing in restricted areas.

NOTE: Atchafalaya National Wildlife Refuge and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne Wildlife Management Area will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area.

x. Bird Dog Training Area: open to bird dog training all year except closed during either-sex modern firearm hunts for deer, WMA turkey season, and opening weekend of first and second segments of dove season.

ss. Soda Lake.

i. Deer

(a). Archery Only, Oct. 1 - Jan. 31, either-sex.

ii. Small Game and Waterfowl: Portion West of Twelve Mile Bayou same as outside, falconry only and open to squirrel hunting during the spring season, first Sat. of May for 9 days, Falconry only. Portion east of Twelve Mile Bayou open same as outside. Beagles allowed for rabbits and dogs allowed for squirrel Sat. before Christmas to end of Feb. Open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs.

tt. Spring Bayou. Area Closed: last Sat. of Oct. for 2 days to all except Youth Deer Hunters. No hunting allowed in Headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and Regulations posted at campsite. Water skiing permitted only in Old River and Grand Lac.

i. Deer

(a). Archery: Oct. 1 - 15 bucks only, Oct. 16 - Feb. 15 either sex.

(b). Youth: last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: fourth Sat. of Dec. for 16 days.

(e). Primitive Firearms: Mon. after close of Firearms Bucks only for 7 days.

ii. Turkey

(a). Youth Lottery: fourth Sat. of April for 2 days.

iii. Small Game and Waterfowl: same as outside except small game closed during either-sex firearms hunts for deer. Waterfowl to remain open during either-sex firearms hunts for deer. Open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): second Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

v. Commercial Fishing: Gill nets and trammel nets 3.5 inches and greater permitted Monday through Friday except slat traps and hoop nets permitted any day. The take and possession of grass carp is prohibited. Permits

available from area supervisor or Lafayette Wildlife Field Office. Closed until after 2 p.m. during waterfowl season.

vi. Sport Fishing: same as outside except only allowed after 2 p.m. during waterfowl season, except during early Teal Season, recreational fishing allowed after 10 a.m.

vii. Crawfish: March 15 - July 31. Recreational only, 100 lbs. per person per day.

uu. Tangipahoa Parish School Board. Self-Clearing Permits required for all activities. No horseback riding during gun season for deer or turkey. ATVs are not allowed except as otherwise specified.

i. Deer same as outside.

ii. Turkey: same as outside.

iii. Small Game and Waterfowl: same as outside and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to the last day of Feb.

iv. Raccoon (Nighttime): day after primitive firearms season ends to last day of Feb.

vv. Thistlethwaite. Restricted Area: Small game hunting allowed with shotgun only loaded with shot no larger than BB lead or F steel. Deer hunting allowed by archery only. Area Closed: last Sat. of Oct. for 2 days, except to Youth Deer Hunters. All motorized vehicles restricted to improved roads only. All users must enter and leave through Main Gate only.

i. Deer

(a). Archery: Oct. 1 - 15 bucks only, Oct. 16 - Feb. 15 either-sex.

(b). Youth Deer Hunt: last. Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, first Saturday of Dec. for 9 days, and fourth Saturday of Dec. for 2 days.

(d). Firearms Bucks Only: Mon. after the last Either-Sex Firearm hunt in Dec. for 14 days.

(e). Primitive Firearms: second Sat. in Nov. for 2 days and Mon. after close of Firearms Bucks Only for 7 days.

ii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts for deer and open to squirrel hunting during the spring season, first Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting February 1 - 28.

ww. Tunica Hills. Area Closed Fri. through Sun. before opening day of statewide turkey season except youth turkey hunters and remain closed through the first nine days of the statewide turkey season except for turkey hunters. Area Closed: first Sat. of Nov. for 2 days to all except Youth Deer Hunters. Camping limited to tents only in designated areas.

i. Deer

(a). Archery: Oct. 1 - 15, bucks only, Oct. 16 - Jan. 31, either sex, Feb. 1 - 15, bucks only.

(b). Youth Hunt: first Sat. of Nov. for 2 days, either-sex.

(c). Primitive Firearms: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit, either-sex, second Sat. of Dec. for 9 days, except when there are five Sats. in Dec. then it will open on the third Sat. of Dec., the initial Sat. and

Sun. either-sex, the remaining 7 days bucks only, self-clearing permit.

ii. Turkey: opening day of statewide season for 9 days.

(a). Youth Lottery: Sat. and Sun. before opening day of statewide season.

iii. Small Game and Waterfowl: same as outside except closed during Youth Deer Hunt and Primitive Firearms Deer Hunt and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs, South Tract only. Beagles allowed for rabbits and dogs allowed for squirrel hunting third Saturday of Oct. for 7 days and Feb. 1 to last day of Feb. on South Tract only. On that portion designated as Small Game Emphasis Area (South Tract Only), training of beagles for rabbit and dogs for squirrel allowed June 1 - August 31.

iv. Raccoon (Nighttime): Feb. 1 to last day of Feb. on South Tract only.

xx. Walnut Hill

i. Deer same as outside, Archery Only, Either-sex.

ii. Turkey: same as outside.

iii. Small Game: same as outside. Open to squirrel hunting during the spring season first Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting first Sat. of Jan. to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel first Sat. of Oct. - Feb. 28, and training of beagles for rabbit and dogs for squirrel allowed June 1 - August 31.

iv. Raccoon: second Sat. of Sept. for 16 days and first Sat. of Jan. to the last day of Feb.

yy. West Bay. Area Closed: next to last Sat. of Oct. for 2 days to all except Youth and Physically Challenged Deer Hunters. Limited Use Area: Small game same as outside except shotgun only and deer hunting—Archery only. See WMA map for specific location. PCHP Limited Use Area (PCHP Wheelchair Bound Hunting Area): Access restricted. Check WMA map for location and call Lake Charles or Baton Rouge offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer season listed below.

i. Deer

(a). Archery: third Sat. of Sept. to Jan. 15, either-sex.

(b). Youth and Physically Challenged: next to last Sat. of Oct. for 2 days, either-sex, for physically challenged and youth hunters only.

(c). Firearms Either-sex: last Sat. of Oct. for 2 days Mandatory Deer Check and Fri. after Thanksgiving Day for 3 days, Self-Clearing.

(d). Firearms Bucks Only: Mon. after close of Primitive Season to Thanksgiving Day, and second Sat. of Dec. to Jan. 1.

(e). Primitive Firearms: Mon. after first either-sex firearms weekend for 7 days.

ii. Turkey:

(a). General Lottery: opening day of statewide season for 2 days, second Sat. of April for 2 days, third Sat. of April for 2 days.

(b). Youth Lottery: Sat. before opening day of statewide season for 2 days.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms bucks only season closes to last day of Feb.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): day after firearms bucks only season closes to last day of Feb.

18. Other Areas

a. Camp Avondale Scout Reservation

i. Deer

(a). Firearms Either-sex: second Sat. in Nov. for 3 days. Restricted to scout program.

19. U.S. Forest Service Areas

a. Kisatchie National Forest (KNF)

i. Vehicles

(a). Motorized travel off designated roads and trails and outside designated areas is prohibited on the entire KNF. Motor Vehicle Use Maps (MVUM) showing designated roads and trails and associated vehicles and travel seasons are available in all Forest Service offices and on the Kisatchie website (www.fs.usda.gov/kisatchie).

(b). ATV/UTV (50" maximum width); operation is prohibited on public roads and road rights-of-ways. Use is allowed on Forest roads designated as open seasonally to ATV/UTV use. Use is prohibited in some campsites and recreation areas; see bulletin boards for additional information. (Also see MVUM)

(c). Nighttime ATV/UTV travel is prohibited. ATV/UTV travel is allowed between one hour before sunrise and one hour after sunset.

(d). Game retrieval with an ATV/UTV is only allowed within designated 300-foot corridors (see MVUM).

(e). Camping corridors for highway legal vehicles to drive within 100 feet of the road and camp are designated on the Caney District and in the National Red Dirt Wildlife Management Preserve.

ii. Firearms

(a). Hunting or discharging a firearm is prohibited as follows:

(i). In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area;

(ii). Across/on/from a National Forest System Road (NFSR) legally open to motorized use;

(iii). Across a body of water where any person/property is exposed to injury/damage as a result of such a discharge;

(iv). Hunting within 50 feet of any NFSR.

(b). It is prohibited to possess a firearm having live ammunition in the chamber, magazine, cylinder or clip (when attached to a firearm), or crossbow cocked and in the ready position in or on any type vehicle while on KNF.

(c). All deer must be tagged as required by LDWF regulations.

(d). Active and retired law enforcement officers in compliance with POST requirements, federal law enforcement officers, holders of Louisiana concealed handgun permits or permit holders from a reciprocal state, who are in compliance with all other state and federal

firearms regulations, may possess firearms while on KNF lands, provided these firearms are not used for any hunting purposes.

(e). The following cannot be carried while hunting on KNF lands except during modern and primitive deer seasons.

- (i). centerfire rifles;
- (ii). break-action centerfire and bolt-action centerfire handguns;
- (iii). scoped centerfire handguns;
- (iv). shotgun slugs or shot larger than BB lead or F steel.

iii. Hunter Orange: LDWF WMA regulations for hunter orange and blaze pink apply.

iv. General: Hunting or discharging a firearm in or within 150 yards of a residence, building, campsite, developed recreation site or occupied area, across/on a NFSR legally open to motorized use, across a body of water where any person/property is exposed to injury/damage as a result of such discharge, is prohibited.

v. Hunting General:

(a). Deer Bag Limit: 1 per day up to the statewide seasonal limit.

(b). All deer hunting is still-hunting only.

(c). All deer must be tagged as required by LDWF regulations.

(d). Hunting stand, blind, tripod, baiting, spotlighting, etc. regulations applicable to LDWF WMAs are in effect on KNF (unless otherwise specified, refer to "Methods of Taking Game" section of the LDWF WMA Regulations) excluding the "Bag Limit" section and "Horses and Mules" section.

(e). Hunting from a permanent stand prohibited. Placing or leaving a temporary stand limited to 24 hours.

(f). The training of deer dogs is prohibited year round.

(g). LDWF Youth Deer Hunt regulations apply for all KNF lands except that archery and open season small game hunting is allowed (excluding those portions of the Vernon Unit within Fort Polk-Vernon WMA).

vi. Archery Deer Hunting:

(a). Either-sex deer may be taken at any time by archers during the archery season except when bucks-only firearms seasons are in progress on KNF (archers must hunt only bucks during bucks-only firearm seasons).

(b). Archers must adhere to the full hunter orange requirements during any firearm season for deer.

(c). Vernon Unit of the Calcasieu Ranger District (Vernon Parish, excluding Fort Polk-Vernon WMA): same as outside.

(d). Catahoula (Grant and Rapides Parishes), Winn (Winn, Grant and Natchitoches Parishes), Kisatchie Ranger Districts (Natchitoches Parish), Evangeline Unit of the Calcasieu Ranger District (Rapides Parish), and Caney Range District (Webster and Claiborne Parishes): same as outside (including Catahoula and Red Dirt National Wildlife Management Preserves).

vii. Firearms for Deer Hunting (excludes the Catahoula and Red Dirt National Wildlife Management Preserves):

(a). Catahoula (Grant and Rapides Parishes), Winn (Winn, Grant and Natchitoches Parishes), Kisatchie

Ranger Districts (Natchitoches Parish), Evangeline Unit of the Calcasieu Ranger District (Rapides Parish), and the Vernon Unit of the Calcasieu Ranger District (Vernon Parish, excluding Fort Polk-Vernon WMA).

(b). Youth only, either-sex, same as outside, still hunt only; LDWF regulations for hunter orange apply.

(c). Primitive Firearms, either-sex: next to last Sat. of Oct. through Sun. after the next to last Sat. of Oct., Sat. after close of Dec. firearms bucks only hunt for 2 days, still hunt only.

(d). Firearms, either-sex: last Sat. of Oct. through Sun. after the last Sat. of Oct., Fri. after Thanksgiving, still hunt only.

(e). Firearms, bucks only: Sat. after the last Sat. of Oct. through Thanksgiving, Sat. after Thanksgiving through Sun. after Thanksgiving, second Sat. of Dec. for 16 days, still hunt only.

viii. Caney Ranger District (Webster and Claiborne Parishes): same as outside including Youth Only Hunt and Primitive Firearms (Area 2) except still hunt only. Either-sex entire season.

ix. Turkey: opening day of statewide season for 23 days except season will open for 24 days when statewide season opens Good Friday (on all ranger districts except the Caney Ranger District); Caney Ranger District: opening day of statewide season for 16 days except season will open for 17 days when statewide season opens Good Friday.

x. Turkey Youth: Sat. before opening day of statewide season for 2 days except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days (on all Ranger Districts except Vernon Unit lands within Fort Polk-Vernon WMA).

xi. Other seasons on entire KNF (See Catahoula/Red Dirt National Wildlife Management Preserve section for additional information):

(a). Rabbit, Squirrel, Quail and Migratory Game Birds: Same dates and bag limits as outside except closed to squirrel hunting during the spring season. Youth squirrel: fourth Sat. of Sept. for 2 days.

(b). Waterfowl: same as outside except waterfowl hunting ceases at 2 p.m. If hunting on Corney Lake (Caney Ranger District), a permit (free of charge) is required for the use of a duck blind on the lake.

(c). Feral Hogs, Coyotes, Armadillos and Beavers: May be taken during daylight hours only, on any KNF hunt by properly licensed hunters with weapons legal for that hunt.

(d). Raccoons, Opossums, Fox (chase only) (nighttime, chase only): May be hunted during daylight or nighttime from Oct. 1 through Feb. 28 unless otherwise stated. A licensed hunter may take raccoon or opossum, two per person per day, except during the trapping season when there shall be no limit. (Please see Louisiana Trapping Regulations pamphlet for additional information. Also please see "Hunting-dog usage during deer firearm seasons" section below for exceptions).

(e). Bobcat and Nutria: LDWF regulations apply.

(f). Crows: May be taken Sept. 1 through Jan. 1 only.

(g). Fishing: LDWF state creel limits apply (See Louisiana Fishing Regulations pamphlet for additional information).

(h). Trapping: See LDWF Trapping Regulations pamphlet for additional information.

(i). Hunting Dog Usage: Hunting dog usage during deer firearm seasons (only for KNF areas outside the Catahoula and Red Dirt National Wildlife Management Preserves): Hunting dogs that are legal for hunting species other than deer, and that stay within voice-command distance of handler are allowed during deer gun hunts. Hunting dogs that range beyond voice-command distance of handler are prohibited during deer gun hunts. The training of deer or hog dogs is prohibited year-round. Hunting with recognized bird-hunting dogs during quail and woodcock seasons, recognized raccoon-hunting dogs during raccoon hunting season and recognized pointer/retriever dogs during migratory bird season is permissible. Only beagles which do not exceed 15 inches at the front shoulder may be used for rabbit hunting. All dogs must be collared with owner's name and phone number attached. Dogs running at large are prohibited. The owner/handler shall be liable.

(j). Hunting-dog training: March 1 through Sept. 30 (except all dogs prohibited during turkey hunting season), allowed only in the following circumstances: dogs are within voice-command distance of handler; dogs are participating in nighttime raccoon chases mentioned above; dogs are participating in licensed events conducted by nationally-recognized kennel clubs (KNF permit required-contact Forest Supervisor's office); dogs are under close control of hikers; and any dog on a leash. No firearms allowed while training dogs. Hunting-dog training prohibited in Catahoula and Red Dirt National Wildlife Management Preserves.

(k). Bird Dog Training Area: only that portion of the Vernon Unit known as the "dove field". Bird dogs may be trained year round except closed during turkey season. Permit required from LDWF to use pen-raised quail.

(l). Hunting-Dog Nighttime Chase Only: (All breeds allowed, no deer dogs or hog dogs). May 1 through Sept. 30, Tuesdays and Fridays only. No firearms allowed. Nighttime ATV/UTV travel is prohibited. Hunting-dog nighttime chase is prohibited in the Catahoula and Red Dirt National Wildlife Management Preserves during this period.

xii. Catahoula and Red Dirt National Wildlife Management Preserves (NWMP). Owner: U.S. Forest Service: Catahoula NWMP – 36,000 acres in Grant and Winn Parishes; Red Dirt NWMP – 38,000 acres in Natchitoches Parish.

(a). Season Permit required for hunting, fishing and/or trapping on the preserve; for a permit or to get additional information contact the Forest Supervisor's Office, Winn, Catahoula or Kisatchie Ranger District offices or www.fs.fed.us/r8/kisatchie/hunting/index.html. In addition to the Season Permit, a Self-Clearing Daily Permit is required for all hunters during all deer gun hunts and turkey hunts. The Self-Clearing Daily Permits will be available at the main check stations, hunter-camps within the NWMPs, Kisatchie, Winn and Catahoula district offices, and at the Forest Supervisor's Office. Permits are free of charge. The Self-Clearing Permit consists of two portions: check-in and check-out. The check-in portion must be completed and put in the permit box before each hunt on the day of the hunt. The check-out portion must be carried by each person while

on the NWMP and must be completed and put in the permit box immediately at the end of the day's hunt. Hunters can also check in/check out electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal. Users that check in by electronic means are required to possess proof of check in and must check out within 24 hours. Note: When Mandatory Deer Checks are specified (see below), all hunters must check deer at the NWMPs main check stations.

(b). Hunting with Dogs: Hunting with recognized bird-hunting dogs during quail and woodcock seasons, recognized raccoon-hunting dogs during raccoon hunting season, and recognized pointer/retriever dogs during migratory bird season is permissible. Only beagles which do not exceed 15 inches at the front shoulder may be used for rabbit hunting. All dogs must be collared with owner's name and phone number attached. Dogs running at large are prohibited. The owner/handler shall be liable. No training of dogs in the NWMPs outside of pertinent seasons.

(c). Select Prohibitions: Additional information and prohibitions are provided on Season Permit for the NWMPs.

(d). Deer

(i). Archery Season: Same as Area 2. Archers are required to check harvested deer at the main check station during the mandatory deer check days, see dates below.

(ii). Youth Only Hunt, Either-Sex: same as outside, still hunt only. Self-Clearing Daily Permit required.

(iii). Physically Challenged Hunt, Either-Sex: second Sat. of Oct. through Sun. after the second Sat. of Oct., still hunt only, Self-Clearing Daily Permit required; hunters must also have in possession a LDWF Physically Challenged Hunters Permit.

(iv). Primitive Firearms, Either-Sex: next to last Sat. of Oct. through Sun. after the next to last Sat. of Oct., still-hunt only, Self-Clearing Daily Permit required. Mandatory deer check at main check stations.

(v). Firearms, Either-Sex: last Sat. of Oct. through Sun. after the last Sat. of Oct., and Fri. after Thanksgiving, still-hunt only, Self-Clearing Daily Permit required. Mandatory deer check at main check stations.

(vi). Firearms, Bucks Only: Sat. after Thanksgiving through Sun. after Thanksgiving, still-hunt only, self-clearing daily permit required.

(e). Turkey:

(i). Opening day of statewide season for 23 days except season will open for 24 days when statewide season opens Good Friday.

(ii). Youth: Sat. before opening day of statewide season for 2 days except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days.

(f). Squirrel, Rabbit, Quail, Dove, Woodcock and Waterfowl (without dogs): all seasons same as outside (unless otherwise stated) except closed during deer firearm hunts. Consult LDWF hunting pamphlet for additional information. No spring squirrel season.

(g). Youth Squirrel: fourth Sat. of Sept. for 2 days.

(h). Squirrel/Rabbit (with dogs): first Sat. of Jan. through last day of Feb.

(i). Quail (with dogs): same as outside.

(j). Raccoon/Opossum (non-dog season/daylight hours): May be taken by properly licensed hunter as incidental take with gear legal for the season in progress.

(k). Raccoon (nighttime, with dogs): first Sat. of Jan. through last day of Feb.

(l). Fishing: closed to fishing during deer gun hunts.

20. Bayou Teche National Wildlife Refuge: Owned by U.S. Fish and Wildlife Service, 9,028 acres within St. Mary Parish

a. Deer

i. Archery: same as outside, except closed during youth and firearms deer seasons, limit one deer per day; Franklin Unit closed.

ii. Youth Firearms: last Sat. of Oct. for 2 days, either-sex, limit one deer per day; Franklin and Bayou Sale Units closed.

iii. Firearms: Fri. after Thanksgiving for 3 days, either-sex, limit one deer per day; Franklin and Bayou Sale Units closed.

b. Small Game: same as outside, except closed during youth and firearms deer seasons; Franklin Unit closed.

c. Waterfowl: same as outside except closed after 12 noon, and except closed during firearms deer season; Franklin Unit closed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR 30:1495 (July 2004), LR 31:1611 (July 2005), LR 32:1251 (July 2006), LR 33:1382 (July 2007), LR 34:1429 (July 2008), LR 35:1264 (July 2009), LR 36:1566 (July 2010), LR 37:2190 (July 2011), LR 38:1732 (July 2012), LR 39:2292 (August 2013), LR 40:1540 (August 2014), LR 41:963 (May 2015), LR 42:1112 (July 2016), LR 43:1423 (July 2017), LR 44:1277 (July 2018), LR 45:938 (July 2019), LR 46:961 (July 2020), LR 47:904 (July 2021), LR 48:511 (March 2022), LR 48:1867 (July 2022), LR 49:1235 (July 2023).

§113. General and WMA Turkey Hunting Regulations

A. General Regulations. Only gobblers (male turkeys) may be taken. Taking of hen (female) turkeys, including bearded hens, is prohibited; still hunting only. Use of dogs, electronic calling devices, motorized decoys and live decoys is illegal. Turkeys may be hunted with shotguns, including muzzleloading shotguns, using shot not larger than #2 lead, #2 non-toxic, or BB steel shot, and approved archery equipment but by no other means. Shooting turkeys from a moving or stationary vehicle is prohibited. Shotguns capable of holding more than three shells prohibited. The running of coyote with dogs is prohibited in all turkey hunting areas during the open turkey season. No person shall hunt, trap or take turkeys by the aid of baiting or on or over any baited area. Baiting means placing, exposing, depositing or scattering of corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed so as to constitute a lure, attraction or enticement to, on or over any areas where hunters are attempting to take turkeys. A baited area is any

area where corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed capable of luring, attracting or enticing turkeys is directly or indirectly placed, exposed, deposited, distributed or scattered. Such areas remain baited areas for 15 days following complete removal of all such corn, wheat or other grain, salt, or other feed. Wildlife agents are authorized to close such baited areas and to place signs in the immediate vicinity designating closed zones and dates of closures. No person hunting turkeys more than 200 yards from a baited area will be in violation of the turkey baiting regulation.

B. Tags

1. Prior to hunting turkeys, all turkey hunters, regardless of age or license status, must obtain turkey tags and have them in their possession while turkey hunting. Turkey tags may only be used by the hunter to whom the tag was issued. Hunters who allow their turkey tags to be used by another person, or who use tags issued to another person, are in violation of this Rule and are subject to fines and other administrative penalties, including, but not limited to, the automatic forfeiture of any remaining turkey tags for the season for which they are issued. Immediately upon killing a turkey, hunters must attach a carcass tag to or electronically tag the turkey before it is moved from the site of the kill and must document the kill on the turkey harvest report card. If using carcass tags, the date of kill and parish of kill must be recorded on the carcass tag, and the tag must remain attached to the turkey while kept at camp or while it is transported to the domicile of the hunter or to a cold storage facility. Hunters who keep the carcass or meat at a camp must also comply with game possession tag regulations. Within 72 hours of the kill, the hunter must report the kill. Hunters may report turkeys electronically, calling the validation phone number, or using the validation website.

2. Turkey hunters purchasing licenses by phone will be given an authorization number and a LDWF identification number that will serve as their license and tags until the physical license and tags arrive by mail. Turkey hunters who have purchased a license with tags, but have not yet received their physical license and tags, must immediately tag their kill with a possession tag before moving it from the site of the kill. The authorization number and LDWF identification number must be recorded on the possession tag. Hunters must retain documentation of any turkeys killed and upon receiving their physical tags and harvest report card, validate their kill as required in these regulations. The tags for turkeys killed prior to receiving the physical tags must be removed from the turkey harvest report card and discarded.

3. Tags removed from the turkey harvest report card prior to killing a turkey are no longer valid and if lost will not be replaced. Duplicate tags and turkey harvest report cards are available to replace lost report cards and attached tags. Hunters will be charged a fee for duplicate turkey harvest report cards and tags. Hunters that have killed a turkey prior to losing their remaining tag and harvest report card must remove and discard the duplicate tag to account for the original tag that was used and validated. Hunters must record any previously validated turkey on the duplicate turkey harvest report card.

C. Possession of Live Wild Turkeys. No person shall take live wild turkeys or their eggs from the wild. No person

shall possess captive live wild turkeys, (*Meleagris gallopavo silvestris*, *M.g. osceola*, *M.g. intermedia*, *M.g. merriami*, *M.g. mexicana*) or their eggs, regardless of origin, without a valid game breeder license. No pen-raised turkeys from within or without the state shall be liberated (released) within the state.

D. Statewide Youth and Physically Challenged Season Regulations. Only youths 17 years of age or younger or hunters possessing a physically challenged hunter permit with wheelchair classification may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Additionally, any person younger than 18 years of age shall have in their immediate possession a valid, original youth license. Adults accompanying youth may not possess a firearm or bow. Youths may possess only one firearm or bow while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Only one gobbler (male turkey) per day may be taken and any gobbler (male turkey) taken by the hunter during this special season counts towards their season bag limit of two.

E. Shooting Hours—one-half hour before sunrise to one-half hour after sunset.

F. Turkey Hunting Area Descriptions

1. Area A

a. All of the following parishes are open:

- i. Beauregard;
- ii. Bienville;
- iii. Bossier;
- iv. Claiborne;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

- v. East Baton Rouge;
- vi. East Feliciana;
- vii. Grant;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates;

- viii. Jackson;
- ix. LaSalle;
- x. Lincoln;
- xi. Livingston;
- xii. Natchitoches;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

- xiii. Sabine;
- xiv. St. Helena;
- xv. St. Tammany;
- xvi. Tangipahoa;
- xvii. Union;
- xviii. Vernon;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

- xix. Washington;
- xx. Webster
- xxi. West Feliciana (including Raccourci Island);
- xxii. Winn.

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

b. Portions of the following parishes are also open:

- i. Allen—north of US 190 east of Kinder, west of US 165 south of Kinder;
- ii. Calcasieu—north of I-10;
- iii. Caldwell—west of Ouachita River southward to Catahoula Parish line;
- iv. Catahoula—south and west of the Ouachita River from the Caldwell Parish line southward to LA 8 at Harrisonburg, north and west of LA 8 from Harrisonburg to the LaSalle Parish line, also that portion lying east of LA 15;
- v. Evangeline—north and west of LA 115, north of LA 106 west of LA 115 to US 167, west of US 167 south to LA 10, north of LA 10 west of US 167 to LA 13, west of LA 13 south of LA 10 to Mamou and north of LA 104 west of Mamou;
- vi. Jefferson Davis—north of US 190 from junction with LA 26 to Kinder, west of US 165 and north of I-10 west from junction of US 165;
- vii. Morehouse—west of US 165 from the Arkansas line to the junction of LA 140 at Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to US 165 at Bastrop, south of US 165 to junction of LA 3051 (Grabault Road) south of LA 3051 to junction of LA 138, west of LA 138 to junction of LA 134, north of LA 134 to the Ouachita Parish line;
- viii. Ouachita—all west of the Ouachita River. That portion east of the Ouachita River lying north of US 80;
- ix. Rapides—all west of Red River and north of LA 28 east from Pineville, LA east to LaSalle Parish line

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

2. Area B

a. All of the following parishes are open:

- i. Caddo;
- ii. DeSoto;
- iii. Red River.

3. Area C

a. All of the following parishes are open:

- i. Ascension;
- ii. Concordia;
- iii. Franklin;
- iv. Iberville;
- v. Pointe Coupee;
- vi. Tensas;
- vii. West Baton Rouge.

b. Portions of the following parishes are open:

- i. Avoyelles—that portion bounded on the east by the Atchafalaya River, on the north by Red River to the Brouillette Community, on the west by LA 452 from Brouillette to LA 1, on the south by LA 1, eastward to Hamburg, thence by the west Atchafalaya Basin protection levee southward;
- ii. Caldwell—all east of the Ouachita River;
- iii. Catahoula—all of the parish except for that portion located in area A;
- iv. Iberia—east of the west Atchafalaya Basin protection levee;
- v. Madison—that portion lying east of US 65 from East Carroll Parish line to US 80 and south of US 80. Also, all lands east of the main channel of the Mississippi River;

vi. Richland—west of LA 17 from Franklin Parish line to Ringle Road, south of Ringle Road to Ferguson Road, south of Ferguson Road to Little Road, south of Little Road to Big Creek, east of Big Creek to Franklin Parish line and that portion south of US 80 and east of LA 17;

vii. St. Landry—that portion bounded on the west by the west Atchafalaya Basin Protection Levee and on the east by the Atchafalaya River;

Exception: the Indian Bayou area; see federal lands hunting schedule for Indian Bayou area dates.

viii. Upper St. Martin—all within the Atchafalaya Basin; in addition, that area bounded on the North by LA 352; on the West by LA 349, to LA 3039, to LA 347, to the Catahoula Hwy. (LA 96), to LA 679, to LA 345; and on the south by LA 3242;

Exceptions: Indian Bayou area, see federal lands hunting schedule for Indian Bayou dates.

4. Turkey season dates on wildlife management areas, national wildlife refuges, Kisatchie National Forest and U.S. Army Corps of Engineers land located within areas A, B, and C may vary from the season set for the parish in which they are located. Seasons for these lands are specified in LAC 76:XIX.115.

G. WMA Turkey Hunting Regulations

1. WMAs with youth turkey hunts are closed to all activities except turkey hunting by authorized youth hunt participants, shooting range use, and fishing on the day(s) of the youth hunt.

2. Rules Specific to Certain WMAs

a. Sandy Hollow. No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2263 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2375 (November 2002), LR 29:2512 (November 2003), LR 30:2874 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2469 (November 2007), LR 35:91 (January 2009), LR 35:2478 (November 2009), LR 36:2581 (November 2010), LR

37:3535 (December 2011), LR 38:2941 (November 2012), LR 40:96 (January 2014), LR 40:1554 (August 2014), LR 41:977 (May 2015), LR 42:1127 (July 2016), LR 43:1426 (July 2017), LR 44:1303 (July 2018), LR 45:964 (July 2019), LR 46:988 (July 2020), LR 47:934 (July 2021), LR 48:1897 (July 2022), LR 49:1266 (July 2023).

§115. Turkey Hunting Areas, Seasons, and Bag Limits

A. Daily limit is one gobbler (male turkey). Season limit is two gobblers (male turkey). Turkeys taken on WMAs are part of the season bag limit. Only one turkey may be taken during spring WMA lottery hunts.

B. Turkey season will open on the first Saturday in April. The area A turkey season will be 30 consecutive days in length, the area B turkey season will be 23 consecutive days in length, and the area C turkey season will be 16 consecutive days in length. Wildlife management areas, national forests, national wildlife refuges, and U.S. Army Corps of Engineers land may vary from this framework. On those years when the first Saturday in April falls the day before Easter, then the season will open the Friday before the first Saturday in April.

C. Statewide youth turkey and physically challenged season on private lands shall be the weekend prior to the start of the regular turkey season. On those years when the weekend prior to the start of regular turkey seasons falls on Easter weekend, then the youth and physically challenged season will open on Good Friday.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2264 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2376 (November 2002), LR 29:2512 (November 2003), LR 30:2875 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2470 (November 2007), LR 35:90 (January 2009), LR 35:2481 (November 2009), LR 36:2583 (November 2010), LR 37:3541 (December 2011), LR 38:2944 (November 2012), LR 40:99 (January 2014), LR 40:1556 (August 2014), LR 41:980 (May 2015), LR 42:1129 (July 2016), LR 43:1426 (July 2017), LR 44:1306 (July 2018), LR 45:966 (July 2019), LR 46:990 (July 2020), LR 47:936 (July 2021), LR 48:1899 (July 2022), LR 49:1268 (July 2023)

§117. Migratory Bird Seasons, Regulations, and Bag Limits

A. Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	South Zone: Sept. 2-Sept. 17 Oct. 14-Nov. 26 Dec. 16-Jan. 14 North Zone: Sept. 2-Sept. 24 Oct. 7-Nov. 12 Dec. 23-Jan. 21	15 (in aggregate)	45 (in aggregate)
Woodcock	Dec. 18-Jan. 31	3	9

Species	Season Dates	Daily Bag Limit	Possession Limit
Teal (Blue-winged, Green-winged and Cinnamon)	Sept. 15-Sept. 30	6	18
King and Clapper Rails	Sept. 15-Sept. 30 Nov. 11-Jan. 3	15 (in aggregate)	45 (in aggregate)
Sora and Virginia Rails	Sept. 15-Sept. 30 Nov. 11-Jan. 3	25 (in aggregate)	75 (in aggregate)
Gallinules	Sept. 15-Sept. 30 Nov. 11-Jan. 3	15	45
Snipe	West Zone: Nov. 2-Dec. 3 Dec. 16-Feb. 28 East Zone: Nov. 2-Dec. 3 Dec. 16-Feb. 28	8	24
Ducks, Coots and Mergansers	West Zone: Nov. 4-Nov. 5 (youth and veterans only) Nov. 11-Dec. 3 Dec. 11-Jan. 7 Jan. 13-Jan. 21 East Zone: Nov. 11 (youth and veterans only) Nov. 18-Dec. 3 Dec. 16-Jan. 28 Feb. 3 (youth and veterans only)	Daily bag limit on ducks is 6 and may include no more than 4 mallards (no more than 2 females), 3 wood ducks, 2 canvasbacks, 2 redheads, 1 black duck and 1 pintail. Only 1 scaup may be taken for the first 15 days of the season with 2 per day allowed for the remainder. No mottled ducks may be taken for the first 15 days of the season with 1 per day allowed for the remainder. Daily bag limit on coots is 15. Mergansers-The daily bag limit for mergansers is 5, only 2 of which may be hooded mergansers, in addition to the daily bag limit for ducks.	Three times the daily bag limit.
Light Geese (Snow, Blue, and Ross') and White-Fronted Geese	East Zone: Nov. 4-Dec. 3 Dec. 16-Jan. 28 West Zone: Nov. 4-Dec. 3 Dec. 11-Jan. 7 Jan. 13-Jan. 28	Daily bag limit on Light Geese (snow, blue, and ross') is 20. Daily bag limit on White-Fronted Geese is 3.	No possession limit on Light Geese (snow, blue, and ross') Possession limit on White-Fronted Geese is 9.
Canada Geese	East Zone: Nov. 4-Dec. 3 Dec. 16-Jan. 28 West Zone: Nov. 4-Dec. 3 Dec. 11-Jan. 7 Jan. 13-Jan. 28	1	3

B. Conservation Order for Light Geese Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Light Geese (Snow, Blue, and Ross')	East Zone: Dec. 4-Dec. 15 Jan. 29-Mar. 3 West Zone: Dec. 4-Dec. 10 Jan. 8-Jan. 12 Jan. 29-Mar. 3	No daily bag limit.	No possession limit.

C. Extended Falconry Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	Sept. 15-Oct. 1	Falconry daily bag and possession limit for all permitted migratory game birds must not exceed 3 and 9 birds, respectively, singly or in aggregate, during the extended falconry seasons and regular hunting seasons.
Woodcock	Nov. 4-Jan. 31	
Rails and Gallinule	Nov. 4-Jan. 25	
Ducks	Nov. 4-Jan. 31	

D. Dove Hunting Regulations

1. Shooting hours one-half hour before sunrise to sunset.

2. There is no bag limit on Eurasian collared-doves or Ringed Turtle-doves provided that a fully feathered wing and head remain attached to the carcass of the bird. Fully dressed Eurasian collared-doves and ringed turtle doves (those without a fully feathered wing and head naturally attached to the carcass) shall be included in the aggregate bag.

3. The following boundary divides the dove season zones: beginning at the Texas-Louisiana border on LA Hwy. 12; thence east along LA Hwy 12 to its intersection with U.S. Hwy 190; thence east along U.S. Hwy 190 to its intersection with I-12; thence east along I-12 to its intersection with I-10; then east along I-10 to the Mississippi state line.

RULE

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Seismic Exploration (LAC 76:1.301)

The Wildlife and Fisheries Commission has amended the public hearing process and permit authorization for seismic exploration. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part I. Wildlife and Fisheries Commission and Agencies

Thereunder

Chapter 3. Special Powers and Duties

Subchapter A. Seismic Exploration

§301. Regulations

A. In order to protect, conserve, and replenish the wildlife of the state of Louisiana, including all aquatic life, and pursuant to the authority conferred by Article IX, Section 7 of the Louisiana Constitution of 1974, R.S. 30:212 et seq., and R.S. 36:609; the following rules shall form and after promulgation date, govern any exploration work involving the discharge of explosives and other energy sources in the state of Louisiana for geophysical exploration.

1. The Wildlife and Fisheries Commission, pursuant to its constitutional and statutory authority, hereby designates how geophysical exploration work shall be conducted insofar as it relates to the fish, seafood, aquatic life, oysters, wildlife and water bottoms of the state. No geophysical exploration work shall commence without the approval of the secretary of the department or his designee. The Department of Wildlife and Fisheries is hereby authorized and directed to enforce and administer these regulations with full power and authority to take all appropriate actions to ensure proper administration and compliance.

2. Application(s) for permission to operate shall be made by letter giving the names of the parishes where the geophysical exploration is to be conducted. Written permission to operate shall be valid for a period of one year from date of approval, unless otherwise specified. In order to obtain and maintain permission to operate, an applicant shall furnish the department a surety bond in the amount of no less than \$100,000 per project from a bonding company licensed to do business in the state of Louisiana and to whom A.M. Best and Company has given an "B+/7" or better rating. Bond forms may be obtained from the department. The bond shall be filed by the applicant prior to issuance of any permission to operate. Said bond shall guarantee payment of all inspector fees, all compensation for damage to public lands, and water bottoms (including, without limitation, damages for failure to remove equipment and trash), oysters, fish and other aquatic life, and/or other natural resources, man-made canals, bulkheads, rights-of-way and structures for which said applicant may be legally liable, and which may be suffered by the state of Louisiana. The bond shall also guarantee any and all fees in whole and in part for services rendered by the department and its

E. Snipe Hunting Regulations. Shooting hours one-half hour before sunrise to sunset, except at the Spanish Lake recreation area in Iberia Parish where shooting hours, including the conservation end at 2 p.m.

F. Conservation Order for light geese. Only snow, blue, and Ross' geese may be taken under the terms of the conservation order. Electronic calls and unplugged shotguns allowed. No daily bag or possession limit. Shooting hours one-half hour before sunrise until one-half hour after sunset.

G. Canada Goose Season Closure. The Canada goose season will be open statewide except for a portion of southwest Louisiana described as follows: beginning at the Texas State Line, proceeding east along LA Hwy. 82 to the Calcasieu Ship Channel, then north along the Calcasieu Ship Channel to its junction with the Intracoastal Canal, then east along the Intracoastal Canal to its juncture with LA Hwy. 82, then south along LA Hwy. 82 to its juncture with Parish Road 3147, then south and east along Parish Road 3147 to Freshwater Bayou Canal, then south to the Gulf of Mexico, then west along the shoreline of the Gulf of Mexico to the Texas State Line, then north to the point of beginning at LA Hwy. 82. Open waters of Lake Arthur and the Mermentau River, from the Hwy 14 bridge southward, will also be closed.

H. Statewide Youth Waterfowl and Veterans Season Regulations.

1. Only youths 17 years of age or younger may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times.

2. Veterans refers to those persons who served in the active military, naval or air service who were discharged or released under conditions other than dishonorable, and members of the Armed Forces on active duty including members of the National Guard and Reserves on active duty (other than for training). Veterans and active duty military personnel must possess a valid proof of service such as DD214 form, Active Military ID, Retired Military ID, Veterans Administration ID, or Veterans designation on their Driver's License as well as mandatory waterfowl license(s), HIP certification, and Federal duck stamp to participate on these hunt days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 42:1130 (July 2016), amended LR 43:1427 (July 2017), LR 44:1306 (July 2018), LR 45:966 (July 2019), LR 46:991 (July 2020), LR 47:937 (July 2021), LR 48:1899 (July 2022), LR 49:1268 (July 2023).

Robert E. Shadoin
Secretary

2307#010

offices in accordance with regulations of the Department of Wildlife and Fisheries or the Wildlife and Fisheries Commission and all applicable penalties, and any other liabilities to the state of Louisiana incurred by the applicant during the geophysical operations. Applicants must also supply the department with proof of general liability insurance in the amount of \$2,000,000. The policy must be issued by an insurer approved by the department, and specifically cover all damage to land, water bottoms, oysters, fish and other aquatic life, or other natural resources, man-made canals, bulkheads, rights-of-way, and other structures for which permittee may be legally liable. In addition, permittees applying for a renewal of the letter of permission to operate must have demonstrated a record of sound business practices by making timely payments of seismic fees to the department, and by being in complete compliance with the department's regulations including those regulations requiring notifications and timely submission of seismic exploration data daily reports.

3.a. The department may, after 10 working days written notice to permittee, suspend or cancel the seismic letter of permission to operate granted pursuant hereto for failure by the permittee, to make timely payment to the department for obligations owed to the state of Louisiana for the following:

i. any compensation for damage to public lands, water bottoms, oysters, fish and other aquatic life, or other natural resources, man-made canals, bulkheads, rights-of-way and structures for which said permittee may be legally liable;

ii. any fees for services rendered by LDWF personnel in overseeing geophysical exploration; and

iii. any applicable penalties.

b. The permittee shall be entitled to a hearing upon written request, made within the 10 working day notice period, to the secretary or his designee, to review the circumstances prompting the department to suspend or cancel his letter of permission to operate. This hearing shall be held as soon as practicable.

B. Authorization, Written Comments and Public Hearing. Prior to the granting of authorization by the Department, the permittee shall:

1. submit a detailed project description along with a map of the exact project location and geographic extent (an ESRI shapefile projected in NAD 83, UTM is preferred) for comparison with department databases of threatened, endangered, or sensitive wildlife and fisheries resources and a similar map on an 8.5 inch x 11 inch page.

2. pursuant to the Administrative Procedure Act, hold not less than one public hearing in the vicinity of the seismic operation to receive comments and recommendations from government agencies, property owners, lessees, residents, and all interested parties. The permittee shall give its first notice at least 30 days prior to the hearing;

a. Maps, as provided to the department in connection with the authorization request and information designating the permittee's contact persons during the geophysical operations, shall be made available to the public for review at this meeting.

3. notices referred to in this Section will be published in the official journal of each parish in which the seismic operation is located in four separate issues. Additional

notices should be posted in or on appropriate public places in the area of operations at the direction of the department;

4. the permittee shall notify each parish governing authority of the hearing by letter to its chief executive officer;

5. the permittee shall provide all interested parties and the public, the opportunity to submit written comment on the seismic operation;

6. the comment period shall begin with the first publication in any official parish journal;

7. the comment period shall end upon adjournment of the final public hearing.

C. Department shall make a decision whether to grant or deny the authorization within 30 days after the adjournment of the final hearing.

D. Denial of Authorization. The department shall deny an authorization of the seismic operation if, after a full and thorough evaluation, the department finds that the proposed or alternative use would unreasonably injure fish, seafood, aquatic life, oysters, wildlife or other living natural resources of the state, or their habitats.

E. Authorization Conditions

1. In issuing any authorization, the department may:

a. require conditions in the use and may require that appropriate steps be taken to minimize and/or offset the detrimental effects on the natural and physical features and resources as a condition to the granting of the authorization.

F. Final Decision. The final decision by the department on any seismic operations shall:

1. be in the form of a written report;

2. be part of the record of the decision;

3. include an evaluation of potential impacts; and

4. give full and meaningful consideration and appropriate weight to the comments from the state and local government authorities, interested parties and the public.

G. Modification and Revocation. The department may modify or revoke an authorization for any adjudicated violation of the authorization conditions, the statutes or these regulations or intentional misrepresentation of a material fact on the permit application or authorization request.

H. Appeals of Final Decision. Any person who is denied an authorization by the department may challenge the department's decision in an administrative hearing pursuant to the provisions of the Administrative Procedure Act.

I. Permittees shall notify the department before beginning any geophysical exploration on a "Notification of Beginning of Seismic Operations" furnished by the department. The permittee shall provide the department with the names and telephone numbers of appropriate designated contact persons. The "Notification of Beginning of Seismic Operations" shall be accompanied by a map on an 8.5 inch x 11 inch page showing the outline of the project or line. The permittee also shall furnish the department with a certified copy of the information filed with the appropriate parish clerk of court in accordance with R.S. 30:217. The permittee shall submit notification to the department of interruption or cessation of work. If a change in the prospect or line is necessary, the permittee will provide a new plat indicating the change. If a change on the prospect or line affects different properties, or leasehold interests, the permittee will provide a new plat indicating the new prospect or line, and

no work will begin until this change has been furnished to the department and the department has reviewed it with regard to threatened, endangered, or sensitive wildlife and fisheries resources. The granting of permission to operate does not give the permittee the right to trespass on, or conduct activities on private properties, nor does it relieve the permittee of the responsibility for damages to private property.

J. Each geophysical exploration crew working in the state of Louisiana shall always be under the supervision of the department. A seismic inspector may be present during the shooting operations of the permittee to which he or she is assigned.

1. The department representative shall have access to all records, including without limitation, shot point location maps, and shooters' logs and tracings, but only to the extent necessary to determine compliance with these regulations. Any and all proprietary or confidential information viewed or obtained by any department representative or seismic inspector shall be maintained in strict confidence as mandated for disclosures of seismic data under R.S. 30:215. No permittee shall be required to submit to the department any document or thing containing such confidential, proprietary information, if such document would, thereby, become a public record.

2. The party chief or party manager shall instruct the members of his party as to the requirements of these rules and regulations, and to the duty and authority of the department and the seismic inspector.

3. The party chief or party manager shall furnish the department's representative with whatever reasonable and appropriate transportation is needed to allow him to visit the working areas and shall transport the department's representative to whatever locations he or she requests. The department acknowledges that, when the permittee is providing transportation for the seismic inspector or other representative of the department under these regulations or other applicable law, that the permittee is fulfilling a state mandated function and shall not be responsible, in any way, for any decisions, instructions, actions, or omissions of such seismic inspector or other department representative.

4. The seismic inspector has the right to suspend any particular operation (e.g., surveying, drilling, shooting, or picking up equipment) or any portion of an operation, if it violates the department's rules and regulations.

a. Written notice of violations shall be provided to the permittee's designated contact person as soon as practicable. Corrective action taken by the permittee and approved by the department should dissolve the order for suspension issued by the seismic inspector.

b. The permittee may request a hearing from the secretary or his designee to review the circumstances of any suspension of geophysical survey activities. This hearing shall be convened as soon as practicable, but in any event within 10 working days after the written request for a hearing. The department shall provide the permittee with due notice and the opportunity to participate.

5. The department recognizes that conflicts may arise from time to time between parties regarding access to and use of public waters, water bottoms, public lands and natural resources. In the event that such conflicts cannot be otherwise resolved, the department may, at the discretion of

the secretary or his designee, restrict, regulate, or suspend such potentially or actually conflicting activities as may be necessary to provide reasonable and safe access to said public resources. The department shall provide the permittee's designated contact person at least five working days written notice prior to any suspension, restriction, or regulation of geophysical survey operations due to user conflicts. The permittee may request a hearing from the secretary or his designee to review the circumstances of the department's restriction, regulation or suspension of geophysical activities. This hearing shall be convened as soon as practicable, but at any event within 10 working days after written request for a hearing. The department shall provide all interested parties with due notice and opportunity to participate.

6. No seismic inspector shall have the right to release any permittee from the obligations imposed by these rules and regulations. Variances from these regulations may be granted by the department only after written application by the permittee setting forth reasons therefore. The release, signed by the secretary or his designee, will designate the particular area and rule affected, and the procedures to be followed in lieu of any established rule. The secretary or his designee may provide this information to appropriate interested parties upon request.

K. The permittee must make a separate report for each day, whether or not shooting is in progress. Daily reports must furnish complete information as indicated by the report form, and must be signed by the party chief or party manager.

L. No geophysical exploration work shall be conducted on any wildlife refuge, waterfowl refuge, Louisiana designated scenic river, game preserve, fish preserve or hatchery, or public oyster seed ground reservation without written permission from the department through the division in charge of such refuge, preserve, river, hatchery, public oyster seed ground or reservation. While operating on any wildlife refuge, waterfowl refuge, Louisiana designated scenic river, game preserve, fish preserve or hatchery or public oyster seed ground or reservation, the permittee must abide by all rules and regulations of said area, in addition to these seismic regulations to the extent they apply.

M. Boats, marsh buggies, airboats, or other types of marsh vehicles, when used, must be used so as to cause the minimum disturbance or damage to the lands, water bottoms, and wildlife and fisheries resources thereon. When working on wildlife management areas, wildlife refuges, Louisiana designated scenic rivers, fish preserves or hatcheries, or public oyster seed grounds or reservations, the permittee will coordinate with the supervisor in charge of the area as to rules of the area. Rules, regulations and fees may vary from one such area to another.

N. No marsh buggies shall have contact with any oyster reef or bed, including state-owned natural reefs, nor shall any explosives or other energy sources be discharged within 250 feet of any oyster reef or bed, including any state-owned natural reefs, without permission from the lessee of the reef or bed, and the department. The department will review all projects in designated public oyster seed grounds and reservations.

O. Geophysical permittees are required to furnish an oyster lease plat to each affected oyster lessee showing the

proposed number of shot points on line and their proposed location. Geophysical permittees are required to furnish notice to oyster lease applicants of the proposed crossing of water bottoms for which said applicant has applied for an oyster lease, provided said application(s) has been plotted on the departments map(s).

P. All pipe used in geophysical operations must be removed to at least 6 feet below the surface of the ground, or 6 feet below the bottom in water areas, before finally leaving the shot point. No pipes shall be left unattended on land or in water.

Q. All parties using pipe in water areas must have clearly welded or stamped at each end of each joint the name or abbreviation of the name of the permittee using the pipe. All equipment including cables, boxes, geophones, staff poles, anchors, buoys, etc., must be permanently tagged with the name of the permittee. All 2 x 2's used for survey lines must be clearly stamped with the name of the permittee using the stakes at approximately 3-foot intervals. These stakes must be removed immediately upon completion of the project. All cane poles must be removed immediately upon completion of the project. Anchors shall be marked, stamped, or tagged to identify the permittee who deployed them, and shall be secured to an appropriately marked buoy, vessel, or float.

R. Permittees shall comply with the U.S. Coast Guard and/or the U.S. Army Corps of Engineers' rules and regulations for marking and lighting material and/or equipment in navigable waters. In addition, all survey buoys used in geophysical operations should be colored fluorescent green (or other approved color) to mark receivers, and fluorescent orange (or other approved color) to mark the source line or shot line as well as show the name of the permittee. All such floats in areas of seismic operations shall use floating line.

S. No explosives shall be discharged knowingly within 1,000 feet of a boat without notice being given to such boat so that it may move from the area.

T. Permittees shall not be assessed any special permit fees to conduct geophysical survey operations on water bottoms designated as public oyster seed grounds or reservations, but shall comply with the provisions and conditions of any applicable Coastal Use Permit issued pursuant to R.S. 49:214.30, including any requirement to perform a water bottom assessment or provide mitigation/compensation for damages to any oyster seed ground or reservation. The department may utilize a portion of the funds received from geophysical and geological survey activity occurring on state lands, including water bottoms, under the provisions of R.S. 30:212(D) and funds received under the provisions of R.S. 30:136.1(D), for purposes of planting cultch, rehabilitating areas damaged by seismic operations, and as mitigation for any other damage to the coastal area. The determination of the amount to be used shall be based upon the amount of geophysical and geological survey activity occurring on any designated oyster seed ground or reservation and the need for such restoration.

U. Persistent gas and water discharges caused by drilling or shooting operations of seismic crews will be stopped immediately by the permittee.

V. Explosive charges or multiple charges in the same shot hole in excess of 50 pounds shall not be used except pursuant to express written authorization from the secretary or his designee. Requests for the use of such charges and other variances from the charge sizes, hole depths, and/or setback requirements must be made in writing, giving the reasons why such charges are needed, the particulars of charge sizes, hole depths, patterns of deployment, and setback from potentially sensitive environments. Such requests should be addressed to the department. Variances shall not be unreasonably withheld or delayed. All documents submitted to the department in connection with requests for variances shall be public records; therefore, any confidential proprietary information required for review of a variance request may be submitted orally or by demonstrative presentation referenced in the written application, but the underlying confidential information shall not be disclosed in the written request filed with the department. The permittee may request a hearing to review all determinations, decisions, and regulations imposed with regard to requested variances, as set forth in §301.J.4.b above. The secretary or his designee may provide this information to appropriate interested parties upon request.

W.1. Minimum required depth of charges shall be as follows for shots detonated in holes.

Weight of Charge	Minimum Required Depth
1 pound or less	10 feet
Charges of 1 pound or less may only be used in upland areas. In addition, the hole must be tamped before shooting and the charge must be shot on the same day it is placed.	
Between 1 pound and 2 pounds	25 feet
2 pounds up to 5 pounds	40 feet
5 pounds up to 20 pounds	60 feet
20 pounds up to 30 pounds	70 feet
30 pounds up to 40 pounds	100 feet
40 pounds up to 50 pounds	120 feet
No part of the charge shall be above minimum required depth.	

2. The use of suspended charges as energy sources is prohibited unless a variance is granted by the secretary or his designee. If permitted, the secretary or his designee shall then set forth requirements to minimize the effect on wildlife and fisheries resources.

X. Detonation of seismic explosive charges will be allowed only during daylight hours. Variances to this rule may be requested as set forth in §301.V. Permittees shall notify the department of 24 hour airgun operations prior to beginning such operations. The department may, after review of the details of such night operations and areas affected thereby, impose additional restrictions, regulations or requirements upon such operations as may be reasonable and necessary for the protection of public waters, water bottoms, lands, and wildlife. No shooting will be allowed in heavy fog. The permittee may request a hearing to review all determinations, decisions, and regulations imposed with regard to night operations and weather conditions, as provided for in §301.J.4.b.

Y. In accordance with good industry practice, permittee shall, after drilling and loading shot holes, backfill holes with cuttings or another material authorized by the

department, and place the shot hole plug near the surface to avoid wash-in.

Z. All equipment including boxes, cables, staff poles, poles, anchors, etc., must be cleared from project areas before the permittee leaves the area. The permittee shall confirm in writing to the department that all its equipment, materials, and refuse have been cleared from the project area. Said letter of confirmation shall be a public record. Variances from this rule may be granted by the department if accompanied by a written request from an affected landowner or agency. The secretary or his designee may provide this information to appropriate interested parties upon request.

AA. A fee of \$135 per day will be charged to geophysical permittees. All payments will be made by the permittees directly to the department on or before the fifteenth of each month. No payments are to be made to the seismic inspectors. Seismic inspectors shall make and the department shall maintain written records of the inspectors' work in connection with each geophysical project, identifying the date, time, location, nature of the inspector's work, and the permittee involved.

BB. All geophysical permittees conducting operations shall exercise reasonable precaution and act in accordance with approved and accepted methods to prevent destruction of, or injury to the fish, oysters, shrimp and other aquatic life, wildlife or other living natural resources of the state of Louisiana, or their habitats.

CC. Any violation of these or other rules promulgated by the commission or the department for the regulation of geophysical operations, or the refusal of any permittee or its

employees to comply fully with all orders and requirements which may be made by authorized personnel of the department at the time the exploration is conducted, or any attempt to unduly influence any seismic inspector to abstain from the enforcement of these regulations shall constitute cause for suspension or cancellation of the "permission to operate", cessation of all exploration work, and disqualification of the party chief, party manager, field manager, and/or the permittee involved from future operations in this state. The permittee may request a hearing from the secretary or his designee to review the particular circumstances prompting the department to suspend or cancel his letter of permission to operate per the provisions of §301.J.4.b.

DD. These rules and regulations supersede all other rules and regulations issued prior to this date, and are subject to change by the department and the Wildlife and Fisheries Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:212, R.S. 30:214, R.S. 30:215, R.S. 30:216, R.S. 36:609 and R.S. 56:30.4.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 4:300 (August 1978), amended LR 10:410 (May 1984), LR 13:115 (February 1987), LR 18:509 (May 1992), LR 25:321 (February 1999), LR 49:1270 (July 2023).

Robert E. Shadoin
Secretary

2307#046

Notices of Intent

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Animal Health and Food Safety
and
Board of Animal Health**

Identification of Goats
(LAC 7:XXI.1513)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:2093 et seq., notice is hereby given that the Department of Agriculture and Forestry (“Department”), through the Office of Animal Health, and the Board of Animal Health, intend to amend LAC 7:XXI.1513 relative to the identification of goats. The proposed Rule changes are being made in accordance with R.S. 3:2093, which authorizes the board to promulgate rules and regulations necessary to implement and enforce the powers and duties assigned to the board by law. The proposed Rule changes clarify requirements for identification of goats changing ownership, mandating that they be individually identified by means of an “official identification for scrapie” as defined in LAC 7:XXI.101. The proposed Rule amendment is being promulgated in order to bring the existing rule into compliance with USDA ADT (Animal Disease Traceability) regulations.

Title 7

AGRICULTURE AND ANIMALS

Part XXI. Animals and Animal Health

Chapter 15. Sheep and Goats

Subchapter B. Goats

§1513. Identification of Goats (Formerly §1303)

A. All goats changing ownership shall be individually identified by means of an official identification for scrapie as defined in §101 of this Part.

B. The following goats shall be individually identified by means of an official identification for scrapie:

1. live scrapie positive goats;
2. suspect scrapie positive goats;
3. all goats considered as high risk for developing scrapie, as defined by USDA;
4. all goats exposed to scrapie.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093 and 2095.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 31:1971 (August 2005), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:971 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 49:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rules via U.S. Mail or hand delivery. Written submissions must be directed to Michelle Ribera, Assistant Commissioner for Animal Health and Food Safety, Department of Agriculture and Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806 and must be received no later than 4 p.m. on August 10, 2023. All written comments must be signed and dated.

Mike Strain, DVM
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Identification of Goats

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to have any costs or savings to the Louisiana Department of Agriculture and Forestry ("LDAF"), other than the cost of promulgation for FY 24, which is normally included in the agency's operating budget. There is no impact on local governmental units.

The proposed rule change clarifies language regarding the identification of goats changing ownership, specifying that such goats are individually identified for scrapie. The proposed rule change brings the existing rule into compliance with the USDA Animal Disease Traceability (ADT) regulations.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to increase or decrease revenue collections of state or local governmental units. The proposed rule changes are intended to update and clarify existing rules and regulations.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is not anticipated to increase or decrease costs to the market.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to influence competition or employment.

Dane Morgan
Assistant Commissioner
2307#057

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System—Early Learning Center Licensing Regulations (LAC 28:CLXI.103, 305, 311, 709, 907, 1103, 1307, and Chapters 15-19)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CLXI in *Bulletin 111—The Louisiana School, District, and State Accountability System*. Louisiana R.S. 17:407.40 requires a comprehensive review of all standards, rules, and regulations for early learning center license regulations every three years. In compliance with this statute, the Louisiana Department of Education (LDOE) established a committee of 12 early care and education stakeholders to conduct the required review. The aforementioned revisions include definitions, license regulations, additional license at a single center address, conditions requiring LDOE notice, reporting of critical incidents, staffing and training mandates, child safety equipment, and technical edits.

**Title 28
EDUCATION**

Part CLXI. Bulletin 137—Louisiana Early Learning Center Licensing Regulations

Chapter 1. General Provisions

§103. Definitions

Capacity—the number of children the provider is licensed to care for at any given time as determined by the Licensing Division.

Care for Children with Disabilities—for licensing purposes, child care for a child birth through age 17 who has a current individualized family services plan (IFSP) or individual education plan (IEP) in accordance with the Individuals with Disabilities Education Act (IDEA) or who receives Supplemental Security Income (SSI).

Child—person who has not reached age 13, or a person with disabilities who has not yet reached age 18.

Child Care Criminal Background Check (CCCBC)—information received by the department upon request for information pursuant to requirements set forth in R.S. 17:407.42, 45 CFR 98.43(b), and Chapter 18 of this Bulletin.

Department—Louisiana Department of Education, also referenced as LDOE or LDE.

License Type—the type of license applied for or held by an early learning center, which include type I, type II, and type III licenses.

Local Education Agency (LEA)—a public board of education or other public authority legally constituted within the state either to provide administrative control or directions of, or perform a service function for, public elementary and secondary schools in a city, parish, school district, or other political subdivision of the state. The term includes an educational service agency and any other public institution or agency having administrative control and direction of a public elementary or secondary school, including a public charter school that is established as an LEA under state law.

Office of Public Health—Louisiana Department of Health, Office of Public Health.

OSFM—Office of the State Fire Marshal

Provisionally Employed Staff Member—a person for whom the center has requested a CCCBC-based determination of eligibility for child care purposes, and for whom the department has received a satisfactory fingerprint-based Louisiana or federal criminal history information record, who is temporarily employed and monitored by the center pending the department's receipt of the other CCCBC results and determination of the person's eligibility for child care purposes.

Quiet Time—a period when children who are in full-time care are provided an appropriate environment for rest or quiet play, such as a child reading a book on a mat.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.31 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:616 (April 2015), effective July 1, 2015, amended LR 41:2103 (October 2015), LR 43:638 (April 2017), LR 44:247 (February 2018), effective March 1, 2018, LR 44:1858 (October 2018), LR 47:1274 (September 2021), LR 49:

Chapter 3. Licensure

§305. Operating Without a License; Registry; Penalties

A. Operating an early learning center without a valid license may result in fines up to \$1,000 per day for each day of such offense.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.37.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:619 (April 2015), effective July 1, 2015, amended LR 41:2104 (October 2015), LR 44:1859 (October 2018), LR 45:525 (April 2019), LR 49:

§311. Posting of License

A. Each early learning center shall display its current license in a prominent place at the center where the license is visible to parents and other visitors to the center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.39(D).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:620 (April 2015), effective July 1, 2015, amended LR 49:

Chapter 7. Licensing Process and Procedures

§709. Validity of Licenses

A. - C. ...

D. A new application shall not be processed if an application or license is currently on file with the department for the same location, with the exception of a change of ownership application or, at the discretion of the LDOE, a second application for an early learning center at the same address as an existing Head Start located on LEA property.

E. Two licenses shall not be issued simultaneously for the same physical address except for the license of an early learning center at the same address as a Head Start that is located on LEA property.

F. All early learning care and education provided at a physical address shall be included under one license address except for the license of an early learning center at the same address as a Head Start that is located on LEA property.

G. If an early learning center operates summer and/or holiday camps at the location, such care shall be included under a single license for the location address except for the license of an early learning center at the same address as a Head Start that is located on LEA property.

H. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.39(C), and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:624 (April 2015), effective July 1, 2015, amended LR 42:554 (April 2016), LR 44:1861 (October 2018), LR 47:1275 (September 2021), LR 49:

Chapter 9. Changes Requiring a New License

§907. Notification of Temporary or Permanent Closure

A. Closures

1. Temporary Closure. A center shall notify the LDOE in writing of a temporary closure of more than 5 calendar days, but fewer than 30 calendar days, within 1 day of closure of the center.

2. Permanent Closure. The provider shall notify the LDOE in writing of a permanent closure of 30 or more calendar days of a center within 7 calendar days of the closure.

B. A center shall make notification to the LDOE prior to making any changes that may have an effect on the license, such as structural changes, adding or removing transportation, or changing age range and/or hours of operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.39, and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:1861 (October 2018), LR 49:

Chapter 11. Operating Violations and Incidents; Fines; Appeals

§1103. Critical Incidents and Required Notifications

A. An early learning center shall make immediate notification to emergency personnel, law enforcement as applicable, and other appropriate agencies for the following types of critical incidents involving children in care:

1. death;
2. serious injury or illness that required medical attention;
3. a child left unsupervised for any amount of time;
4. use of prohibited behavior management as described in §1509. of this Part;
5. allegations or suspicion of child abuse or neglect by center staff;
6. an accident involving the transportation of children;
7. any child given the wrong medication or an overdose of the correct medication;
8. any loss of power over two hours while children are in care;
9. a physical altercation between adults in the presence of children on the premises;
10. reportable infectious diseases and conditions outlined in LAC 51:II.105;
11. any other significant event relating to the health, safety, or well-being of any child, including but not limited to a lost child, an emergency situation, fire or other structural damage, or closure of the center.

B. Prioritization of Notifications. The following shall be notified immediately and in the order listed below as applicable:

1. emergency personnel when dealing with any medical incident.
2. law enforcement.
3. parent.

C. The following, as applicable, shall be notified via email within 24 hours of the incident, or no later than the next business day if the incident occurred on a Friday or on a recognized state holiday:

1. LDOE. This written notification shall be made for all of the critical incidents identified above, shall be made on the LDOE critical incidents report form, and shall contain all information requested on the form.

2. DCFS. Report all incidents that might constitute child endangerment including examples provided in mandated reporting training.

3. LDH. Report all incidents related to LDH regulations such as safety and sanitation issues as well as infectious diseases and conditions.

4. OSFM. Report all incidents related to OSFM regulations.

5. Any other appropriate agencies, including but not limited to, local or city fire marshal or the Department of Environmental Quality.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:1862 (October 2018), LR 47:1275 (September 2021), LR 49:

Chapter 13. Denial, Revocation or Non-Renewal of License

§1307. Appeal of Denial, Revocation, or Refusal to Renew

A. A center has 30 calendar days to request an appeal of the denial of its application for licensure and 15 calendar days to request an appeal of the revocation of or the refusal to renew its license.

B. The department must receive a written request for an appeal within 30 calendar days of the center's receipt of notice of the denial of its application and within 15 calendar days of the center's receipt of notice of revocation of or refusal to renew its license.

C. - D.2. ...

E. The department shall notify the Division of Administrative Law (DAL) within 10 calendar days of receipt of a timely request for an appeal of the denial of an application or the revocation of or refusal to renew a license.

F. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.45.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:627 (April 2015), effective July 1, 2015, amended LR 41:2106 (October 2015), LR 42:554 (April 2016), LR 44:249 (February 2018), effective March 1, 2018, LR 44:1863 (October 2018), LR 49:

Chapter 15. Minimum General Requirements and Standards

§1503. General Liability Insurance Policy

A. ...

B. Repealed.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, LR 49:

§1509. Policies

A. An early learning center shall establish in writing, prominently post or show parent's signature of receipt, implement, and adhere to the following policies:

1. - 8.b.viii. ...

c. time out:

i. the behavior management policy shall address the center's use of time out, if the center uses time out, including the minimum requirements and shall not be used for children under age two;

ii. - iv. ...

d. the behavior management policy shall establish steps for addressing behaviors identified by the site as dangerous and/or out of control behaviors. Suspension or expulsions should only be considered as a final action after the implementation of behavior support strategies, including at a minimum:

i. engaging parents by written communication and/or parent conference; and

ii. providing a referral to EarlySteps, Child Search, and/or mental health consultant if appropriate.

9. - 12.d ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, amended LR 44:250 (February 2018), effective March 1, 2018, LR 44:1864 (October 2018), LR 47:1276 (September 2021), LR 49:

§1511. Procedures

A. - A.2.b. ...

c. children ages four and five shall be offered the opportunity for daily quiet time;

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:630 (April 2015), effective July 1, 2015, amended LR 41:2106 (October 2015), LR 44:1864 (October 2018), LR 49:

Chapter 17. Minimum Staffing Requirements and Standards

§1707. Required Staff

A. - C. ...

D. Staff

1. Staff age 18 or older may be included in the child-to-staff ratio and may work without the direct supervision of another adult staff member.

2. Staff age 16 and 17 may be included in the child-to-staff ratio if the person works under the direct supervision of an adult staff member.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:633 (April 2015), effective July 1, 2015, amended LR 41:2107 (October 2015), LR 44:1864 (October 2018), LR 49:

§1711. Child-to-Staff Minimum Ratios

A. - C. ...

D. Minimum child-to-staff ratios for centers are as follows.

Minimum Child-to-Staff Ratios	
Ages of Children	Ratio

E. - F.2. Repealed.

G. - L.3. ...

M. Children with Disabilities and Children with Special Health Care Needs—Minimum Child to Staff Ratios. When the nature of a child with special health care needs or the number of children with special health care needs warrants added care, the center shall add sufficient staff as necessary.

N. Maximum Group Sizes:

1. Maximum group sizes for centers are as follows.

Maximum Group Sizes	
Age of Children	Maximum Group Size

2. - 2.b. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:633 (April 2015), effective July 1, 2015, amended LR 43:638 (April 2017), LR 44:250 (February 2018), effective March 1, 2018, LR 44:1865 (October 2018), LR 45:525 (April 2019), LR 49:

§1719. Orientation Training

A. - A.4. ...

5. list of children with allergies, children with disabilities, and children with special health care needs;

6. - D.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:635 (April 2015), effective July 1, 2015, amended LR 42:555 (April 2016), LR 44:1866 (October 2018), LR 47:1277 (September 2021), LR 49:

§1721. Continuing Education

A. - A.1. ...

B. Staff members who are neither left alone with children, nor have supervisory or disciplinary authority over children, shall obtain a minimum of three clock hours of continuing education in job related topics per center’s anniversary year.

C. - D.12. ...

E. The three hours of training approved by the LDOE on infectious diseases, health and safety, and/or food service preparation required in LAC 51:XXI.301.A.9 shall not count towards continuing education hours for staff members.

F. ...

G. Medication administration training approved by the LDOE may count as continuing education in the anniversary year in which it is taken.

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR

42:555 (April 2016), LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018), LR 47:1277 (September 2021), LR 49:

§1723. CPR and First Aid Certifications

A. - E. ...

F. Within 90 calendar days from the date of hire and prior to assuming sole responsibility for any children, each staff member shall have current certification in pediatric first aid and CPR. During this period, caregivers and teachers who provide direct care for children must be supervised until training is completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018), LR 47:1278 (September 2021), LR 48:30 (January 2022), LR 49:32 (January 2023), LR 49:

§1725. Medication Management Training

A. - B. ...

C. Training for auto-injectable epinephrine shall be completed every two years with training approved by the LDOE, a registered nurse, a licensed medical physician, an anaphylaxis training organization, or any other entity approved by the Louisiana Department of Health. Training for medication administration shall be completed every two years with training approved by the LDOE.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018), LR 47:1278 (September 2021), LR 49:862 (May 2023), LR 49:

Chapter 18. Child Care Criminal Background Checks (CCCBC)

§1804. Provisional Status for Child Care Purposes

A. A person may be provisional for child care purposes if the person:

1. has more than one component of the CCCBC still pending;
2. is employed at any center; and
3. is named in a deficiency for §1509 of this Part.

B. Provisional Employment for Staff Member of Early Learning Centers

1. A center may provisionally employ a staff member for whom the center has requested a CCCBC-based determination of eligibility for child care purposes, and for whom the LDOE has received a satisfactory fingerprint-based Louisiana or federal criminal history information record, pending the LDOE receipt of the other CCCBC results and determination of the person’s eligibility for child care purposes.

2. A provisionally-employed staff member may be counted in child-to-staff ratios but must be monitored at all times in accordance with the following.

a. A monitor of a provisionally-employed staff member must be an adult staff member for whom the center has a CCCBC-based determination of eligibility for child care purposes, and who is designated by the center to monitor a specific provisionally-employed staff member.

b. The center must designate a monitor for each provisionally-employed staff member present at the center.

c. The monitor shall be physically present at the center at all times when the provisionally-employed staff member is present at the center.

d. Monitors must remain within close enough physical proximity of their designated provisionally-employed staff members to be able to intervene at any time if needed.

e. A monitor shall perform at least one visual observation of each designated provisionally-employed staff member every 30 minutes.

f. The center may designate one monitor for up to a maximum of five provisionally-employed staff members at any given time.

g. At least one monitor must be physically present at all times in any room during nap times if a provisionally-employed staff member is present.

3. The center shall have a log, either handwritten or in electronic form, or other written documentation of the monitoring of provisionally-employed staff members that identifies each provisionally-employed staff member, the designated monitor for each, and the times of the visual observations.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43 and R.S. 15:587.1, and 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

§1807. CCCBC-Based Determinations of Eligibility for Child Care Purposes Required for Owners, Volunteers, Staff, Visitors and Contractors of Early Learning Centers

A. - A.2. ...

B. Volunteers and Staff. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for each volunteer, staff member, or employee of any kind, and shall have documentation of said determination available on the center's CCCBC roster at all times for inspection upon request by the department.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43 and R.S. 15:587.1, 17.6, and 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:252 (February 2018), effective March 1, 2018, amended LR 44:1867 (October 2018), LR 49:

§1811. Requests for CCCBC-Based Determinations of Eligibility for Child Care Purposes from the Department

A. - D.1....

2. A provisionally-employed staff member may be counted in child to staff ratios, but must be monitored at all times in accordance with the following.

a. A monitor of a provisionally-employed staff member must be an adult staff member for whom the center has a CCCBC-based determination of eligibility for child care purposes within the past five years, who is designated by the center to monitor a specific provisionally-employed staff member.

b. The center must designate a monitor for each provisionally-employed staff member present at the center.

c. Repealed.

d. Monitors must supervise at all times their designated provisionally-employed staff members to be able to intervene at any time if intervention is needed.

e. - g. Repealed.

3. The center shall have a log, either handwritten or in electronic form, or other written documentation of the monitoring of provisionally-employed staff members that identifies each provisionally-employed staff member and the designated monitor for each.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43, R.S. 15:587.1, and R.S. 407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:253 (February 2018), effective March 1, 2018, LR 47:1278 (September 2021), LR 49:

§1815. Fees for CCCBC-Based Determinations of Eligibility for Child Care Purposes

A. - B. ...

1. Repealed.

C. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43, R.S. 15:587.1, and R.S. 407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:255 (February 2018), effective March 1, 2018, LR 48:30 (January 2022), LR 49:

Chapter 19. Minimum Health, Safety, and Environment Requirements and Standards

§1907. Furnishings and Equipment

A. Apparatus or Equipment

1. The manufacturer's restraint device shall be used when equipment is occupied by children.

2. Children who are either too small or too large to be restrained using the manufacturer's restraint device shall not be placed in equipment.

B. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:638 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 44:256 (February 2018), effective March 1, 2018, LR 47:1279 (September 2021), LR 49:

§1911. Care of Children

A. - F. ...

G. Pacifiers shall not be attached to a child.

H. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:638 (April 2015), effective July 1, 2015, LR 47:1279 (September 2021), LR 49:

§1913. Water Activities

A. - F.1. ...

2. For off-site water activities, the center shall have documentation of the current certification of the lifeguard, such as a letter of documentation that the lifeguard has current certification, whether the lifeguard is furnished by the center or the off-site water location.

G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:639 (April 2015), effective July 1, 2015, LR:49

§1915. Health Services

A. - E. ...

F. Influenza Information. Centers shall make parents aware of information concerning influenza immunization by November 1 of each year. The department shall provide information about influenza annually to each licensed center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:639 (April 2015), effective July 1, 2015, amended LR 44:1867 (October 2018), LR:49

§1919. Food Service and Nutrition

A. - B. ...

1. be planned for each day of the week at a minimum and list the specific food items served;

2. be prominently posted, written or electronically, by the first day of each week at a minimum and remain posted throughout the week; and

3. ...

C. Food Allergies and Special Diets

1. Information regarding food allergies and special diets of children shall be posted in the food preparation area with special care taken to ensure that individual names of children are not in public view. If a parent chooses to allow the center to post the child's name and allergy information in public view, the center shall obtain a signed and dated authorization from the parent.

2. Children with allergies or special diets shall not be served foods identified as restricted by the parent.

D. A minimum of a breakfast or morning snack, lunch, and afternoon snack shall be served to children, and meals and snacks shall be served not more than three hours apart.

1. Centers that do not serve breakfast shall have nutritious food available for children who arrive in the morning without having eaten breakfast.

2. Children under age four shall not have foods that are implicated in choking incidents. Examples of these foods include, but are not limited to: whole hot dogs, hot dogs sliced in rounds, raw carrot rounds, whole grapes, hard candy, nuts, seeds, raw peas, hard pretzels, hard chips with the exception of puffs, peanuts, popcorn, whole marshmallows other than when melted in other foods or found in boxed cereals, spoonful of peanut butter, and chunks of meat larger than what can be swallowed whole.

D.3. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(4).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:640 (April 2015), effective July 1, 2015, amended LR 44:257 (February 2018), effective March 1, 2018, LR 44:1867 (October 2018), LR 47:1279 (September 2021), LR 49:

§1921. Emergency Preparedness and Evacuation

Planning

A. - A.3. ...

4. include specific procedures for handling children with disabilities and special health care needs, including the evacuation and transportation of children in wheelchairs;

5. - 11. ...

B. Individualized Emergency Plan. An individualized emergency plan shall be in place for each child with special health care needs and shall include medical contact

information and additional supplies and equipment as needed.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:641 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 42:2173 (December 2016), LR 44:1867 (October 2018), LR 49:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? Yes.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, August 9, 2023, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 111—The Louisiana School, District, and State Accountability System Early Learning Center Licensing Regulations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will lead to an increase in expenditures within the Louisiana Department of Education (LDE). The proposed rule change removes child care health consultants from the list of providers of medication training for early learning providers, necessitated by the Louisiana Department of Health (LDH) no longer providing consultants to conduct health-related training to early childhood personnel. LDH will send existing training information to LDE. LDE will create training modules in the Canvas learning management system for use by early childhood personnel. The initial work of creating the modules is being absorbed by existing staff. There will be an ongoing cost to house and deliver the modules in Canvas. Final estimates of this cost are still being determined. Federal Child Care and Development Fund (CCDF) dollars will be used for these expenses.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

Early learning providers will be affected by the proposed rule change, although the impact is expected to be minimal. The rule change provides clarity and updates definitions, as well as requires the development and/or posting of locally-developed policy.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2307#049

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System
Social Studies Assessment Transition
(LAC 28:XI.405)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:XI in *Bulletin 111—The Louisiana School, District, and State Accountability System*. The aforementioned revisions provide for assessment index calculations for student-level and school-level scores during the 2023-2024 field test of the new social studies LEAP assessment aligned to the Social Studies Content Standards adopted by BESE in 2022.

**Title 28
EDUCATION**

Part XI. Accountability/Testing

Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System

Chapter 4. Assessment and Dropout/Credit Accumulation Index Calculations

§405. Calculating a K-8 Assessment Index [Formerly LAC 28:LXXXIII.405]

A. - C.1. ...

D. Weight each subject-test index score by the corresponding value from the table below.

Unit Weights for K-8 Assessment Index				
Grade	ELA	Math	Science	Social Studies
3rd	2	2	1	1
4th	2	2	1	1
5th	2	2	1	1
6th	2	2	1	1
7th	2	2	1	1
8th	2	2	1	1

1. For the 2023-2024 school year, the social studies test for third through eighth grade students will be administered as a field test only. The K-8 assessment index for the 2023-2024 school year will be calculated with each subject-test index score weighted by the corresponding value from below. Unit weights for 2023-2024 K-8 assessment index:

- a. English Language Arts (ELA) - 2;
- b. Mathematics - 2; and
- c. Science - 2.

E. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 36:1989 (September 2010), LR 38:3106 (December 2012), LR 41:2579 (December 2015), LR 42:548 (April 2016), LR 42:2172 (December 2016), LR 44:448 (March 2018), LR 45:221 (February 2019), LR 47:445 (April 2021), LR 49:31 (January 2023), LR 49:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the

drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, August 9, 2023, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 111—The Louisiana School, District, and State Accountability System Social Studies Assessment Transition**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There are no anticipated implementation costs or savings to state or local governmental units as a result of the proposed rule change. The proposed rule change provides for assessment index calculations for student-level and school-level scores during the 2023-2024 field test of the new social studies LEAP assessment, aligning them to the Social Studies Content Standards adopted by BESE in 2022.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule change will not have an effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)
The proposed rule change will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rule change will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2307#050

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 136—The Louisiana Standards for Early Childhood Care and Education Programs Serving Children Birth-Five Years—Early Learning and Development Standards
(LAC 28:CLIX.Chapters 1 - 5)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CLIX in *Bulletin 136—The Louisiana Standards for Early Childhood Care and Education Programs Serving Children Birth-Five Years*. The aforementioned revisions replace and provide Early Learning and Development Standards (ELDS), a set of common, developmentally-appropriate expectations for what children typically know, understand, and are able to perform at different stages of early childhood. The ELDS provide age-appropriate goals for children’s learning and development that guide teachers, caregivers, and other early childhood professionals on the types of experiences and activities children should have during their earliest years. ELDS can be used to support developmentally appropriate curriculum and assessment and to outline a progression of development and learning that supports success in school and in life.

Title 28 EDUCATION

Part CLIX. Bulletin 136—Louisiana Early Learning and Development Standards for Children Birth to Five Years Chapter 1. General Provisions

§101. Introduction

A. Louisiana’s Early Learning and Development Standards (ELDS) provide a set of common, developmentally appropriate expectations for what children typically know, understand, and are able to perform at different stages of early childhood. These standards are research-based, comprehensive, and are written with the understanding that children reach developmental milestones at different times. The ELDS provide age-appropriate goals for children’s learning and development that can guide teachers, caregivers, and other early childhood professionals on what types of experiences and activities children should have during their earliest years. ELDS are used to support developmentally appropriate curriculum and assessment and to outline a progression of development and learning that supports success in school and in life.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:24.2, and R.S. 17:153

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2445 (September 2013), amended LR 49:

§103. Definitions

Alphabet Awareness—knowledge of letters of the alphabet coupled with the understanding that the alphabet represents the sounds of spoken language and the correspondence of spoken sounds to written language.

Approaches to Learning—behaviors and attitudes that indicate how children approach tasks and activities to learn and include characteristics such as initiative and curiosity;

attention, engagement and persistence; and problem solving which help strengthen and facilitate learning across other school readiness domains.

Attention, Engagement, and Persistence—the capacity to pay attention and engage in learning activities for short periods of time so that children can complete short-term, concrete tasks and activities and then progresses so that children can concentrate for longer periods of time, persist in activities of interest, and set goals.

Emergent Writing—young children’s first attempts at the writing process.

Expressive Communication—the ability to communicate our thoughts and feelings through words, gestures, signs, and/or symbols.

Fine Motor Development—Skill development involving the smaller muscles of the hand.

Gross Motor Development—Skill development involving the large muscles in the arms, legs and torso.

Initiative and Curiosity—Personal experiences and the openness and curiosity about new discoveries that begin with interest in the world around them and the initiative to gain new knowledge by taste, touch, smell, sight, sound, and physical actions, then develops into interaction with unfamiliar objects and materials, seeking new ways for using items in the environment, and learning new information in a variety of ways in order to add to the growing knowledge of the world.

Phonological Awareness—the awareness of and ability to work with sounds in spoken language.

Print Concepts—the understanding of the nature and uses of print.

Problem Solving—noticing how actions affect objects and cause things to happen, to find solutions, and to apply similar strategies again in the future including the skills of explaining how problems are solved, observation, reasoning, and prediction.

Receptive Communication—the ability to understand words and language.

Social and Emotional Development—the process through which children acquire the capacity to understand, experience, express, and manage emotions and to develop meaningful relationships with others.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2445 (September 2013), amended LR 49:

Chapter 3. Learning and Development

§301. Approaches to Learning

A. Initiative and Curiosity. Standard 1: Children engage in multiple and varied play-based experiences.

1. Infants, Birth-11 Months

a. Explore objects, materials, and/or people in their immediate environment using their senses. Interact with materials by manipulating them in a variety of ways (e.g., grasp; mouth; bang).

b. Demonstrate interest in others (e.g., turn head toward familiar voice).

c. Meet one’s own needs using simple behaviors (e.g., feed oneself finger foods).

d. Select a particular material, toy, or place of interest to explore on their own.

2. Young Toddlers, 9-18 Months
 - a. Explore and interact with familiar objects and materials in the environment. Use everyday objects and toys as intended in their play (e.g., build with blocks; stir with spoons).
 - b. Demonstrate interest in their surroundings.
 - c. Attempt to help with simple tasks and activities.
 - d. Express choices and preferences.
 3. Older Toddlers, 16-36 Months
 - a. Explore both familiar and unfamiliar materials, activities, and experiences. Explore new ways to use familiar objects during play (e.g., hold a banana to the ear and talk into it like a phone).
 - b. Seek information about familiar objects, people, and experiences.
 - c. Demonstrate increasing interest and independence in completing simple tasks.
 - d. Insist on preferences and express dislikes.
 4. Three Year Olds, 36-48 Months
 - a. Explore unfamiliar objects, materials, and experiences. Combine materials in new and unique ways (e.g., put blocks together to create a road for cars).
 - b. Seek information about unfamiliar objects, people, and experiences.
 - c. Complete a variety of simple tasks independently.
 5. Four Year Olds, 48-60 Months
 - a. Seek out and engage with unfamiliar objects, materials, and experiences.
 - b. Seek information and contribute to discussions about a variety of new topics, ideas, and activities.
 - c. Complete multi-step tasks independently.
- B. Attention, Engagement, and Persistence. Standard 2: Children engage in activities and tasks with attention, focus, and persistence.
1. Infants, Birth-11 Months
 - a. Establish eye contact with a familiar person. Attend to new objects and familiar adults in the environment.
 - b. Intentionally take action to make things happen (e.g., shake rattle to make noise).
 2. Young Toddlers, 9-18 Months
 - a. Focus attention on people, objects, and activities of interest.
 - b. Repeat self-selected tasks over and over again.
 - c. Complete self-selected tasks and then spontaneously express pleasure at accomplishments (e.g., smile; clap).
 3. Older Toddlers, 16-36 Months
 - a. Focus attention to complete a short, simple task with adult support.
 - b. Complete activities of choice from start to finish with adult support.
 - c. Remain actively engaged in activities of interest and protest if interrupted.
 4. Three Year Olds, 36-48 Months
 - a. Maintain focus on activities of interest despite distractions.

- b. Continue working on self-selected activities despite setbacks (e.g., try again after the block tower falls down).
 - c. Express goals and then work to achieve them with prompting and support (e.g., When asked, a child says "I want to make something" and then goes to the art center and draws a picture).
5. Four Year Olds, 48-60 Months
 - a. Maintain focus on adult-directed activities with adult support.
 - b. Persist with a challenging task despite interruptions and disruptions.
 - c. Express simple goals that extend over time, make plans, and follow through to complete them (e.g., Child says, "I want to play doctor after breakfast. Liam is going to play with me.", and then does so after eating).
- C. Problem Solving. Standard 3: Children demonstrate flexibility and creativity by using a variety of strategies to solve problems.
1. Infants, Birth-11 Months
 - a. Interact with objects in a variety of ways and notice the effects of their own actions.
 - b. Attend to objects and/or activities in the environment.
 - c. Solve simple problems and accomplish tasks using gestures, movement, and/or vocalizations (e.g., roll over to reach a toy; cry to express needs).
 2. Young Toddlers, 9-18 Months
 - a. Repeat behaviors to obtain desired results.
 - b. Observe the ways in which others interact with objects and materials.
 - c. Try out one or two strategies to accomplish tasks and solve problems with adult support.
 3. Older Toddlers, 16-36 Months
 - a. Experiment with the effects of simple actions on different objects (e.g., use a scoop to put sand into a bucket, then attempt to use a scoop to put water into a bowl).
 - b. Observe and imitate actions of others when attempting to accomplish tasks or solve problems.
 - c. Try out a variety of strategies to accomplish tasks and/or solve problems, often by trial and error.
 4. Three Year Olds, 36-48 Months
 - a. Make predictions based on past experiences.
 - b. Recall and use previously successful strategies to complete tasks.
 - c. Purposefully use a variety of strategies, changing the approach as needed, to accomplish tasks or solve problems.
 5. Four Year Olds, 48-60 Months
 - a. Make predictions and explain reasoning.
 - b. Apply prior knowledge and experiences to complete new tasks and solve new problems.
 - c. Communicate the steps used to solve problems and/or accomplish tasks.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2451 (September 2013), amended LR 49:

§303. Social and Emotional Development

A. Relationships with Adults. Standard 1: Children engage in and maintain positive relationships and interactions with adults.

1. Infants, Birth-11 Months
 - a. Notice and respond to familiar adults.
 - b. Respond differently to familiar versus new adults.
 - c. Move or cry to seek attention and comfort from familiar adults.
 - d. Engage in simple back-and-forth interactions with familiar adults (e.g., repeat cooing sound after adult responds).
 - e. Repeat actions that elicit social responses from familiar adults.
2. Young Toddlers, 9-18 Months
 - a. Mimic signs of recognition (e.g., smile, wave).
 - b. Seek to be near familiar adults and respond cautiously to new adults.
 - c. Request help from familiar adults to address wants and needs with sounds and body language.
 - d. Initiate back-and-forth play with familiar adults.
 - e. Imitate gestures and sounds of familiar adults during interaction.
3. Older Toddlers, 16-36 Months
 - a. Initiate signs of recognition with familiar adults.
 - b. Check in with familiar adults for reassurance when trying new things.
 - c. Request help from familiar adults when encountering difficult tasks or situations.
 - d. Initiate play and interactions with familiar adults.
 - e. Imitate behaviors observed in familiar adults (e.g., pretend to cook or read a book).
4. Three Year Olds, 36-48 Months
 - a. Demonstrate recognition of familiar adults using simple actions and/or words.
 - b. Separate from familiar adults when in familiar settings.
 - c. Request help from adults to meet needs and/or solve problems, then attempt to implement suggestions with adult support.
 - d. Interact with both familiar and new adults.
 - e. Interact with adults to seek information and to socialize.
5. Four Year Olds, 48-60 Months
 - a. Demonstrate recognition of familiar adults using multiple and varied actions and/or words.
 - b. Separate from familiar adults in new settings.
 - c. Work with adults to generate ideas for accomplishing tasks and/or solving problems, then implement suggestions independently.
 - d. Interact with adults new to their environment (e.g., substitute caregiver).
 - e. Interact with adults to share ideas and plan activities.

B. Relationships with Children. Standard 2: Children engage in and maintain positive relationships and interactions with other children.

1. Infants, Birth-11 Months
 - a. Notice other infants and children.
 - b. Touch, smile, or babble to other infants and children.

2. Young Toddlers, 9-18 Months
 - a. Interact briefly with other children using gesturing.
 - b. Demonstrate awareness of conflict (e.g., cry; turn away).
 3. Older Toddlers, 16-36 Months
 - a. Play alongside other children (parallel play) for short periods of time with adult support.
 - b. Take turns when playing with other children with adult guidance and support.
 - c. Interact more frequently with a familiar child.
 - d. Seek assistance from adults to resolve conflicts with other children.
 4. Three Year Olds, 36-48 Months
 - a. Interact or play cooperatively with other children.
 - b. Demonstrate prosocial behaviors (e.g., taking turns, sharing) when playing with other children with some prompting from adults.
 - c. Demonstrate preference to play with one or more specific children.
 - d. Initiate an activity or join other children in an activity that is already in progress.
 - e. Suggest solutions to conflicts with adult guidance and support.
 5. Four Year Olds, 48-60 Months
 - a. Interact or play cooperatively with a small group of children for a sustained period of time.
 - b. Demonstrate prosocial behavior (e.g., taking turns, sharing) when playing with other children with few reminders.
 - c. Demonstrate preference to routinely play with one or more specific children.
 - d. Initiate, join in, and sustain positive interactions with a small group of children.
 - e. Suggest solutions to resolve conflicts with other children with limited adult support.
- C. Self-Confidence. Standard 3: Children recognize themselves as unique individuals and express confidence in their own abilities.
1. Infants, Birth-11 Months
 - a. Explore one's own body parts (e.g., study hands; play with feet).
 - b. Respond to one's own image in a mirror.
 - c. React when name is called (e.g., smile; coo).
 - d. Express preferences for objects, activities, and people.
 - e. Demonstrate awareness of basic routines (e.g., move arms and legs rapidly at sight of bottle).
 - f. Express pleasure at things one has done (e.g., wiggle; coo; laugh).
 2. Young Toddlers, 9-18 Months
 - a. Point to one's own body parts when prompted.
 - b. Recognize oneself in a mirror.
 - c. Respond when name is called.
 - d. Express preferences for objects, activities, and people using gestures, signs, or words.
 - e. Indicate familiarity with routines or activities (e.g., attempt to hold a spoon; hold arms out to be picked up).
 - f. Demonstrate a sense of satisfaction when accomplishing simple tasks.
 - g. Express pride over accomplishments.

3. Older Toddlers, 16-36 Months
 - a. Identify/name body parts independently.
 - b. Identify oneself in photographs.
 - c. Use different words (e.g., I, me, mine) when referring to oneself, including first name.
 - d. Indicate preferences when asked (e.g., food; toys; activities).
 - e. Identify self as a unique member of a family (e.g., identify self and other family members in family photo).
 - f. Demonstrate confidence in one's own abilities and express satisfaction when demonstrating them to others.
 - g. Call attention to new skills or abilities.
4. Three Year Olds, 36-48 Months
 - a. Use one's own first and last name.
 - b. Describe oneself using personal characteristics.
 - c. Express likes and dislikes, and make choices based on personal preferences.
 - d. Share information about family members and traditions (e.g., describe family events, celebrations, and/or important people in their lives).
 - e. Demonstrate confidence in one's own abilities and accomplish routine and familiar tasks independently.
 - f. Express positive feelings about self when prompted.
5. Four Year Olds, 48-60 Months
 - a. Differentiate between self and others based on personal characteristics and/or interests.
 - b. Identify self as a unique member of different groups (e.g., family; preschool class).
 - c. Demonstrate confidence in one's own abilities, taking on new and challenging activities, and declining help when offered.
 - d. Describe oneself using positive terms (e.g., hard worker).

D. Emotion Regulation. Standard 4: Children regulate their emotions and behavior and respond to the emotions of others.

1. Infants, Birth-11 Months
 - a. Express simple emotions (e.g., contentment; distress) using sounds, facial expressions, and/or body movements.
 - b. React to an adult's expression of feelings (e.g., facial expression; tone of voice).
 - c. React to others' expressions of emotions (e.g., cries when another child cries).
 - d. Express and act on impulses (e.g., cry when hungry; explore how hair feels by pulling it).
 - e. React to stressful situations by shifting attention or turning away.
 - f. Accept comfort when held, rocked, or talked to by a familiar adult.
2. Young Toddlers, 9-18 Months
 - a. Express a range of basic emotions (e.g., happiness; sadness; fear; anger) using sounds, facial expressions, gestures and/or actions.
 - b. Imitate adult expressions of feelings using facial expressions, sounds, gestures, and/or actions.
 - c. Respond to others' expressions of emotions with adult support.

- d. Accept some redirection from adults.
- e. Participate in simple routines and accept transitions with adult support.
- f. Notice how others respond to one's own behaviors.
- g. Use simple behaviors to soothe oneself when upset.

3. Older Toddlers, 16-36 Months
 - a. Express a range of emotions (e.g., pride; embarrassment) using gestures, actions, and/or words.
 - b. Recognize feelings when named by an adult.
 - c. Respond in caring ways to others' expressions of emotions (e.g., take a blanket to a crying child).
 - d. Frequently respond positively to choices and limits set by an adult.
 - e. Participate in routines, accept transitions, and follow simple guidelines for behavior with adult support.
 - f. Experiment with effects of one's own actions on objects and people.
 - g. Imitate strategies to manage emotions and behavior with adult direction.
 - h. Demonstrate the ability to wait for a short period of time to get what one wants with guidance and support.

4. Three Year Olds, 36-48 Months
 - a. Express complex emotions (e.g., gratitude; jealousy) using actions and/or words.
 - b. Accurately identify one's own basic feelings (e.g., happy; mad; sad).
 - c. Accurately identify basic emotions in others and respond with care and concern.
 - d. Participate in routines, manage transitions, and follow adult guidelines for behavior with frequent reminders.
 - e. Demonstrate understanding of how one's own actions and behavior affect others.
 - f. Use a variety of strategies (e.g., deep breathing; use of words) to manage emotions and behavior with adult support.
 - g. Demonstrate the ability to wait to get something one wants (delayed gratification).

5. Four Year Olds, 48-60 Months
 - a. Express strong emotions in a manner that is safe for self and others with occasional adult support.
 - b. Accurately label one's own feelings and identify them in various situations.
 - c. Accurately label emotions in others, predict causes, and respond with care and concern (e.g., "He's sad because someone took his toy. He can have mine.").
 - d. Participate in routines, manage transitions, and follow adult guidelines for behavior with less frequent reminders, adapting to changes in each as needed.
 - e. Predict consequences of one's own and others' actions and behavior with adult support.
 - f. Manage emotions and behavior with occasional verbal, visual, and/or auditory reminders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2454 (September 2013), amended LR 49:

§305. Language and Early Literacy Development

A. Language Development, Receptive Communication.
Standard 1: Children attend to, understand, and respond to verbal and non-verbal communication and language from others.

1. Infants, Birth-11 Months
 - a. Recognize more than one tone of voice in adults and respond with body movement and sounds.
 - b. Demonstrate interest in voices, and focus on speech, sounds, and other communication directed at them.
 - c. Respond or show excitement upon hearing familiar words.
 - d. Respond to simple requests accompanied by gestures or tone of voice.
2. Young Toddlers, 9-18 Months
 - a. Respond to facial expressions, tone of voice, and some words that communicate basic emotions.
 - b. Respond to speech and other communication directed at them.
 - c. Respond appropriately to familiar words, signs, and/or songs.
 - d. Follow simple directions, especially if accompanied by gestures.
3. Older Toddlers, 16-36 Months
 - a. Respond to facial expressions, tone of voice, and words that communicate a variety of emotions.
 - b. Respond to simple statements, questions, and other communication.
 - c. Demonstrate understanding of descriptive words through conversations and actions.
 - d. Follow one or two-step directions with few gestures.
4. Three Year Olds, 36-48 Months
 - a. Respond to statements, questions, and other communication.
 - b. Demonstrate understanding of a variety of words through conversations and actions, including those relating to objects and actions. Determine the meaning of unknown words by asking questions or using contextual clues, with modeling and support.
 - c. Follow directions of two or more steps with familiar objects, experiences, and/or routines, using visual cues if needed (e.g., wash and dry hands using a visual of the hand-washing sequence).
5. Four Year Olds, 48-60 Months
 - a. Respond to complex statements, questions, and other communication that include multiple phrases and ideas.
 - b. Demonstrate understanding of a variety of words through conversations and actions, including words that express abstract concepts such as synonyms and opposites. Determine the meaning of unknown words by asking questions, using contextual clues, pictures, and/or prior knowledge.
 - c. Follow detailed directions that involve multiple steps (e.g., "Get the sponge, dampen it with water, and clean your table top.").

B. Language Development, Expressive Communication.
Standard 2: Communicate with others to express self.

1. Infants, Birth-11 Months
 - a. Experiment with making sounds. Engage in babbling.

- b. Communicate needs and wants, interest, or dislike through vocalizations, gestures, and facial expressions.
 2. Young Toddlers, 9-18 Months
 - a. Communicate through word-like sounds, some words, and some simple phrases.
 - b. Express needs and wants and refer to familiar people and objects using verbal and non-verbal communication.
 - c. Respond to simple statements and questions about pictures, people, and things that are present.
 - d. Use some pronouns.
 3. Older Toddlers, 16-36 Months
 - a. Communicate through simple phrases and/or short sentences, but may omit some words or use some words incorrectly (e.g., "Mommy goed to store").
 - b. Communicate requests and describe familiar people and objects using verbal and non-verbal communication.
 - c. Answer and ask simple questions about things and activities at the time they are happening.
 - d. Use correct words for familiar people, objects, and animals. Describe observable characteristics of objects, such as color and size, with simple words. Expand their vocabulary by asking others to name unfamiliar objects.
 - e. Speak in a way that is understood by most familiar people.
 - f. Use the plural forms of some nouns, not always correctly. Use the past tense of some verbs. Use simple adjectives in statements.
 4. Three Year Olds, 36-48 Months
 - a. Communicate using simple sentences.
 - b. Communicate ideas, describe activities, and negotiate social interactions using verbal communication.
 - c. Answer and ask questions about a variety of familiar topics, activities, and/or concepts.
 - d. Express emotions, talk about position and direction, and describe actions using a variety of words. Describe the use of familiar objects, including objects that belong in the same category based on how they are used. Determine the meaning of unknown words by asking questions or using contextual clues, with modeling and support.
 - e. Speak in a way that is understood by unfamiliar listeners but may make some pronunciation errors.
 - f. Use common prepositions, correct subject-verb agreement, pronouns, and possessives.
 5. Four Year Olds, 48-60 Months
 - a. Communicate using longer sentences, including the use of descriptive details and vocabulary and/or combining two or three phrases.
 - b. Communicate about abstract ideas, tell a story, describe past experiences, and discuss objects that are not physically present using verbal communication. Adjust communication strategies if the message is not understood.
 - c. Answer and ask complex questions to learn more about topics of interest, understand tasks, and solve problems, with explanation or follow-up questions.
 - d. Use several words that explain the same idea (i.e., synonyms) and opposites. Use acquired vocabulary in conversations. Determine the meaning of unknown words using prior knowledge and context clues in conversation.

e. Speak in a way that is understood by unfamiliar listeners, with few pronunciation errors.

f. Correctly use a variety of different types of words, including prepositions, regular and irregular plural nouns, pronouns, possessives, and regular and irregular past tense verbs, most of the time.

C. Language Development, Social and Conversational Rules. Standard 3: Children use social and conversational rules when communicating with others.

1. Infants, Birth-11 Months

a. Initiate interactions with another person using movement and/or behavior.

b. Briefly pay attention to the same object at which the caregiver is looking. Engage in turn-taking during social and vocal play with adults and other children.

2. Young Toddlers, 9-18 Months

a. Initiate interactions with others using gestures and/or vocalizations.

b. Establish joint attention by looking at an object, at their caregiver, and back at the object. Respond to communication from another person using multiple means (non-verbal and verbal).

c. "Jabber" and vocalize sounds in a way that is similar to the rhythm and flow of conversations around them.

3. Older Toddlers, 16-36 Months

a. Ask questions or use verbal or non-verbal cues to initiate communication with others.

b. Participate in short conversations, with some turn-taking exchanges.

c. Listen attentively during brief group conversations and respond to questions or requests made to the group.

d. Communicate in short sentences that follow the word order of their home language.

4. Three Year Olds, 36-48 Months

a. Sometimes initiate communication with peers by asking questions or using verbal or non-verbal cues.

b. Participate in conversations that include multiple turn-taking exchanges, particularly related to topics of interest.

c. Use appropriate volume and intonation when communicating, with modeling and support.

d. Make comments and ask questions related to the topic of discussion during small or large group conversations, with prompting and support. Follow simple rules for group discussions, with reminders.

e. Communicate in sentences and use more conventional grammar in their home language (plurals, tenses, prepositions). Make grammatical errors that follow their home language rules.

5. Four Year Olds, 48-60 Months

a. Initiate communication with peers by asking questions or using verbal cues.

b. Initiate and participate in conversations that involve multiple turn-taking exchanges, with each exchange relating to and building upon the previous.

c. Use appropriate volume and intonation to match the situation when communicating.

d. Participate in a group discussion, making comments and asking questions related to the topic. Follow

commonly accepted norms of communication in group settings with increasing independence.

e. Speak in full sentences that are grammatically correct within their home language most of the time.

D. Early Literacy, Phonological Awareness. Standard 1: Children demonstrate awareness that spoken language is composed of smaller segments of words and sounds.

1. Young Toddlers, 9-18 Months

a. Demonstrate interest in familiar rhymes and songs.

2. Older Toddlers, 16-36 Months

a. Sing songs and say or repeat familiar rhymes.

b. Sing songs with multiple words that start with the same initial sound.

3. Three Year Olds, 36-48 Months

a. Repeat rhyming words in familiar songs, finger plays, and rhymes, filling in rhyming words when given the opportunity.

b. Shows awareness that some words start with the same initial sound.

c. Segment spoken sentences into individual words with guidance and support.

d. Identify syllables in spoken words with guidance and support.

e. Blend a sequence of spoken syllables to produce words with guidance and support.

5. Four Year Olds, 48-60 Months

a. Identify and produce rhyming words.

b. Identify the initial sound in a spoken word with guidance and support.

c. Segment spoken sentences into individual words.

d. Identify syllables in spoken words.

e. Blend a sequence of spoken syllables to produce words.

f. Blend onsets and rimes of single syllable spoken words with guidance and support.

E. Early Literacy, Print Concepts. Standard 2: Children demonstrate knowledge of books and how print conveys meaning.

1. Infants, Birth-11 Months

a. Explore books by touch (e.g., patting and/or chewing on board books).

b. Demonstrate interest in books by reaching for books and exploring books through touch.

2. Young Toddlers, 9-18 Months

a. Hold books, look at pictures, and help turn some pages.

b. Request to have books read to them.

3. Older Toddlers, 16-36 Months

a. Recognize some familiar symbols and logos in the environment.

b. Recognize that print, symbols, and pictures have meaning.

c. Hold a book as if reading and turn some pages, but not always in the right order. Recognize specific books by their cover and look for specific pages in familiar books.

d. Self-select familiar books and engage in shared reading.

4. Three Year Olds, 36-48 Months

a. Recognize and name familiar symbols and logos in the environment (environmental print).

b. Distinguish print from pictures and show awareness that print communicates meaning.

c. Hold a book right side up and turn most pages one by one from front to back. Demonstrate awareness that print progresses from left to right and top to bottom on a page with guidance and support.

d. Share self-selected familiar books and engage in pretend reading with others.

5. Four Year Olds, 48-60 Months

a. Recognize and name pictures, symbols, and logos in the environment (environmental print).

b. Demonstrate an understanding that print has meaning and corresponds with spoken language. Demonstrates awareness that written words are made up of a group of individual letters.

c. Hold a book right side up while turning pages one by one from front to back. Identify parts of a book such as the front, back, and title. Demonstrate awareness of some conventions of print (e.g., capital letters, where to start reading on a page, and how to progress across and down a page). Describe the role of the author and illustrator of a text.

d. Demonstrate interest in different kinds of literature, such as fiction and non-fiction books and poetry, on a range of topics.

F. Early Literacy, Alphabet Awareness. Standard 3: Children recognize and identify letters and make letter-sound connection.

1. Older Toddlers, 16-36 Months

a. Recognize letters of the alphabet as a special category of print, different from pictures and shapes.

2. Three Year Olds, 36-48 Months

a. Recognize and name some letters of the alphabet, especially those in their own name, as well as letters that occur frequently in the environment.

b. Identify the sound for a few recognized letters.

3. Four Year Olds, 48-60 Months

a. Recognize and name many of the letters in the alphabet, specifically letters in their own name, as well as letters that occur frequently in the environment.

b. Identify or produce the sound of many recognized letters.

c. Recognize their own name and some common words in print.

G. Early Literacy, Comprehension. Standard 4: Children show interest in and gain understanding from a variety of early literacy experiences.

1. Older Toddlers, 16-36 Months

a. Recite some words of a familiar book when read to, especially from books with repeating text.

b. Ask or answer simple questions about a familiar story or book, including informational text.

c. Recognize when a story or book describes something that is similar to their own experiences.

2. Three Year Olds, 36-48 Months

a. Tell make-believe or real-life stories, sometimes in random sequence.

b. Retell familiar stories using pictures or props as prompts.

c. Ask or answer questions about key details in a familiar story, informational book, or other text.

d. Answer questions about how events and information from stories relate to their own experiences.

e. Share their own thoughts and reactions to a story or text.

f. Explore a variety of literacy genres, including stories/make believe, informational text, and poetry.

3. Four Year Olds, 48-60 Months

a. Tell make-believe or real-life stories using a sequence of at least 2–3 connected events.

b. Describe some key details from familiar stories, such as characters, setting, and/or major events.

c. Ask or answer questions about key details in a familiar story, informational book, or other text. Make predictions about events that might happen next, with guidance and support.

d. Recall their own experiences that relate to events and information from stories or informational texts.

e. Analyze and reason about stories and other text with guidance and support during shared reading experiences.

f. Recognize differences between stories/make believe, information text, and poetry.

H. Early Literacy, Emergent Writing. Standard 5: Children write and draw to express their ideas, using some letters and print conventions.

1. Young Toddlers, 9-18 Months

a. Make marks or scribbles using a variety of media (e.g., finger paint, chalk).

2. Older Toddlers, 16-36 Months

a. Draw or scribble with a purpose during play or other activities.

b. Make intentional, more controlled scribbles and shapes (e.g., straight or curved lines).

c. Draw a picture and describe what it represents.

3. Three Year Olds, 36-48 Months

a. Show emerging awareness that writing can be used for a variety of purposes.

b. Write letter-like forms and a few letters, although often not oriented or written correctly. String some letter-like forms and/or letters together as if they are a word.

c. Dictate ideas for someone to write down. Use scribbles, shapes, letter-like forms, letters, and numerals to write and/or represent words or ideas. Discuss or answer questions about their writing and drawings.

4. Four Year Olds, 48-60 Months

a. Use writing for a variety of purposes to convey meaning.

b. Write some letters of meaningful words such as their name, using letters and letter-like forms.

c. Attempt to write some words using invented spelling. Demonstrate awareness of some print conventions (e.g., moving from left to right when writing; leaving space between some groups of letters).

d. Dictate elaborative or meaningful information or stories for someone to write down. Use writing and/or digital tools to communicate information. Use classroom resources (e.g., labels; anchor charts) to support writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2454 (September 2013), amended LR 49:

Chapter 5. Cognitive Development and General Knowledge

§501. Mathematics

A. Knowledge of Numbers. Standard 1: Children demonstrate knowledge of numbers and the relationships between numbers and quantities.

1. Infants, Birth-11 Months
 - a. Demonstrate interest in quantity during play (e.g., reach for more toys; hold two objects, one in each hand).
 - b. Indicate they want "more" using gestures, sounds, or looks.
2. Young Toddlers, 9-18 Months
 - a. Demonstrate interest in simple counting activities.
 - b. Indicate understanding of the concepts of "more," "all," and "none" using gestures, words, or actions.
3. Older Toddlers, 16-36 Months
 - a. Rote count to 10 with increasing accuracy.
 - b. Count a small set of objects (2-3) with one-to-one correspondence.
 - c. Indicate understanding of the concepts of "one" and "two" using gestures, words, or actions (e.g., child complies when adult says, "Take just one cookie").
 - d. Recognize a few numerals in the everyday environment.
 - e. Identify an object or person as first in a sequence.
4. Three Year Olds, 36-48 Months
 - a. Rote count to 10 with accuracy.
 - b. Count up to five objects arranged in a line with one-to-one correspondence.
 - c. Begin to understand that the last number counted represents how many objects are in a group (cardinality).
 - d. Recognize and name the number of items in a small set (up to three) without counting (subitizing).
 - e. Compare two groups of objects and indicate whether the number of objects in each group is the same or different.
 - f. Identify written numerals 0-5 by name and match each to counted objects.
 - g. Identify the first and often second object or person in a sequence.
5. Four Year Olds, 48-60 Months
 - a. Rote count to 20 with accuracy. Tell what number (1-10) comes next in order by counting.
 - b. Accurately count up to ten objects in a structured arrangement with one-to-one correspondence.
 - c. Tell how many objects are in a group by giving the last number counted (cardinality).
 - d. Recognize and name the number of items in a small set (up to five) without counting (subitizing).
 - e. Compare two groups of objects and identify whether the number of objects in one group is more, less, or the same as the number of objects in the other group.
 - f. Identify written numerals 0-10 by name and match each to counted objects.
 - g. Read and write some numerals up to 10.
 - h. Identify an object's or person's position in a sequence using ordinal numbers (e.g., first; second; third).

B. Patterns and Operations. Standard 2: Children demonstrate knowledge of patterns and operations.

1. Infants, Birth-11 Months
 - a. Demonstrate awareness of repeating sequences in everyday routines.
2. Young Toddlers, 9-18 Months
 - a. Notice and anticipate simple repeating sequences (e.g., go to table for lunch after washing hands).
3. Older Toddlers, 16-36 Months
 - a. Recognize and participate in patterns within stories and in songs.
4. Three Year Olds, 36-48 Months
 - a. Recognize and copy simple repeating patterns in different forms (e.g., red-blue; circle-square).
 - b. Combine and separate small groups of objects and describe the parts. (e.g., I have four cubes. Three are red, and one is blue.).
5. Four Year Olds, 48-60 Months
 - a. Identify, duplicate, extend, and create simple repeating patterns in different forms (e.g., red-red-blue; circle-square-triangle).
 - b. Solve simple addition and subtraction problems by using concrete objects or fingers during play and daily activities (e.g., If we have 3 apples and eat 1, how many apples do we have left?).

C. Measurement. Standard 3: Children measure objects by their various attributes and use differences in attributes to make comparisons.

1. Young Toddlers, 9-18 Months
 - a. Match two objects based on one observable feature.
 - b. Explore objects of different sizes and weights.
2. Older Toddlers, 16-36 Months
 - a. Group objects by one physical characteristic (attribute) (e.g., color; size; shape).
 - b. Make simple comparisons between two objects using measurable attributes (e.g., length; height; weight).
3. Three Year Olds, 36-48 Months
 - a. Sort objects into two or more groups based on one physical characteristic (attribute).
 - b. Describe objects using measurable attributes (e.g., tall/short; big/little; heavy/light).
4. Four Year Olds, 48-60 Months
 - a. Sort objects by one characteristic (attribute), then re-sort using a different characteristic and explain the reasoning with guidance and support.
 - b. Describe measurable attributes of objects and materials using comparative words (e.g., long; longer; longest).
 - c. Compare and order a small set of objects using measurable terms (e.g., length; weight).
 - d. Describe the purpose of simple measurement tools.
 - e. Measure using multiples of the same non-standard unit (e.g., paper clips; snap cubes) with guidance and support.

D. Shapes and Spatial Relationships. Standard 4: Children identify shapes and their properties, and describe the positions of objects in space.

1. Infants, Birth-11 Months
 - a. Explore various shapes through play.
 - b. Explore and respond to the movement of objects, people, or self (e.g., navigate obstacles while crawling to destination).
2. Young Toddlers, 9-18 Months
 - a. Explore the way shapes and objects fit together through play.
 - b. Explore and respond to how things move through space or fit together (e.g., putting smaller objects into a small box and larger objects into a large box).
3. Older Toddlers, 16-36 Months
 - a. Match basic shapes (e.g., circle; square; typical triangle) of the same size and orientation.
 - b. Move their body and objects to follow simple directions related to position (e.g., in; on; under; over; up; down).
4. Three Year Olds, 36-48 Months
 - a. Match a wider variety of shapes with different sizes and orientations.
 - b. Recognize basic shapes (e.g., circle; square; typical triangle).
 - c. Build objects by combining basic shapes (e.g., pictures; tangrams; block structures).
 - d. Move their body and objects to follow simple directions related to proximity (e.g., beside; between; next to).
5. Four Year Olds, 48-60 Months
 - a. Identify basic shapes (e.g., circle; square; triangle; rectangle) regardless of size and orientation.
 - b. Describe basic two- and three-dimensional shapes (e.g., a square has four sides; the ball rolls).
 - c. Create and build shapes using a variety of materials (e.g., popsicle sticks to create a square).
 - d. Identify and respond accurately to positional words indicating location, direction, and distance (e.g., above; below; in front of; near; behind).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2471 (September 2013), amended LR 49:

§503. Science: Scientific Inquiry

A. Science. Standard 1: Children engage in scientific inquiry to explore observable phenomena (objects, materials, organisms, and events) in the physical and natural world.

1. Infants, Birth-11 Months
 - a. Demonstrate interest in objects, materials, people, and/or their environment using their senses.
2. Young Toddlers, 9-18 Months
 - a. Observe and explore the immediate environment using their senses.
 - b. Actively experiment with and explore the physical properties of objects and substances.
 - c. Communicate, verbally or non-verbally, what is seen, heard, or felt when exploring the physical and natural world.
3. Older Toddlers, 16-36 Months
 - a. Observe, ask questions, and make predictions about the physical and natural world, using their senses and simple tools.

- b. Put materials, substances, and/or objects together in new or unexpected ways to see what will happen.
- c. Share ideas and thoughts related to interactions with and observations made about the physical and natural world.

4. Three Year Olds, 36-48 Months
 - a. Investigate, observe, ask questions, make predictions, make comparisons, and gather information about the physical and natural world using their senses and simple tools.

- b. Participate in simple scientific investigations.
- c. Describe and record findings from investigations they have conducted with prompting and support (e.g., verbally or non-verbally; drawings).

5. Four Year Olds, 48-60 Months
 - a. Observe, ask questions, predict, make comparisons, and gather information about the physical and natural world using their senses, prior knowledge, previous experiences, equipment, and tools.

- b. Conduct scientific investigations and simple experiments.
- c. Describe and generate explanations and/or conclusions about investigations they have conducted with guidance and support (e.g., discussions; drawings; graphs).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2472 (September 2013) LR 49:

§505. Social Studies

A. Time and Place. Standard 1: Children demonstrate an awareness of time (past, present, and future) and place within the community.

1. Infants, Birth-11 Months
 - a. Demonstrate anticipation of events in daily routines and activities.
2. Young Toddlers, 9-18 Months
 - a. Demonstrate anticipation of events in daily routines and activities using verbal and non-verbal cues.
3. Older Toddlers, 16-36 Months
 - a. Respond (positively or negatively) to changes in routines or schedules.
 - b. Demonstrate a general understanding of the passing of time and the meaning of phrases, such as “not now” and “after lunch”.
 - c. Recognize familiar landmarks, signs, and buildings in one’s neighborhood/community.
4. Three Year Olds, 36-48 Months
 - a. Recall the sequence of daily routines, events, and/or activities that happened at an earlier time.
 - b. Communicate an awareness of time using gestures, words, or phrases (e.g., when I was little; when we lived in our old house).
 - c. Communicate, with increasing specificity, the location of objects/areas at school, home, and within the community.
5. Four Year Olds, 48-60 Months
 - a. Communicate events, activities, and people from the past.
 - b. Use time related vocabulary (e.g., today; tomorrow; before; after) with increasing accuracy.

c. Identify familiar landmarks in their community (e.g., fire station; post office).

d. Identify the relative location of specific objects and/or features in a familiar environment (e.g., classroom; playground) through drawings or play activities.

B. Cultural Awareness. Standard 2: Children demonstrate an awareness of culture as it relates to self, family, and community.

1. Infants, Birth-11 Months

a. Demonstrate a preference for familiar versus new individuals.

2. Young Toddlers, 9-18 Months

a. Distinguish between familiar and new individuals.

b. Demonstrate an awareness of the characteristics of themselves and others.

3. Older Toddlers, 16-36 Months

a. Identify known people in pictures.

b. Identify the distinct characteristics of themselves and others.

c. Carry out some routines and responsibilities in the classroom with adult support and guidance.

4. Three Year Olds, 36-48 Months

a. Communicate information about their family and community.

b. Identify and/or ask questions about the distinct characteristics of groups of people and cultures.

c. Carry out routines and responsibilities in the classroom with prompting from adults.

5. Four Year Olds, 48-60 Months

a. Describe familiar elements of one's family, community, and traditions.

b. Distinguish the distinct characteristics of groups of people and cultures.

c. Identify responsibilities of self and others in school, home, and community.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2472 (September 2013), amended LR 49:

§507. Creative Arts

A. Music and Movement. Standard 1: Children engage in multiple and varied music and movement experiences.

1. Infants, Birth-11 Months

a. Attend to, vocalize, and/or move body in response to different types of music and/or rhythmic sounds.

b. Make sounds and/or music using their bodies, toys, or small, shaker-type instruments.

2. Young Toddlers, 9-18 Months

a. Move body in response to the beat and tempo of music and/or rhythmic sounds.

b. Imitate sounds and/or music using their bodies and/or small instruments.

3. Older Toddlers, 16-36 Months

a. Move body to imitate the beat and tempo of music.

b. Imitate sounds and/or music using their bodies, instruments, and/or voice.

4. Three Year Olds, 36-48 Months

a. Move body with creativity to imitate the beat and tempo of music of different genres.

b. Create music using their bodies, instruments, and/or voice.

5. Four Year Olds, 48-60 Months

a. Express thoughts and feelings through dance and movement with increasing spatial awareness.

b. Create music using instruments and/or voice to produce more complex rhythms, tones, melodies, and songs. Show increasing awareness of various components of music: melody (tune), pitch (high and low sounds), rhythm (beat), tempo (speed), and volume.

B. Visual Arts. Standard 2: Children engage in multiple and varied visual arts experiences.

1. Infants, Birth-11 Months

a. Attend to visual stimuli (e.g., objects with contrasting colors; textured prints).

2. Young Toddlers, 9-18 Months

a. Respond to visual art by reaching for, pointing at, touching, or vocalizing/verbalizing.

b. Explore a variety of materials to create visual art.

3. Older Toddlers, 16-36 Months

a. Observe and respond to visual art by communicating a preference.

b. Explore a variety of materials and tools to create visual art.

4. Three Year Olds, 36-48 Months

a. Observe and participate in discussions about various forms of art, including what they notice and what it makes them think about.

b. Explore a variety of materials, tools, and techniques to create artistic works.

5. Four Year Olds, 48-60 Months

a. Observe and participate in discussions about various forms of art, including how it makes them feel, and/or specific elements of art (e.g., color; line; texture).

b. Use a variety of materials, tools, and techniques to create artistic works that reflect their own culture, thoughts, feelings, experiences, or knowledge.

C. Dramatic Play. Standard 3: Children engage in multiple and varied forms of dramatic play.

1. Infants, Birth-11 Months

a. Imitate behaviors, such as sounds, facial expressions, and gestures of others.

b. Respond to volume in tones and inflection.

2. Young Toddlers, 9-18 Months

a. Role-play familiar behaviors during play (e.g., rock baby doll; talk on phone).

b. Experiment with voice inflection during play.

3. Older Toddlers, 16-36 Months

a. Engage in dramatic play that expands beyond personal experiences (e.g., firefighter rescuing people).

b. Imitate and repeat voice inflections, such as character or animal sounds.

c. Use props and pretend to be someone other than themselves.

4. Three Year Olds, 36-48 Months

a. Engage in dramatic play that includes both real-life and fantasy experiences.

b. Create various voice inflections and facial expressions in play.

c. Engage in play experiences that involve roles with the use of props and costumes.

5. Four Year Olds, 48-60 Months
 - a. Participate in dramatic play to express thoughts, feelings, and creativity.
 - b. Represent a character by using voice inflections and facial expressions.
 - c. Engage in a variety of play experiences that include elements of drama (e.g., roles; dialogue; props).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2472 (September 2013), amended LR 49:

§509. Physical Development and Well-Being

A. Gross Motor. Standard 1: Children demonstrate large muscle control and coordination.

1. Infants, Birth-11 Months
 - a. Explore the environment with increasing body awareness using senses and movement.
 - b. Demonstrate strength and control of head, trunk, arms, and legs while exploring new body positions and movements (e.g., sitting; crawling; kicking).
 - c. Demonstrate strength and control of one's body while exploring objects in their environment. (e.g., reaching; rolling over).
 - d. Engage in play to develop strength and stamina by continuing purposeful movements over short periods of time (e.g., reaching; pushing; rolling over).
2. Young Toddlers, 9-18 Months
 - a. Coordinate senses with movement to show where their body is in relation to other objects and people in the environment.
 - b. Move in a variety of ways and directions with increasing coordination and balance.
 - c. Maintain control of one's body in various positions while exploring and examining materials, activities, and spaces.
 - d. Engage in physical play activities for periods of time to develop strength and stamina.
3. Older Toddlers, 16-36 Months
 - a. Demonstrate body and spatial awareness to guide movement around objects and people.
 - b. Use large muscle movements (locomotor skills) with increasing control, coordination, and balance (e.g., moving from sitting to standing; jumping).
 - c. Use a variety of large muscle movements (non-locomotor) during play (e.g., hands in the air; turn around; stand on one foot).
 - d. Engage in physical play activities for moderate periods of time to develop strength and stamina.
4. Three Year Olds, 36-48 Months
 - a. Demonstrate body and spatial awareness in physical play activities (e.g., moves around cones).
 - b. Use large muscle movements (locomotor skills) with control, coordination, and balance (e.g., running; hopping; climbing stairs).
 - c. Use large muscle movements (non-locomotor) with control, balance, and coordination during active play (e.g., bending; stretching; twisting).
 - d. Demonstrate strength and stamina that allows for participation in physical play activities for moderate periods of time.

5. Four Year Olds, 48-60 Months
 - a. Demonstrate increasing awareness of body and space in relation to other people and objects in physical play activities.

b. Coordinate movements of the whole body (locomotor skills) with control and balance to perform more complex tasks.

c. Demonstrate coordination when using objects during active play (e.g., throwing; catching; kicking balls).

d. Demonstrate increased strength and stamina that allows for participation in active play activities for extended periods of time.

B. Fine Motor. Standard 2: Children demonstrate small muscle control and coordination.

1. Infants, Birth-11 Months
 - a. Use whole hand and fingers to explore objects (e.g., touch; grasp; pick up; bang; transfer).
 - b. Coordinate eye and hand movements when grasping or picking up objects.
 2. Young Toddlers, 9-18 Months
 - a. Demonstrate control and coordination of hand and fingers (small muscles) to manipulate objects.
 - b. Coordinate eye and hand movements to explore objects and participate in play activities (e.g., fill containers; stack blocks).
 3. Older Toddlers, 16-36 Months
 - a. Demonstrate increasing control and coordination of hand and fingers (small muscles) while engaged in intentional activities.
 - b. Coordinate eye and hand movements while performing simple tasks (e.g., using utensils for eating; putting simple puzzles together; stringing large beads).
 4. Three Year Olds, 36-48 Months
 - a. Demonstrate increasing control and coordination of hands, fingers, and wrists (small muscles) to manipulate objects and tools with a purpose.
 - b. Demonstrate eye-hand coordination to manipulate smaller objects (e.g., large buttons; zippers; scissors) with increasing control.
 5. Four Year Olds, 48-60 Months
 - a. Coordinate the use of hands, fingers, and wrists to manipulate objects and perform activities and tasks with precision.
 - b. Demonstrate eye-hand coordination to perform complex tasks (e.g., cutting on lines; drawing) with moderate levels of precision and control.
- C. Healthy Behaviors. Standard 3: Children will demonstrate healthy and safe behaviors.
1. Infants, Birth-11 Months
 - a. Engage in active movement (e.g., tummy time; holding head up; kicking legs; waving; rolling over).
 2. Young Toddlers, 9-18 Months
 - a. Engage in active play indoors or outdoors with adult support.
 - b. Participate in some basic safety practices (e.g., fire/tornado drills).
 3. Older Toddlers, 16-36 Months
 - a. Actively engage in physical activities indoors or outdoors (e.g., dance; hide and seek; climb on equipment).
 - b. Follow safety rules with adult support.

4. Three Year Olds, 36-48 Months
 - a. Actively engage in a variety of games, as well as structured and unstructured indoor or outdoor physical activities.
 - b. Recognize some foods (real or pictures) that are healthy and other foods that are less healthy for the body.
 - c. Identify safety rules and follow them with guidance from adults.
5. Four Year Olds, 48-60 Months
 - a. Initiate and engage in a variety of physical activities (e.g., games; exercises) that enhance physical fitness.
 - b. Identify different foods that are healthy and indicate why a particular food is healthy or unhealthy.
 - c. Identify and follow safety rules with minimal guidance from adults (e.g., hold an adult's hand when crossing the street; walk rather than run when indoors).
 - d. Begin to identify and alert others of potential hazards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? Yes.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, August 9, 2023, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 136—The Louisiana Standards for Early Childhood Care and Education Programs Serving Children Birth-Five Years—Early Learning and Development Standards

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will result in an increase in costs within the Louisiana Department of Education (LDE) to comply with the updated requirements. There may be increased costs to develop updated resources, guidance, and materials to support educators in their work as it relates to the Early Learning Development Standards. Most of these materials will be developed by LDE staff using existing resources. Additional resources may be developed using Child Care and Development Fund (CCDF) or American Rescue Plan Act (ARPA) dollars.

The proposed rule change updates Early Learning and Development Standards (ELDS), a set of common, developmentally-appropriate expectations for what children typically know, understand, and are able to perform at different

stages of early childhood. The ELDS provide age-appropriate goals for children’s learning and development that guide teachers, caregivers, families, and other early childhood professionals on the types of experiences and activities children should have during their earliest years. ELDS can be used to support developmentally appropriate curriculum and assessment and to outline a progression of development and learning that supports success in school and in life.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change may require child care providers to participate in further training; however, LDE covers much of the cost of these trainings through Child Care Resource and Referral Agencies and/or through online trainings developed and provided by LDE.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2307#058

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 140—Louisiana Early Childhood
Care and Education Network
(LAC 28:CLXVII.103, 503, 509, 511, 513, and 519)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CLXVII in *Bulletin 140—Louisiana Early Childhood Care and Education Network*. The aforementioned revisions provide the inclusion in definitions of family child care home with current academic approval for early childhood care and education programs and sites. Further revisions update observation requirements, child-to-teacher ratios, and technical edits.

**Title 28
EDUCATION**

**Part CLXVII. Bulletin 140—Louisiana Early Childhood
Care and Education Network**

Chapter 1. General Provisions

§103. Definitions

* * *

Early Childhood Care and Education Program (Program)—an early learning center-based, school-based organization, or family child care home with current academic approval, that is providing early childhood care and education to children ages birth to five years who have not yet entered kindergarten.

Early Childhood Care and Education Site (Site)—a distinct early learning center-based, school-based location, or family child care home with current academic approval, that is providing early childhood care and education to

children ages birth to five years who have not yet entered kindergarten.

* * *

LA 4 Program—the Cecil J. Picard LA 4 Early Childhood Program that provides funding for PreK classrooms for four-year-old children who are eligible to enter kindergarten the following school year.

LDOE—Louisiana Department of Education, may also be referenced as LDE or department.

* * *

Publicly-Funded Early Childhood Care and Education Program—an early learning center-based, school-based organization, or family child care home with current academic approval, that is providing early childhood care and education to children ages birth to five years who have not yet entered kindergarten with funds from either CCAP, Early Head Start, Head Start, NSECD, LA 4 Program, 8(g) block grant, title 1 of ESSA or IDEA part B, other local, state, or federal funds, or that is authorized to receive CCAP, or that participates in the quality start child care rating system.

Publicly-Funded Early Childhood Care and Education Site—a distinct early learning center-based, school-based location, or family child care home with current academic approval, that is providing early childhood care and education to children ages birth to five years who have not yet entered kindergarten in a full-day setting with funds from either CCAP, Early Head Start, Head Start, NSECD, LA 4 Program, 8(g) block grant, title 1 of ESSA or IDEA part B, other local, state, or federal funds, or that is authorized to receive CCAP, or that participates in the quality start child care rating system.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.23 and R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2580 (December 2015), amended LR 42:1871 (November 2016), LR 44:1438 (August 2018), LR 49:

**Chapter 5. Early Childhood Care and Education
Accountability System**

**§503. Coordinated Observation Plan and Observation
Requirements**

A. Coordinated observation is the local process by which each community network ensures that every classroom, including virtual classrooms, in a publicly-funded site in the community network receives two *CLASS*[®] observations each school year.

B. - B.2.b. ...

c. *CLASS*[®] observations for pre-K classrooms must include all three Pre-K-3rd *CLASS*[®] domains, which are emotional support, classroom organization, and instructional support, and all dimensions contained within.

3. - 4.b....

c. a classroom that has all pre-K children or a classroom that has a mix of toddler and Pre-K children in which the majority or at least half are pre-K children shall be observed with the Pre-K-3rd *CLASS*[®];

d. a classroom that has a mix of pre-K and kindergarten age children shall be observed using the Pre-K-3rd *CLASS*[®] when either the majority of the class is pre-K or if the classroom receives early childhood funding;

4.e. - 5.c.v. ...

d. Observers who ~~are~~ receive notification from the LDOE under Clause 5.c.i of this Subsection must meet the reliability requirements of 80 percent accuracy through annual recertification prior to being permitted to complete observations for the community network.

B.3.e. - C.2.b. ...

3. Submission of Observation Schedules

a. For the fall observation period, the observation schedule must be submitted to the LDOE via the Early Childhood CLASS® portal or a comparable LDOE-approved system by October 1 unless otherwise specified by the department.

b. For the spring observation period, the observation schedule must be submitted to the LDOE via the Early Childhood CLASS® portal or a comparable LDOE-approved system by February 1 unless otherwise specified by the department.

C.3.c. - D.1. ...

2. Lead agencies seeking a waiver shall submit a written request to the LDOE prior to or at the time of the submission of the coordinated enrollment plan. The request shall cite the specific requirement for which a waiver is being requested and shall clearly state the reasons why the waiver is being requested and why it should be granted. Waiver requests shall include any supporting documentation that substantiates the need for the waiver.

D.3. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.30 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2586 (December 2015), amended LR 42:1872 (November 2016), LR 43:2131 (November 2017), LR 44:1440 (August 2018), LR 45:1453 (October 2019), LR 47:452 (April 2021), LR 48:1010 (April 2022), LR 49:

§509. Performance Rating Calculations for Publicly-Funded Sites

A. - A.1. ...

2. For 2020-2021 school year and beyond, the performance rating for each publicly-funded site shall be based on the average of the dimension-level infant, toddler, and pre-K-3 observation results from the fall and spring observation periods for all infant, toddler, and pre-K classrooms within the site, excluding the negative climate dimensions.

a. - 3. ...

4. Sites that have classrooms which receive a score of 3.5 or above for the negative climate dimension and sites that have infant classrooms that receive a “low” on the lack of adult negativity indicator will receive a notice in writing at the end of the observation period in which the score was received. If a site receives a notice for two consecutive observation periods, an indicator of high negative climate, low lack of adult negativity or an indicator for both may be reported on the performance profile. Lack of adult negativity is an indicator used in infant CLASS® and is comparable to the pre-K-3 and toddler negative climate dimension. Like all indicators for CLASS®, the measure is expressed as “high,” “medium,” or “low” rather than as a numerical score.

B. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2587 (December 2015), amended LR 42:1873 (November 2016), LR 44:1442 (August 2018), LR 45:1453 (October 2019), LR 47:1286 (September 2021), LR 48:1010 (April 2022), LR 49:

§511. Performance Rating Calculations for Community Networks

A. - A.3. ...

B. The CLASS® observation results will be determined by averaging the results of all fall and spring dimension-level toddler and pre-K-3 observation results for all toddler and pre-K classrooms within the community network excluding negative climate. Beginning in the 2020-2021 school year, the CLASS® observation results will be determined by averaging the results of all fall and spring dimension-level infant, toddler, and pre-K observation results for all infant, toddler, and pre-K classrooms within the community network, excluding negative climate.

1. - 2.b.ii. ...

C. The equitable access score performance rating shall be determined by calculating the access achieved by the community network for all at-risk four-year-old children in the community network coverage area. Points are earned on a four-level rating scale according to:

Percentage of At-Risk Four-Year-Olds Served	Rating

65-74.99 percent	Approaching Proficient

D. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2588 (December 2015), amended LR 42:1874 (November 2016), LR 44:1442 (August 2018), LR 45:1454 (October 2019), LR 47:1286 (September 2021), LR 49:

§513. Informational Metrics of Best Practices

A. Informational metrics are measures of a publicly-funded site and a community network’s use of the following early childhood care and education best practices. The performance profile shall report the publicly-funded site and community network’s use of the best practices identified as an investment in quality measures, which shall include, but is not limited to:

1. Child-to-teacher ratios. Publicly-funded sites maintain child-to-teacher ratios based on the age of children and that are at or better than the minimum standards required in accordance with LAC 28:CLXI.137 or LAC 28:CLXV.139, as applicable.

a. To achieve gold-level ratios, publicly-funded sites shall at minimum meet the following child-to-teacher ratios.

i. Family Child Care Provider. If any children in care are 24 months old or younger, the maximum child-to-teacher ratio shall be 4:1.

ii. Early Learning Center or School-based Organization. The maximum child-to-teacher ratio shall be as shown below.

Age	Ratio
Birth to 1 year	4:1
1 year to 2 years	4:1

Age	Ratio
2 years to 3 years	6:1
3 years to 4 years	8:1
4 years to 5 years	10:1

b. To achieve silver-level ratios, publicly-funded sites shall meet at minimum the following child-to-teacher ratios.

i. Family Child Care Provider. If any children in care are 24 months old or younger, the maximum child-to-teacher ratio shall be 5:1.

ii. Early Learning Center or School-based Organization. The maximum child-to-teacher ratio shall be as shown below.

Age	Ratio
Birth to 1 year	4:1
1 year to 2 years	6:1
2 years to 3 years	8:1
3 years to 4 years	10:1
4 years to 5 years	12:1

c. To achieve bronze-level ratios, publicly-funded sites shall meet at least the minimum child-to-teacher ratios.

i. Family Child Care Provider. The maximum child-to-teacher ratio shall be in accordance with LAC 28:CLXV.139.

ii. Early Learning Center or School-based Organization. The maximum child-to-teacher ratio shall be in accordance with LAC 28:CLXI.137.

d. For all levels of ratios, early learning centers or school-based organizations shall meet the group size requirement in accordance with LAC 28:CLXI.137.

A.2. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2588 (December 2015), amended LR 42:1875 (November 2016), LR 43:2131 (November 2017), LR 49:

§519. Waivers of Accountability System Requirements

A. - C. ...

D. Any site requesting a waiver from an accountability system requirement for three consecutive observation periods will not be granted a subsequent waiver until a full academic year has elapsed from the most recent waiver approved by the LDOE. If the classroom has no comparable local or third-party scores available, a score of 1.00 shall be assigned to each missing CLASS® domain score, in accordance with §503 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2590 (December 2015), amended LR 49:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, August 9, 2023, to Shan N. Davis, Executive Director, Board of Elementary and Secondary

Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Bulletin 140—Louisiana Early Childhood Care and Education Network**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units as a result of the proposed rule change. The proposed rule change provides for the inclusion of family child care homes with current academic approval in the definition of early childhood care and education programs and sites. The proposed change also includes revisions to observation requirements, child-to-teacher ratios, and technical edits.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2307#051

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—The Louisiana School, District, and State Accountability System—Graduation Appeals Process (LAC 28: CXV.717, 2321, and 2322)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28: CXV in *Bulletin 741—The Louisiana School, District, and State Accountability System*. The proposed revisions create an appeals process for graduation. This appeals process creates a rigorous evaluation method in which in a student's senior year, a student, who fails to achieve a "passing" score on the end-of-course exam in a testing pair may demonstrate proficiency

using a portfolio. All students will still be required to take all state assessments. The change will be to allow for an appeals process for purposes of graduation only.

Title 28

EDUCATION

Part CXV. **Bulletin 741—Louisiana Handbook for School Administrators**

Chapter 7. **Records and Reports**

§717. **Reports of High School Credit**

A. - A.3. ...

B. Reporting and Review for State Diplomas Issued on Appeal

1. No later than October 1 annually, LEAs shall submit the following graduation data by school site via the student transcript system (STS). The LDOE will compile and submit a report to BESE annually in December, which will include the following:

- the total number of students issued a diploma;
- the number of students issued a diploma via an appeal of the assessment requirement granted via SBLC;
- the number of students considered by an SBLC for appeal of the assessment requirement;
- the number of students in the graduation cohort who did not earn a diploma by August 31 of that year; and
- an example of three exemplary portfolios that may be used by the department as examples for LEAs and school sites.

2. At the January 2026 BESE meeting the LDOE shall submit a report to BESE, detailing data for the initial two school years of implementation regarding appeals to the assessment requirements for the purposes of graduation eligibility. The report shall serve as a reference for BESE to use in determining if policy revisions are necessary. The LDE will report to BESE annually thereafter and will include the following:

- the percentage of college enrollment after high school exit of all graduating students, students issued a diploma via the graduation appeals process, and non-graduates in each respective graduation cohort;
- to the extent that data is available, the percentage of employment after high school exit of all graduating students, students issued a diploma via the graduation appeals process, and non-graduates in each respective graduation cohort; and
- the number of IBCs earned by type of all graduating students, students issued a diploma via the graduation appeals process, and non-graduates in each respective graduation cohort.

C. Auditing of Diplomas Issued on Appeal

1. In the event the number of students, issued a diploma via an appeal, exceeds three percent of the respective graduation cohort of a school site, the governing LEA shall submit additional data to LDOE to be included in the BESE annual report. At a minimum, the additional data shall include Subgroup population information as follows for each school site which exceeds the three-percent threshold:

- African American;
- American Indian/Alaskan Native;
- Asian;
- Hispanic;
- white;

- f. two or more races;
- g. economically disadvantaged;
- h. immigrants;
- i. English learners;
- j. students with disabilities;
- k. students with 504 plans;
- l. homeless students;
- m. military-affiliated students; and
- n. Foster care students.

2. After an initial audit regarding the three percent threshold, a school, serving a unique population and in compliance with appeals eligibility requirements, shall be exempt from consecutive audits

3. If the initial audit yields discrepancies in the implementation of the appeals process, the State Superintendent of Education, may be the final authorizer for the respective school site the following year.

D. Random Sampling for Appeals Audits

1. For the students described in Subsection C of this Section, the LDOE may audit a random sampling of the full appeals packets brought to SBLC team to include the following:

- a. an appeals cover page which attests completion of appeal requirements and signatures of the SBLC team in which the appeal was granted;
- b. evidence of intervention required by §2321.E of this Part;
- c. evidence of content proficiency through the state assessment requirement or portfolio submission;
- d. evidence of employability; and/or
- e. any additional documentation requested by the LDOE for the respective students.

E. Prior to the date of graduation or options program completion, the LDOE shall have the authority to determine the issuance of a diploma or an options program skill certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(11).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1270 (June 2005), amended LR 39:2204 (August 2013), LR 49:

Chapter 23. Curriculum and Instruction

Subchapter A. Standards and Curricula

§2321. Appeals Eligibility and Requirements

A. Beginning with the 2023-2024 school year, if a student has not met state-established benchmarks in both assessments within any of the prescribed categories in §2318.A of this Part, the SBLC team may determine if the student is able to appeal the assessment requirements for the purposes of graduation eligibility.

B. Students who appeal the assessment requirement for graduation eligibility, shall be afforded the same opportunities to pursue a standard diploma to exit high school with all course credits, honors, and financial awards as other students. A student is not guaranteed a diploma and shall meet either the standard requirements for graduation or, using the process outlined in Subsection D of this Section, appeal to the respective school building level committee (SBLC) team to be awarded a diploma.

- 1. - 3.d. Repealed

C. Pursuant to the Elementary and Secondary Education Act (ESEA), the state academic content standards shall apply to all public schools and public school students in the state and include the same knowledge and skills expected of all students and the same level of achievement expected of all students, with the exception of students with the most significant cognitive disabilities who may access alternate academic achievement standards and achievement levels. Only diplomas earned by students who have pursued the regular academic state standards and who have earned all state-required Carnegie credits shall be considered regular diplomas in the state and district accountability system, pursuant to federal laws and regulations.

D. Appeals Eligibility.

1. Students are eligible for an appeal to the assessment requirement no earlier than senior year and shall fulfill the following criteria:

- a. earn all Carnegie Units required for either the TOPS university diploma or career diploma, as prescribed in §2318 and §2319 of this Part; and

- b. fulfill at least one of the following conditions to demonstrate evidence of employability:

- i. demonstrate workforce readiness by a score of Silver or higher on ACT WorkKeys;
- ii. eligibility for the TOPS Tech Award; or
- iii. demonstrate mastery of specific employability skills by earning a graduation-qualifying, industry-based credential (IBC), outlined in §2319 of this Part, regardless of the diploma pathway that the student is pursuing.

- c. fulfill at least one of the following conditions to demonstrate evidence of content proficiency:

- i. fulfill the standard assessment requirement for the assessment pairs prescribed in §2318. A of this Part, or
- ii. For the freshman cohort entering 2022-2023 and beyond, complete a portfolio of work that meets the content proficiency requirement, as measured by the LDOE standardized rubric, for both LEAP 2025 courses in the assessment pairs in which the standard assessment requirement was not fulfilled.
- iii. For students entering the freshmen cohort prior to 2022-2023, the portfolio requirement may be satisfied by completing a portfolio aligned to one course in each corresponding LEAP 2025 assessment pair that was not fulfilled by the standard assessment requirement.

2. Pursuant to §707 of this Part, for a transfer student transferring into a Louisiana public school district from an out-of-state school, nonpublic school, or approved home study program, proficiency shall be demonstrated via successful completion of coursework and the issuance of Carnegie credit. A transfer student is not required to take the LEAP 2025 assessment in the courses that were transferred and accepted as Carnegie credit. For the purposes of appeals eligibility, a portfolio of work need not be completed for coursework fulfilled for transferred Carnegie credit.

E. Monitoring Progress and Responsibilities for Appeals Eligibility.

1. The SBLC shall monitor the progress of each student, who has not met a least one assessment requirement for graduation. The SBLC shall ensure that the student:

a. receives appropriate academic supports in any and all subjects for which the standard assessment requirement was not achieved. Additionally, each individual student graduation plan shall outline all academic supports provided. Progress, pursuant to such specified academic supports, shall be reviewed at least once throughout the school year in order to determine needed adjustments as well as effectiveness;

b. completes 30 hours of required remedial or co-requisite instruction for the LEAP 2025 exam in which the standard assessment requirement was not achieved, per *Bulletin 741*, §2318 and §2319;

c. is provided dropout prevention and mentoring services, based on proven strategies to retain and graduate at-risk students. The LDOE shall make available to LEAs, a list of strategies, as well as technical assistance needed to offer students such services; and

d. is scheduled for a meeting in order to determine eligibility for local career support with a representative from a Workforce Innovation Opportunities Act provider, Vocational Rehabilitation Services provider, or other local career support agency and its affiliated providers.

F. Appeals Consideration

1. The SBLC shall review and consider individual student appeals for any student, who meets the appeal requirements, as outlined in Subsection D of this Section. Additionally, the SBLC may consider the following in determining an appeal decision:

a. the course grade awarded for the course which the student did not attain the standard assessment requirement for graduation on the LEAP 2025;

b. the score achieved on each LEAP 2025 assessment for which the student did not attain the standard assessment requirement for graduation;

c. the score achieved on the ACT, ACT WorkKeys, and, if applicable, TOPS or TOPS Tech scholarship eligibility;

d. the rigor of secondary coursework, including, successful completion of honors courses, Advanced Placement courses, IAB, and/or dual enrollment courses;

e. completion of a sequence of courses for an IBC within the Career Diploma;

f. the strength of an attained IBC in alignment with definitions outlined in LAC 28:XI.709;

g. overall preparedness for postsecondary success, including letters or certificates of acceptance to post-secondary institutions; and

h. any other academic information designated for consideration by the LEA for appeal consideration by the SBLC.

G. For students meeting the requirements outlined in Subsection D of this Section, the SBLC may determine that the student is eligible to graduate, subject to final approval of the Local Education Agency (LEA) head. A student who appeals the assessment requirement for graduation may graduate and receive a high school diploma on the basis of the committee decision by majority and the LEA head. This subsection does not create a property interest in graduation.

The decision of the SBLC and LEA head is final and may not be appealed. Should an SBLC and LEA head not recommend a student for graduation eligibility by appeal, a student may only graduate through standard assessment requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, R.S. 17:183.2, and R.S. 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:240 (February 2006), repromulgated LR 41:1483 (August 2015), LR 49:

§2322. Senior Projects

[Formerly §2321]

A. A senior project is a focused rigorous independent learning experience completed during the student's year of projected graduation from high school.

B. Each LEA allowing students to complete a senior project in partial fulfillment of the requirements for an academic endorsement shall develop local policy for senior projects that includes these requirements.

1. Each student must choose a challenging topic of interest approved by their parents or guardians and the school-level senior project committee.

2. Each student must have a senior project mentor.

3. Students must successfully complete the four components listed below with a score of satisfactory or higher on each component. The components will be evaluated locally using rubrics provided by the LDOE:

a. research paper of 8 to 10 pages on an approved topic of the student's choice;

b. product or service related to the research requiring at least 20 hours of work;

c. portfolio that documents and reflects the senior project process; and

d. presentation to a panel of three to five adults from the community and school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, R.S. 17:183.2, and R.S. 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? Yes.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, August 9, 2023, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 741—The Louisiana School, District, and State Accountability System Graduation Appeals Process

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is anticipated to increase costs within the Louisiana Department of Education (LDE) related to the creation of a rubric for each subject area of the portfolio of work as well as to the review of audits.

The proposed change creates an appeals process for certain students who do not meet current graduation requirements. Louisiana is the one of eight states in the country which has high stakes testing for graduation, but it is the only state in the country which does not have an alternative method for appeals in order for students to demonstrate proficiency in the content being assessed. The proposed appeal process creates a rigorous evaluation method in which, during a student’s senior year, a student who fails to achieve a “passing” score on the end-of-course exam in a testing pair may demonstrate proficiency using a portfolio. All students will still be required to take all state assessments. The change will allow for an appeals process for purposes of graduation only.

Per LA R.S. 17:24.4, standards-based assessments in English language arts, mathematics, science, and social studies based on state content standards and rigorous student achievement standards set with reference to test scores of students of the same grade level nationally shall be implemented by the State Board of Elementary and Secondary Education. Such tests shall be administered, at a minimum, in grades three through eleven. Further, the statute states, F(1)(j)(3)(a), that, “in lieu of the standards-based assessments prescribed in Subparagraphs (1)(c) and (d) of this Subsection, an alternate assessment shall be provided for and administered only to those students with disabilities who meet specific eligibility criteria developed by the state Department of Education (LDE) and approved by the State Board of Elementary and Secondary Education (BESE). A determination of whether any student meets the eligibility criteria established by the state Department of Education shall be made by the student’s Individualized Education Program committee and shall be so noted on that student’s Individualized Education Program.” This rule change does not allow for an alternate assessment, waiver of policy, or an alternate pathway for graduation. It simply institutes an appeals process for students in order to satisfy the graduation requirement via the portfolio by demonstrating proficiency in that regard, as opposed to achieving a certain score on standardized tests. Achieving a specific score on course assessments is not currently outlined in policy, but rather, the test must be administered to all students, excluding special education students, and scores are averaged into a student’s course grade. This process will not allow for a course grade to be altered in any way.

Additionally, the student must provide evidence of employability by earning a silver or better on the WorkKeys assessment, earning a TOPS Tech award, or earning an approved Louisiana Jump Start Industry Based Credential. Students who have not met the approved Carnegie unit requirements for the TOPS University or TOPS Tech Career Diplomas are not eligible for an appeal. Approval of the appeal is made by the School Building Level Committee (SBLC) and the local education agency (LEA) leader. School sites who exceed an appeal rate of 3percent of a graduating cohort are subject to an audit by LDE.

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Certification Endorsements (LAC 28:CXXXI.1301)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CXXXI in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The revision provides a future effective date relative to certain teacher certification area endorsements. Educators completing course requirements for certification endorsements who are employed as teachers are completing the foundational literacy skills training through the LDOE-approved providers within the local school system. The future effective date aligns add-on endorsements with the effective date for initial certification literacy requirements.

TITLE 28 EDUCATION

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel Chapter 13. Endorsements to Existing Certificates §1301. Introduction

A. - C.3. ...

D. The requirements in §1305.A.3; §1307.A.3; §1327.A.3, B.3, C.3, D.3, E.3; and §1329.A.4 of this Chapter, shall be effective beginning September 1, 2024.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2059 (October 2007), LR 48:454 (March 2022), repromulgated LR 48: 1062 (April 2022), amended LR 49:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

LDE reports the development of rubrics to assess mastery of standards in each subject through a portfolio of entries would require the work of Teacher Leader Advisors (TLAs), who complete tasks in areas of expertise through contracts for different types of deliverables. Based on LDE estimates, it could cost approximately \$76,600 for the project management and the TLA contracts to develop items for each standard. Internal review of the items would be absorbed by existing staff. LDE further reports the auditing of schools outside of the 3percent limit would require an additional Education Program Consultant 3 position. Beginning in FY 24, the cost for this position would be \$119,503.19 (\$104,414.50 salary and \$15,088.69 related benefits). Finally, LDE reports scoring of portfolios during the year subsequent to audit findings of a school with more than the allowable number of diplomas issued would require the work of contracted reviewers and is estimated at \$150 per review (in this case, per subject) based on similar work. This total cost would depend on the number of portfolios submitted during the year following the finding of discrepancies in appeals process implementation.

The already established School Building Level Committee (SBLC) and the Local Education Agency (LEA) head, will score portfolios with a standardized rubric, which will be subject to an annual audit. The SBLC is currently doing much of this work; therefore, the proposed rule change should not increase costs for the local school districts.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will benefit certain high school seniors by allowing students to graduate via an alternate portfolio approach. Some students may graduate on time despite not meeting the LEAP 2025 assessment requirements for graduation. In years prior to COVID, approximately 5percent to 7percent of public-school students did not meet graduation requirements due only to the fact that the required LEAP assessment scores were not achieved. This policy change will allow these students to demonstrate the fulfillment of the same course proficiency standards as currently proven via standardized assessments, through an appeal in which the portfolio will serve as a substitute in verifying course competency.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Data from the US Bureau of Labor Statistics reveals that 41.9percent of high school dropouts are engaged in work or looking for work compared to 69.2percent of high school graduates. Data on high school graduates in Texas who utilized the state's appeal process show they have employment rates that are statistically indistinguishable from national data on high school graduates. The assumption is that Louisiana can expect similar results for students who graduate using this new appeals process. The median weekly wage of a high school dropout is \$626 compared to \$809 for an individual with a high school diploma. Additionally, because the appeal has an employability component, we can expect a greater number of students graduating with an industry-based credential that is aligned with regional and statewide workforce needs.

Shan N. Davis
Executive Director
2307#053

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, August 9, 2023, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Bulletin 746—Louisiana Standards for State Certification of School Personnel Certification Endorsements**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change, LAC 28:CXXXI in Bulletin 746—Louisiana Standards for State Certification of School Personnel provides a future effective date relative to certain teacher certification area endorsements. Educators completing course requirements for certification endorsements who are currently employed as teachers are completing the foundational literacy skills training through LDE-approved providers within local school systems. The future effective date aligns add-on endorsements with the effective date for initial certification literacy requirements.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will provide time for certified educators already in the process of completing course requirements toward additional certification endorsements to complete those requirements as initially communicated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2307#052

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs and Criminal Investigations Division

Solid Waste Regulations
(LAC 33:VII.115, 721, 10505, 10509, 10523 and 10529)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., 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 amend the regulations, LAC 33:VII.115, 721, 10505, 10509, 10523 and 10529 (SW075).

This proposed Rule provides updates to facilitate implementation of the legislative mandate of remediating environmental and public health problems caused by improper disposal of waste tires. These proposed regulations establish procedures, standards, and requirements for Solid Waste Type III landfills to collect, transport, prepare for disposal, and properly dispose of waste tires. The adoption of these regulations would assist in addressing the increasing problem of promiscuous tire dumping in the state of

Louisiana. The basis and rationale for this proposed Rule are to revise and update the Solid Waste regulations to ensure proper collection, transportation, and disposal of waste tires and disposable waste tire material. This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

ENVIRONMENTAL QUALITY

Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

Chapter 1. General Provisions and Definitions

§115. Definitions

A. ...

Disposable Tire Material—material produced from whole waste tires which have been cut, chipped, shredded, or prepared by other volume reduction methods, as approved by the administrative authority, to facilitate disposal.

Type III Facility—a facility used for disposing of construction/demolition debris, disposable tire material, woodwaste, or composting organic waste to produce a usable material, or preparing whole waste tires for disposal, or separating recyclable wastes (e.g., a construction/demolition-debris or woodwaste landfill, separation facility, or composting facility).

Waste Tire—a whole tire that is no longer suitable for its original purpose because of wear, damage, or defect and/or has been discarded by the consumer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514, 2609 (November 2000), amended by the Office of Environmental Assessment, LR 31:1576 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1019 (June 2007), LR 34:1023 (June 2008), LR 34:1399 (July 2008), LR 37:1563 (June 2011), LR 37:3233 (November 2011), LR 38:46 (January 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:234 (February 2019), LR 49:

Chapter 7. Solid Waste Standards

Subchapter C. Minor Processing and Disposal Facilities

§721. Standards Governing Construction and

Demolition Debris and Woodwaste Landfills

(Type III)

A. - B.2.c.v. ...

d. The permit holder who completes waste tire generator and/or processor manifests must comply with LAC 33:VII.10534.

B.3. - C.1.e.i. ...

ii. *woodwaste*, as defined in LAC 33:VII.115;

iii. *yard trash*, as defined in LAC 33:VII.115; and

iv. *disposable tire material*, as defined in LAC 33:VII.115.

f. - h. ...

i. No more than 150 waste tires shall be stored at one time, unless stored in a container in accordance with LAC 33:VII.503.A.2, or as approved by the administrative authority.

j. Disposable tire material shall not comprise more than 50 percent of the volume of the waste disposed during any 14-day period.

k. Placement of disposable tire material in any contiguous area shall be no more than 4 feet in depth prior to application of cover or other waste types sufficient to serve as a fire break.

l. Neither whole waste tires nor disposable tire material shall be stored for longer than 365 days prior to disposal.

2. - 2.g....

h. facilities that dispose of disposable tire material shall:

i. enter into a written agreement with the local fire department regarding fire protection at the facility;

ii. develop and implement a fire protection and safety plan for the facility to ensure personnel protection and minimize impact to the environment; and

iii. develop a waste tire volume reduction and disposal plan.

C.3. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 20:1001 (September 1994), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2527 (November 2000), repromulgated LR 27:705 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), LR 31:1577 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2495 (October 2005), LR 33:1067 (June 2007), LR 33:2149 (October 2007), LR 34:1901 (September 2008), LR 37:1566 (June 2011), LR 37:3253 (November 2011), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

Subpart 2. Recycling

Chapter 105. Waste Tires

§10505. Definitions

A. ...

Government Tire Sweep—a waste tire collection event authorized by the administrative authority to allow government agencies to collect waste tires for transport to a permitted waste tire processing facility or permitted solid waste landfill.

Processing—any method or activity that alters whole waste tires so that they are no longer whole; such as, cutting, slicing, chipping, shredding, distilling, freezing, or other processes as determined by the administrative authority. At a minimum, a tire is considered processed only if its volume has been reduced by more than half. For the purposes of this Chapter 105, *processing* does not include the preparation of waste tires or waste tire material into *disposable tire material* as defined at LAC 33:VII.115 for disposal in a permitted landfill.

Program Ineligible Waste Tire—a waste tire for which a processor will not be reimbursed from the waste tire management fund. This includes, but is not limited to, tires weighing 500 pounds or more at the time of sale, solid tires, tires purchased from a tire wholesaler for use on fleet vehicles and/or used vehicles for which a fee has not been paid, out-of-state tires, marine bumper tires, purchased used tires that are not suitable for re-sale, tires accepted by retail outlets for which a fee has not been collected, tires converted to disposable tire material and disposed of at a permitted solid waste landfill, and any other tire not defined as a program eligible waste tire.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:37 (January 1992), amended LR 20:1001 (September 1994), LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2773 (December 2000), LR 27:829 (June 2001), LR 27:2226 (December 2001), LR 28:1953 (September 2002), LR 29:2779 (December 2003), amended by the Office of Environmental Assessment, LR 31:1323 (June 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3158 (December 2005), LR 33:89 (January 2007), amended by the Office of the Secretary, Legal Division, LR 42:244 (February 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

§10509. Prohibitions and Mandatory Provisions

A. No person shall knowingly and/or intentionally dispose of whole waste tires in a landfill within the boundaries of the state of Louisiana. Any landfill disposal of waste tire material must be at a facility permitted to receive waste tires or disposable tire material in accordance with LAC 33:VII.Chapter 7.

B. - C.1. ...

2. collected and stored at an authorized waste tire transfer station, authorized waste tire collection center, permitted solid waste landfill, or permitted waste tire processing facility;

C3. - D. ...

E. No processor shall receive payment from the Waste Tire Management Fund without a standard processing permit issued by the administrative authority in accordance with §10511, §10513, and §10517 of this Chapter, an effective Processor's Agreement, and an approved end-market use project in which whole waste tires and/or waste tire material are utilized.

F. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:38 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2774 (December 2000), amended by the Office of Environmental Assessment, LR 31:1323 (June 2005), amended by the Office of the Secretary, Legal Division, LR 42:248 (February 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

§10523. Standards and Responsibilities of Waste Tire Transporters

A. - F. ...

G. For in-state waste tire transportation, the transporter shall transport all waste tires only to an authorized collection center, an authorized waste tire transfer station, a permitted processing facility, a permitted solid waste landfill, or an authorized end-market use.

H. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:41 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2778 (December 2000), LR 27:831 (June 2001), repromulgated LR 27:1885 (November 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2503 (October 2005), LR 33:2159 (October 2007), amended by the Office of the Secretary, Legal Division, LR 42:257 (February 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

§10529. Standards and Procedures for Waste Tire Cleanups

A. - B.1.1. ...

2. All waste tires collected shall be removed by an authorized waste tire transporter and processed by the permitted waste tire processor or transported to a permitted solid waste landfill indicated on the single event cleanup/government tire sweep form submitted to the administrative authority. Use of a waste tire processor not indicated on the form must be approved in writing by the administrative authority.

B.3. - D.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2780 (December 2000), amended by the Office of the Secretary, Legal Division, LR 42:262 (February 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by SW075. Such comments must be received no later than September 5, 2023,

at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of SW075. These proposed regulations are available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held via Zoom on August 29, 2023, at 1:30 p.m. Interested persons are invited to attend and submit oral comments via PC, Mac, Linux, iOS or Android at <https://deqlouisiana.zoom.us/j/88185532848?pwd=RWRRRZ3Z0aURtdVdqWStmZGIRtnRYQT09>, password 083515 or by telephone by dialing 636-651-3182 using the conference code 725573. Should individuals with a disability need an accommodation in order to participate, contact William Little at the address given below or at (225) 219-3985.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Courtney J. Burdette
Executive Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Revision to Update Solid Waste Regulations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no estimated implementation costs or savings to state governmental units as a result of the proposed rule change.

The proposed rule provides for revisions to the solid waste regulations to ensure proper collection, disposal of waste tires and disposable tire material, and provides for the updates authorized in Act 291 of the 2021 Regular Legislative Session. Also, the proposed rule change allows Solid Waste Type III landfill operators to collect, process, and properly dispose of waste tires.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state and local governmental units from this proposed action.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will not result in increased costs to anyone purchasing a tire. The change would allow for Solid Waste Type III operators to landfill disposable tire material. This rule change would provide an additional revenue stream should the operators take advantage of it. Operators may experience a one-time cost for the purchase of equipment to process and dispose waste tires.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change would increase competition for sourcing waste tires from waste generators and one-time cleanups. If Type III operators chose to invest in equipment to process whole waste tires and to the extent the workload significantly increases, there may be an increase in employment opportunities.

Courtney J. Burdette
Executive Counsel
2307#045

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Capital Area Groundwater Conservation Commission

Measuring Well Yield (LAC 56:V.707)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted to the Capital Area Groundwater Conservation Commission (R.S. 38:3072-3084) under the authority granted by R.S. 38:3076.A.(7), (8), (9), (10), (13), (14)(a), (14)(b),(17), (18), and 38:3076.E. that the Capital Area Groundwater Conservation Commission proposes to amend §707 of Chapter 7 of Part V of Title 56 to clarify that the commission is authorized to enter a well owners property for the purpose of installing, monitoring, recalibrating and/or maintaining systems and technologies of remote monitoring of flow volumes, and to provide with respect to monitoring systems which may be used until the remote monitoring systems and technologies are installed and to provide for the use of a manual meter in lieu of remote monitoring system at the commission's sole discretion; and to provide that permits to wells will not be issued until the appropriate metering system is installed. This rule change will amend and adopt LAC 56:V.707 by amending Subsections A and B, and by adopting Subsections C, D and E.

Title 56

PUBLIC WORKS

Part V. Capital Area Ground Water Conservation Commission

Chapter 7. Rules and Regulations for Metering and/or Recording the Yield of Water Wells

§707. Measuring Well Yield

A. The Commission is authorized to monitor, by installing or causing to be installed on each well in the District, systems and technologies to allow for remote monitoring of flow volumes:

1. the Capital Area Groundwater Conservation Commission is authorized to enter the well owner's property for the purpose of installing, monitoring, recalibrating, and/or maintaining the specific systems and technologies;

2. the system shall record the yield of each well, and report flow volumes remotely to a data management system maintained by the Commission;

3. the Capital Area Groundwater Conservation Commission shall control the powering and maintenance of the system; and is authorized to recalibrate the meters periodically as required by affiliates or subcontractors of the Commission; and

Public Hearing

A public hearing will be held if a sufficient number of request for a hearing are received. Oral comments will be accepted at any public hearing held.

Gary Beard
Executive Director

4. the costs associated with the specific systems and technologies which allow for remote monitoring of flows will be included in the pumping fee assessed to users.

B.1. Owners of existing wells shall continue to report flow volumes utilizing methods indicated below until the systems and technologies referenced in subsection A or D are installed and the flow volumes are provided through the new system:

- a. install a metering device that records and “totals” the yield of the well; or
- b. measure well yield or rate under normal pressure to permit the calculation of the “total” yield of the well for a given period of time; or

c. design and construct into the discharge line of water well a bypass line that can be used to periodically measure the flow of the well discharges to the atmosphere, using a measuring device such as a portable or permanently installed orifice plate and manometer.

2. If a method in Subparagraphs b or c is used, an hour meter or exact records shall be used and/or maintained to record the number of hours the well is pumped for a stated period of time.

C. If there is a discrepancy or inconsistency between the owner’s meter and the commission’s meter, the owner may require the commission to hire an independent contractor to verify the accuracy of the commission’s meter at the owner’s expense.

D. At the commission’s sole discretion, the commission may install a manual meter in lieu of remote monitoring system.

E. New wells completed after the remote monitoring system is fully implemented will not be issued a permit to operate the well until the metering system is installed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079. Amended in accordance with R.S. 38:3076.A.(7), (8), (9), (10), (13), (14)(a), (14)(b),(17), (18), and 38:3076.E.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LA 3:307 (July 1977), promulgated LR 33:2647 (December 2007), amended LR 48:1502 (June 2022), amended LR 49:

Family Impact Statement

The proposed rulemaking will have no impact on family formation, stability or autonomy, as described in R.S. 49.972B.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973B.

Small Business Analysis

The proposed rulemaking will have no impact on small business analysis as described in R.S. 974.5.

Provider Impact Statement

The proposed rulemaking will have no provider impact as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments to Gary Beard, Executive Director, Capital Area Groundwater Conservation Commission, 3074 Westfork Dr. Baton Rouge, Louisiana, 70816, either by mail or hand delivery. Comments may also be sent by email to gary.beard@la.gov. All written comments must be received no later than 4 p.m., on August 10, 2023.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Measuring Well Yield**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no increase in costs, the increases are contained in the pumpage fee increase which was achieved by board action on April 22, 2022 and by amendment to this rule June 2022. They are included in the current pumpage fee as calculated. The increases are further reflected in the fiscal and economic impact statement submitted January 3, 2022.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated effects on revenue collections of state or local governmental units by this rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will have no impact on small business analysis as described in R.S. 974.5.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of these rule changes.

Gary J. Beard
Executive Director
2307#042

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Capital Area Groundwater Conservation Commission**

Water Well Permits and Plans
(LAC 56:V.901, 905, and 907)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted to the Capital Area Groundwater Conservation Commission (R.S. 38:3072-3084) under the authority granted by R.S. 38:3076.A(2) 38:3076.A(5), 38:3076.A(14)(d) and 38:3076.E, that the Capital Area Groundwater Conservation Commission proposes to amend §§901, 905, and 907 of Chapter 9 of Part V of Title 56 to clarify that the Parish of Ascension is part of the Capital Area Groundwater Conservation Commission, [R.S. 38:3072(A)] to provide for additional documentation required for well permitting, to provide for an application fee for a well permit, to provide a two part process for well permitting both of which must be satisfied before water production is allowed, and to provide procedures with respect thereto of LAC 56:V.901, 905, and 907.

**Title 56
PUBLIC WORKS**

**Part V. Capital Area Groundwater Conservation
Commission**

Chapter 9. Water Well Permits and Plans

§901. Authority and Purpose

A. The Capital Area Ground Water Conservation Commission (hereafter referred to as the commission) has the authority to require permits and plans for the drilling/construction and operation of water wells having a capacity in excess of 50,000 gallons per day, in accordance with R.S. 38:3076(A)(2) and 3076(E). The purpose of this rule is to define the procedures to be used in applying for a permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079, amended in accordance with R.S. 38:3076.A(2) 38:3076.A(5), and 38:3076.E

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 2:76 (March 1976), amended LR 23:34 (January 1997), amended LR 49:

§905. Applicability of Requirement for Permits and Plans

A. Permits are required for all nonexempt wells drilled in the parishes of Ascension, East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, West Feliciana, and any other parishes that may be admitted to the Capital Area Groundwater Conservation District. The permit application for the proposed well shall be accompanied by a set of plans to include at a minimum:

1. location of proposed well to the nearest second of latitude and longitude;
2. location of existing water wells within 1000 feet;
3. proposed depth;
4. casing and screen sizes and approximate depths;
5. proposed well yield and average daily pumpage-;
6. piping layout geometry for the site;
7. a horizontal section of pipe for installation of the metering device and remote monitoring system shall be located downstream from the backflow preventer. The length and location of pipe shall be requested in the application and presented to the commission for approval; and

8. site layout which includes a location of a six-foot-by-six-foot slab for installation of monitoring equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079, amended in accordance with R.S. 38:3076.A(2) 38:3076.A(5), and 38:3076.E.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 23:35 (January 1997), LR 49:

§907. When a Permit is Required

A. The well owner (or his agent) who plans to drill a nonexempt well shall submit a permit application and the required application fee of \$2,000 to the Capital Area Groundwater Conservation Commission for review and approval.

B. An application will undergo a two-part permitting process. Initially the application information will be reviewed to determine if all required information has been submitted. If the applicant has not submitted all of the required information, the commission shall notify the

applicant of the additional information required. Upon receipt and review of all required information, a permit to construct may be issued. Drilling shall not commence until the permit to construct is issued.

C. If, after receipt of all documents, the commission determines that the well will adversely affect the aquifer and provides reasons therefore, the permit may be denied.

D. After completion of the permitted well construction, the well owner shall submit as-built drawings, including above and below ground well schematics, in order to verify the construction of the well. The commission must certify that the well was constructed as permitted, and the commission must have installed the metering device and associated remote monitoring system, prior to the commission verifying the well for water production. No water production may begin until the commission has first verified the construction of the well.

E. If an operating well undergoes any physical modifications, such as changing the screened depth or the pump capacity, a permit application to perform the work must be submitted to the commission for review and approval prior to the workover.

F. For further detail on this rule, see the permitting manual as approved and adopted by the Board of Commissioners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079, amended in accordance with R.S. 38:3076.A(2) 38:3076.A(5), 38:3076.A(14)(d) and 38:3076.E.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 2:76 (March 1976), amended LR 23:35 (January 1997), amended LR 49:

Family Impact Statement

The proposed rulemaking will have no impact on family formation, stability or autonomy, as described in R.S. 49:972B.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973B.

Small Business Analysis

The proposed rulemaking will have no impact on small business analysis as described in R.S. 974.5.

Provider Impact Statement

The proposed rulemaking will have no provider impact as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments to Gary Beard, Executive Director, Capital Area Groundwater Conservation Commission, 3074 Westfork Dr. Baton Rouge, Louisiana, 70816, either by mail or hand delivery. Comments may also be sent by email to gary.beard@la.gov. All written comments must be received no later than 4 p.m., on August 10, 2023.

Public Hearing

A public hearing may be held if enough comments are submitted requesting a hearing. Oral comments will be accepted at that meeting.

Gary Beard
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Water Well Permits and Plans

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no increase in costs, the increases are contained in the pumpage fee increase which was achieved by board action on April 22, 2022 and by amendment to this rule June 2022. They are included in the current pumpage fee as calculated. The increases are further reflected in the fiscal and economic impact statement submitted January 3, 2022.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated effects on revenue collections of state or local governmental units by this rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will have no impact on small business analysis as described in R.S. 49:978.5.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of these rule changes.

Gary J. Beard
Executive Director
2307#041

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing**

Dental Benefit Plan Manager and Healthy Louisiana
Managed Care Organization Medical Loss Ratio
(LAC 50:I.2111 and 3509)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:I.2111 and §3509 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 42, Part 438.74 of the Code of Federal Regulations 438.74 requires the Department of Health to report medical loss ratio information for the dental benefits prepaid ambulatory health plan and the Healthy Louisiana managed care organizations annually. In compliance with 42 CFR 438.74, the Department of Health, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing managed care for physical and behavioral health in order to align the MLR period for the dental benefit plan manager and the Healthy Louisiana managed care organizations with the capitation rating period for the purposes of required reporting (*Louisiana Register*, Volume 49, Number 7). This proposed Rule is being promulgated to continue the provisions of the July 1, 2023 Emergency Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 3. Managed Care for Physical and Behavioral Health

Chapter 21. Dental Benefits Prepaid Ambulatory Health Plan

§2111. Payment Methodology

A. - I. ...

J. A DBPM shall have a medical loss ratio (MLR) for each MLR reporting year, which shall align with the capitation rating period, except in circumstances in which the MLR reporting period must be revised to align to a CMS-approved capitation rating period.

1. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:788 (April 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 46:953 (July 2020), LR 47:369 (March 2021), LR 49:

Chapter 35. Managed Care Organization Participation Criteria

§3509. Reimbursement Methodology

A. - E. ...

F. An MCO shall have a medical loss ratio (MLR) for each MLR reporting year, which shall align with the capitation rating period, except in circumstances in which the MLR reporting period must be revised to align to a CMS-approved capitation rating period.

1. - 2. ...

3. An MLR shall be reported in the aggregate, including all services provided under the contract, unless the department requires separate reporting and a separate MLR calculation for specific populations.

F.3.a. - N.2.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1587 (June 2011), amended LR 39:92 (January 2013), LR 41:937 (May 2015), LR 41:2367 (November 2015), LR 42:755 (May 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 45:1771 (December 2019), LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this

proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 29, 2023.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on August 9, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 24, 2023 in Room 173 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after August 9, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Dental Benefit Plan Manager and Healthy Louisiana Managed Care Organization Medical Loss Ratio

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 23-24. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the

federal share of the promulgation costs for FY 23-24. It is anticipated that \$270 will be collected in FY 23-24 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule continues the provisions of the July 1, 2023 Emergency Rule, which amended the provisions governing managed care for physical and behavioral health in order to align the medical loss ratio period for the dental benefit plan manager and the Healthy Louisiana managed care organizations with the capitation rating period for the purposes of required reporting, in compliance with 42 CFR 438.74. It is anticipated that implementation of this proposed rule will not result in costs to dental or managed care providers and will have no impact on small businesses in FY 23-24, FY 24-25, and FY 25-26.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule has no known effect on competition and employment.

Tara A. LeBlanc
Medicaid Executive Director
2307#020

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing**

Facility Need Review
Exception Criteria for Bed Approvals
(LAC 48:I.12533)

The Department of Health, Bureau of Health Services Financing amends LAC 48:I.12533 as authorized by R.S. 36:254 and 40:2116. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing facility need review approvals of licensed and Medicaid certified facility beds in order to prevent the expiration of approvals for nursing facilities, intermediate care facilities for persons with developmental disabilities, and adult residential care providers with inactivated licenses as a result of an executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or 29:766 (*Louisiana Register*, Volume 49, Number 6). This proposed Rule is being promulgated to continue the provisions of the June 9, 2023 Emergency Rule.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 5. Health Planning

Chapter 125. Facility Need Review

Subchapter F. Exception Criteria for Bed Approvals

§12533. Declared Disasters and Emergency Events

A. The facility need review bed approvals for a licensed and Medicaid certified nursing facility, ICF/DD, or for a licensed adult residential care provider (ARCP) located in an area or areas which have been affected by an executive order

or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766 shall remain in effect and shall not be terminated, revoked or considered to have expired for a period not to exceed two years for a nursing facility or ARCP, and one year for an ICF/DD, following the original date of such executive order or proclamation, provided that the following conditions are met:

1. the nursing facility, ICF/DD, or ARCP shall submit written notification to the Health Standards Section within 60 days of the date of the executive order or proclamation of emergency or disaster that:

a. the nursing facility, ICF/DD, or ARCP has experienced an interruption in the provision of services as a result of events that are the subject of such executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766;

b. - c. ...

* * *

2. A nursing facility, ICF/DD, or ARCP resumes operating as a nursing facility, ICF/DD, or ARCP in the same service area, within two years for a nursing facility or ARCP and within one year for an ICF/DD, of the original executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766; and

3. ...

B. For good cause shown, the department may, in its sole discretion, grant two extensions of six months each, for a total of twelve additional months, to a facility described in Subsection A of this Section, during which time the facility need review approvals shall remain in effect and not be terminated, revoked, or considered to have expired, provided that the following conditions are met:

1. A nursing facility, ICF/DD, or ARCP submits a written extension request to the department 30 days prior to the expiration of the original time period established in Subsection A or the expiration of the first extension granted under these provisions.

a. The written extension request shall include evidence of progress in re-opening, including construction and expenditures on the repairs to or replacement of the facility.

b. The written extension request shall include an estimated re-opening date for the facility.

2. The facility resumes operating as a nursing facility, ICF/DD, ARCP in the same service area, within the time period of the extension(s).

3. The facility continues to submit the required documentation and information to the department.

C. The provisions of this Section shall not apply to:

1. a nursing facility, ICF/DD, or ARCP which has voluntarily surrendered its facility need review bed approval; or

2. a nursing facility, ICF/DD, or ARCP which fails to resume operations as a nursing facility, ICF/DD, or ARCP in the same service area, within two years for a nursing facility or ARCP and within one year for an ICF/DD, or within the deadlines of any extensions granted thereto, of the original executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766.

D. Failure to comply with any of the provisions of this Section shall be deemed a voluntary surrender of the facility need review bed approvals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2116.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 21:812 (August 1995), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 34:2621 (December 2008), amended LR 35:2439 (November 2009), LR 39:1469 (June 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tashka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 29, 2023.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on August 9, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 24, 2023 in Room 173 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-

1342 after August 9, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Facility Need Review
Exception Criteria for Bed Approvals**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 23-24. It is anticipated that \$756 will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections as this measure has no impact on licensing fees.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule continues the provisions of the June 9, 2023 Emergency Rule, which amended the provisions governing facility need review approvals of licensed and Medicaid certified facility beds in order to prevent the expiration of approvals for nursing facilities, intermediate care facilities for persons with developmental disabilities, and adult residential care providers with inactivated licenses as a result of an executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or 29:766. It is anticipated that implementation of this proposed rule will not result in costs to these providers for FY 23-24, FY 24-25, and FY 25-26, but will be beneficial by allowing those with inactivated licenses as a result of executive orders or proclamations of emergency or disaster to retain facility need approval for licensed and Medicaid certified beds.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tasheka Dukes, RN
Deputy Assistant Secretary
2307#021

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing**

Health Services for American Indians
638 Facilities
(LAC 50:XV.20301)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XV.20301 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act (SSA). This proposed Rule is promulgated in accordance with the

provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing Health Services for American Indians in order to align the on-site requirements for physicians in tribally operated 638 facilities with the regulations at 42 CFR 440.90 and §1905(a)(9) of the Social Security Act.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 15. Health Services for American Indians

Chapter 203. Provider Participation

§20301. "638" Facilities

A. - A.3. ...

B. A "638" facility must:

1. - 2. ...

3. comply with the Medicaid rules and regulations governing those services included in the facility's encounter rate;

4. ...

5. have a physician affiliated with the clinic that must spend as much time in the facility as is necessary to ensure that patients are receiving services in a safe and efficient manner in accordance with accepted standards of medical, dental, and behavioral health practice, and other health care professionals available as needed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:2029 (August 2005), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have a positive impact on small businesses since clinics are no longer required to staff a physician on-site at least 20 hours per week during normal business hours.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana

Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the qualifications required to provide the same level of service, but may reduce the total direct and indirect cost to the provider, and may enhance the provider's ability to provide the same level of service as described in HCR 170 since clinics are no longer required to staff a physician on-site at least 20 hours per week during normal business hours.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 29, 2023.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on August 9, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 24, 2023 in Room 173 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after August 9, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Health Services for American Indians 638 Facilities

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 23-24. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 23-24. It is anticipated that \$270 will be collected in FY 23-24 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing in order to align on-site requirements for physicians in tribally operated 638 facilities with the regulations at 42 CFR 440.90 and §1905(a)(9) of the Social Security Act. The proposed rule removes the requirement that the 638 facility have a physician

on-site at least 20 hour per week during normal business hours, as this is not required for other Medicaid-enrolled clinics. Implementation of this proposed rule will not result in costs to providers and small businesses in FY 23-24, FY 24-25, and FY 25-26, and will be beneficial by aligning the administrative rule with the federal regulations governing these clinics.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tara A. LeBlanc
Medicaid Executive Director
2307#022

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing
and
Office of Aging and Adult Services**

Home and Community-Based Services Waivers
Community Choices Waiver
Self-Direction Initiative
(LAC 50:XXI.8501)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services propose to amend LAC 50:XXI.8501 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Community Choices Waiver (CCW) self-direction initiative allows participants to coordinate the delivery of personal assistance services through an individual direct support professional rather than through a licensed, enrolled provider. The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services promulgated an Emergency Rule which amended the provisions governing the CCW self-direction initiative in order to remove the specific age requirement for employees under the self-direction service option and stipulate that these providers must meet the minimum age requirement per LAC 48:I.Chapter 92 (*Louisiana Register*, Volume 49, Number 6). This proposed Rule is being promulgated to continue the provisions of the June 9, 2023 Emergency Rule.

Title 50

**PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community-Based Services
Waivers**

Subpart 7. Community Choices Waiver

Chapter 85. Self-Direction Initiative

§8501. Self-Direction Service Option

A. - C.2.d.vi. ...

D. Employee Qualifications. All employees under the self-direction option must:

1. meet the minimum age requirement per LAC 48:I.Chapter 92;

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3523 (December 2011), amended LR 39:321 (February 2013), LR 39:1779 (July 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1900 (October 2018), LR: 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have a positive impact on small businesses by aligning the age requirements for employees under the self-direction service option with the licensing provisions for providers of these services.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, but may have a positive impact on the provider's qualifications and ability to provide the same level of service as described in HCR 170, since it aligns the age requirements for employees under the self-direction service option with the licensing provisions for providers of these services.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 29, 2023.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office

Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on August 9, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 24, 2023 in Room 173 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after August 9, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Home and Community-Based Services Waivers—Community Choices Waiver Self-Direction Initiative

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 23-24. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 23-24. It is anticipated that \$270 will be collected in FY 23-24 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule continues the provisions of the June 9, 2023 Emergency Rule, which amended the provisions governing the Community Choice Waiver (CCW) self-direction initiative in order to remove the specific age requirement for employees under the self-direction service option and stipulate that these providers must meet the minimum age requirement as per the licensing provisions of Chapter 92 in Title 48 of the *Louisiana Administrative Code*. Implementation of this proposed rule is not anticipated to result in costs to providers of CCW services or small businesses in FY 23-24, FY 24-25, and FY 25-26, but will be beneficial by ensuring that the age requirements for employees under the self-direction service option align with the licensing provisions for providers of these services.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tara A. LeBlanc
Medicaid Executive Director
2307#023

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing
and
Office for Citizens with Developmental Disabilities**

Home and Community-Based Services Waivers
Residential Options Waiver
Self-Direction Initiative
(LAC 50:XXI.16501)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities propose to amend LAC 50:XXI.16501 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Residential Options Waiver (ROW) self-direction initiative allows beneficiaries to exercise employer authority in the delivery of authorized community living supports under the self-direction service option. The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities promulgated an Emergency Rule which amended the provisions governing the ROW self-direction initiative in order to remove specific requirements for employees of beneficiaries in the self-direction service option and stipulate that these providers must meet the qualifications for furnishing personal care services as set forth in LAC 48:I.Chapter 92 (*Louisiana Register*, Volume 49, Number 6). This proposed Rule is being promulgated to continue the provisions of the June 9, 2023 Emergency Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXI. Home and Community-Based Services

Waivers

Subpart 13. Residential Options Waiver

Chapter 165. Self-Direction Initiative

§16501. Self-Direction Service Option

A. - D.3....

E. Employees of beneficiaries in the self-direction service option are not employees of the fiscal agent or the department.

1. Employee Qualifications. All employees under the self-direction option must meet the qualifications for furnishing personal care services as set forth in LAC 48:I.Chapter 92.

a - c. Repealed.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2455 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2167 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1525 (October 2021), LR 48:1572 (June 2022), LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have a positive impact on small businesses by aligning the requirements for employees of beneficiaries in the self-direction service option with the licensing provisions for providers of personal care services.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, but may have a positive impact on the provider's ability to provide the same level of service as described in HCR 170, since it aligns the requirements for employees of beneficiaries in the self-direction service option with the licensing provisions for providers of personal care services.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 29, 2023.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on August 9, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 24, 2023 in Room 173 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after August 9, 2023. If a public hearing is to be held,

all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Home and Community-Based Services
Waivers—Residential Options Waiver
Self-Direction Initiative**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 23-24. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 23-24. It is anticipated that \$270 will be collected in FY 23-24 for the federal share of the expense for promulgation of this proposed rule and the final rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR
NONGOVERNMENTAL GROUPS (Summary)**

This proposed rule continues the provisions of the June 9, 2023 Emergency Rule, which amended the provisions governing the Residential Options Waiver (ROW) self-direction initiative in order to remove specific requirements for employees of beneficiaries in the self-direction service option and stipulate that these providers must meet the qualifications for furnishing personal care services as set forth in the licensing provisions of Chapter 92 in Title 48 of the Louisiana Administrative Code. Implementation of this proposed rule is not anticipated to result in costs to providers of ROW services or small businesses in FY 23-24, FY 24-25, and FY 25-26, but will be beneficial by ensuring that the requirements for employees of beneficiaries in the self-direction service option align with the licensing provisions for providers of personal care services.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

This rule has no known effect on competition and employment.

Tara A. LeBlanc
Medicaid Executive Director
2307#024

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing**

Managed Care for Physical and Behavioral Health
Reimbursement Methodology
(LAC 50:I.3509)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:I.3509 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing promulgated a Notice of Intent which proposed to amend the provisions governing managed care for physical and behavioral health to ensure the *Louisiana Administrative Code* accurately reflects the current reimbursement methodology for federally qualified health centers (FQHCs) and rural health clinics (RHCs) (*Louisiana Register*, Volume 49, Number 1). As a result of comments received, the department determined it was necessary to abandon the Notice of Intent published in the January 20, 2023 edition of the *Louisiana Register*.

The department now proposes to promulgate a revised Notice of Intent to amend the provisions governing managed care for physical and behavioral health in order to further clarify the reimbursement methodology currently in use for FQHCs and RHCs.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

**Subpart 3. Managed Care for Physical and Behavioral
Health**

**Chapter 35. Managed Care Organization
Participation Criteria**

§3509. Reimbursement Methodology

A. - K.1....

L. Network Provider Reimbursement

1. - 2.a....

3. The MCO shall pay federally qualified health centers (FQHCs) and rural health clinics (RHCs) at least the amount LDH would pay for such services through fee-for-service or defined by the prospective payment system (PPS) rate or the alternative payment methodology rate in effect on the date of service for each encounter.

M. - N.2.a....

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1587 (June 2011), amended LR 39:92 (January 2013), LR 41:937 (May 2015), LR 41:2367 (November 2015), LR 42:755 (May 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 45:1771 (December 2019), LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 29, 2023.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on August 9, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on

August 24, 2023 in Room 173 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after August 9, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Managed Care for Physical and Behavioral Health—Reimbursement Methodology

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 23-24. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 23-24. It is anticipated that \$270 will be collected in FY 23-24 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing managed care for physical and behavioral health in order to ensure that the administrative rule reflects the current reimbursement methodology for federally qualified health centers (FQHCs) and rural health clinics (RHCs). This rule clarifies that FQHCs and RHCs are reimbursed by the Medicaid managed care organizations at least the amount the department would pay for services through fee-for-service, or according to the prospective payment system rate or the alternative payment methodology rate in effect on the date of service for each encounter. It is anticipated that implementation of this proposed rule not result in costs to providers and will have no impact on small businesses in FY 23-24, FY 24-25, and FY 25-26, but will be beneficial by ensuring that the provisions governing reimbursement to FQHCs and RHCs are clearly promulgated in the Louisiana Administrative Code.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tara A. LeBlanc
Medicaid Executive Director
2307#025

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Medicaid Eligibility
Former Foster Care Children Group
(LAC 50:III.2308)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:III.2308 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act) eliminates the requirement that an individual not be eligible for Medicaid coverage in another mandatory group in order to be eligible for the former foster care children group. The SUPPORT Act also requires Medicaid coverage for individuals who aged out of foster care in another state, as long as they otherwise meet the eligibility requirements for the former foster care children group. In compliance with the requirements of the SUPPORT Act, the Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing Medicaid eligibility for former foster care children who turned 18 on or after January 1, 2023, in order to remove the requirement that the individuals not be eligible under another mandatory group and to extend coverage to those who aged out of foster care in another state, as long as they otherwise meet the eligibility requirements for the former foster care children group.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part III. Eligibility

Subpart 3. Eligibility Groups and Factors

Chapter 23. Eligibility Groups and Medicaid Programs

§2308. Former Foster Care Children Group

A. Pursuant to the Patient Protection and Affordable Care Act of 2010 (collectively referred to as the Affordable Care Act), the Department of Health implemented a Medicaid eligibility group, effective December 31, 2013, to provide health care coverage to youth who are transitioning out of foster care to self-sufficiency upon reaching age 18 or at a higher age selected by the department. This eligibility group is called former foster care children group.

B. Eligibility Requirements

1. For youth who turned age 18 prior to January 1, 2023, the youth must meet all of the following requirements to receive Medicaid health care coverage under this eligibility group:

- a. be from age 18 to 26 years old;
- b. is not eligible or enrolled in another mandatory eligibility group described in sections 1902(a)(10)(A)(i)(I)-(VII) of the Social Security Act;
- c. was in foster care under Louisiana's custody and receiving Medicaid upon turning age 18 or upon aging out of foster care at a higher age elected by the state in its title IV-E plan (up to age 21); and

d. resides in Louisiana.

2. For youth who turned age 18 on or after January 1, 2023, the youth must meet all of the following requirements to receive Medicaid health care coverage under this eligibility group:

- a. be from age 18 to 26 years old;
- b. is not enrolled in another mandatory eligibility group described in sections 1902(a)(10)(A)(i)(I)-(VII) of the Social Security Act;
- c. was in foster care under the responsibility of any state and receiving Medicaid upon turning age 18 or such higher age (up to 21) as the state has elected in its title IV-E plan; and
- d. resides in Louisiana.

3. Repealed.

C. - D.1. ...

E. Eligibility for the program will continue until the youth reaches age 26 unless the youth:

1. ...
2. requests closure of the case; or
3. dies.
4. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:2260 (November 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1389 (July 2017), LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule may have a positive impact on small businesses by providing Medicaid reimbursement for individuals that were not previously covered.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of

service, but may enhance the provider's ability to provide the same level of service as described in HCR 170 since it provides Medicaid reimbursement for individuals that were not previously covered.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 29, 2023.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on August 9, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 24, 2023 in Room 173 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after August 9, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Medicaid Eligibility Former Foster Care Children Group

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will result in increased state costs of approximately \$2,090 for FY 23-24, \$2,183 for FY 24-25, and \$2,431 for FY 25-26. It is anticipated that \$648 (\$324 SGF and \$324 FED) will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that this proposed rule will increase federal revenue collections by approximately \$5,188 for FY 23-24, \$4,762 for FY 24-25, and \$5,147 for FY 24-25. It is anticipated that \$324 will be collected in FY 23-24 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing Medicaid eligibility for former foster care children who turned 18 on or after January 1, 2023, in order to remove the requirement that they not be eligible under another mandatory group and to extend coverage in the Former Foster Care Children Group to those individuals who aged out of foster care in another state, as long as they otherwise meet the eligibility requirements for the group. The proposed rule complies with Section 1002(a) of the "Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act" (the "SUPPORT Act"). Providers and small

businesses will benefit from implementation of this proposed rule as it is anticipated to increase Medicaid payments for services provided to certain former foster care children by approximately \$6,630 for FY 23-24, \$6,945 for FY 24-25, and \$7,578 for FY 25-26, since these individuals were not previously eligible for coverage.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tara A. LeBlanc
Medicaid Executive Director
2307#026

Patrice Thomas
Deputy Fiscal Officer
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NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Nurse Staffing Agencies
Licensing Standards
(LAC 48:I.Chapter 77)

The Department of Health, Bureau of Health Services Financing proposes to adopt LAC 48:I.Chapter 77 as authorized by R.S. 36:254. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Act 577 of the 2022 Regular Session of the Louisiana Legislature directed the Department of Health to establish licensing standards for nurse staffing agencies. In compliance with Act 577, the Department of Health, Bureau of Health Services Financing proposes to adopt provisions governing the licensing of nurse staffing agencies.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 77. Nursing Staffing Agencies Licensing Standards

Subchapter A. General Provisions

§7701. Introduction

A. No nurse staffing agency (NSA) shall be required to obtain a license in accordance with these rules until the initial Rules, regulations, and licensing standards are promulgated by the department in accordance with the Administrative Procedure Act.

B. Any person, partnership, corporation, unincorporated association, or other legal entity operating an agency that meets the definition of an NSA shall submit an initial licensing application and fee to the department within 90 days of the promulgation of the initial rules, regulations, and licensing standards.

1. If the person, partnership, corporation, unincorporated association, or other legal entity is not licensed within 180 days after submission of its initial licensing application and fee, the person, partnership, corporation, unincorporated association, or other legal entity shall cease operations until such time as the person, partnership, corporation, unincorporated association, or other legal entity is licensed as an NSA by the department.

C. No person, partnership, corporation, unincorporated association, or other legal entity may establish, operate,

maintain, or advertise as an NSA in Louisiana unless the person, partnership, corporation, unincorporated association, or other legal entity is licensed by the department.

D. Nurse staffing agencies are prohibited from requiring, as a condition of employment, assignment, or referral, that their employees or contracted staff recruit new employees for the NSA from among the permanent employees of the healthcare facility to which the NSA employees or contracted staff have been assigned or referred.

E. The healthcare facility that employs or contracts staff from the NSA is prohibited from requiring, as a condition of employment, its employees to recruit NSA employees or contracted staff to become permanent employees at the healthcare facility.

F. Nurse staffing agencies are prohibited from offering or providing financial incentives to their employees, or contracted staff, for the purpose of inducing permanent employees of healthcare facilities to which they are assigned to become employed or enter into a contract with the NSA.

G. Except as provided in Paragraphs 1 and 2 of this Subsection, an NSA shall not require, in any contract with an NSA employee or contracted staff, or a healthcare facility to which the employee or contracted staff is assigned, the payment of a fee if the employee or contracted staff is hired as a permanent employee of the healthcare facility.

1. An NSA may require the payment of a fee if the fee is payable solely by the healthcare facility and the contract with the healthcare facility specifies that the amount will be reduced pro-rata based on the length of time the NSA employee or contracted staff performs services for the healthcare facility while in the employment of the NSA. The fee shall be reduced to zero over a period of time not to exceed 18 weeks from the date of the NSA's initial assignment of the employee or contracted staff to the healthcare facility.

2. The NSA shall not charge a fee if an NSA employee or contracted staff was employed by a healthcare facility as a permanent employee less than 30 days immediately preceding the agency's initial assignment of the employee or contracted staff to the healthcare facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

§7703. Definitions

Administrator or Director—the person who is in charge of the daily operations of the NSA.

Authorized Agency—a private entity authorized by the Office of State Police to conduct the criminal history checks provided for in these regulations. Nothing herein shall be construed as expanding the access to confidential law enforcement records of the state of Louisiana or its political subdivisions or authorizing access by said agency to the computerized records of law enforcement agencies.

Certified Nurse Aide (CNA)—an individual who has completed a Nurse Aide Training and Competency Evaluation Program approved by the state as meeting the requirements of 42 CFR 483.151 and 483.154, or has been determined competent as provided in 42 CFR 483.150(a) and (b) and is listed as certified and in good standing on the state's certified nurse aide registry.

Cessation of Business—provider is non-operational and/or has stopped offering or providing services in the state.

Change of Ownership (CHOW)—the addition, substitution, or removal, whether by sale, transfer, lease, gift, or otherwise, of a licensed NSA subject to this rule by a person, corporation, or other entity which results in a change of controlling interest of assets or other equity interests of the licensed entity may constitute a CHOW of the licensed entity.

Client—the licensed healthcare facility or agency to which the registered nurse, licensed practical nurse, or certified nursing assistant is assigned on a temporary basis.

DAL—Division of Administrative Law, or its successor.

Department—the Louisiana Department of Health (LDH) or any office or agency thereof designated by the secretary of the department.

Employee or Contracted Staff—person employed by the nurse staffing agency or contracted by the nurse staffing agency to perform healthcare services in a healthcare facility for compensation, such as wages or a salary. An employed person may be one who is contracted or one who is hired for a staff position. This definition does not include a person employed or contracted to provide solely consulting services.

Geographic Location—primary business location that the nurse staffing agency operates from, as indicated on the NSA license.

Healthcare Facility—any person, partnership, corporation, unincorporated association, or other legal entity licensed pursuant to R.S. 40:2006 (A)(2), or current law, and operating or planning to operate within the state.

HSS—the LDH, Office of the Secretary, Health Standards Section.

Licensee—any nurse staffing agency properly licensed in accordance with this Rule.

Licensed Practical Nurse (LPN)—a person who practices practical nursing and who is licensed to practice practical nursing in accordance with R.S. 38:961, or current law.

Line of Credit—a credit arrangement with a federally insured, licensed lending institution that is established to ensure that the NSA has available funds as needed to continue the operations of the agency. The line of credit shall be issued to the licensed entity. For purposes of NSA licensure, the line of credit shall not be a loan, credit card, or a bank balance.

Non-Operational—the NSA location is not open for business operation on designated days and hours as stated on the licensing application.

Nurse—a registered nurse as defined in R.S. 37:913, or current law, or a licensed practical nurse as defined in R.S. 37:961, or current law.

Nurse Staffing Agency (NSA)—any person, partnership, corporation, unincorporated association, or other legal entity, including a digital website/platform, that employs, assigns, or refers nurses or certified nurse aides to render healthcare services in a healthcare facility for a fee. For purposes of these regulations, NSA does not include the following:

1. An NSA that solely provides services in Louisiana under a contract or other agreement with the state of Louisiana, or any executive branch department or agency thereof, as a result of a declared disaster, emergency, or public health emergency.

2. The federal or state government department or agency that provides nursing staff or certified nurse aides to

any healthcare provider setting, evacuation site, or shelter location as a result of a declared disaster, emergency, or public health emergency.

3. An entity that solely provides administrative or consulting services.

Registered Agent—the individual designated by the NSA as agent for service of process, notice, or demand required or permitted by Louisiana law to be served on the NSA business entity, and has a physical address in the state of Louisiana. If the registered agent is a corporation or other eligible business entity, service of process may be made on an individual, who is 18 years of age or older, and identified as authorized to receive service for the registered agent in a statement on file with the Louisiana Secretary of State.

Registered Nurse (RN)—any individual licensed in accordance with R.S. 37:911 et seq., or current law, to engage in the practice of nursing as defined in R.S. 37:913, or current law.

Secretary—the secretary of the Louisiana Department of Health, or his/her designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

§7705. Licensure Requirements

A. All NSA providers shall be licensed by the LDH. It shall be unlawful to operate as an NSA without possessing a current, valid license issued by the department. The LDH is the only licensing authority for NSAs in Louisiana.

B. An NSA license shall:

1. be issued only to the entity, person, or persons named in the license application;

2. be obtained for each location from which an NSA is operated unless the NSA is owned and managed by the same entity, person, or persons;

3. be valid for two years from the date of issuance, unless revoked prior to that date, or unless a provisional license is issued;

4. expire on the last day of the twenty-fourth month after the date of issuance, unless timely renewed by the NSA;

5. not be subject to sale, assignment, donation, or other transfer, whether voluntary or involuntary; and

6. be posted in a conspicuous place on the licensed premises at all times.

C. In order for the NSA to be considered operational and retain licensed status, the NSA shall be open for business operations on designated days and hours as stated on the licensing application.

1. The business location shall not be located in an occupied personal residence.

2. The business location shall have at least one employee or contracted staff, on duty at the business location or available by telecommunication during the days and hours of operation as stated on the licensing application.

3. The NSA shall have at least one published business telephone number.

D. The licensed NSA shall abide by and adhere to any federal or state law, Rule, policy, procedure, manual, or memorandum pertaining to NSAs.

E. A separately licensed NSA shall not use a name which is substantially the same as the name of another NSA licensed by the department. A NSA provider shall not use a

name which is likely to mislead an individual or individuals receiving services into believing it is owned, endorsed, or operated by the state.

F. The NSA shall maintain general and professional liability insurance, and worker's compensation insurance in effect at the time of initial license application and license renewal, and maintained and in effect throughout the term of the license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

§7707. Initial Licensure Application Process

A. An initial application for licensing as an NSA shall be made to the department on forms provided by the department. A completed initial license application packet for NSAs shall be submitted to and approved by the department prior to an applicant providing NSA services.

B. The initial licensing application packet shall include:

1. a completed NSA licensure application and the appropriate non-refundable licensing fee as established by statute. The license application shall contain the name and address of the person, partnership, corporation, unincorporated association, or other legal entity that is the applicant, and the name and address of the registered agent;

2. if applicable, a copy of the NSA's articles of incorporation or organization, a copy of its current bylaws, and the names and addresses of its officers, administrator/director, and shareholders owning more than 5 percent of the corporation's stock;

3. a copy of verification of current active business with the Secretary of State, or equivalent state business registry, which references the current registered agent;

4. a copy of the organizational chart of the NSA, including the names and addresses of the person or persons under whose management or supervision the NSA will be operated;

5. a statement detailing the experience and qualifications of the applicant to operate an NSA;

6. a statement of financial solvency, comprised of the following:

a. a line of credit issued from a federally insured, licensed lending institution in the amount of at least \$25,000 that is:

i. current and in effect at the time of submission of the application for licensure; and

ii. issued to and in the name of the applicant shown on the application for licensure;

b. general and professional liability insurance in an amount sufficient to provide coverage in accordance with the total amount recoverable for all malpractice claims as indicated in R.S. 40:1231.2, or current law; and

c. worker's compensation insurance that is in compliance with the Louisiana Workers' Compensation Law, R.S. 23:1020.1 et seq., or current law, with a minimum coverage in the amount of \$1,000,000 that is current and in effect at the time of submission of the license application;

7. proof that the LDH, HSS is specifically identified as the certificate holder on any policies and any certificates of insurance issued as proof of insurance by the insurer or producer (agent);

8. a copy of a statewide criminal background check including sex offender registry status, on all applicant(s),

owner(s) with 5 percent or more ownership interest, and administrator/director, for any state lived in within the last five years;

9. a completed disclosure of ownership and control information form;

10. a statement of the days and hours of operation; and

11. any other relevant documentation or information required by the department for licensure.

C. A person convicted of one or more of the following felonies is prohibited from being the owner(s), or the administrator/director of an NSA. For purposes of these provisions, the licensing application shall be rejected by the department for any felony conviction relating to:

1. the violence, abuse, or negligence of a person;

2. the misappropriation of property belonging to another person;

3. cruelty, exploitation, or the sexual battery of the infirmed;

4. a drug offense;

5. crimes of a sexual nature;

6. a firearm or deadly weapon;

7. Medicare or Medicaid fraud; or

8. fraud or misappropriation of federal or state funds.

D. If the initial licensing packet is incomplete, the applicant shall be notified of the missing information and shall have 90 days from receipt of the notification to submit the additional requested information.

1. If the additional requested information is not submitted to the department within 90 days, the application shall be closed.

2. If an initial licensing application is closed, an applicant who is still interested in becoming an NSA shall submit a new initial licensing packet with a new initial non-refundable licensing fee to start the initial licensing process.

E. Once the initial licensing application packet has been approved by the department, the NSA applicant shall notify the department of readiness for an initial licensing survey within 90 days.

1. If an applicant fails to notify the department of readiness for an initial licensing survey within 90 days of approval, the initial licensing application shall be closed. After an initial licensing application is closed, an applicant who is still interested in becoming a NSA must submit a new initial licensing packet with a new initial non-refundable licensing fee to start the initial licensing process.

F. Applicant shall be in compliance with all federal, state, departmental, or local statutes, laws, ordinances, rules, and regulations, and all non-refundable fees shall be paid before the NSA provider will be issued an initial license to operate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

§7709. Initial Licensing Surveys

A. Prior to the initial license being issued to the NSA, an initial licensing survey shall be conducted to ensure compliance with the NSA licensing laws and standards. Except for existing NSAs who timely apply for a license under §7701 of this Chapter, no NSA services shall be provided by the NSA until the initial licensing survey has

been performed, the NSA has been found in compliance, and the initial license has been issued to the NSA by the department. An existing NSA that timely applies for a license must receive a license within 180 days in order to continue to provide services.

B. In the event that the initial licensing survey finds that the NSA is compliant with all licensing laws, regulations, and any other required statutes, laws, ordinances, rules, regulations, and non-refundable fees, the department shall issue a full license to the provider. The license shall be valid until the expiration date shown on the license, unless the license is revoked.

C. In the event that the initial licensing survey finds that the NSA is noncompliant with any licensing laws, regulations, or any other required statutes, laws, ordinances, rules or regulations that present a potential threat to the health, safety, or welfare of an individual or individuals receiving services, the department shall deny the initial license.

D. In the event that the initial licensing survey finds that the NSA is deficient or noncompliant with any licensing laws, regulations, or any other required statutes, laws, ordinances, rules or regulations, but the department in its sole discretion determines that the deficiency or noncompliance does not present a threat to the health, safety, or welfare of an individual or individuals receiving services, the department may issue a provisional initial license for a period not to exceed six months.

1. The provider shall submit an acceptable plan of correction to the department for approval, and the NSA shall be required to correct all such deficiencies or noncompliance(s) prior to the expiration of the provisional license.

a. If all such deficiencies or noncompliance(s) are corrected on the follow-up survey, a full license will be issued.

b. If all such deficiencies or noncompliance(s) are not corrected on the follow-up survey, or new deficiencies or noncompliance(s) affecting the health, safety, or welfare of an individual or individuals receiving services is cited, the provisional license shall expire and the provider shall be required to begin the initial licensing process again by submitting a new initial license application packet and the appropriate non-refundable licensing fee.

E. The initial licensing survey of a NSA shall be an announced survey. Follow-up surveys to the initial licensing surveys shall be unannounced surveys.

F. Once a NSA has been issued an initial license, the department shall conduct licensing and other surveys at intervals deemed necessary by the department to determine compliance with licensing standards and regulations, as well as other required statutes, laws, ordinances, rules, regulations, and fees.

1. A plan of correction may be required from an NSA for any survey where deficiencies or noncompliance(s) have been cited. Such plan of correction shall be approved by the department.

2. A follow-up survey may be conducted for any survey where deficiencies or noncompliance(s) have been cited to ensure correction of the noncompliant or deficient practice(s).

G. The department's surveyors and staff shall be given access to all areas of the NSA and all relevant files during any licensing or other survey or complaint investigation, and shall be allowed to interview any NSA staff as necessary to conduct the complaint investigation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

§7711. Types of Licenses and Expiration Dates

A. The department shall have the authority to issue the following types of licenses:

1. Full Initial License. The department shall issue a full license to the NSA when the initial licensing survey finds that the NSA is compliant with all licensing laws and regulations, and is compliant with all other required statutes, laws, ordinances, rules, regulations, and all non-refundable fees have been paid. The license shall be valid until the expiration date shown on the license, unless the license is revoked.

2. Provisional Initial License. The department may issue a provisional initial license to the NSA when the initial licensing survey finds that the NSA is deficient or noncompliant with any licensing laws or regulations or any other required statutes, laws, ordinances, rules, regulations or non-refundable fees, but the department determines that the deficiencies or noncompliance(s) do not present a threat to the health, safety, or welfare of an individual or individuals receiving services.

3. Full Renewal License. The department may issue a full renewal license to an existing licensed NSA who is in substantial compliance with all applicable federal, state, departmental, and local statutes, laws, ordinances, rules, regulations, and non-refundable fees. The license shall be valid until the expiration date shown on the license, unless the license is revoked.

4. Provisional Renewal License. The department, in its sole discretion, may issue a provisional license to an existing licensed NSA for a period not to exceed six months.

a. The department will consider the following circumstances in making a determination to issue a provisional license:

i. compliance history of the NSA to include areas of deficiencies or noncompliance(s) cited;

ii. the nature and severity of any substantiated complaints;

iii. the existing NSA has more than six validated complaints in one biennial licensed period;

iv. the existing NSA has been issued a deficiency or noncompliance that involved placing an individual or individuals receiving services at risk for serious harm or death;

v. the existing NSA has failed to correct deficiencies or noncompliant practice(s) within 60 days of being cited for such deficiencies or noncompliant practice(s) or at the time of a follow-up survey; or

vi. the existing NSA is not in substantial compliance with all applicable federal, state, departmental and local statutes, laws, ordinances, rules, regulations, and non-refundable fees at the time of renewal of the license.

b. When the department issues a provisional license to an existing licensed NSA, the NSA shall submit a plan of correction to LDH for approval, and the NSA shall be

required to correct all such deficiencies or noncompliant practice(s) prior to the expiration of the provisional license. The department shall conduct a follow-up survey of the NSA prior to the expiration of the provisional license.

i. If the follow-up survey determines that the NSA has corrected the deficiencies or noncompliant practice(s) and has maintained compliance during the period of the provisional license, the department may issue a full license until the anniversary date of the NSA license.

ii. If the follow-up survey determines that all deficiencies or noncompliance(s) have not been corrected, or if new deficiencies or noncompliance(s) that are a threat to the health, safety, or welfare of an individual or individuals receiving services are cited on the follow-up survey, the provisional license shall expire. The NSA shall be required to begin the initial licensing process again by submitting a new initial license application packet and appropriate non-refundable fee.

iii. The department shall issue written notice to the NSA of the results of the follow-up survey.

B. If an existing licensed NSA has been issued a notice of license revocation and the NSA's license is due for biennial renewal, the department shall deny the license renewal application and shall not issue a renewal license.

1. If a timely administrative appeal has been filed by the NSA regarding the license revocation, suspension, or termination, the administrative appeal shall be suspensive, and the NSA shall be allowed to continue to operate and provide services until such time as the DAL or department issues a decision on the license revocation, suspension, or termination.

2. If the secretary of the department determines that the violations of the NSA pose an imminent or immediate threat to the health, welfare, or safety of an individual or individuals receiving services, the imposition of such action may be immediate and may be enforced during the pendency of the administrative appeal. If the secretary of the department makes such a determination, the NSA will be notified in writing.

3. The denial of the license renewal application does not affect, in any manner, the license revocation, suspension, or termination.

C. The renewal of a license does not affect, in any manner, any sanction, civil fine, or other action imposed by the department against the NSA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

§7713. Changes in Licensee Information, Location, or Key Personnel

A. Any change regarding the NSA's entity name, doing business as name, geographic address, mailing address, telephone number, or any combination thereof, shall be reported in writing to the HSS within five working days of the change.

B. Any change regarding the NSA's key administrative personnel or registered agent shall be reported in writing to the HSS within 10 working days subsequent to the change.

1. The NSA's notice to the department shall include the individual's:

a. name;

b. address;

- c. telephone number;
- d. facsimile (fax) number, if applicable;
- e. electronic mail address;
- f. hire date; and
- g. qualifications, if applicable.

C. If the NSA changes its name without a change in ownership, the NSA shall report such change to the department in writing five days prior to the change.

1. The change in the NSA name requires a change in the NSA license.

2. Payment of the applicable non-refundable, fee is required to re-issue the license.

D. If the NSA changes the physical address of its geographic location without a change in ownership, the NSA shall report such change to LDH in writing at least five days prior to the change. Because the license of a NSA is valid only for the geographic location of that NSA, and is not transferrable or assignable, the NSA shall submit a new licensing application.

1. A survey may be required prior to the issuance of the new license.

2. The change in the NSA's physical address results in a new license renewal anniversary date, and an additional full licensing non-refundable fee shall be paid.

E. Any request for a duplicate license shall be accompanied by the applicable non-refundable fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

§7715. Change of Ownership of a Nurse Staffing Agency Provider

A. The license of an NSA is not transferable or assignable and cannot be sold. When an NSA is sold or ownership is transferred, the transferee shall notify the department and apply for a new license within 45 days prior to the transfer.

B. Before a license can be issued to the new owner, the new owner shall meet all licensing application requirements. The new owner shall submit to the department for approval, a change of ownership (CHOW) application packet that includes:

1. a completed CHOW application and the appropriate non-refundable licensing fee as established by statute. The CHOW application shall contain the name and address of the person, partnership, corporation, unincorporated association, or other legal entity that is the applicant, and the name and address of the registered agent;

2. if applicable, a copy of the NSA's articles of incorporation or organization, a copy of its current bylaws, and the names and addresses of its officers, administrator/director, and shareholders owning more than 5 percent of the corporation's stock;

3. the legal CHOW document;

4. a copy of the organizational chart of the NSA, including the names and addresses of the person or persons under whose management or supervision the NSA will be operated;

5. a statement detailing the experience and qualifications of the applicant to operate an NSA;

6. a statement of financial solvency, comprised of the following:

a. a line of credit issued from a federally insured, licensed lending institution in the amount of at least \$25,000 that is:

i. current and in effect at the time of submission of the application for licensure; and

ii. issued to and in the name of the applicant shown on the application for licensure;

b. general and professional liability insurance in an amount sufficient to provide coverage in accordance with the total amount recoverable for all malpractice claims as indicated in R.S. 40:1231.2, or current law; and

c. worker's compensation insurance that is in compliance with the Louisiana Workers' Compensation Law, R.S. 23:1020.1 et seq., or current law, with a minimum coverage in the amount of \$1,000,000 that is current and in effect at the time of submission of the license application;

7. proof that the LDH, HSS is specifically identified as the certificate holder on any policies and any certificates of insurance issued as proof of insurance by the insurer or producer (agent);

8. a copy of a statewide criminal background check, including sex offender registry status, on all applicant(s), owner(s) with 5 percent or more ownership interest, and administrator/director, and for any state lived in within the last five years;

9. a completed disclosure of ownership and control information form; and

10. any other relevant documentation or information required by the department for licensure.

C. If the CHOW results in a change of geographic address, a survey may be required prior to issuance of the new license.

D. A CHOW of the NSA shall not be submitted at time of the biennial renewal of the NSA's license.

E. An NSA may not undergo a CHOW if any of the following conditions exist. The NSA:

1. licensure is provisional, under revocation or denial of renewal;

2. is in a settlement agreement with the department; or

3. has ceased to operate and does not meet operational requirements to hold a license as defined by §7739 and in accordance with §7723 of this Chapter.

F. The department may deny approval of the CHOW for any of the reasons a license may be revoked or denied renewal pursuant to these licensing provisions.

G. Once all application requirements have been completed and approved by the department, a new license shall be issued to the new owner. The transferor shall remain responsible for the operation of the agency until such time as a license is issued to the transferee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

§7717. Renewal of License

A. The NSA shall submit a completed license renewal application packet to the department at least 30 days prior to the expiration of the current license. The completed license renewal application packet shall include:

1. a completed NSA license renewal application and the appropriate non-refundable license renewal/delinquent fee as established by statute. The license application shall

contain the name and address of the person, partnership, corporation, unincorporated association, or other legal entity that is the applicant(s), and the name and address of the registered agent;

2. a statement of financial solvency, comprised of the following:

a. a line of credit issued from a federally insured, licensed lending institution in the amount of at least \$25,000 that is:

i. current and in effect at the time of submission of the application for licensure; and

ii. issued to and in the name of the applicant shown on the application for licensure;

b. general and professional liability insurance in an amount sufficient to provide coverage in accordance with the total amount recoverable for all malpractice claims as indicated in R.S. 40:1231.2, or current law; and

c. worker's compensation insurance that is in compliance with the Louisiana Workers' Compensation Law, R.S. 23:1020.1 et seq., or current law, with a minimum coverage in the amount of \$1,000,000 that is current and in effect at the time of submission of the license application;

3. proof that the LDH, HSS is specifically identified as the certificate holder on any policies and any certificates of insurance issued as proof of insurance by the insurer or producer (agent); and

4. any other relevant documentation or information required by the department for licensure.

B. The department may perform a survey and/or complaint investigation upon biennial renewal of a license.

C. Failure to submit a completed license renewal application packet prior to the expiration of the current license shall result in the voluntary non-renewal of the NSA license.

1. Upon expiration of the current license, the NSA provider shall cease providing services in accordance with this rule, or current law, and shall meet the requirements of §7725 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

§7719. Denial of Initial Licensure, Revocation of License, Denial of License Renewal, Operation without License and Penalty

A. Denial of an Initial License

1. The department may, after appropriate notice and hearing, deny issuance of an NSA license if the licensee or applicant fails to comply with any licensing laws or regulations, or any other required statutes or regulations that present a potential threat to the health, safety, or welfare of an individual or individuals receiving services.

2. The department may deny an initial license for any of the reasons stated in Subsection C of this Section for which a license may be revoked or a license renewal denied.

B. Voluntary Non-Renewal of a License. If an NSA fails to timely renew its license, the license expires on its face and is considered voluntarily surrendered. There are no appeal rights for such surrender or non-renewal of the license, as this is a voluntary action on the part of the NSA.

C. Revocation of License or Denial of License Renewal. A NSA license may be revoked or denied renewal for any of the reasons the following:

1. failure to comply with the statutory requirements and minimum standards set forth by regulations as promulgated by the department;

2. insufficient financial or other resources to operate the NSA in accordance with the requirements of these regulations and the minimum standards, rules, and regulations promulgated herein;

3. failure to establish appropriate personnel policies and procedures for selecting nurses and certified nurse aides for employment, assignment, or referral;

4. failure to perform criminal history checks as required by R.S. 40:1203.1 et seq., or current law;

5. failure to report hours worked by certified nurse aides to the certified nurse aide registry;

6. failure to comply with the terms and provisions of a settlement agreement with LDH or education letter;

7. knowingly making a false statement in any of the following areas, including but not limited to:

a. application for initial license or renewal of license;

b. data forms;

c. employee records;

d. matters under investigation by the department or the Office of the Attorney General, or any law enforcement agency;

8. knowingly making a false statement or providing false, forged, or altered information or documentation to LDH employees or to law enforcement agencies;

9. the use of false, fraudulent, or misleading advertising;

10. fraudulent operation of an NSA by the owner(s), officer(s), director(s), officer(s), board member(s), administrator/director, or other key personnel as defined by §7713 of this Chapter;

11. the applicant(s), owner(s), officer(s), member(s), administrator/director, or person(s) has been convicted of, or has entered a plea of guilty or nolo contendere (no contest) to or has pled guilty or nolo contendere to a felony, or has been convicted of a felony, as documented by a certified copy of the record of the court;

a. For purposes of these provisions, conviction of a felony involves any felony conviction relating to:

i. the violence, abuse, or negligence of a person;

ii. the misappropriation of property belonging to another person;

iii. cruelty, exploitation, or the sexual battery of the infirmed;

iv. a drug offense;

v. crimes of a sexual nature;

vi. a firearm or deadly weapon;

vii. Medicare or Medicaid fraud; or

viii. fraud or misappropriation of federal or state funds;

12. failure to comply with all reporting requirements in a timely manner, as required by the department;

13. failure to allow, or refusal to allow, the department to conduct a survey or complaint investigation or to

interview NSA staff or other individuals as necessary or required to conduct the survey or complaint investigation;

14. interference with the survey or complaint investigation process, including but not limited to, harassment, intimidation, or threats against the survey staff;

15. failure to allow or refusal to allow access to the NSA facility employee or contract staff's records by authorized department personnel;

16. failure to timely pay outstanding fees, fines, sanctions, or other debts owed to the department; or

17. failure to maintain current, and in effect, required insurance.

D. When a licensed NSA receives a notice of license revocation, the NSA shall notify in writing within 24 hours, all agencies or healthcare facilities for which the NSA provides employees or contracted staff, of the license revocation or suspension action. The notice shall:

1. include the following:

- a. the action taken by the department; and
- b. whether the NSA is appealing the action; and

2. be posted in a conspicuous place inside the licensed premises where an individual or individuals can access the notice.

E. In the event an NSA's license is revoked, renewal is denied, or the license is surrendered in lieu of an adverse action, any owner(s), board member(s), administrator/director, and any other person named on the license application of such NSA is prohibited from owning, managing, supervising, directing, or operating another NSA agency for a period of two years from the date of the final disposition of the revocation, denial action, or surrender.

F. Operation without License and Penalty

1. An NSA shall not operate without a license issued by the department.

a. Any such person, partnership, corporation, unincorporated associations, or other legal entity operating such an agency without a license shall be guilty of a misdemeanor and upon conviction shall be fined no less than \$250 for each day of operation without a license, up to a maximum of \$1,000. Each day of violation shall constitute a separate offense.

b. It shall be the responsibility of the department to inform the appropriate district attorney of the alleged violation to ensure enforcement.

2. If a person, partnership, corporation, unincorporated associations, or other legal entity is operating a NSA without a license issued by the department, the department shall have the authority to issue an immediate cease and desist order to that person, partnership, corporation, unincorporated associations, or other legal entity.

a. Any such NSA receiving such a cease and desist order from the department shall immediately cease operations until such time as that NSA is issued a license by the department.

3. The department shall seek an injunction in the Nineteenth Judicial District Court against any person, partnership, corporation, unincorporated associations, or other legal entity operating an agency that receives a cease and desist order from the department and who does not cease operations immediately.

a. Any such person, partnership, corporation, unincorporated association, or other legal entity operating an agency against whom an injunction is granted shall be liable to the department for attorney fees, costs, and damages.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

§7721. Notice and Appeal of Initial License Denial, License Revocation and Denial of License Renewal

A. Notice of an initial license denial, license revocation, or denial of license renewal shall be given to the provider in writing.

B. The NSA has a right to an administrative reconsideration of the initial license denial, license revocation, or denial of license renewal. There is no right to an administrative reconsideration of a voluntary non-renewal or surrender of a license by the NSA.

1. The NSA shall request the administrative reconsideration within 15 calendar days of the receipt of the notice of the initial license denial, license revocation, or denial of license renewal. The request for administrative reconsideration shall be in writing and received by the department within 15 days from the NSA's receipt of the notice letter from the department.

2. The request for administrative reconsideration shall include any documentation that demonstrates that the determination was made in error.

3. If a timely request for an administrative reconsideration is received by HSS, an administrative reconsideration shall be scheduled and the NSA will receive written notification of the date of the administrative reconsideration.

4. The NSA shall have the right to appear in person at the administrative reconsideration and may be represented by counsel.

5. Correction of a deficiency or noncompliance which is the basis for the initial license denial, revocation or denial of license renewal shall not be a basis for administrative reconsideration.

6. The administrative reconsideration process is not in lieu of the administrative appeals process.

7. The NSA will be notified in writing of the results of the administrative reconsideration.

C. The NSA has a right to an administrative appeal of the initial license denial, license revocation, or denial of license renewal. There is no right to an administrative appeal of a voluntary non-renewal or surrender of a license by the NSA.

1. The NSA shall request the administrative appeal within 30 days of the receipt of the results of the administrative reconsideration.

a. The NSA may forego its rights to an administrative reconsideration, and if so, shall request the administrative appeal within 30 calendar days of the receipt of the written notice of the initial license denial, revocation, or denial of license renewal.

2. The request for administrative appeal shall be in writing and shall be submitted to the DAL, or its successor. The request shall include any documentation that

demonstrates that the determination was made in error and shall include the basis and specific reasons for the appeal.

3. If a timely request for an administrative appeal is received by the DAL, or its successor, the administrative appeal of the license revocation or denial of license renewal shall be suspensive, and the NSA shall be allowed to continue to operate and provide services until such time as the department issues a final administrative decision.

a. If the secretary of the department determines that the violations of the NSA pose an imminent or immediate threat to the health, welfare, or safety of an individual or individuals receiving services, the imposition of the license revocation or denial of license renewal may be immediate and may be enforced during the pendency of the administrative appeal. If the secretary of the department makes such a determination, the provider will be notified in writing.

4. Correction of a violation or a deficiency or noncompliance which is the basis for the initial license denial, license revocation or denial of license renewal shall not be a basis for an administrative appeal.

D. If an existing licensed NSA has been issued a notice of license revocation, and the NSA's license is due for biennial renewal, the department shall deny the license renewal application. The denial of the license renewal application does not affect, in any manner, the license revocation.

E. If a timely administrative appeal has been filed by the NSA on an initial license denial, denial of license renewal or license revocation, the DAL, or its successor, shall conduct the hearing in accordance with the Administrative Procedure Act.

1. If the final agency decision is to reverse the initial license denial, denial of license renewal or license revocation, the NSA's license will be re-instated or granted upon the payment of any non-refundable licensing fees, outstanding sanctions, or other fees due to the department.

2. If the final agency decision is to affirm the denial of license renewal or license revocation, the NSA shall give written notice to all licensed healthcare facilities for which the NSA is providing staff.

a. Within 10 calendar days of the final agency decision, the NSA shall notify HSS, in writing, of the secure and confidential location where the employee or contracted staff's records will be stored and the name and contact information of the person(s) responsible for the employee or contracted staff's records.

F. There is no right to an administrative reconsideration or an administrative appeal of the issuance of a provisional initial license to a new NSA, or the issuance of a provisional license to an existing NSA. A NSA who has been issued a provisional license is licensed and operational for the term of the provisional license. The issuance of a provisional license is not considered to be a denial of initial licensure, denial of license renewal, or license revocation.

1. A follow-up survey may be conducted prior to the expiration of a provisional initial license issued to a new NSA or the expiration of a provisional license issued to an existing NSA.

2. A new NSA that is issued a provisional initial license or an existing NSA that is issued a provisional license shall be required to correct all deficiencies or

noncompliance(s) at the time the follow-up survey is conducted.

3. If all deficiencies or noncompliance(s) have not been corrected at the time of the follow-up survey, or if new deficiencies or noncompliance(s) that are a threat to the health, safety, or welfare of an individual or individuals receiving services are cited on the follow-up survey, the provisional initial license or provisional license shall expire on its face and the NSA shall be required to begin the initial licensing process again by submitting a new initial license application packet and non-refundable fee.

4. The department shall issue written notice to the NSA of the results of the follow-up survey.

G. A NSA with a provisional initial license or an existing NSA with a provisional license that expires due to deficiencies or noncompliance(s) cited at the follow-up survey, shall have the right to an administrative reconsideration and the right to an administrative appeal, solely as to the validity of the deficiencies or noncompliance(s).

1. The correction of a deficiency or noncompliance after the follow-up survey shall not be the basis for the administrative reconsideration or for the administrative appeal.

2. The administrative reconsideration and the administrative appeal are limited to whether the deficiencies or noncompliance(s) were properly cited at the follow-up survey.

3. The NSA shall request the administrative reconsideration in writing, which shall be received by the HSS within five calendar days of receipt of the written notice of the results of the follow-up survey from the department. The request for an administrative reconsideration must identify each disputed deficiencies or noncompliance(s) and the reason for the dispute and include any documentation that demonstrates that the determination was made in error.

4. The NSA shall request the administrative appeal within 15 calendar days of receipt of the written notice of the results of the follow-up survey from the department. The request for administrative appeal shall be in writing and shall be submitted to the DAL, or its successor. The request for an administrative appeal must identify each disputed deficiencies or noncompliance(s) and the reason for the dispute and include any documentation that demonstrates that the determination was made in error.

5. A NSA with a provisional initial license or an existing NSA with a provisional license that expires under the provisions of this Chapter shall cease providing services and provide written notice to all licensed healthcare facilities for which the NSA is providing staff unless the DAL, or its successor, issues a stay of the expiration.

a. The stay may be granted by the DAL, or its successor, upon application by the NSA at the time the administrative appeal is filed and only after a contradictory hearing and only upon a showing that there is no potential harm to an individual or individuals receiving services being served by the healthcare provider.

6. If a timely administrative appeal has been filed by a NSA with a provisional initial license that has expired, or by an existing NSA whose provisional license has expired under the provisions of this Chapter, the Division of

Administrative Law, or its successor, shall conduct the hearing in accordance with the Administrative Procedure Act.

a. If the final agency decision is to remove all deficiencies or noncompliance(s), the NSA's license will be re-instated upon the payment of any outstanding sanctions and licensing or other fees due to the department.

b. If the final agency decision is to uphold the deficiencies or noncompliance(s) thereby affirming the expiration of the provisional license, the NSA shall give written notice to all licensed healthcare facilities for which the NSA is providing staff.

i. Within 10 calendar days of the final agency decision, the provider shall notify HSS in writing of the secure and confidential location where the employee or contracted staff records will be stored.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

§7723. Cessation of Business

A. A license shall be immediately null and void if a NSA becomes non-operational.

B. A cessation of business is deemed to be effective the date on which the NSA ceased offering or providing NSA services and/or is considered non-operational in accordance with §7705.C.2.

C. Upon the cessation of business, the NSA shall immediately return the original license to the department, and shall meet the requirements of §7753.C.

D. Cessation of business is deemed to be a voluntary action on the part of the NSA. The NSA does not have a right to appeal a cessation of business.

E. If a NSA fails to follow these procedures, the owner(s), administrator/director, and officer(s) may be prohibited from opening, managing, directing, operating, or owning a NSA for a period of two years.

F. Once any NSA has ceased doing business, the NSA shall not provide services until the NSA has obtained a new initial NSA license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

§7725. Survey Activities

A. The department, or its designee, may conduct periodic licensing surveys, complaint surveys, and other surveys as deemed necessary to ensure compliance with all laws, rules and regulations governing NSA and to ensure the health, safety and welfare of an individual or individuals receiving services from employees or contracted staff of the NSA. These surveys shall be unannounced.

1. The department, or its designee, upon receiving a complaint from any interested person regarding allegations that a NSA is operating without a valid license issued by the department, may investigate any entity, person or persons.

B. Complaint investigations shall be conducted in accordance with R.S. 40:2009.13 et seq., or current law.

C. The department shall require an acceptable plan of correction from a NSA for any survey or complaint investigation where deficiencies or noncompliance(s) have been cited, regardless of whether the department takes other action against the healthcare facility for the deficiencies or

noncompliance(s) cited in the survey or complaint investigation. The acceptable plan of correction shall be submitted within the prescribed timeframe to the department for approval.

D. A follow-up survey may be conducted for any survey or complaint investigation where deficiencies or noncompliance(s) have been cited to ensure correction of the deficient or noncompliant practice(s).

E. The department may issue sanctions, allowed under current state law or regulation, for deficiencies or noncompliance(s) and violations of law, rules, and regulations. Sanctions include, but are not limited to:

1. civil fines;
2. directed plans of correction;
3. license revocation; and/or
4. denial of license renewal.

F. LDH surveyors and staff shall be:

1. given access to all areas of the NSA agency, to all relevant administrative files during any survey as necessary or required to conduct the survey and/or complaint investigation, and all files relevant to monitor the usage of the NSA services to determine their impact. If the department conducts a survey as an administrative survey, the NSA shall provide all requested documentation and records to the department in electronic format by the end of the next business day from the request; and

2. allowed to interview any NSA employees or contracted staff or other persons as necessary or required to conduct the survey.

G. The NSA shall cooperate in any survey or complaint investigation conducted by the department. Failure to cooperate or timely produce any documentation for inspection or survey may result in action up to and including license revocation.

H. The department shall assess the NSA a survey or complaint investigation fee, not to exceed \$1,000 for any complaint survey or complaint investigation conducted by the department at which deficiencies are substantiated.

1. This survey or complaint investigation fee shall be imposed by the department only after the NSA has completed the administrative process which has upheld the deficiencies or noncompliance or the time for filing any administrative appeal has expired.

2. The survey or complaint investigation fee shall not exceed the cost of performing the survey.

3. This fee shall be in addition to any other sanctions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

§7727. Statement of Deficiencies/Noncompliance(s)

A. The following statements of deficiencies or noncompliance(s) issued by the department to the NSA shall be posted in a conspicuous place on the licensed premises:

1. the most recent biennial survey statement of deficiencies or noncompliance(s); and

2. any complaint survey statement of deficiencies or noncompliance(s).

B. Any statement of deficiencies or noncompliance(s) issued by the department to a NSA shall be available for disclosure to the public 30 days after the NSA submits an acceptable plan of correction to the deficiencies or noncompliance or 90 days after the statement of deficiencies

or noncompliance is issued to the NSA, whichever occurs first.

C. Unless otherwise provided in statute or in these licensing provisions, a NSA shall have the right to an administrative reconsideration of any deficiencies or noncompliance(s) cited as a result of a survey or complaint investigation.

1. Correction of the deficiencies or noncompliance(s) shall not be the basis for the reconsideration.

2. The administrative reconsideration of the deficiencies or noncompliance(s) shall be requested in writing within 10 calendar days of receipt of the statement of deficiencies or noncompliance(s), unless otherwise provided in these standards.

3. The request for administrative reconsideration of the deficiencies or noncompliance(s) shall be made to the department's HSS and will be considered timely if received by HSS within 10 calendar days of the NSA's receipt of the statement of deficiencies or noncompliance(s).

4. If a timely request for an administrative reconsideration is received, the department shall schedule and conduct the administrative reconsideration.

5. The NSA shall be notified in writing of the results of the administrative reconsideration.

6. Except as provided for complaint surveys pursuant to R.S. 40:2009.13 et seq., or current law, and as provided in these licensing provisions for initial license denials, revocations and denial of license renewals, the decision of the administrative reconsideration team shall be the final administrative decision regarding the deficiencies.

7. The request for an administrative reconsideration of any deficiencies or noncompliance(s) cited as a result of a survey or complaint investigation does not delay submission of the required plan of correction within the prescribed timeframe.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

Subchapter B. Administration and Organization

§7735. Governing Body

A. An NSA shall have an identifiable governing body with responsibility for and authority over the policies and activities of the agency.

1. An NSA shall have documents identifying all members and officers of the governing body, their addresses, and their terms of membership.

2. The governing body shall hold formal meetings at least twice a year.

3. There shall be written minutes of all formal meetings of the governing body and by-laws specifying frequency of meetings and quorum requirements.

B. The governing body of an NSA shall:

1. ensure the NSA's continual compliance and conformity with all relevant federal, state, local, and municipal laws and regulations;

2. ensure that the NSA is adequately funded and fiscally sound;

3. review and approve the NSA's annual budget;

4. designate a person to act as administrator/director and delegate sufficient authority to this person to manage the NSA agency;

5. formulate and annually review, in consultation with the administrator/director, written policies concerning the NSA's philosophy, goals, current services, personnel practices, job descriptions and fiscal management;

6. annually evaluate the administrator/director's performance;

7. have the authority to dismiss the administrator/director;

8. meet with designated representatives of the department whenever required to do so;

9. ensure federal and statewide criminal background checks on all unlicensed persons providing direct care and services to clients in accordance with R.S. 40:1203.1 et seq., or other applicable current state law upon hire;

10. ensure that the NSA does not hire unlicensed persons who have a conviction that bars employment in accordance with R.S. 40:1203.3 or other applicable current state law;

a. the NSA shall have documentation on the final disposition of all charges that bars employment pursuant to applicable state law; and

11. ensure that certified nurse aides (CNAs) comply with R.S. 40:1203.2 or other applicable current state law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

§7737. Policy and Procedures

A. The NSA shall develop, implement, and comply with NSA-specific written policies and procedures, approved by the owner(s) or governing body, related to compliance with this Chapter, including but not limited to the following policies and procedures:

1. confidentiality and security of files;

2. publicity and marketing;

3. prohibition of illegal or coercive inducement, solicitation and/or kickbacks;

4. personnel policies;

5. employee or contracted staff grievance policy;

6. incidents and accidents, including medical emergencies;

7. records maintenance and retention;

8. compliance with memoranda issued by the department and applicable to NSAs;

9. a plan for recruitment, screening, personal interview, reference check, orientation, ongoing training, development, supervision, and at least annual performance evaluation of staff members;

10. written job descriptions for each employee or contracted staff position;

11. abuse reporting procedures that require all employees or contracted staff, to report any and all incidents of abuse or mistreatment of an individual or individuals receiving services from employees or contracted staff referred to a licensed healthcare facility by the NSA, whether that abuse or mistreatment or is done by another staff member, a family member, patient(s), client(s), or other

person(s) when the staff person witnesses or becomes aware of such incident. Abuse reporting procedures shall be in accordance with R.S. 40:2199.11 et seq., or current applicable law;

12. a written policy to prevent discrimination in accordance with R.S. 40:2199.11 et seq., or current law;

13. a written policy to ensure that there is a final disposition of all charges that appear on the employee or contracted staff person's criminal background check, including the sex offender registry in accordance current law; and

14. a written policy to address prohibited use of social media. The policy shall ensure that all employees or contracted staff, receive training relative to the restricted use of social media and include, at a minimum ensuring preservation of dignity, respect, and confidentiality of an individual or individuals' receipt of healthcare services, and protection of an individual or individuals receiving healthcare services' privacy and personal and property rights.

B. An NSA shall comply with all federal, state, and local laws, rules, and regulations in the development and implementation of its policies and procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

§7739. Business Location

A. The NSA shall operate independently from any other business or entity, and shall not operate office space with any other business or entity.

B. The business location shall:

1. have a telephone number which is available and accessible 24 hours a day, 7 days a week, including holidays;

2. report to the HSS within five business days, any planned deviation of the NSA's days and hours of operation;

3. report to the HSS within two business days, any unplanned deviation of NSA's days and hours of operation;

4. have internet access and a working electronic mail address;

a. the electronic mail address shall be provided to the department as well as any changes to the electronic mail address within five working days to ensure that the department has current contact information; and

b. the electronic mail address shall be monitored by the NSA on an ongoing basis to receive communication from the department; and

5. have space for storage of personnel records either electronically or in paper form or both in an area that is secure, safe from hazards, and does not breach confidentiality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

§7741. Branch Offices and Satellites of Nurse Staffing Agency Providers

A. Nurse staffing agency providers with branch offices or satellite locations shall meet the following:

1. No branch office or satellite location may be opened without prior written approval from HSS. In order for a branch office or satellite location to be approved, the

parent agency shall have maintained a full licensure for the previous 12-month period.

2. The department may consider the following in making a determination whether to approve a branch office or a satellite location:

a. compliance history of the NSA to include the areas of deficiencies or noncompliance(s) cited within the last 12 months;

b. the nature and severity of any substantiated complaints within the last 12 months;

c. if the existing NSA has more than six validated complaints in one biennial licensed period;

d. if the parent agency currently has a provisional license;

e. if the parent agency currently is in a settlement agreement with the department;

f. if the parent agency is currently under license revocation or denial of license renewal;

g. if the parent agency is currently undergoing a change of ownership; and

h. if any adverse action has been taken against the license of other agencies operated by the owner of the parent agency within the previous two-year period.

3. The branch office or satellite location shall be held out to the public as a branch office or satellite of the parent agency so that the public will be aware of the identity of the agency operating the branch office or satellite.

a. Reference to the name of the parent agency shall be contained in any written documents, signs, or other promotional materials relating to the branch office or satellite.

4. Personnel files shall be readily accessible at the branch office or satellite location.

5. A branch office or a satellite location is subject to survey, including complaint surveys, by the department at any time to determine compliance with minimum licensing standards.

6. A branch office or a satellite location shall:

a. post and maintain regular office hours in accordance with §7739.B; and

b. staff the branch office or satellite location with at least one employee or contracted staff, on duty at the business location or available by telecommunication during the days and hours of operation as stated on the licensing application.

7. Each branch office or satellite location shall:

a. fall under the license of the parent agency; and

b. be assessed the required fee, assessed at the time the license application is made and once every two years thereafter for renewal of the branch office or satellite license. This fee is non-refundable and is in addition to any other fees that may be assessed in accordance with applicable laws, rules, regulations and standards.

8. Existing branch office or satellite location approvals will be renewed at the time of the parent agency's license renewal, if the parent agency meets the requirements for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

Subchapter C. Provider Responsibilities

§7751. Core Staffing Requirements

A. Each NSA shall ensure that its employees or contracted staff meet the minimum licensing, training, and orientation standards for which those employees or contracted staff are licensed or certified.

B. Each NSA shall have a nurse serving as a manager or supervisor of all nurses and certified nurse aides.

C. The NSA shall not employ, assign, or refer for use in a healthcare facility in Louisiana, a nurse or CNA unless the nurse or CNA is certified or licensed in accordance with the applicable provision of state and federal laws or regulations, and meets the minimum mandatory qualifications and requirements for CNAs. Each nurse and CNA shall comply with all pertinent regulations of the department relating to the health and other qualifications of employees or contracted staff employed in healthcare facilities.

D. Administrator/Director Responsibilities. The administrator/director shall:

1. be a full time employee of the NSA provider and shall not be a contract employee;

2. be available in person or by telecommunication at all times for all aspects of agency operation or designate in writing an individual to assume the authority and control of the agency if the administrator/director is temporarily unavailable;

3. be responsible for the day-to-day management and supervision of the operations of the agency;

4. be responsible for compliance with all regulations, laws, policies, and procedures applicable to NSAs;

5. employ qualified employees or contracted staff and ensure adequate staff education;

6. ensure the accuracy of public information and materials;

7. act as liaison between employees or contracted staff, and the governing body;

8. implement an ongoing, accurate, and effective budgeting and accounting system;

9. ensure that all employees or contracted staff receive proper orientation and training on policies and procedures, as required by law or as necessary to fulfill each employee or contracted staff person's responsibilities; and

10. not serve as administrator for more than one licensed NSA.

E. Professional Staff

1. Professional staff employed or contracted by the NSA shall hold a current, valid professional license issued by the appropriate licensing board.

2. The NSA shall maintain proof of annual verification of current, valid professional licensure of all licensed professional staff.

3. All professional services furnished or provided shall be furnished or provided in accordance with professional standards of practice, according to the scope of practice requirements for each licensed discipline.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

§7753. Record Keeping

A. Administrative Records. The NSA shall have an administrative record that includes:

1. a list of members and officers of the governing body, along with their addresses and terms of membership;

2. a copy of its articles of incorporation or organization, by-laws, and operating agreements, or partnership documents, if applicable;

3. a copy of the current NSA license issued by HSS;

4. the written policies and procedures approved annually by the owner/governing body that address the requirements listed in Subchapter B of this Chapter;

5. the minutes of formal governing body meetings;

6. the organizational chart of the NSA;

7. all leases, contracts, and purchase of service agreements to which the NSA is a party, which includes all appropriate credentials;

8. insurance policies;

9. annual budgets and audit reports; and

10. copies of incident/accident reports.

B. Personnel Records. An NSA shall maintain a personnel record for each employee or contracted staff. At a minimum, this file shall contain the following:

1. the application for employment, including the resume of education, training, and experience, if applicable;

2. a criminal history check, prior to an offer of direct or contract staff employment or contract, in accordance with federal and state law;

3. evidence of current applicable professional or paraprofessional credentials/certifications/licensure according to state law, rule, or regulation;

4. evidence of review of adverse action reports on the Louisiana certified nurse aide registry, upon hire and annually thereafter;

5. documentation including, but not limited to, any healthcare screening or immunizations that are required by the state, federally, or the client;

6. documentation of employees or contracted staff's hire and termination dates, and the number of hours worked per month;

7. documentation of orientation and annual training of staff, as required by the written contract between the NSA and the healthcare facility;

8. documentation of an employee or contracted staff person's name and state issued identification;

9. documentation of reference checks; and

10. annual performance evaluations.

C. Maintenance and Storage of Records

1. All records shall be maintained in an accessible, standardized order and format and shall be retained and disposed of in accordance with state laws. An NSA shall have sufficient space, facilities, and supplies for providing effective storage of records.

2. An NSA which is closing shall submit to the department for approval, 30 days prior to closure, a written plan for the disposition of employee or contracted staff records. The plan shall include:

a. the effective date of the closure;

b. provisions that comply with federal and state laws on storage, maintenance, access, and confidentiality of the closed NSA's employees or contracted staff's related records;

c. the name and contact information for the appointed custodian(s) who shall provide the following:

i. access to records and copies of personnel records, upon presentation of proper authorization(s); and

ii. physical and environmental security that protects the records against fire, water, intrusion, unauthorized access, loss, and destruction; and

d. to whom records may be released. Release shall be made in accordance with any and all federal and state laws.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule may have an indeterminable impact on small businesses, since there is no way to determine how many NSAs will be required to pay nonrefundable application fees, how many licensed NSAs may be required to pay other fees, or how many may be assessed penalties for operation without a license.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, but may increase direct or indirect cost to the provider to provide the same level of service, and may have an adverse impact on the provider's ability to provide the same level of service as described in HCR 170, since NSAs will be required to pay nonrefundable application, may have to pay other fees, and may be assessed penalties for operation without a license. The proposed Rule may also impact opportunities for recruitment of nurses and/or certified nurse aides.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for

responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 29, 2023.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on August 9, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 24, 2023 in Room 173 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after August 9, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Nurse Staffing Agencies Licensing Standards

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 23-24. It is anticipated that \$7,560 will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have an indeterminable impact on revenue collections in FY 23-24, FY 24-25, and FY 25-26, since there is no way to determine how many providers will be required to pay nonrefundable application fees, how many licensed providers may be required to pay other fees, or how many providers may be assessed penalties for operation without a license.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule adopts provisions governing the licensing of nurse staffing agencies (NSAs), in compliance with Act 577 of the 2022 Regular Session of the Louisiana Legislature. Implementation of this proposed rule is anticipated to result in an indeterminable impact on NSA providers in FY 23-24, FY 24-25, and FY 25-26, since there is no way to determine how many will be required to pay nonrefundable application fees, how many licensed NSAs may be required to pay other fees, or how many NSAs may be assessed penalties for operation without a license.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule may impact opportunities for recruitment of nurses and/or certified nurse aides.

Tasheka Dukes, RN
Deputy Assistant Secretary
2307#027

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Outpatient Hospital Services
Public Non-State Small Rural Hospitals
(LAC 50:V.5311, 5511, 5911, and 6113)

The Department of Health, Bureau of Health Services Financing amends LAC 50:V.5311, §5511, §5911 and §6113 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing promulgated an Emergency Rule, which amended the provisions governing outpatient hospital services in order to establish quarterly supplemental payments for certain public non-state small rural hospitals located in administrative region 3 that render qualifying services during the quarter (*Louisiana Register*, Volume 49, Number 7). This proposed Rule is being promulgated to continue the provisions of the July 1, 2023 Emergency Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 5. Outpatient Hospital Services

Chapter 53. Outpatient Surgery

Subchapter B. Reimbursement Methodology

§5311. Small Rural Hospitals

A. - C.2. ...

D. Public Non-State Small Rural Hospitals. Effective for dates of service on or after July 1, 2023, quarterly supplemental payments will be issued to qualifying small rural hospitals for outpatient hospital surgery services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

1. Qualifying Criteria. In order to qualify, as of September 30, 2022, the small hospital must:

- a. be publicly (non-state) owned and operated;
- b. be located in Department of Health administrative region 3; and
- c. provide routine and emergency inpatient and outpatient obstetrical services with separately identified nursery department statistics reported on the cost report.

2. Effective for dates of service on or after July 1, 2023, quarterly supplemental payments will be issued to qualifying small rural public hospitals for outpatient hospital surgery services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:956 (May 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1251 (May 2012), LR 40:542 (March 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

Chapter 55. Clinic Services

Subchapter B. Reimbursement Methodology

§5511. Small Rural Hospitals

A. - C.2. ...

D. Public Non-State Small Rural Hospitals. Effective for dates of service on or after July 1, 2023, quarterly supplemental payments will be issued to qualifying small rural hospitals for outpatient hospital clinic services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

1. Qualifying Criteria. In order to qualify, as of September 30, 2022, the small hospital must:

- a. be publicly (non-state) owned and operated;
- b. be located in Department of Health administrative region 3; and
- c. provide routine and emergency inpatient and outpatient obstetrical services with separately identified nursery department statistics reported on the cost report.

2. Effective for dates of service on or after July 1, 2023, quarterly supplemental payments will be issued to qualifying small rural public hospitals for outpatient hospital clinic services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:956 (May 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1251 (May 2012), LR 40:542 (March 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

Chapter 59. Rehabilitation Services

Subchapter B. Reimbursement Methodology

§5911. Small Rural Hospitals

A. - C.2. ...

D. Public Non-State Small Rural Hospitals. Effective for dates of service on or after July 1, 2023, quarterly supplemental payments will be issued to qualifying small rural hospitals for outpatient hospital rehabilitation services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

1. Qualifying Criteria. In order to qualify, as of September 30, 2022, the small hospital must:

- a. be publicly (non-state) owned and operated;
- b. be located in Department of Health administrative region 3; and
- c. provide routine and emergency inpatient and outpatient obstetrical services with separately identified nursery department statistics reported on the cost report.

2. Effective for dates of service on or after July 1, 2023, quarterly supplemental payments will be issued to qualifying small rural public hospitals for outpatient hospital rehabilitation services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:956 (May 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1251 (May 2012), LR 40:543 (March 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

Chapter 61. Other Outpatient Hospital Services
Subchapter B. Reimbursement Methodology
§6113. Small Rural Hospitals

A. - C.2. ...

D. Public Non-State Small Rural Hospitals. Effective for dates of service on or after July 1, 2023, quarterly supplemental payments will be issued to qualifying small rural hospitals for outpatient hospital services other than clinical diagnostic laboratory, outpatient surgeries, rehabilitation, and outpatient facility fees clinic services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

1. Qualifying Criteria. In order to qualify, as of September 30, 2022, the small hospital must:

- a. be publicly (non-state) owned and operated;
- b. be located in Department of Health administrative region 3; and
- c. provide routine and emergency inpatient and outpatient obstetrical services with separately identified nursery department statistics reported on the cost report.

2. Effective for dates of service on or after July 1, 2023, quarterly supplemental payments will be issued to qualifying small rural public hospitals for outpatient hospital services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:956 (May 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1251 (May 2012), LR 40:543 (March 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 29, 2023.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on August 9, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 24, 2023 in Room 173 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after August 9, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**
**RULE TITLE: Outpatient Hospital Services
Public Non-State Small Rural Hospitals**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 23-24. It is anticipated that \$1,080 (\$540 SGF and \$540 FED) will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 23-24. It is anticipated that \$540 will be collected in FY 23-24 for the

federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule continues the provisions of the July 1, 2023 Emergency Rule, which amended the provisions governing outpatient hospital services in order to establish quarterly supplemental payments for a public non-state small rural hospital located in administrative region 3 that renders qualifying services during the quarter. The proposed rule ensures that obstetrical services which were discontinued by the non-rural hospital in St. Mary Parish remain locally available to Medicaid beneficiaries by providing additional funding to the public non-state small rural hospital that must absorb the patient volume for these services. It is anticipated that implementation of this proposed rule will result in additional payments to this facility but will have no overall fiscal impact to the Medicaid Program in FY 23-24, FY 24-25, and FY 25-26, as these payments are from the aggregate outpatient upper payment limit cap which is a finite funding source. Funding available for other public non-state hospitals would be offset by these payments.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tara A. LeBlanc
Medicaid Executive Director
2307#028

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing**

Rural Health Clinics
Reimbursement Methodology
(LAC 50:XI.16705)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XI.16705 as authorized by R.S. 36:254 and Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Act 327 of the 2007 Regular Session of the Louisiana Legislature required the Department of Health, Bureau of Health Services Financing to reimburse small rural hospital outpatient services at 110 percent of cost. In compliance with the directives of Act 327, the department amended the provisions governing the reimbursement methodology for rural health clinics (RHCs) licensed as part of small rural hospitals and included a July 1, 2007 cutoff date (*Louisiana Register*, Volume 35, Number 5). The department promulgated an Emergency Rule which amended the provisions governing rural health clinics in order to remove the cutoff date to allow existing RHCs licensed as small rural hospital outpatient departments after July 1, 2007 and new RHCs to be reimbursed at 110 percent of cost (*Louisiana Register*, Volume 49, Number 7). This proposed Rule is being promulgated to continue the provisions of the July 1, 2023 Emergency Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XI. Clinic Services

Subpart 15. Rural Health Clinics

**Chapter 167. Reimbursement Methodology
§16705. Hospital-Based Rural Health Clinics**

A. - A.2. ...

3. The payment received under this methodology will be compared each year to the BIPA PPS rate to assure the clinic that their payment under this alternative payment methodology (APM) is at least equal to the BIPA PPS rate. If the payment calculation at 110 percent of allowable cost is less than the BIPA PPS payments, the clinic will be paid the difference.

B. Effective for dates of service on or after July 1, 2023, the reimbursement methodology for services rendered by a rural health clinic licensed as part of a small rural hospital and included as a hospital outpatient department on the hospital's fiscal year end cost report prior to July 1, 2023 shall be eligible for the APM at 110 percent of allowable costs as calculated through cost settlement. Reimbursement shall be as follows:

1. The reimbursement methodology will be in accordance with §16705.A.1-3 as indicated above.

2. Future qualifications for the 110 percent alternative payment methodology reimbursement shall be determined on an annual basis for hospital-based rural health clinics enrolling and licensing as hospital outpatient departments during the hospital's fiscal year end cost reporting periods subsequent to June 30, 2023. Payments shall begin effective for dates of service beginning on July 1 after qualification.

3. Hospital-based rural health clinics that terminate their licensing as hospital outpatient departments will no longer be eligible for the alternative payment methodology at 110 percent of allowable costs upon termination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:957 (May 2009), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct and indirect cost to the provider to provide the same level of service, but may enhance the provider’s ability to provide the same level of service as described in HCR 170, since this proposed Rule increases payments to rural health clinics for the services they already render.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 29, 2023.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on August 9, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 24, 2023 in Room 173 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after August 9, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Rural Health Clinics
Reimbursement Methodology**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will result in increased state costs of approximately \$4,494,285 for FY 23-24, \$4,701,032 for FY 24-25, and \$4,798,970 for FY 25-26. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 23-24 for the state’s administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will increase statutory dedicated revenue collections from the Medical Assistance Trust Fund by approximately \$953,223 for FY 23-24, \$973,115 for FY 24-25, and \$993,389 for FY 25-26. Additionally it is anticipated that federal revenue collections

will increase by \$11,884,367 for FY 23-24, \$12,018,860 for FY 24-25, and \$12,269,253 for FY 25-26. It is anticipated that \$270 will be collected in FY 23-24 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule continues the provisions of the July 1, 2023 Emergency Rule, which amended the reimbursement methodology for rural health clinics (RHCs) in order to remove a July 1, 2007 cutoff date for RHCs licensed as small rural hospital outpatient departments to be reimbursed at 110 percent of cost to allow existing RHCs licensed after the cutoff date and new RHCs to receive the enhanced reimbursement going forward. This proposed rule also ensures that the provisions of the Louisiana Administrative Code are consistent with the revised statute governing these services. Implementation of this proposed rule is anticipated to increase reimbursements to qualifying RHCs by \$17,331,336 for FY 23-24, \$17,693,007 for FY 24-25, and \$18,061,611 for FY 25-26.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tara A. LeBlanc
Medicaid Executive Director
2307#029

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing**

Third Party Liability
Pay and Chase
(LAC 50:I.8301)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:I.8301 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act (the Act). This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Bipartisan Budget Act of 2018 (BBA) amended section 1902(a)(25)(E) of the Act to require states to use standard coordination of benefits cost avoidance when processing claims for prenatal services and implemented a "wait and see" period of 100 days for claims associated with medical support enforcement. In compliance with the BBA, the Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing recovery for claims involving third party liability in order to ensure that the current pay and chase methodology is reflected in the *Louisiana Administrative Code*.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 9. Recovery

Chapter 83. Third Party Liability

Subchapter A. Claims

§8301. Pay and Chase

A. ...

* * *

B. Medicaid claims for services covered under the State Plan will be cost avoided when there is probable third party liability unless the claim is for one of the following services:

1. primary preventive pediatric care diagnoses are confined to those listed under *Diagnosis Codes Related to Preventive Pediatric Care Services* at www.lamedicaid.com;

a. Individuals under age 21 qualify; and

b. Hospitals are not included and must continue to file claims with the health insurance carriers;

2. early and periodic screening, diagnosis and treatment (EPSDT) medical, vision, and hearing services;

3. EPSDT dental services;

4. EPSDT services to children with disabilities (formerly referred to as school-based health services) which result from screening and are rendered by school boards;

5. services which are a result of an EPSDT referral, indicated by entering "Y" in block 24H of the CMS-1500 claim form, sometimes called HCFA-1500, or "I" as a condition code on the UB-92 (form locators 24 through 30); and

6. services for Medicaid eligibles whose health insurance is provided by an absent parent who is under the jurisdiction of the state child support enforcement agency are subject to a "wait and see period" that was effective April 1, 2021.

a. *Wait and See*—payment of a claim only after documentation is attached to a hard copy claim and submitted to the state's fiscal intermediary demonstrating that 100 days have elapsed since the provider billed the responsible third party and remains to be paid.

C. In processing these claims, the Medicaid agency will pay the claim and seek reimbursement from liable third parties, utilizing the claims method of payment called "pay and chase".

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 13:578 (October 1978), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 17:781 (August 1991), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:848 (May 2006), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual or

family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 29, 2023.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on August 9, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 24, 2023 in Room 173 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after August 9, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Third Party Liability Pay and Chase

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 23-24. It is anticipated that \$648 (\$324 SGF and \$324 FED) will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 23-24. It is

anticipated that \$324 will be collected in FY 23-24 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing recovery for claims involving third party liability in order to ensure that the current pay and chase methodology is reflected in the *Louisiana Administrative Code* (LAC). This proposed rule ensures that the current claims methodology, implemented by Louisiana Medicaid in 2021 in compliance with the Bipartisan Budget Act of 2018, is added to the LAC. Implementation of this proposed rule will not result in costs to providers or small businesses in FY 23-24, FY 24-25, and FY 25-26, but will be beneficial by ensuring that the administrative rule aligns with federal regulations.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tara A. LeBlanc
Medicaid Executive Director
2307#030

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Office of Public Health**

**Health Professional Development Program
(LAC 48:V.Chapter 133)**

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH/OPH), intends to enact new Sections of Title 48 of the Louisiana Administrative Code to provide the LDH the authority and ability to effectively administer the Health Professional Development Program.

LDH finds it necessary to make additions to the Louisiana Administrative Code as a consequence of funding allocated thru Act No. 167 of the 2022 Regular Session of the Louisiana Legislature, which provided funding related to R.S. 40:1205.1 et seq., Health Professional Development Program. The following changes will provide the LDH the authority and ability to effectively administer the Health Professional Development Program, which is vital to the health of Louisiana's citizens and visitors.

Title 48

Public Health—GENERAL

Part V. Preventive Health Services

**Subpart 49. Community Based and Rural Health
Services**

Chapter 133. Funding Eligibility

§13305. Health Professional Development Program

A. The Louisiana Department of Health (LDH) has developed and shall administer a plan for recruitment and retention of primary health care practitioners to practice in health professional shortage areas or facilities. The plan will provide for identification of shortage areas, prioritize long-term and short-term goals and strategies, provide a special minority component, and provide for public input.

B. LDH shall implement the recruitment and retention plan, directly or through contract. Implementation may include advertising and promotion, professional recruitment services, travel, and all other necessary expenses.

C. Contingent upon available funding, LDH will establish a Physician Loan Repayment Program, pursuant to R.S. 40:1205.3. LDH may establish one or more application cycles during any state fiscal year. At the beginning of any application cycle, notice of application will be publicized through electronic methods (email, newsletter, or the LDH website: <https://wellaheadla.com>).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1205.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 49:

**§13307. Louisiana Physician Loan Repayment Program;
Criteria**

A. Criteria for Applicants. To be eligible for the loan repayment program, an applicant shall:

1. be licensed and qualified as a doctor of allopathic/osteopathic medicine (MD/DO—to include those in the final year of their residency) to practice in Louisiana;
2. provide primary care services in a federally designated health professional shortage area (family practice, general practice, internal medicine, pediatrics, obstetrics/gynecology, psychiatry, emergency medicine);
3. be a United States citizen/national;
4. agree to serve a minimum of five years in a federally designated health professional shortage area (HPSA) appropriate for their discipline;
5. work full-time (40 hours/week), with a minimum of 32 hours per week providing clinical services in an outpatient/ambulatory care setting or providing comprehensive patient care;
6. not have an outstanding contractual obligation to provide a health professional service to the federal government (e.g. an active military obligation, National Health Services Corp (NHSC) Loan Repayment Program, NHSC Scholarship Program), or any other entity unless that service obligation will be completely satisfied before the contract has been signed;
7. not have breached a health professional service contract with the federal, state, or local government, or other entities;
8. not have defaulted on their educational loans at any time, unless corrective actions have been made and loans are now in good standing;
9. not have a lien levied against their property for a debt to the United States government;
10. not be arrears on child support payment.

B. Criteria for Practice Sites. To be an eligible practice site, the site must:

1. be located in Louisiana in a federally designated HPSA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1205.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 49:

§13309. Award Amounts

A. Award amounts are contingent upon available funding and the amount of qualifying student loan debt.

B. LDH will contract directly with the award recipient.

C. Award amount may be up to \$150,000 for a five-year contract (or the amount of the principal balance of the educational loan if less than the total eligible to receive).

D. Participants who complete their original five-year commitment in compliance, remain in an eligible site in a HPSA, and still have educational loans to repay, may be able to extend their commitment with a two-year renewal to receive up to \$15,000 annually.

E. Disbursement of funds will occur quarterly upon receipt of loan verification payment (LPV) for the funds paid the prior quarter.

F. If the contractor breaches their obligation, the contractor will be subject to pay an amount equal to the sum of the following:

1. the total amount paid by the LDH to, or on behalf of, the participant for loan repayment for any period of obligated service not served;
2. an amount equal to the number of months of obligated service not completed multiplied by \$7,500; and
3. interest on the above amounts at the judicial interest rate pursuant to R.S. 13:4202, from the date of breach.

NOTE: The minimum amount that LDH is entitled to recover will not be less than \$31,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1205.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 49:

§13311. Application

A. Program guidance and required forms will be updated as necessary on an annual basis and posted on the LDH website. Applications and other required documents shall be submitted directly to the Louisiana Department of Health at the address or using the electronic upload method noted in the program guidance. All applications (hard copy or an online application) must include the following:

1. copy of executed employment contract for the length of years participating in this program or a letter verifying employment, if an employment contract is not available;
2. resume;
3. copy of current professional license;
4. documentation of the current principal balance of the applicant's certified educational debt, including name and account number for each loan;
5. signed release from liability form;
6. signed consent for release of information waiver of confidentiality form;
7. completed IRS Form W-9 Request for Taxpayer ID Number that matches applicant address;
8. completed Electronic Funds Transfer Form with voided blank check or direct deposit form from a financial institution. The bottom of this form should be completed by your financial institution. Please make sure the box on the middle left page is checked;
9. for public employee(s), a letter of agreement with the governmental agency and verification of employment will be accepted in lieu of an employment contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1205.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 49:

§13313. Selection Criteria

A. Upon receipt of applications, program leadership will have five business days to make final selection. All who applied will be notified of acceptance or denial within five business days of final selection. Submitting an application does not guarantee selection. Support may be provided for up to two physicians per site per year. At the end of the application period, if there are remaining funds then additional physicians may be supported per site. In the event multiple candidates meet the qualification criteria, additional points will be provided if applicant:

1. completed the Rural Health Scholars Program (RHSP)—2 points;
2. is a Louisiana resident—2 points;
3. graduated from a Louisiana medical school=1 point;
4. graduated from a medical school affiliated with an HBCU—1 point;
5. practicing in a rural location—2 points.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1205.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 49:

§13315. Rural Health Scholars Program

A. Contingent upon available funding, the Louisiana Department of Health may establish a Rural Health Scholars Program pursuant to R.S. 40:1205.3. The Rural Health Scholars Program encourages health professions students to practice in Louisiana's Health Professional Shortage Areas (HPSAs) by building partnerships between rural and underserved healthcare facilities and colleges and universities. The program will pay stipends to eligible and selected students and their eligible schools as set forth in this Section. LDH may establish one or more application cycles at any state fiscal year. At the beginning of any application cycle, notice of application cycle will be publicized through electronic methods (email, newsletter, or on the LDH website: <https://wellaheadla.com>).

B. Eligibility Criteria for Students. Students are eligible for the program if they are currently enrolled in one of the following healthcare profession programs:

1. MD/DO physicians (family or general practice, internal medicine, obstetrics/gynecology and pediatrics);
2. DDS/DMD (general and pediatric dentistry);
3. NP (nurse practitioner);
4. PA (physician assistant); or
5. RDH (registered dental hygienist).

C. Student service requirements are as follows:

1. must complete, during the term of the written agreement required by this Section, a 180-hour rotation in a rural healthcare facility that meets the eligible practice site criteria set forth in this Section;
2. must participate in an on-line seminar (assigned by LDH) that details health disparities, discusses health equity, and provide information on chronic disease prevention efforts in rural Louisiana;
3. must submit an experience essay detailing their experience in the healthcare facility; and
4. must participate in a pre and post survey following the completion of the program.

D. Criteria for Eligible Practice Sites. Eligible practice sites must:

1. be located in a federally designated HPSA;

2. accept reimbursement from Medicare, Medicaid, and the Children's Health Insurance Program (CHIP), utilize a sliding fee scale, and see all patients regardless of their ability to pay; and

3. must provide discounts for individuals with limited incomes (i.e. use a sliding fee scale).

E Criteria for eligible universities/schools of higher education:

1. accredited medical program at an in-state university or school of higher education;

2. ability to provide healthcare facilities with preceptor roles, responsibilities, and mandatory qualifications;

3. ability to mentor/work directly with students;

4. ensure that students meet standards for immunization, CPR, liability insurance, background, drug testing, etc. prior to beginning their rotations;

5. facilitate open communication between the college/university and each healthcare facility; and

6. ensure the student's clinical rotation aligns with college/university goals.

F. Award Amounts. LDH shall enter into mandatory written agreements with the chosen healthcare facility, university/school of higher education, and student. Students who fulfill all requirements of this Section will receive a stipend not to exceed \$6,000 and an additional \$2,000 toward living expenses for a total of \$8,000 for the entirety of the agreement. The hosting healthcare facility will receive a maximum of \$5,000 per each student participant hosted. Each university/school of higher education will receive \$5,000 for program participation. Number of students selected and stipend amounts may vary depending on funding.

G. Student Application/Selection. All applications and scores will be compiled and presented to program leadership. Program leadership will have five business days to make a final selection. Applicants who apply will be notified of acceptance or denial within five business days of final selection. In the event of a tie, equal distribution of students from universities will be made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1205.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 49:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;

2. the authority and rights of persons regarding the education and supervision of their children;

3. the functioning of the family;

4. family earnings and family budget;

5. the behavior and personal responsibility of children;

6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as

defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;

2. the effect on early childhood development and preschool through postsecondary education development;

3. the effect on employment and workforce development;

4. the effect on taxes and tax credits;

5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed Rule. Such comments must be received no later than Thursday, August 10, 2023 at COB, 4:30 p.m., and should be addressed to Nicole Coarsey, State Office of Rural Health Officer, Bureau of Chronic Disease Prevention and Healthcare Access, Office of Public Health, Louisiana Department of Health, P.O. Box 3118, Baton Rouge, LA 70821-4489

Public Hearing

Interested persons may submit a written request to conduct a public hearing either by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on Thursday, August 10, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9 a.m. on Friday, August 25, 2023 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after Thursday, August 10, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Steve Russo
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Health Professional
Development Program**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The annual cost to implement this rule is \$2,673,634 from the Rural Primary Care Physicians Development Fund associated with physician loan repayments for providers through the Health Professional Development Program (\$2,543,634) and stipends to students through the Rural Health Scholars Program (\$130,000). There will also be a one-time cost of \$916 SGF in FY 24 for the publication of this rule.

The proposed rule establishes the eligibility criteria, application process, and award guidelines for the Health Professional Development and Rural Health Scholars Programs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no impact on overall state revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule is anticipated to have a positive impact on individuals who are accepted into the Health Professional Development Program. Participants are eligible to receive up to \$150,000 to pay down their student loan costs, decreasing their debt burden.

Additionally, students who fulfill all requirements of the Rural Health Scholars Program will receive a stipend not to exceed \$6,000 and an additional \$2,000 toward living expenses for a total of \$8,000. The hosting healthcare facility will receive a maximum of \$5,000 per each student participant hosted. Each university/school of higher education will receive \$5,000 for program participation. Number of students selected and stipend amounts may vary depending on funding.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule may positively impact employers' ability to successfully compete for those healthcare providers who elect to return to rural or health professional shortage areas to work in their fields. Rural healthcare providers can potentially benefit by increasing their ability to provide adequate healthcare in these areas.

Doris Brown
Assistant Secretary
2307#056

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Natural Resources
Office of Conservation**

Inactive Well Assessments (LAC 43:XIX.137)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950, et seq.) and Title 30 of the Louisiana Revised Statutes of 1950 (R.S. 30:4 et seq.), the Department of Natural Resources, Office of Conservation hereby gives notice of its intent to amend LAC 43:XIX Subpart 1 (Statewide Order No. 29-B) Chapter 1 General Provisions to expand the applicability and amount of inactive well assessments. Benefits of these amendments include incentivizing operators to either return wells to

active service or permanently abandon them which reduces the number of wells which could eventually become orphaned; increasing revenue for restoring existing orphaned sites and regulating oil and gas development to ensure protection of the environment and public safety.

Title 43

NATURAL RESOURCES

Part XIX. Office of Conservation—General Operations

Subpart 1. Statewide Order No. 29-B

Chapter 1. General Provisions

§137. Plugging and Abandonment

A. Deadlines for Abandonment

1. Inactive, Future Utility Wells. All inactive wells classified as having future utility shall be plugged within five years of the date of the well becoming inactive. Failure to accurately report wells on the inactive well report shall be subject to the provisions of R.S. 30:17.

a. For wells that have been inactive for a period of four years or more on the effective date of this rule, the well shall be plugged within one year of the effective date of this Rule.

b. If an operator chooses not to plug an inactive well in accordance with this Section for reasons of future utility, an annual assessment shall be assessed until the well is plugged in the amount specified by Table 1 hereof depending on the total depth of the well and length of inactivity according to the Office of Conservation records.

Table 1—Annual Well Assessment Amounts		
Total Depth (ft.)	Length of Inactivity (years)	
	5-10	10+
0-3,000	\$125	\$188
3,001-9,999	\$250	\$375
10,000+	\$500	\$750

c. For all inactive wells not already covered by financial security as required in §104, financial security shall be provided within one year of the promulgation of this Rule.

d. All inactive wells shall be subject to the above provisions until the well has reported production for three consecutive months.

2. Other Wells on or after Effective Date of Order

a. All such wells classified on the inactive well report by either the operator, the engineering enforcement section manager or the district manager as having no future utility shall be plugged within 90 days from the date of such classification.

b. All wells classified on the inactive well report as having no future utility shall be subject to an annual assessment specified by Table 1 hereof depending on the total depth of the well and the length of inactivity according to Office of Conservation records. Wells which have been inactive for more than 90 days but less than 10 years will be assessed using the amount for 5-10 years specified by Table 1.

c. For all inactive wells not already covered by financial security as required in §104, financial security shall be provided within one year of the promulgation of this Rule.

3. Reduction of Inactive Well Assessment Amounts Based on Plugging Activity

a. Operators that plug ten or more wells during the calendar year immediately preceding an inactive well assessment may apply for a reduction in the inactive well assessment based on Table 2 hereof for each well plugged and abandoned based on Office of Conservation records.

Total Depth (ft.)	Reduction Amount
0-3,000	\$375
3,001-9,999	\$750
10,000+	\$1500

4. Reporting

a. All wells wherein production operations or use as a service well have ceased on or after the effective date of this order shall continue to be reported on the Form DM-1-R or Form DT-1 with the appropriate notation that the well is off production or no longer in use as a service well along with the date of last production or date the service well ceased to be used; and, after six months, if such a well has not been restored to production or use as a service well, it shall thereafter be reported by the operator on the semiannual inactive well report, Form INACT WR-1 (1974) which report shall be filed with the Department of Conservation showing the status of such well as of May 1 and November 1 of each year (report to be filed no later than May 25 and November 25). Such wells shall continue to be reported on the Form DM1-R or Form DT-1 showing the date of last production or the date the well ceased to be used as a service well, together with a notation showing the well is carried on the Form INACT WR-1 (1974), Inactive Well Report, until the well is plugged and abandoned.

b. The inactive well report shall list the field, well name, well number and other pertinent data and provide an appropriate column to classify such well as having either future utility, or no future utility. If the well is classified as having future utility, operator shall specify such utility by completing the appropriate column on the form. Wells so classified shall be reviewed periodically by the district manager who, at his discretion, may require an operator to supply additional information to justify the classification.

c. Administrative Interpretation. For purposes of administering the heretofore mentioned paragraphs, it is understood that:

i. a wellbore which is completed in more than one common source of supply (multiple completions) shall not be considered as ceasing to produce and shall not be reported on the inactive well report as long as there is production from or operations in any completion in the wellbore;

ii. wells classified as having future utility may be off production or shut-in but are considered to have future utility for producing oil or gas, or for use as a service well.

B. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Adopted by the Department of Conservation (August 1943), amended (March 1974), amended by the Department of Natural Resources, Office of Conservation, LR 40:2597 (December 2014), LR 41:953 (May 2015), repromulgated LR 41:1120 (June 2015), amended LR 49:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

Small Business Analysis

The proposed Rule is not anticipated to have an adverse impact on small businesses as described in R.S. 49:965.6; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference "Inactive Well Assessments". Such comments must be received no later than Monday, August 21, 2023, at 4:30 p.m., and should be sent to Mr. Chris Sandoz, Office of Conservation, Engineering Regulatory Division, P. O. Box 94275, Baton Rouge, LA 70804-9275; hand delivered to 617 North Third Street, Ninth Floor, Baton Rouge, LA 70802; by email to christopher.sandoz@la.gov; or by fax to (225) 342-2584.

Public Hearing

If requested, a public hearing will be held on Tuesday, August 29, 2023 at 9 a.m. in the LaSalle Building, LaBelle Hearing Room, 617 N. Third Street, Baton Rouge, LA 70802. If accommodations are required under the Americans with Disabilities Act, please advise the Office of Conservation, Engineering Division at P.O. Box 94275, Baton Rouge, LA 70804-9275 in writing within ten (10) working days of the hearing date.

Monique M. Edwards
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Inactive Well Assessments

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is anticipated to result in a revenue increase of approximately \$1.3 million in FY 25 and \$1.2 million in FY 26. The revenue is split evenly between the Office of Conservation's Oil and Gas Regulatory Dedicated Fund Account and the Oilfield Site Restoration Fund. There is no effect on revenue collections of local government units anticipated due to the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The group directly affected by the rule change will be Exploration and Production (E&P) operating companies. The

rule change is anticipated to apply to 480 operators. Of this total, 364 (75.8%) are expected to see an increase in their assessment amount, 90 (18.8%) are expected to see a decrease in their assessment amount, and 26 (5.4%) are expected to see no change in their assessment amount. The average assessment increase is \$6,064 per year. Of those operators seeing an increase, 66.8% will see an increase less than \$5,000 per year. Three (3) operators, 0.8% of those seeing an increase, are anticipated to have more than a \$100,000 increase in their annual assessment amount. The above estimates do not include the offset that will be allowed under the proposed rule for operators that permanently abandon more than 10 wells in the year preceding the assessment.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment.

Monique M. Edwards
Commissioner
2307#019

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Natural Resources Office of Conservation

Venting and Flaring of Natural Gas
(LAC 43:XIX.103, 3503, 3507, 3509, 3511)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950, et seq.) and Title 30 of the Louisiana Revised Statutes of 1950 (R.S. 30:4 et seq.), the Department of Natural Resources, Office of Conservation hereby gives notice of its intent to amend LAC 43:XIX and Subpart 1. (Statewide Order No. 29-B) Chapter 1 (General Provisions) and Subpart 15 (Statewide Order No. 45-I-A) Chapter 35 (Gas/Oil Ratios, Allowables and Venting of Natural Gas) to prohibit venting and flaring of natural gas except as authorized in Subpart 15. Benefits of these amendments include reducing natural gas waste and recovering reserves.

Title 43

NATURAL RESOURCES

Part XIX. Office of Conservation—General Operations

Subpart 1. Statewide Order No. 29-B

Chapter 1. General Provisions

§103. Application to Drill

A. - A.2. ...

3. After [effective date of Rule], the operator shall certify that it has determined at the time of submitting an application for permit to drill that:

a. it will be able to connect the well to a natural gas gathering system in the general area with sufficient capacity to transport one hundred percent of the volume of natural gas the operator anticipates the well will produce; or

b. it will not be able to connect to a natural gas gathering system in the general area with sufficient capacity to transport one hundred percent of the volume of natural gas the operator anticipates the well will produce. The operator shall state that they will either:

i. shut-in the well until the operator can comply with §103.A.3.a; or

ii. evaluate if well is candidate for flaring based on economic hardship per §3507.B; or

iii. provide a gas capture plan that evaluates or selects one or more beneficial uses until a natural gas gathering system is available, including:

(a). field use;

(b). power generation for alternative use;

(c). enhanced recovery operations; and

(d). other alternative beneficial use that does not result in venting or flaring.

B. - E.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.30:4 et seq., and R.S. 30:28(I).

HISTORICAL NOTE: Adopted by the Department of Conservation (August 1943), amended (August 1958), (August 1961), (May 1973), amended by the Department of Natural Resources, Office of Conservation, LR 34:2639 (December 2008), LR 39:515 (March 2013), effective on May 1, 2013, LR 49:

Subpart 15. Statewide Order No. 45-I-A Chapter 35. Gas/Oil Ratios, Allowables, Venting and Flaring of Natural Gas

§3503. Definitions

A. ...

Routine Flaring—flaring during normal oil production operations in the absence of sufficient facilities or amenable geology to re-inject the produced gas, utilize it on-site, or dispatch it to a market.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Adopted by Department of Conservation, July 20, 1943, amended January 1, 1966, December 1, 1973, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 23:581 (May 1997), amended LR 49:

§3507. Venting and Flaring of Gas

A. The venting of natural gas from any well producing in the state of Louisiana is hereby expressly prohibited except in those instances where permissible flaring as specified in §3507.B is not an economical or safe alternative.

B. The routine flaring of natural gas from any well producing in the state of Louisiana with a gas/oil ratio > 2000/1 is hereby expressly prohibited except in those instances where the Office of Conservation finds, upon written application, that such prohibition would result in an economic hardship on the operator of the well, lease or production facility from which the gas is proposed to be flared; provided, however, that no such economic hardship can be found in the case where the current market value, at the point of delivery, of the gas proposed to be flared exceeds the cost involved in making such gas available to a market, or where revenue from a beneficial use identified in §103.A.3.b.ii.I-IV exceeds the cost involved in implementing same. Such applications shall be filed with the district office and approval thereof will be at the discretion of the district manager and documented with the allowable. Applications shall include relevant well information and:

1. statement of need;

2. economic justification;

3. evaluation of alternative beneficial use per §103.A.3.b.ii.(a)-(d);

4. rate; and
5. length of time.

C. The routine flaring of natural gas from any horizontal well in the state of Louisiana with a gas/oil ratio < 2001/1 is hereby expressly prohibited except in those instances where application is made to and approved by the Office of Conservation as outlined in §3507.B.

D. Any permissible flares must be placed a sufficient distance from wells, storage tanks, and any other significant structures or objects so that the flare does not create a safety hazard.

E. Any permissible venting or flaring shall be reported, including measured or estimated volumes of each, on the monthly OGP and R5D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Adopted by Department of Conservation, July 20, 1943, amended January 1, 1966, December 1, 1973, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 23:582 (May 1997), amended LR 49:

§3509. Exceptions and Hearings

A. - A.2. ...

3. venting or flaring during drilling, completion, and hydraulic fracturing operations.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Adopted by Department of Conservation, July 20, 1943, amended January 1, 1966, December 1, 1973, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 23:582 (May 1997), amended LR 49:

§3511. Violations

A. Unless specifically prohibited by the commissioner or his authorized staff, the venting or flaring of gas due to unavoidable situations will not be considered a violation of this Statewide Order. However, any venting or flaring which contradicts the spirit or intent of this Statewide Order shall be a violation hereof, and subject the operator to appropriate regulatory sanctions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Adopted by Department of Conservation, July 20, 1943, amended January 1, 1966, December 1, 1973, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 23:583 (May 1997), amended LR 49:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

Small Business Analysis

The proposed Rule is not anticipated to have an adverse impact on small businesses as described in R.S. 49:965.6; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference "Venting and Flaring of Natural Gas." Such comments must be received no later than Monday, August 21, 2023, at 4:30 p.m., and should be sent to Carrie Wiebelt, Office of Conservation, Engineering Administrative Division, P. O. Box 94275, Baton Rouge, LA 70804-9275; hand delivered to 617 North Third Street, Ninth Floor, Baton Rouge, LA 70802; by email to carrie.wiebelt@la.gov; or by fax to (225) 342-2584.

Public Hearing

If requested, a public hearing will be held on Tuesday, August 29, 2023 at 9 a.m. in the LaSalle Building, LaBelle Hearing Room, 617 N. Third Street, Baton Rouge, LA 70802. If accommodations are required under the Americans with Disabilities Act, please advise the Office of Conservation, Engineering Division at P.O. Box 94275, Baton Rouge, LA 70804-9275 in writing within 10 working days of the hearing date.

Monique M. Edwards
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Venting and Flaring of Natural Gas

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change could result in a revenue increase for local and state governmental units based on additional natural gas volumes to be captured in new completions, resulting in additional royalties and severance taxes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The primary group impacted by these rule changes will be Exploration and Production (E&P) companies. There are additional costs associated with the proposed rule change which should be balanced by revenue increases.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment.

Monique M. Edwards
Commissioner
2307#017

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Corrections Services

Inmate Mail and Publications (LAC 22:I.313)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to amend the contents of §313, Inmate Mail and Publications.

The Department of Public Safety and Corrections, Corrections Services, proposes language prohibiting reception or possession of children's images by sex offender inmates if the sex offender inmate's victim was a minor, permitting a warden to make exceptions on a case-by-case basis, as well as, minor technical revisions.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 3. Adult Services

Subchapter A. General

§313. Inmate Mail and Publications

A. Purpose. This department regulation governs inmate mail and publication privileges at all adult facilities.

B. Applicability: deputy secretary, undersecretary, chief of operations, regional wardens, and wardens. Each warden shall ensure appropriate unit written policies and procedures are in place to comply with this regulation and for conveying its content to all inmates and affected employees.

C. Notice. Staff at each reception and diagnostic center or unit handling initial reception and diagnostic functions shall inform each inmate in writing promptly after arrival of the department's rules for handling of inmate mail, utilizing the notification of mail handling form. This form shall be filed in the inmate's master record.

1. The current inmate population in DPS and C facilities is required to complete the notification of mail handling form upon the issuance of this revision to §313 of this Part.

D. Policy. Inmates may communicate with people or organizations subject to the limitations necessary to protect legitimate penological objectives (including but not limited to deterrence of crime, rehabilitation of inmates, maintenance of internal/external security of a facility or maintenance of an environment free of sexual harassment), to prevent the commission of a crime, and to protect the interests of crime victims.

E. Definitions

DPS and C Facility—includes, for the purpose of this regulation, state operated prison facilities, and state privately operated prison facilities.

E-Mail—a document created or received on an electronic mail system, including any attachments, such as word processing and other electronic documents, which may be transmitted with the message. *E-mail* is correspondence to or from an inmate in an electronic format that is provided through the department's contractor for inmate services.

Farm Mail Correspondence—inmate to inmate mail when housed at the same facility.

Indigent Inmates—inmates who do not have sufficient funds in the appropriate account(s) at the time of their request for indigent services and/or supplies to cover fully the cost of the requested services or supplies.

Nudity—pictorial depiction of genitalia or female breasts (with the nipple or areola exposed).

Privileged Correspondence (includes mail to or from)—

- a. identifiable courts;
- b. identifiable prosecuting attorneys;
- c. identifiable probation and parole officers, parole board and pardon board;
- d. state and local executive officers;
- e. identifiable attorneys;
- f. secretary, deputy secretary, undersecretary, assistant secretary, chief of operations and other officials and administrators of grievance systems of the department;
- g. local, state or federal law enforcement agencies and officials.

Publication—book, booklet, pamphlet, or similar document, or a single issue of a magazine, periodical, newsletter, newspaper, magazine/newspaper clipping, article printed from the internet, plus other materials addressed to a specific inmate such as advertising brochures, flyers and catalogs.

Sexually Explicit Material—any book, pamphlet, magazine, or printed matter however reproduced, which contains any picture, photograph, drawing or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct, sadomasochistic abuse, bestiality and homosexuality. Explicit sexual material also includes materials containing detailed verbal descriptions or narrative accounts of sexually explicit conduct. A publication will not be prohibited solely because it contains pictorial nudity where such publication has a medical, educational or anthropological purpose.

F. Inmate Correspondence. Inmates may write and receive letters and e-mails subject to the following provisions.

1. Frequency. There shall be no limit placed on the number of letters or e-mails an inmate may write or receive at personal expense and no limit placed on the length, language or content except when there is reasonable belief that limitation is necessary to protect public safety or facility order, including restrictions relative to what may be reasonably stored in space provided and security. Inmates in segregation can write and receive letters on the same basis as inmates in general population.

2. Timely Handling. All mail, incoming and outgoing, shall be handled without unjustified delay. Letters should generally not be held more than 48 hours and packages shall not be held more than 72 hours. This timeline does not prohibit the holding of mail for inmates who are temporarily absent from the facility and does not include weekends and holidays or emergency situations. When mail is received for an inmate who has been transferred to another facility or released, the facility where the mail is received should attempt to forward the mail to him. The collection and distribution of mail is never to be delegated to an inmate.

Mail shall be given directly to the receiving inmate by an employee.

3. Correspondence. An inmate may write to anyone except:

a. a victim of any criminal offense for which the inmate has been convicted or for which disposition is pending, or an immediate family member of the victim, except in accordance with specific procedures established by department regulations or as established by the warden in conjunction with the Crime Victims Services Bureau;

b. any person under the age of 18 when the person's parent or guardian objects verbally or in writing to such correspondence;

c. any person whom the inmate is restrained from writing to by court order;

d. any person who has provided a verbal or written request to not receive correspondence from an inmate;

e. any other person, when prohibiting such correspondence generally is necessary to further the substantial interests of security, order or rehabilitation.

4. Costs of Correspondence

a. Each inmate shall pay personal mailing expenses, except an indigent inmate. An indigent inmate shall have access to postage necessary to send two personal letters per week, postage necessary to send out approved legal mail on a reasonable basis and basic supplies necessary to prepare legal documents. A record of such access shall be kept and the indigent inmate's account shall reflect the cost of the postage and supplies as a debt owed in accordance with department regulations. Stationery, envelopes and stamps shall be available for purchase in the canteen.

b. E-mail shall only be available to inmates who have electronic postage capabilities through the department's contractor for inmate services.

5. Outgoing General Correspondence and Farm Mail

a. Review, Inspection and Rejection. Outgoing general correspondence and farm mail shall not be sealed by the inmate and may be read and inspected by staff. Outgoing e-mail may also be read by staff. The objectives to be accomplished in reading outgoing mail differ from the objectives of inspection. In the case of inspection, the objective is primarily to detect contraband. The reading of mail and e-mail is intended to reveal, for example, escape plots, plans to commit illegal acts, or plans to violate facility rules or other security concerns. Outgoing general correspondence and farm mail may be restricted, confiscated, returned to the inmate, retained for further investigation, referred for disciplinary proceeding or forwarded to law enforcement officials, if review discloses correspondence or materials which contain or concern:

i. the transport of contraband in or out of the facility;

ii. plans to escape;

iii. plans for activities in violation of facility or department rules;

iv. information which, if communicated, would create a clear and present danger of violence and physical harm to a human being;

v. letters or materials written in code or a foreign language when the inmate understands English (unless the warden or designee determines the recipient is not fluent in English);

vi. mail which attempts to forward unauthorized correspondence to a third party;

vii. threats to the safety and security of staff, other inmates, the public, or facility order, discipline, or rehabilitation (including racially inflammatory material);

viii. sexually explicit material;

ix. other general correspondence for which rejection is reasonably related to a legitimate penological interest.

b. Notice of Rejection. The inmate sender shall be notified within three working days, in writing, of the correspondence rejection and the reason therefore on the incoming/outgoing general correspondence, farm mail and e-mail notice of rejection. Any further delay in notification shall be based on ongoing investigation which would be compromised by notification. Rejections are appealable through the administrative remedy procedure.

c. Limitations on Restrictions. Any restrictions imposed on outgoing general correspondence and farm mail shall be unrelated to the suppression of expression and shall not be restricted solely based on unwelcome or unflattering opinions. Communication of malicious, frivolous, false, and/or inflammatory statements or information, the purpose of which is reasonably intended to harm, embarrass, or intimidate an employee, visitor, guest or inmate shall be rejected. This shall not apply to information and/or statements communicated for the express purpose of obtaining legal assistance.

d. Procedures for Mailing. Outgoing general correspondence and farm mail shall be inserted into the envelope and left unsealed by the inmate. All outgoing correspondence shall include:

i. a complete legible name and address of the party to whom the correspondence is being sent;

ii. the inmate's name, DOC number, housing unit, and the name and mailing address of the facility, which shall be written or typed on the upper left hand corner of the envelope. Drawings, writing, and marking on envelopes, other than return and sending address, are not permitted. All outgoing general correspondence shall be stamped in the mailroom to indicate it originates in a correctional facility;

iii. outgoing e-mails shall be processed electronically and scanned for contents and phrases.

6. Incoming General Correspondence

a. Review, Inspection, and Rejection. All incoming general correspondence and e-mails must contain the return address of the sender, the name and DOC number of the inmate, and the name and mailing address of the facility. All incoming general correspondence shall be opened and inspected for contraband, cash, checks, and money orders, and subject to being read. Any stick on label or stamp may be removed if it appears to contain contraband. All incoming general correspondence may be rejected if such review discloses correspondence or material(s) which would reasonably jeopardize legitimate penological interests, including, but not limited to, material(s) which contain or concern:

i. the transport of contraband in or out of the facility;

ii. plans to escape;

iii. plans for activities in violation of facility or department rules;

- iv. plans for criminal activity;
- v. violations of this regulation or unit rules;
- vi. letters or materials written in code;
- vii. threats to the safety and security of staff, other inmates, or the public, facility order, or discipline, or rehabilitation, (including racially inflammatory material);
- viii. sexually explicit material;
- ix. greeting cards and post cards, excluding those mailed by an approved third-party vendor ;
- x. decorative stationary or stationary with stickers;
- xi. other general correspondence for which rejection is reasonably related to a legitimate penological interest.

b. Incoming general correspondence containing any of the foregoing may be restricted, confiscated, returned to the sender, retained for further investigation, referred for disciplinary proceedings, or forwarded to law enforcement officials.

c. Notice of Rejection. The inmate shall be notified within three working days, in writing, of the correspondence or e-mail rejection and the reason therefore on the incoming/outgoing general correspondence, farm mail and e-mail notice of rejection. Any further delay in notification shall be based on ongoing investigation which would be compromised by notification. Rejections are appealable through the administrative remedy procedure.

7. Monetary Remittances

a. Incoming. Funds may only be sent to the facility and processed for hobby craft purchases properly supported by a hobby craft agreement in accordance with established policy and procedures.

b. For hobby craft purchases, money from permissible sources may be accepted in the following forms:

- i. postal, bank or commercially issued money orders;
- ii. bank cashier checks;
- iii. cash;
- iv. personal checks.

c. All other inmate funds shall be processed through the department's contractor for inmate services in accordance with established policy and procedures.

d. Upon discovery of cash, multiple party checks, personal checks not for hobby craft purchases, or any other funds received in the mail for an inmate, the inmate shall be sent a monetary remittances notice of rejection within three working days describing the contents of the mail, the date of its receipt and advising the inmate has seven working days to provide return postage. If return postage is not provided within seven working days, the postage will be provided by the unit. The inmate's banking account shall be charged if funds are available. If funds are unavailable, a debt owed will be established pursuant to department regulations.

8. Identification of Privileged Correspondence. It is the responsibility and duty of facility staff to verify the legitimacy of the official listed on the envelope. For purposes of this regulation, "identifiable" means the official or legal capacity of the addressee is listed on the envelope and is verifiable. If not, then the letter shall be treated as general correspondence; and an appropriate inquiry shall be made into the inmate's intent in addressing the envelope as privileged mail.

a. Facility staff shall verify the sender of all privileged mail to ensure the mail was sent by the identified sender's office and is not fraudulently labeled as privileged mail.

9. All outgoing privileged correspondence shall include:

a. a complete legible name and address of the party to whom correspondence is being sent;

b. the inmate's name, DOC number, housing unit, and the address of the facility on the upper left hand corner of the envelope. Drawings, writing, and markings on envelopes, other than return and sending address, are not permitted. All outgoing privileged correspondence shall be stamped in the mailroom to indicate the correspondence originates from a correctional facility;

c. outgoing privileged correspondence may be posted sealed, and shall not be opened and inspected without express authorization from the warden or deputy warden as specified in Paragraph F.11 of this Section.

10. Incoming Privileged Correspondence

a. All incoming privileged correspondence must contain the return address of the sender and the name and DOC number of the inmate, and the name and mailing address of the facility. All incoming privileged correspondence shall be opened in the presence of the inmate to whom it is addressed and shall be inspected for the presence of cash, checks, money orders, and contraband and to verify; as unobtrusively as possible, that the correspondence does not contain material that is not entitled to the privilege. When the material is inspected and is found to be bound or secured in any manner that would prevent the thorough inspection of the document, the inmate shall have the option of allowing staff to take the document apart for adequate inspection or of returning the material to the sender to require the material be returned in a loose manner to allow for proper inspection. Additionally, inmates receiving legal material in the form of a compact disc shall have the option of paying for copies to be made by the facility or of returning the disc to the sender in order to require the material be converted to paper copies. Payments for paper copies of legal material from a compact disc shall be in accordance with established policy and procedures.

b. Incoming privileged mail may be opened and inspected outside the inmate's presence in the circumstances outlined in Paragraph F.11 of this Section.

i. Inspection and Rejection. When, in the course of inspection, cash, checks, or money orders are found, they shall be removed and forwarded to the business office. The business office shall verify the legitimacy of the transaction in accordance with established policy and procedures.

ii. If material is found that does not appear to be entitled to the privilege, or if any of the circumstances outlined in Paragraph F.11 of this Section exist, then the mail may be restricted, confiscated, returned to sender, retained for further investigation, referred for disciplinary proceedings, or forwarded to law enforcement officials.

iii. Notice of Rejection. The offender shall be notified in writing within three working days of the correspondence's rejection and the reason for rejection on the privileged correspondence notice of rejection describing the reason for the rejection and advising the inmate has seven working days to determine the disposition of the

correspondence. Rejections shall be appealable through the administrative remedy procedure.

iv. Accidental Opening. If privileged correspondence is opened accidentally, outside the presence of the inmate, the envelope shall be immediately stapled or taped closed and the envelope marked "accidentally opened" along with the date and employee's initials. An unusual occurrence report shall be completed.

11. Mail Precautions

a. The wardens and deputy wardens are authorized to open and inspect incoming and outgoing privileged mail outside the inmate's presence in the following circumstances:

i. letters that are unusual in appearance or appear different from mail normally received or sent by the individual or public entity;

ii. letters that are of a size or shape not customarily received or sent by the individual or public entity;

iii. letters that have a city and/or state postmark that is different from the return address;

iv. letters that are leaking, stained, or emitting a strange or unusual odor or have a powdery residue;

v. when reasonable suspicion of illicit activity resulted in a formal investigation and such inspection was authorized by the secretary or designee.

12. Inmate Organizations. Inmate organizations shall pay the postage costs for all of their outgoing mail. All outgoing mail must be approved by the inmate organization sponsor.

G. Procedures for Publications

1. Publications (see definition in Subsection E) may be read and inspected to discover contraband and unacceptable depictions and literature. Unless otherwise provided by the rules of the facility, all printed matter must be received directly from the publisher. Multiple copies of publications for any one individual inmate are not allowed. Samples inserted in publications will be removed prior to delivery.

2. Newspaper and magazine clippings (xerox copies allowed), as well as articles printed from the internet are considered publications for the purpose of review pursuant to this regulation. However, they are not required to originate from the publisher. A limit of five clippings/articles may be received within a piece of regular correspondence and the quantity received may be further limited by what can be reasonably reviewed for security reasons in a timely manner. Multiple copies of the same clippings/articles for any one individual inmate are not allowed. Inclusion of clippings/articles in regular correspondence may delay the delivery.

3. Refusal of Publications. Printed material shall only be refused if it interferes with legitimate penological objectives (including but not limited to deterrence of crime, rehabilitation of inmates, maintenance of internal/external security of a facility or maintenance of an environment free of sexual harassment), or if the refusal is necessary to prevent the commission of a crime or to protect the interests of crime victims. This would include, but not be limited to, the following described categories:

a. security issues:

i. maps, road atlas, etc. that depict a geographic region that could reasonably be construed to be a threat to security;

ii. writings that advocate, assist, or are evidence of criminal activity or facility misconduct;

iii. instructions regarding the ingredients or manufacturing of intoxicating beverages or drugs;

iv. information regarding the introduction of, or instructions in the use, manufacture, storage, or replication of weapons, explosives, incendiaries, escape devices, or other contraband;

v. instructs in the use of martial arts;

vi. racially inflammatory material or material that could cause a threat to the inmate population, staff, and security of the facility;

vii. writings which advocate violence or which create a danger within the context of a correctional facility;

b. sexually explicit material:

i. it is well established in corrections that sexually explicit material causes operational concerns. It poses a threat to the security, good order and discipline of the facility and can facilitate criminal activity. Examples of the types of behavior that result from sexually explicit material include non-consensual sex, sexual molestation of other inmates or staff, masturbation or exposing themselves in front of staff, inappropriate touching or writing to staff, or other forms of sexual harassment of staff and/or inmates;

ii. sexually explicit material can portray women or men in dehumanizing, demeaning, and submissive roles, which, within an institutional setting, can lead to disrespect and the sexual harassment of female or male correctional staff. Lack of respect and control in dealing with inmates can endanger the lives and safety of staff and inmates;

iii. viewing of sexually explicit material undermines the rehabilitation of inmates as it can encourage deviant, criminal sexual behavior. Additionally, once sexually explicit material enters a facility, it is impossible to control who may view it. When viewed by an incarcerated sex offender, it can undermine or interrupt rehabilitation efforts;

iv. publications depicting nudity or sexually explicit conduct on a routine or regular basis or promotes itself based upon such depictions in the case of individual one time issues will not be allowed;

c. when screening publications for acceptability, the following categories shall be utilized:

i. category 1—presumption of non-acceptability;

ii. category 2—those that need to be reviewed on a case-by-case basis prior to allowing them to be delivered to the recipient and subject to review by the regional warden;

iii. category 3—presumption of acceptability;

d. publications can be added, deleted or moved from one category to another at the discretion of the secretary at any time;

e. when a facility receives a Category 2 publication which has not already been ruled on by the regional wardens, the mailroom shall send the inmate a notice of pending review of publication and shall forward the

publication to the regional warden who shall determine acceptability. When a facility suspends delivery of an issue of a Category 3 publication, the regional warden shall be notified. The mailroom shall send the inmate a notice of pending review of publication. The regional wardens shall determine if the publication may be moved to Category 2. When magazines are received that are not currently listed, the regional warden shall be notified;

f. procedures when publication is refused. The inmate shall be notified within three working days of the refusal and the reason therefore on the publications notice of rejection describing the reason for the rejection and advising that he has seven working days to determine the publication's disposition. Rejections shall be appealable through the administrative remedy procedure. The facility should retain possession of the disputed item(s) until the exhaustion of administrative and judicial review.

H. Procedures for Photographs, Digital or Other Images

1. Inmates shall not be allowed to receive or possess photographs or digital or other images that interfere with legitimate penological objectives (including but not limited to deterrence of crime, rehabilitation of inmates, maintenance of internal/external security of a facility, or maintenance of an environment free of sexual harassment), or to prevent the commission of a crime or to protect the interests of crime victims. This paragraph's prohibitions include photographs, digital or other images which expose the genitals, genital area (including pubic hair), anal area, or female breasts (or breasts which are designed to imitate female breasts). These areas must be covered with garments which cannot be seen through. To promote the safety, rehabilitation, health, and welfare of inmate sex offenders and the general inmate population, sex offender inmates shall be prohibited from receiving from any source or possessing any images of children if the sex offender inmate's victim was a minor. The warden or designee may grant exceptions on a case-by-case basis.

2. Lingerie normally shall be unacceptable, whether transparent or not. Swimwear will only be acceptable if the overall context of the picture is reasonably related to activities during which swimwear is normally worn. Suggestive poses alone may be sufficient cause of rejection regardless of the type of clothing worn.

3. Each facility shall develop a procedure that serves to reasonably restrict an inmate's possession of multiple copies of the same photograph or digital or other image.

4. Hard backed and laminated photographs or digital or other images that are subject to alteration or modification may be rejected.

5. The term "photograph" includes other images such as those created by a digital imaging device or e-mails.

6. The inmate shall be notified within three working days, in writing, of the photograph rejection and the reason therefore on the photographs notice of rejection describing the reason for the rejection and advising that he has seven working days to determine the photograph's disposition. Rejections are appealable through the administrative remedy procedure.

I. Procedures for Death Row Inmates Correspondence

1. Pursuant to the provisions of Act No. 799 of the 2012 Regular Session, the following procedures provide for the review and inspection of incoming and outgoing

correspondence of death row inmates to ensure no contractual arrangements are being contemplated or in effect that would allow the inmate to profit from his crimes of notoriety.

a. All incoming and outgoing general correspondence, including packages, shall be inspected.

b. Incoming and outgoing privileged mail shall be inspected outside the inmate's presence when there is reasonable suspicion contraband is being sent to the inmate or from the inmate, or the inmate is contemplating a contractual arrangement that would result in the inmate receiving any type of profits or proceeds relative to the inmate's criminal acts. The warden or deputy warden shall authorize such inspection.

c. In the event it is determined that the inmate is contemplating or has established a contractual arrangement, the information shall be immediately reported by the warden to the secretary, who shall notify the attorney general's office pursuant to established procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:833(A), *Guajardo v. Esteile*, 580 F.2d 748 (5th Cir.1978).

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of Adult Services, LR 5:4 (January 1979), amended LR 10:803 (October 1984), LR 11:360 (April 1985), amended by the Department of Public Safety and Corrections, Corrections Services, LR 33:851 (May 2007), LR 38:830 (March 2012), LR 39:2281 (August 2013), LR 41:2665 (December 2015), LR 43:1187 (June 2017), LR 49:502 (March 2023), LR 49:

Family Impact Statement

Amendment to the current Rule should not have any known or foreseeable impact on family formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule should not have any known or foreseeable costs and/or benefits to directly affected persons, small business, or non-government groups.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Written comments may be addressed to Natalie LaBorde, Executive Counsel, Department of Public Safety and Corrections, P.O. Box 94304, Baton Rouge, LA 70804 until 4:30 p.m. on August 9, 2023.

James M. Le Blanc
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Inmate Mail and Publications

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no costs or savings to state or local governmental units as a result of the proposed rule change.

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of

its intent to amend the contents of §313, Inmate Mail and Publications.

The Department of Public Safety and Corrections, Corrections Services proposes language prohibiting reception or possession of children’s images by sex offender inmates if the sex offender inmate’s victim was a minor, permitting a warden to make exceptions on a case-by-case basis as well as minor technical revisions.

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 as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

There is no estimated cost and/or economic benefit 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 as a result of the proposed rule change.

Thomas C. Bickham
Undersecretary
2307#016

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Policy Services Division**

Collection Fee
(LAC 61:III.3101)

Under the authority of R.S. 47:1511 and 1676, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, gives notice that rulemaking procedures have been initiated to propose to adopt LAC 61:III.3101.

Louisiana Revised Statutes 47:1676(C)(2)(a) provides that agencies that do not have a collection contract with the Attorney General’s Office for the collection of delinquent debts shall refer all final delinquent debt to the Office of Debt Recovery (“Office”) for collection. Referring agencies must include data and information in the required format necessary to institute collection procedures. All delinquent debts shall be authenticated by the referring agency or officer prior to being referred to the office. Once the debt becomes final, and prior to referral to the office, the referring agency shall notify the debtor that failure to pay the debt in full within sixty days shall subject the debt to the office’s collection fee. The office’s collection fee is in addition to the collection fees already included in the delinquent debt by the referring agency. Louisiana Revised Statutes 47:1676(E) mandates that the office charge the debtor a fee not to exceed twenty-five percent of the total liability of the final debt. The fee is to become effective on January 1, 2024. Debtors whose final delinquent debt has been referred to the office on or after January 1, 2024 will be assessed a fee equal to fifteen percent of the final delinquent debt.

Title 61

REVENUE AND TAXATION

Part III. Administrative and Miscellaneous Provisions

Chapter 31. Office of Debt Recovery

§3101. Collection Fee

A. Pursuant to R.S. 47:1676(E), the Office of Debt Recovery shall charge a fee on debts referred to it for collection. The fee shall not exceed 25 percent of the total liability and is to be established by Rule.

B. A collection fee equal to 15 percent of the total liability of debt shall be due on all debts referred to the Office of Debt Recovery on or after January 1, 2024. This collection fee shall be retained by the Office of Debt Recovery and distributed in accordance with R.S. 47:1676(E).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and R.S. 47:1676.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 49

Family Impact Statement

The proposed adoption of this rule might have a slight positive impact on family as defined by R.S. 49:972(D) or on family formation, stability and autonomy as the additional collection fee will be limited to fifteen percent of the total liability of debt, which is less than the maximum twenty-five percent that is provided for in R.S. 47:1676(E). The proposed adoption should have no other known or foreseeable impact on:

1. the stability of the family.
2. the authority and rights of parents regarding the education and supervision of their children.
3. the functioning of the family.
4. family earnings and family budget.
5. the behavior and personal responsibility of children.
6. The ability of the family or a local government to perform this function.

Poverty Impact Statement

The proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Impact Analysis

The proposed Rule has no known or foreseeable measurable impact on small businesses as described in R.S. 49:974.4.

Provider Impact Statement

The proposed Rule has no known or foreseeable effect on:

1. the staffing levels requirements or qualifications required to provide the same level of service.
2. the total direct and indirect effect on the cost to the provider to provide the same level of service.
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

All interested persons may submit written data, views, arguments or comments regarding this proposed rule to Shanda J. McClain, Attorney, Policy Services Division, Office of Legal Affairs, P.O. Box 44098, Baton Rouge, LA 70804-4098. Written comments will be accepted until 4:30 p.m., August 25, 2023.

Public Hearing

A public hearing will be held on August 28, 2023 at 10 a.m. in the Calcasieu Room located on the 2nd floor of the LaSalle Building, 617 North Third Street, Baton Rouge, Louisiana.

Kevin J. Richard, CPA
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Collection Fee**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule will increase state costs by approximately \$100,000 SGR in FY24 for IT related expenses. Current law provides that agencies that do not have a collection contract with the Attorney General’s Office shall refer all final delinquent debt to the Office of Debt Recovery (Office) for collection. To cover the costs of collection the statute mandates the assessment of a fee not to exceed 25percent of the final debt. The proposed rule establishes that the fee to be assessed will be 15percent of the final debt, which is a decrease from the current fee of 25percent. The agency currently has sufficient funds to implement the proposed rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Per the fiscal note on HB 422 of the 2023 Regular Session, the proposed rule is estimated to decrease revenue collections in the Office by an estimate of \$4 M in FY24 and continue to decrease self-generated funds in the subsequent fiscal years by an indeterminable amount. Because the Department of Revenue reverts excess self-generated revenues, the reduction in the fee from 25percent to 15percent is anticipated to decrease the amount of the state general fund in FY 24 by a corresponding amount. However, the Office intends to recover some of the

funds by increasing the base of collections by adding other agencies to those for whom debts are to be collected and offering new additional payment methods for debts, including the use of credit cards. This may mitigate a portion or all of the fee decrease.

During FY22, the Office collected \$53.4 million of debt owed to state agencies and local governments, which included self-generated revenue of \$9.9 million in fees. Changing the collection fee from 25percent to 15percent will result in a reduction in self-generated funds by an indeterminable amount. However, for illustration purposes, if the maximum fee in FY22 were reduced from 25percent to 15percent, self-generated funds would decrease from \$9.9 million to \$6.0 million. The amount of fees collected is dependent upon the amount of debts collected and this fluctuates with the existing economic impacts to the debtor. An estimate based on a flat growth is used for FY24 to arrive at a \$4 M reduction in self-generated revenues. The reduction in the amount of the fee will reduce the Office’s self-generated revenue, while still providing a sufficient amount for operation of the Office.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

Persons indebted to state agencies and local governments will be directly affected by the proposed action. The final amount owed by referred debtors will decrease by a corresponding amount of the fee reduction.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated or foreseen impact on competition or employment.

Kevin J. Richard, CPA
Secretary
2307#047

Deborah Vivien
Chief Economist
Legislative Fiscal Office

Administrative Code Update

CUMULATIVE: JAN-JUNE 2023

LAC Title	Part #.Section #	Action	Location: Month	Page #	LAC Title	Part #.Section #	Action	Location: Month	Page #	
4	V.1501,1502,1503,1504,1505,1506,1507,1508	Amended	June	1012	28	CXV.3601,3603,3605,3607,3609	Adopted	Apr.	647	
	V.1509,1510	Amended	June	1012		CXV.3703	Amended	Apr.	647	
7	XXI.101,103,751	Amended	Feb.	236	CXXIX.303,507,511,513,515,527,531,535	Amended	Jan.	036		
	XXI.701,752	Adopted	Feb.	236	CXXIX.1341	Amended	Jan.	040		
	XXI.1705	Amended	Feb.	234	CXXXI.528	Adopted	Feb.	255		
	XXI.1727,1729,1731,1733,1735,1737	Adopted	Feb.	234	CXXXI.715	Amended	May	863		
	XXIII.1103	Amended	Apr.	641	CXXXIX.2721	Adopted	Apr.	647		
10	XV.1901,1905,1913,1917,1923,1927,1931	Amended	Feb.	259	CXXXIX.4305	Amended	Feb.	245		
	XV.1903,1907,1909,1919,1921,1925	Repealed	Feb.	259	CXXXIX.4305	Repromulgated	May	851		
	XV.1929,1933,1935,1937	Repromulgated	Feb.	259	CXLVII.105,301	Amended	Apr.	649		
13	I.1101,1103,1105,1107,1109,1111,1117,1121	Amended	Jan.	025	CXLVII.305	Amended	Feb.	245		
	I.1101,1103,1105,1107,1109,1111,1117,1118	Repromulgated	Feb.	338	CXLVII.305	Repromulgated	May	851		
	I.1118,1120	Adopted	Jan.	025	CLXI.1515,1725	Amended	May	862		
	I.1119	Repromulgated	Jan.	025	CLXI.1723	Amended	Jan.	032		
	I.1119,1120,1121,1123	Repromulgated	Feb.	338	33	III.223	Amended	May	863	
	I.1123	Amended	Jan.	025		V.4999	Amended	Jan.	058	
	I.4901,4903,4905,4907,4909,4911,4913	Adopted	May	849		V.30105,30117,30258,30260,30402,30420	Amended	June	1089	
I.5101,5103,5105,5107,5109,5111,5113	Adopted	June	1032	V.30452,		Amended	June	1089		
				V.30122,30417,30418,30419		Adopted	June	1089		
17	I.103,107	Amended	June	1141	V.30125,30167,30193,30266,30302,30306	Amended	May	902		
	I.107,115	Amended	June	1129	XV.503,542,544,545,551,577,732,762,763	Amended	Jan.	060		
	I.117	Adopted	June	1129	XV.1508,1519,1599,1609,1613,1623,1739	Amended	Jan.	060		
19	III.2501,2503,2505,2507	Adopted	June	1029	XV.2022	Amended	Jan.	060		
					34	III.131	Amended	Feb.	258	
22	I.201,203,205	Amended	Mar.	495		35	III.5705,5706,5745,5764	Amended	May	866
	I.313	Amended	Mar.	502			III.5740,5742,5756,5758,5760,5762,5771,5772	Amended	May	866
	I.316	Amended	June	1110			III.5773,5775,5777,5779,5781,5783,5785,5787	Amended	May	866
	III.4509,5501	Amended	May	921			III.5789,5791,5793	Amended	May	866
	III.4761	Amended	Apr.	654	XV.12342		Adopted	May	870	
28	XI.307,504,510,705	Amended	Feb.	256	XV.12345	Amended	May	870		
	XIII.301,303,503	Amended	May	922	37	VIII.14301,14303,14305,14307,14309,14311	Repealed	Jan.	070	
	I.305,1103	Amended	Feb.	241		VIII.14313,14315,14317	Repealed	Jan.	070	
	IV.509,703,705,803,805,2103	Amended	Jan.	045		XIII.128	Adopted	Mar.	488	
	IV.2401,2403,2405,2407,2409,2411,2413	Adopted	Jan.	045		XIII.129	Amended	Mar.	488	
	VI.311	Amended	Jan.	058		XIII.1101,1103,1105,1107,1109,1111,1113	Amended	Feb.	267	
	XI.301,307,601,709,3901,3903,4001,5107	Amended	Jan.	042		XIII.1109	Repromulgated	Mar.	490	
	XI.301,307,601,709,3901,3903,4001,5107,5701	Amended	Apr.	644		XIII.1115,1117,1121,1131,1135	Amended	Feb.	267	
	XI.405	Amended	Jan.	031		XIII.3105,3113,3115,3119,3121,3123,3125	Amended	Mar.	490	
	XI.3503	Amended	Feb.	242		XIII.3127,3141,3145	Amended	Mar.	490	
XI.5701	Amended	Jan.	042	XIII.6209		Amended	May	898		
XI.6401,6403,6405	Adopted	Jan.	042	XIII.18201,18202,18203,18204,18205,18206	Adopted	Apr.	698			
XI.6401,6403,6405	Amended	Apr.	644	XIII.18901,18903,18905,18907,18909,18911	Adopted	Feb.	270			
XI.6803	Amended	May	861	XIII.18903,18905,18915,18927,18929	Amended	June	1088			
XXXV.103	Amended	Feb.	245	XIII.18913,18915,18917,18919,18921,18923	Adopted	Feb.	270			
XXXV.103	Repromulgated	May	851	XIII.18925,18927,18929,18931,18935,18937	Adopted	Feb.	270			
XXXIX.700	Amended	Feb.	245	XIII.18930	Adopted	June	1088			
XXXIX.700	Repromulgated	May	851	XIII.18939,18941	Adopted	Feb.	270			
XXXIX.705	Amended	Feb.	244	XIII.19101,19103,19105,19107,19109,19111	Adopted	Mar.	493			
XLV.743,745	Amended	Jan.	041	XIII.19113,19115,19117,19119	Adopted	Mar.	493			
XLV.743,745	Amended	Feb.	245	XIII.19501,19503,19505,19507,19509,19511	Adopted	May	900			
XLV.743,745	Repromulgated	May	851	XIII.19513,19515,19517,19519,19521,19523	Adopted	May	900			
XLV.745	Amended	Feb.	255	XIII.19525,19527	Adopted	May	900			
LXXIX.119,901	Amended	Jan.	035	40	I.2001,2003,2005,2007,2009,2011,2019,2021	Amended	Mar.	515		
LXXIX.907	Adopted	Jan.	035		I.2111,2311,2315,2317,2319,2321,2323,2325	Amended	Mar.	515		
LXXIX.1311,2120	Adopted	Feb.	245	42						
LXXIX.1311,2120	Repromulgated	May	851		XI.2411,2413	Amended	Jan.	072		
LXXIX.2109,2111,2137,2323	Amended	Apr.	642	43						
LXXIX.2111	Amended	May	861		XI.101,3501,3907,4309					
XCVII.505	Amended	Jan.	041		XI.103,301,303,305,307,309,311,313,315,501	Promulgated	Feb.	276		
CXIII.903,1701,2305	Amended	Feb.	243		XI.305,307,503,509,513,903,1103,3301,3501	Amended	May	902		
CXV.325,337,517,901,1303,2305,2307,2319	Amended	Feb.	245		XI.3503,3505,3901,3903,3905,4101,4103,4105	Amended	May	902		
CXV.325,337,517,901,915,1303,2305,2307	Repromulgated	May	851		XI.4107,4109,4313,4319,4321,4327,4519,4525	Amended	May	902		
CXV.332	Adopted	Jan.	033		XI.4557,4909,4919,4937,4945,5901,5903,6101	Amended	May	902		
CXV.333,337,1103	Amended	Jan.	032		XI.4939,4941	Repealed	May	902		
CXV.719	Amended	Feb.	244		XI.503,505,507,509,511,513,701,901,903,1101	Repromulgated	Feb.	276		
CXV.905	Amended	Apr.	647		XI.1103,1501,1503,1505,1701,1703,1705,1707	Repromulgated	Feb.	276		
CXV.1104	Adopted	Jan.	032		XI.1901,1903,1905,2101,2103,2301,2303,2305	Repromulgated	Feb.	276		
CXV.2318,2319,2345,2353	Amended	Apr.	642		XI.2307,2701,2703,2901,2903,2905,2907,2909	Repromulgated	Feb.	276		
CXV.2318	Amended	May	861		XI.2911,2913,3301,3501,3503,3505,3901,3903	Repromulgated	Feb.	276		
CXV.2319,3305,3503	Repromulgated	May	851		XI.3905,3907,3909,3911,3913,3915,4101,4103	Repromulgated	Feb.	276		
CXV.3305	Amended	Feb.	245	XI.4105,4107,4109,4301,4303,4305,4307,4309	Repromulgated	Feb.	276			
CXV.3501	Adopted	Jan.	035	XI.4311,4313,4315,4317,4319,4321,4323,4325	Repromulgated	Feb.	276			
CXV.3503	Adopted	Feb.	245	XI.4327,4329,4331,4333,4335,4337,4339,4341	Repromulgated	Feb.	276			
				XI.4501,4503,4507,4509,4511,4513,4515,4517	Repromulgated	Feb.	276			

LAC Title	Part #.Section #	Action	Location:		LAC Title	Part #.Section #	Action	Location:				
			Month	Page #				Month	Page #			
43	XI.4521,4523,4525,4527,4529,4531,4533,4535	Repromulgated	Feb.	276	50	L.2101,2105	Amended	Apr.	682			
	XI.4537,4539,4541,4543,4545,4547,4549,4551	Repromulgated	Feb.	276		I.2103	Amended	June	1066			
	XI.4553,4555,4557,4559,4701,4703,4705,4707	Repromulgated	Feb.	276		I.3113	Adopted	Feb.	264			
	XI.4709,4711,4901,4903,4905,4907,4909,4911	Repromulgated	Feb.	276		III.10705	Amended	May	876			
	XI.4713,4915,4917,4919,4921,4923,4925,4927	Repromulgated	Feb.	276		V.119	Adopted	Mar.	487			
	XI.4929,4931,4933,4935,4937,4949,4941,4943	Repromulgated	Feb.	276		V.1301,1303	Amended	Jan.	070			
	XI.4945,5101,5103,5105,5107,5109,5301,5303	Repromulgated	Feb.	276		V.2101,2103	Adopted	Feb.	263			
	XI.5305,5501,5503,5505,5507,5509,5511,5513	Repromulgated	Feb.	276		V.7501,7503	Adopted	Feb.	265			
	XI.5515,5517,5519,5701,5703,5705,5901,5903	Repromulgated	Feb.	276		VII.32903,32904,32905,32907,32909,32913	Amended	Apr.	687			
	XI.6101,6103,6301,6501,6503	Repromulgated	Feb.	276		VII.32965,32967,32969	Amended	Apr.	687			
	XIII.301,303,307,315,317,323,329,503,508,513	Amended	June	1089		IX.1101,1103,1105,15106	Adopted	June	1086			
	XIII.518,921,1110,1113,1139,2715,2717,2719	Amended	June	1089		XIII.101,103	Amended	May	875			
	XIII.2710,2734,2735,2736	Adopted	June	1089		XIII.104	Repealed	May	845			
	XIII.2945,3335,3515	Amended	June	1089		XIII.801	Adopted	May	845			
	XIX.301,303,311,313,501,519,565	Amended	May	910		XV.7321	Amended	Feb.	262			
	XIX.317	Amended	Jan.	071		XV.10704	Adopted	Apr.	698			
	46	I.1103	Amended	June		1033	XV.12901,12903	Amended	May	878		
		I.1111	Adopted	June		1033	XV.12917	Amended	Apr.	696		
		XIX.101,319,501,503,505,703,705,903,1105	Amended	Apr.		650	XV.12921	Adopted	Apr.	696		
		XIX.503,1707,1901	Repromulgated	May		864	XXI.553	Adopted	Apr.	685		
XIX.1107,1301,1501,1700,1703,1901,1909		Amended	Apr.	650	XXI.2301	Amended	Mar.	485				
XIX.2301		Adopted	Apr.	650	XXI.2901	Adopted	Apr.	683				
XXXIII.103,306,706,710		Amended	Jan.	065	XXI.6101	Amended	June	1072				
LIII.508,906		Adopted	Jan.	066	XXI.8107	Amended	June	1068				
LIII.2301,2303,2305,2307,2309,2311,2317		Amended	Apr.	679	XXI.8331	Adopted	Mar.	486				
LIII.2319		Amended	Apr.	679	XXI.9503	Adopted	Apr.	684				
LIII.2523		Amended	Jan.	067	XXI.12101	Amended	June	1067				
LIII.2535		Amended	Jan.	066	XXI.14301	Amended	June	1069				
LIII.2735,2747		Amended	Apr.	681	XXI.16903	Amended	June	1071				
LX.901		Amended	June	1087	XXI.16905	Adopted	June	1071				
LX.3309,3311		Amended	June	1086	XXVII.505,517	Amended	May	877				
LXI.105,1505,2101		Amended	Feb.	335	XXVII.531	Adopted	May	877				
LXI.1527		Repealed	Feb.	335	52	I.1319	Adopted	June	1029			
LXIII.100,108,702,1401,1403,1405,1407,1409		Adopted	Apr.	671		L.2001,2003	Amended	June	1028			
LXIII.601,603,803,805,811,3402,3403,400,		Amended	Apr.	665	55	III.108	Amended	June	1122			
LXIII.601,1101,1103		Amended	Apr.	668		III.1601,1603,1605,1607,1609,1611,1613,1615	Repromulgated	Feb.	330			
LXIII.601,603,803,805,806,811,905,3402,3403	Repromulgated	May	871	III.1601,1603,1605,1607,1609,1611,1621,1623	Amended	June	1122					
LXIII.102,103,201,303,305,701,705,709,1002	Amended	Apr.	671	III.1608,1613,1615,1617,1619,1639,1641	Adopted	June	1122					
LXIII.806,905	Adopted	Apr.	665	III.1625,1627,1629,1631,1633,1635,1637	Amended	June	1122					
LXIII.1100,1105,1107,1109	Adopted	Apr.	668	III.1617,1619,1621,1623,1625,1627	Repromulgated	Feb.	330					
LXIII.1201,1205,1213,1701,1702,1705,1903	Amended	Apr.	671	61	I.1909	Amended	Jan.	073				
LXIII.1905	Adopted	Apr.	671		I.1923	Adopted	Feb.	334				
LXIII.4001	Repromulgated	May	871	I.5105	Adopted	Feb.	333					
LXIII.4201	Amended	Apr.	657	III.2301	Adopted	Jan.	074					
LXIII.4203,4205,4207,4209,4211	Adopted	Apr.	657	III.2501,2503,2505,2507	Amended	Apr.	701					
LXVII.501,507,901,907,1507,3101,5307	Amended	Apr.	655	V.103,203,211,213,303,304,307,703,705	Amended	June	1034					
LXVII.3515	Amended	May	874	V.901,903,905,907	Amended	June	1034					
LXVII.4101,4105,4111,4113	Amended	Mar.	481	V.1001,1003,1005,1007,1103	Adopted	June	1034					
LXVII.4103,4107,4109	Repealed	Mar.	481	V.1503,2501,2503,3101,3103,3507	Amended	June	1034					
LXVII.4501,4503,4505,4507,4511,4513,4515	Repealed	Apr.	655	67	I.205	Amended	Feb.	240				
LXVII.5319,5505	Amended	Apr.	655		III.2103	Amended	May	912				
LXXXV.307,700,702,714	Amended	Apr.	640	III.5532	Adopted	May	847					
LXXXV.1101,1103,1105,1107,1109,1111,1113	Repealed	Apr.	640	V.1103	Amended	June	1028					
LXXXV.1115,1117,1119,1121,1123	Repealed	Apr.	640	V.6955,7107,7311,7507,7511	Amended	May	847					
LXXXIX.501,509	Amended	Apr.	701	71	III.2501,2503,,2505,2507	Adopted	Feb.	337				
LV.101,301,303,304,305,306,307,308,309,310	Amended	May	914		76	I.303,317,323,325,329,335,407,501	Repealed	Mar.	511			
LV.312,313,314,503,701,901	Amended	May	914			I.328	Adopted	Apr.	704			
48	I.4001,4007	Amended	Feb.			262	I.331,333	Amended	Mar.	511		
	I.6001,6003,6005,6007,6009,6011,6013,6015	Amended	May			879	I.901,903,905,907,909	Adopted	Mar.	506		
	I.6017,6025,6029,6031,6033,6061,6063,6065	Adopted	May			879	III.111	Amended	June	1183		
	I.6019,6021,6023,6027,6041,6043,6045,6047	Amended	May			879	V.113	Amended	Mar.	511		
	I.6049,6051,6053	Amended	May			879	VII.114	Amended	June	1144		
	I.6071	Adopted	May			879	VII.161,341,365,403,515,525	Amended	Mar.	511		
	I.6703,6705,6709,6715,6717,6735,6743,6745	Amended	Mar.			481	VII.307	Amended	Mar.	514		
	I.6747,6751,6757,6759,6767,6769,6773,6781	Amended	Mar.			481	VII.308	Adopted	Jan.	076		
	I.6793,6795	Amended	Mar.			481	VII.327	Amended	Apr.	703		
	I.6803,6807,6809,6813,6843	Amended	Jan.			068	XI.309	Amended	June	1142		
	I.9305	Amended	June			1074	77	III.309	Adopted	June	1142	
	I.9701,9727,9761,9767,9911	Amended	June			1075		78	III.309	Adopted	June	1142
	I.10080,10081,10082,10083,10084,10085	Amended	Apr.			690			III.309	Adopted	June	1142
	I.10086,10087,10088,10089,10090	Amended	Apr.			690			III.309	Adopted	June	1142
	I.10091	Adopted	Apr.			690			III.309	Adopted	June	1142
	I.19123	Adopted	Feb.			266			III.309	Adopted	June	1142

Potpourri

POTPOURRI

**Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division**

Withdrawal of Log Number SW069
Revision to Update Solid Waste Regulations
(LAC 33:VII.115, 721, 10509, 10511, 10523, and 10529)

This potpourri notice announces the withdrawal of rulemaking for log number SW069 by the Louisiana Department of Environmental Quality. The Notice of Intent was published in the Louisiana Register on September 20, 2022. The rulemaking process has been terminated for SW069. (2307Pot1)

Courtney J. Burdette
Executive Counsel

2307#044

POTPOURRI

**Office of the Governor
Office of Homeland Security and
Emergency Preparedness**

Public Comments—Disbursement of Public Resources
(LAC 55:XXI.Chapter 7)

The Office of Homeland Security has extended the comment period for the notice of intent published in the June 20, 2023 Louisiana Register entitled Disbursement of Public Resources/.

Public Comments

All interested persons so desiring shall submit written comments no later than 20 days from the date of publication of this notice to Christina Dayries, Governor's Office of Homeland Security and Emergency Preparedness, 7667 Independence Blvd, Baton Rouge, LA 70806

Casey Tingle
Director

POTPOURRI

**Department of Insurance
Office of the Commissioner**

Public Hearing Regarding the Conversion from a Mutual Insurance Company to a Stock Insurance Company

The Louisiana Department of Insurance hereby gives notice of a public hearing to be held on August 21 and August 22, 2023, regarding the conversion of Louisiana Health Service and Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana from a mutual insurance company to a stock insurance company pursuant to R.S.

22:236.4(C). The public hearing is being held for the purpose of hearing evidence to determine if the Plan of Reorganization submitted by Louisiana Health Service and Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana:

(1) properly protects the interests of the policyholders as such and as members;

(2) serves the best interests of policyholders and members; and

(3) is fair and equitable to policyholders and members as required by R.S. 22:236.4(A).

The public hearing shall be conducted in accordance with R.S. 22:236.4, Rule 1 of the Louisiana Department of Insurance, and the Administrative Procedures Act.

Public Hearing

The public hearing will be held by the Louisiana Department of Insurance on August 21 and August 22, 2023, at 10:00 a.m. in the Poydras Hearing Room, Poydras Building, 1702 North Third Street, Baton Rouge, Louisiana. If you are interested in participating in the public hearing, you have the option to make comments or provide evidence. You can do this by submitting your comments or evidence in writing to David Caldwell, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by close of business, August 4, 2023, by 4:30 p.m. Comments or evidence received by August 4, 2023, will be posted on the Louisiana Department of Insurance website at

<https://www.ldi.la.gov/public-hearing-and-rulemaking-notice>.

The provided link directs to the public hearing notices page of the Louisiana Department of Insurance website. This page contains announcements and information regarding upcoming public hearings conducted by the Louisiana Department of Insurance. Users can access documents, notices, and other relevant information related to these proceedings. It is recommended to visit the website directly for the most up-to-date information from the Louisiana Department of Insurance on this public hearing. Interested persons may appear at the public hearing to provide comments or evidence as well.

James J. Donelon
Commissioner

2307#013

POTPOURRI

**Workforce Commission
Office of Workers' Compensation**

Weekly Compensation Benefits Limits

Pursuant to R.S. 23:1202, and based on the statewide average weekly wage as determined by the Louisiana Workforce Commission, the following limits shall apply to weekly compensation benefits for claimants injured during the period September 1, 2023 through August 31, 2024.

Average Weekly Wage	Maximum Compensation	Minimum Compensation	Mileage Reimbursement
\$1088.07	\$816.00	\$218.00	* .655 cents per mile
*Effective July 1, 2023 the mileage reimbursement is \$0.655 per mile pursuant to R.S. 23:1203(D).			

This information updates R.S. 23:1202 of the Louisiana Workers Compensation Act.

	Average Weekly Wage	Maximum Comp	Minimum Comp
Sept 1, 2000-Aug 31, 2001	517.93	388.00	104.00
Sept 1, 2001-Aug 31, 2002	530.43	398.00	106.00
Sept 1, 2002-Aug 31, 2003	554.31	416.00	111.00
Sept 1, 2003-Aug 31, 2004	572.53	429.00	114.00
Sept 1, 2004-Aug 31, 2005	584.40	438.00	117.00
Sept 1, 2005-Aug 31, 2006	605.46	454.00	121.00
Sept 1, 2006-Aug 31, 2007	637.19	478.00	127.00
Sept 1, 2007-Aug 31, 2008	696.00	522.00	139.00
Sept 1, 2008-Aug 31, 2009	728.10	546.00	146.00
Sept 1, 2009-Aug 31, 2010	768.83	577.00	154.00

Sept. 1, 2010-Aug. 31, 2011	772.18	579.00	154.00
Sept. 1, 2011-Aug. 31, 2012	789.00	592.00	158.00
Sept. 1, 2012-Aug. 31, 2013	807.07	605.00	161.00
Sept. 1, 2013-Aug. 31, 2014	825.54	619.00	165.00
Sept. 1, 2014-Aug. 31, 2015	839.76	630.00	168.00
Sept. 1, 2015-Aug. 31, 2016	865.31	649.00	173.00
Sept. 1, 2016-Aug. 31, 2017	876.00	657.00	175.00
Sept. 1, 2017-Aug. 31, 2018	870.00	653.00	174.00
Sept. 1, 2018-Aug. 31, 2019	886.38	665.00	177.00
Sept. 1, 2019-Aug. 31, 2020	916.85	688.00	183.00
Sept. 1, 2020-Aug. 31, 2021	940.00	705.00	188.00
Sept. 1, 2021-Aug. 31, 2022	990.85	743.00	198.00
Sept. 1, 2022-Aug. 31, 2023	1027.69	771.00	206.00
Sept. 1, 2023-Aug. 31, 2024	1088.07	816.00	218.00

Actual wages are to be paid if the wages are less than the minimum.

Tavares A. Walker
Deputy Assistant Secretary

2307#054

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