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# Executive Orders

## EXECUTIVE ORDER MJF 01-01

The Department of Economic Development  
Reorganization Task Force

WHEREAS, the Vision 2020 program has provided a strong, clear, far-reaching economic development plan which is necessary to prepare Louisiana to meet the economic challenges and opportunities of the twenty-first century;

WHEREAS, Vision 2020 and other economic development studies have recommended significant organizational changes to the Department of Economic Development;

WHEREAS, the Department of Economic Development is currently organized to promote the development of traditional industries in the state;

WHEREAS, all studies have shown that Louisiana trails far behind the rest of the nation in the creation of new economy, high tech, high wage jobs;

WHEREAS, the staff of the Department of Economic Development have worked diligently to promote Louisiana interests but have been hampered by the current organizational structure of the department;

WHEREAS, Vision 2020 and other studies have identified the concept of cluster-based economic development as being best-suited to promote a new economy in Louisiana;

WHEREAS, the current organizational structure of the Department of Economic Development is overly cumbersome and bureaucratic, making it difficult to operate with the speed needed by companies seeking to locate or expand in Louisiana;

WHEREAS, the current organizational structure of the Department of Economic Development fragments the efforts of the department among many separate independent programs which were piecemealed together over time and therefore are unable to cooperate as fully and smoothly as necessary;

WHEREAS, reorganizing the Department of Economic Development around the cluster-based concept will allow Louisiana to aggressively target its efforts toward attracting high quality, high wage industries to locate and expand in Louisiana;

WHEREAS, such a cluster-based organization will allow for closer coordination between the Department of Economic Development and the educational system of Louisiana; and

WHEREAS, such a cluster-based organization will allow the Department of Economic Development to employ professionals who have experience and special expertise within a particular industry;

NOW THEREFORE, I, M.J. "MIKE" FOSTER, JR., Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The Department of Economic Development Reorganization Task Force (hereafter "Task

Force") is established within the executive department, Office of the Governor.

SECTION 2: The duties of the Task Force shall include, but are not limited to, the following:

1. review the studies and recommendations of Vision 2020 and the recent consultants' review of the organizational problems facing the Department of Economic Development;

2. recommend specific organizational changes in the Department of Economic Development necessary to achieve the overall recommendations of the previous studies;

3. identify statutory changes needed to accomplish such a reorganization and work with legislators and legislative staff to draft such legislation;

4. identify budgetary changes needed to accomplish such a reorganization and work with appropriate officials to implement such budgetary changes; and

5. recommend goals, objectives, and performance accountability measures for the reorganized department.

SECTION 3: The Task Force shall meet at the call of the chair. The Task Force shall submit a comprehensive report to the governor addressing the issues set forth in Section 2 of this Order by March 1, 2001. The Task Force shall also assist the legislature and its committees in understanding its recommendations and the reasons behind them.

SECTION 4: The Task Force shall be composed of a maximum of twenty-five (25) members who, unless otherwise specified, shall be appointed by, and serve at the pleasure of, the governor. The membership of the Task Force shall be selected as follows:

1. the governor, or the governor's designee;

2. the secretary of the Department of Economic Development, or the secretary's designee;

3. the commissioner of administration, or the commissioner's designee;

4. the secretary of the Department of Labor, or the secretary's designee;

5. the secretary of the Department of Transportation and Development, or the secretary's designee;

6. a member of the Louisiana Economic Development Council, appointed by the governor;

7. a member of the Louisiana Industrial Development Executives Association, appointed by the governor;

8. a member of the Louisiana Association of Chamber of Commerce Executives, appointed by the governor;

9. a member of the Council for a Better Louisiana, appointed by the governor;

10. a member of the Committee of 100, appointed by the governor;

11. a member of the Louisiana Association of Business and Industry, appointed by the governor;

12. a member of the Louisiana Women Business Owners Association, appointed by the governor;

13. a member of the Louisiana Chemical Association, appointed by the governor;

14. a member of the Gulf South Minority Supplier Development Council, appointed by the governor;

15. a representative of a regional economic development agency located in Louisiana, appointed by the governor;

16. a member of the higher education community, appointed by the governor;

17. a representative of the Ports Association of Louisiana, appointed by the governor;

18. two (2) members of the business community, appointed by the governor;

19. three (3) members of the Louisiana Senate, designated by the president of the Senate; and

20. three (3) members of the Louisiana House of Representatives designated by the speaker of the House of Representatives.

SECTION 5: Support staff, facilities, and resources for the Task Force shall be provided by the Department of Economic Development.

SECTION 6: Task Force members shall not receive compensation, a per diem, or travel expenses from the Office of the Governor for serving on the Task Force.

SECTION 7: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the Department of Economic Development in implementing the provisions of this Order.

SECTION 8: This Order is effective upon signature and shall continue in effect until June 18, 2001, unless it is amended, modified, terminated, or rescinded by the governor, or terminated by operation of law prior to that date.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 17<sup>th</sup> day of January, 2001.

M.J. "Mike" Foster, Jr.  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
0102#001

### **EXECUTIVE ORDER MJF 01-02**

#### **Continuation of Hiring Freeze**

WHEREAS, pursuant to Article IV, Section 5 of the Louisiana Constitution of 1974, as amended, Act No. 11 of the 2000 Second Extraordinary Session of the Louisiana Legislature, Act No. 2 of the 2000 Second Extraordinary Session of the Louisiana Legislature, and/or R.S. 42:375, the governor may issue executive orders which prohibit the filling of any new or existing employment vacancies in the executive branch of state government (hereafter "hiring freeze"); and

WHEREAS, to ensure that the state of Louisiana will not suffer a budget deficit due to 2000-2001 appropriations exceeding actual revenues, prudent money management

practices dictate that the best interests of the citizens of the state of Louisiana will be served by continuing until June 30, 2001, throughout the executive branch of state government, the hiring freeze which was initially ordered through June 30, 2000, by Executive Order No. MJF 2000-18, issued May 4, 2000; continued until September 30, 2000, by Executive Order No. MJF 2000-21, issued June 30, 2000; continued until November 1, 2000, by Executive Order No. MJF 2000-35, issued October 5, 2000; continued until December 1, 2000, by Executive Order No. MJF 2000-42, issued on October 31, 2000; and continued until February 1, 2001, by Executive Order No. MJF 2000-55, issued December 1, 2000;

NOW THEREFORE, I, M.J. "MIKE" FOSTER, JR., Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Unless specifically exempted by Section 2 of this Order, no vacancy in an existing or new position of employment within the executive branch of state government in a budget unit and/or activity funded by Act No. 2 of the 2000 Second Extraordinary Session of the Louisiana Legislature (hereafter "Act No. 2") and/or Act No. 11 of the 2000 Second Extraordinary Session of the Louisiana Legislature (hereafter "Act No. 11"), which existed on or occurred after May 4, 2000, the date of issuance of Executive Order No. MJF 2000-18, shall be filled without the express written approval of the commissioner of administration (hereafter "hiring freeze").

SECTION 2: All budget activities funded by Act No. 11 which were exempt from the hiring freeze ordered in Executive Order No. MJF 2000-18 continue to be exempt from the provisions of this Order. None of the budget activities funded by Act No. 2 are exempt from the provisions of this Order.

SECTION 3: Each department, agency, office, board, and/or commission shall file with the commissioner of administration, on the 10th day of each month, a monthly report reflecting projected savings that the department, agency, office, board or commission will generate through the implementation of this Order. Such reports shall reflect a full accounting of personnel changes within the department, agency, office, board or commission for the reporting period covered, including an accounting of employment figures at the beginning and end of the reporting period and the number of vacancies filled and/or not filled during the reporting period, pursuant to the provisions of this Order. The reports shall include a categorized summary of transactions which resulted pursuant to the exemption granted in Section 2 of this Order and/or permitted pursuant to Section 4 of this Order.

SECTION 4: The provisions of Section 4 of Executive Order No. MJF 2000-18 are continued in effect.

SECTION 5: This Order is effective upon signature and shall remain in effect through June 30, 2001, or until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 24th day of January, 2001.

M.J. "Mike" Foster, Jr.  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
0102#010

### EXECUTIVE ORDER MJF 01-03

#### Additional Consensus Estimating Conferences

WHEREAS, R.S. 39:21.1 through 27 provides for consensus estimating conferences on economics, demographics, education, criminal justice, health and social services, transportation, and revenue for the purpose of developing official information on those issues for the state planning and budgeting system;

WHEREAS, existing consensus estimating conferences do not address all of the issues for which the state of Louisiana requires official consensus information for the state planning and budget system; and

WHEREAS, the best interests of the citizens of the state of Louisiana are served by the creation of three additional consensus estimating conferences to address the issues of higher education, human resources, and other matters which are not in the area of responsibility of a consensus estimating conference;

NOW THEREFORE, I, M.J. "MIKE" FOSTER, JR., Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: A. The Higher Education Estimating Conference is established within the executive department, Division of Administration.

B. The Higher Education Estimating Conference shall develop such official information related to the state of Louisiana's higher education system as the members of the conference determine is needed for purposes of the state planning and budgeting system, including official information on student enrollment, faculty pay and benefits, and/or comparisons of the state of Louisiana to other states.

C. The Higher Education Estimating Conference shall consist of the following six voting members:

1. The governor, or the governor's designee;
2. The commissioner of administration, or the commissioner's designee;
3. The president of the Louisiana Senate, or the president's designee selected from either the membership or staff of the Louisiana Senate;
4. The speaker of the Louisiana House of Representatives, or the speaker's designee selected from either the membership or staff of the Louisiana House of Representatives;
5. The legislative fiscal officer, or the officer's designee; and
6. The commissioner of higher education, or the commissioner's designee.

SECTION 2: A. The Human Resources Estimating Conference is established within the executive department, Division of Administration.

B. The Human Resources Estimating Conference shall develop such official information related to the human resources of the state of Louisiana as the members of the conference determine is needed for purposes of the state planning and budgeting system, including official information on employment, employee pay and benefits, and/or comparisons of the state of Louisiana to other states or to the private sector of the state of Louisiana and/or other states.

C. The Human Resources Estimating Conference shall consist of the following six voting members:

1. The governor, or the governor's designee;
2. The commissioner of administration, or the commissioner's designee;
3. The president of the Louisiana Senate, or the president's designee selected from either the membership or staff of the Louisiana Senate;
4. The speaker of the Louisiana House of Representatives, or the speaker's designee selected from either the membership or staff of the Louisiana House of Representatives;
5. The legislative fiscal officer, or the officer's designee; and
6. The director of the Department of Civil Service, or the director's designee.

SECTION 3: A. The State and National Data Estimating Conference is established within the executive department, Division of Administration.

B. The State and National Data Estimating Conference shall develop such official information on any issue not within the area of responsibility of any other consensus estimating conference created by 39:21.1-27 or the provisions of this Order, as the majority of voting members of the conference determine is needed for the purposes of the state planning and budgeting system.

C. The State and National Data Estimating Conference shall consist of the following five voting members:

1. The governor, or the governor's designee;
2. The commissioner of administration, or the commissioner's designee;
3. The president of the Louisiana Senate, or the president's designee selected from either the membership or staff of the Louisiana Senate;
4. The speaker of the Louisiana House of Representatives, or the speaker's designee selected from either the membership or staff of the Louisiana House of Representatives; and
5. The legislative fiscal officer, or the officer's designee.

D. The State and National Data Estimating Conference shall also consist of the following non-voting member:

1. The executive director of Public Affairs Research, Inc., or the executive director's designee.

SECTION 4: A. As used in this Order, "official information" means the data, forecasts, estimates, analyses, studies, and/or other information adopted by a conference.

B. The official information of a conference shall be adopted only by a favorable record vote of two-thirds (2/3) of the appointed voting members of the conference.

**EXECUTIVE ORDER MJF 01-04**

Department of Economic Development  
Reorganization Task Force

C. Each conference shall publish the official information adopted by the conference in the Louisiana Register.

D. Official information adopted by a conference shall constitute the official information of a conference until rescinded, replaced, and/or superceded at a subsequent meeting of the conference by a favorable record vote of two-thirds (2/3) of the appointed voting members of the conference.

E. The official forecasts of a conference shall be based upon the assumption that the current laws and administrative procedures of the state of Louisiana and/or the departments, commissions, boards, offices, agencies, and/or political subdivisions thereof, shall remain in effect throughout the forecast period.

F. Two-thirds (2/3) of the appointed voting members of a conference means four voting members of a conference consisting of five voting members and/or four voting members of a conference consisting of six voting members.

SECTION 5: Each conference shall issue initial official information determinations by February 15, 2001.

SECTION 6: A. The governor shall appoint the chair of each conference from its voting members.

B. Each conference shall meet at the call of its chair and/or by written notice of three or more voting members who dispute or question the continued validity of an item of official information previously adopted by the conference.

C. Support staff for the conferences and facilities for conference meetings shall be arranged by the Office of the Governor and/or the Division of Administration.

D. Conference members shall not receive additional compensation or a per diem from the Office of the Governor and/or the Division of Administration for serving on a conference. However, state officers and/or employees may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency, and/or office.

SECTION 7: A. All departments, commissions, boards, offices, agencies, and political subdivisions of the state of Louisiana, and the officers thereof, shall use the official information developed by the conference.

B. All departments, commissions, boards, offices, agencies, and political subdivisions of the state of Louisiana, and the officers thereof, are authorized and directed to cooperate in implementing the provisions of this Order.

SECTION 8: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 24th day of January, 2001.

M.J. "Mike" Foster, Jr.  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
0102#011

WHEREAS, Executive Order No. MJF 2001-1, signed on January 17, 2001, established the Department of Economic Development Reorganization Task Force (hereafter "Task Force"); and

WHEREAS, it is necessary to amend Executive Order No. MJF 2001-1 to expand the membership of the Task Force;

NOW THEREFORE, I, M.J. "MIKE" FOSTER, JR., Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 4 of Executive Order No. MJF 2001-1 is amended to provide as follows:

The Task Force shall be composed of a maximum of twenty-nine (29) members who, unless otherwise specified, shall be appointed by, and serve at the pleasure of, the governor. The membership of the Task Force shall be selected as follows:

- A. the governor, or the governor's designee;
- B. the secretary of the Department of Economic Development, or the secretary's designee;
- C. the commissioner of administration, or the commissioner's designee;
- D. the secretary of the Department of Labor, or the secretary's designee;
- E. the secretary of the Department of Transportation and Development, or the secretary's designee;
- F. three (3) members of the Louisiana Senate designated by the president of the Senate;
- G. three (3) members of the Louisiana House of Representatives designated by the speaker of the House of Representatives;
- H. a member of the Louisiana Economic Development Council;
- I. a member of the Louisiana Industrial Development Executives Association;
- J. a member of the Louisiana Association of Chamber of Commerce Executives;
- K. a member of the Council for a Better Louisiana;
- L. a member of the Committee of 100;
- M. a member of the Louisiana Association of Business and Industry;
- N. a member of the Louisiana Women Business Owners Association;
- O. a member of the Louisiana Chemical Association;
- P. a member of the Gulf South Minority Supplier Development Council;
- Q. a representative of a regional economic development agency located in Louisiana;
- R. a member of the higher education community;
- S. a representative of the Ports Association of Louisiana;
- T. a representative of the Board of Commerce and Industry;

U. a representative of the Louisiana Business Incubation Association;

V. a representative of the Louisiana Mid-Continent Oil and Gas Association;

W. a representative of the Louisiana Economic Development Corporation; and

X. two (2) representatives of Louisiana's business community.

SECTION 2: All other sections, subsections, and/or paragraphs of Executive Order No. MJF 2001-1 shall remain in full force and effect.

SECTION 3: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 25th day of January, 2000.

M.J. "Mike" Foster, Jr.  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
0102#013

#### EXECUTIVE ORDER MJF 01-05

Bond Allocation Louisiana Public Facilities Authority

WHEREAS, pursuant to the Tax Reform Act of 1986 and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order No. MJF 96-25, as amended by Executive Order No. MJF 2000-15, was issued to establish:

(1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 2001 (hereafter "the 2001 Ceiling");

(2) the procedure for obtaining an allocation of bonds under the 2001 Ceiling; and

(3) a system of central record keeping for such allocations; and

WHEREAS, the Louisiana Public Facilities Authority has requested an allocation from the 2001 Ceiling to finance student loans which, if the student meets certain timely payment requirements, will have interest rates below the interest rates established by the United States Department of Education and which

(1) have been made

(a) to residents of the state of Louisiana attending a post-secondary school located within or without the state of Louisiana, or

(b) to an out-of-state resident attending a post-secondary school located within the state of Louisiana;

(2) are guaranteed;

(3) are "eligible student loans" within the meaning of the Higher Education Act of 1965, including consolidation loans and certain loans to the parents of the students referred to in (1)(a) and (1)(b), *supra*, and (4) meet certain additional requirements pursuant to financing documents, in

accordance with the provisions of Section 146 of the Internal Revenue Code of 1986, as amended;

NOW THEREFORE, I, M.J. "MIKE" FOSTER, JR., Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the private activity bond volume limits for the calendar year of 2001 as follows:

Amount of Allocation	Name of Issuer	Name of Project
\$43,500,000	Louisiana Public Facilities Authority	Student Loans Revenue Bonds

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the Application for Allocation of a Portion of the State of Louisiana Private Activity Bond Ceiling submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect through the end of 2001, provided that such bonds are delivered to the initial purchasers thereof on or before May 8, 2001.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the Internal Revenue Code of 1986, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 7th day of February, 2001.

M.J. "Mike" Foster, Jr.  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
0102#087

#### EXECUTIVE ORDER MJF 01-06

Louisiana Women's Policy and Research Commission

WHEREAS, Executive Order No. MJF 2000-6, signed on February 16, 2000, established the Louisiana Women's Policy and Research Commission (hereafter "Commission");

WHEREAS, Executive Order No. MJF 2000-54, issued on December 1, 2000, amended Executive Order No.



MJF 2000-6 to add additional members to the Commission<sup>1</sup> and to amend ancillary provisions;

WHEREAS, it is again necessary to amend Executive Order No. MJF 2000-6, as amended by Executive Order No. MJF 2000-54, in order to add additional members to the Commission and to amend ancillary provisions;

NOW THEREFORE, I, M.J. "MIKE" FOSTER, JR., Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 3 of Executive Order No. MJF 2000-6, signed on February 16, 2000, is amended to provide as follows:

Commencing March 15, 2001, and on each February 15th thereafter, the Commission shall submit a detailed annual report to the governor, through the Office of Women's Services, which addresses the issues set forth in Section 2 of this Order.

SECTION 2: Section 4 of Executive Order No. MJF 2000-6 is amended to provide as follows:

The Commission shall consist of the following twenty-seven (27) members who, unless specified, shall be appointed by the governor and serve at his pleasure:

- A. The governor, or the governor's designee;
- B. The commissioner of administration, or the commissioner's designee;
- C. The secretary of the Department of Economic Development, or the secretary's designee;
- D. The secretary of the Department of Health and Hospitals, or the secretary's designee;
- E. The secretary of the Department of Labor, or the secretary's designee;
- F. The secretary of the Department of Social Services, or the secretary's designee;
- G. The commissioner of Higher Education, or the commissioner's designee;
- H. The executive director of the Children's Cabinet, Office of the Governor, or the executive director's designee;
- I. The executive director of the Office of Women's Services, Office of the Governor, or the executive director's designee;
- J. The executive director of the Office of Elderly Affairs, Office of the Governor, or the executive director's designee;
- K. The superintendent of the Department of Education, or the superintendent's designee;
- L. Five (5) members of the Women's Legislative Caucus; and

M. Eleven (11) Louisiana women who have significant academic and/or professional expertise in one (1) or more of the following areas:

1. business or industry,
2. economics,
3. education,
4. demographics,
5. public health,
6. law, or
7. social science and/or social work.

SECTION 3: Section 8 of Executive Order No. MJF 2000-6 is amended to provide as follows:

1. Commission members shall not receive additional compensation or a per diem for serving on the Commission.
2. Commission members who are an employee or an elected public official of the state of Louisiana may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency, and/or office.

SECTION 4: All other paragraphs, sections, and subsections of Executive Order No. MJF 2000-6 shall remain in full force and effect.

SECTION 5: Executive Order No. MJF 2000-8, signed on March 1, 2000, and Executive Order No. MJF 2000-54, signed on December 1, 2000, are terminated and rescinded.

SECTION 6: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 9th day of February, 2001.

<sup>1</sup> Executive Order No. MJF 2000-8, issued on March 1, 2000, (hereafter "MJF 2000-8") also increased the membership of the Commission. However, the provisions of MJF 2000-8 were included in Executive Order No. MJF 2000-54 and, therefore, MJF 2000-8 was terminated and rescinded.

M.J. "Mike" Foster, Jr.  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
0102#088

# Emergency Rules

## DECLARATION OF EMERGENCY

### Student Financial Assistance Commission Office of Student Financial Assistance

Tuition Opportunity Program for Students  
(TOPS) Eligibility (LAC 28:IV.703)

The Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend rules of the Tuition Opportunity Program for Students (TOPS) (R.S. 17:3042.1 and R.S. 17:3048.1).

This Emergency Rule is necessary to implement changes to the TOPS rule to allow the Louisiana Office of Student Financial Assistance and state educational institutions to effectively administer these programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. The commission has, therefore, determined that this Emergency Rule is necessary in order to prevent imminent financial peril to the welfare of the affected students.

This Declaration of Emergency is effective January 10, 2001, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

#### Title 28

#### EDUCATION

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

#### Chapter 7. Tuition Opportunity Program for Students (TOPS) Opportunity; Performance and Honors Awards

#### §703. Establishing Eligibility

A. - A.5.a.i. ...

ii. for purposes of satisfying the requirements of §703.A.5.a.i., above, or §803.A.6.a., the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses:

Core Curriculum Course	Equivalent (Substitute) Course
Physical Science	General Science, Integrated Science
Algebra I	Algebra I, Parts I and 2
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*
Chemistry	Chemistry Com
Fine Arts Survey	Speech Debate (2 units)
Western Civilization	European History

\*Applied Mathematics III was formerly referred to as Applied Geometry

A.5.a.iii. - G.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 25:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1998 (September 2000), LR 26:2268 (October 2000), LR 27:

Mark S. Riley  
Assistant Executive Director

0102#005

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Office of the Secretary Bureau of Community Supports and Services

Home and Community Based Services Waiver  
Program Mentally Retarded/Developmentally Disabled  
Waiver Request for Services Registry

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services adopts the following Emergency Rule under the Administrative Procedure Act, R.S. 49:950 et seq. The Emergency Rule shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted a Rule governing the allocation of waiver slots, admission criteria and discharge criteria for the Mentally Retarded/Developmentally Disabled (MR/DD) Home and Community Based Services Waiver in June, 1997 (*Louisiana Register*, volume 23, number 6). The Rule was amended in March, 1998 to allow some slots allocated for the deinstitutionalization of Pinecrest and Hammond Developmental Centers residents to be alternatively used for the benefit of residents of private ICF/MR facilities (*Louisiana Register*, volume 24, number 3). The provisions governing the allocation of waiver slots contained in the March 20, 1998 Rule were subsequently amended by a Rule adopted to allow any slots vacated during the waiver year to be made available to residents leaving any publicly operated ICF-MR facility (*Louisiana Register*, volume 25, number 9). Certain slots for foster children in the custody of the Office of Community Services (OCS), and for the deinstitutionalization of residents of designated developmental centers or private ICF-MR facilities continued to be reserved under the September, 1999 Rule.

The department adopted a Rule to transfer responsibility for the MR/DD Waiver waiting list to the Bureau of Community Supports and Services and to set forth provisions for the orderly transition from regional waiting lists to a single statewide request for services registry to be maintained in the state office. The department also adopted policy specifying the point of entry for the MR/DD waiver

request for services registry and the criteria for inclusion on and removal from the registry (*Louisiana Register*, volume 26, number 11). Provisions contained in the previously cited Rules that are not related to the MR/DD waiver waiting list are not affected by adoption of this Emergency Rule. This Emergency Rule is being adopted to continue the provisions contained in the October 27, 2000 Rule.

#### **Emergency Rule**

Effective February 25, 2001, the Department of Health and Hospitals transfers responsibility for the waiting list for the Mentally Retarded/Developmentally Disabled (MR/DD) Waiver to the Bureau of Community Supports and Services (BCSS). Regional MR/DD Waiver waiting lists shall be consolidated into a single statewide request for services registry arranged in order of the date and time of the initial request. Those persons on regional waiting lists prior to the date of the transfer of responsibility to BCSS shall be placed on the request for services registry in the order of the date and time on record when the candidate initially requested a slot in the waiver, subject to a subsequent determination that he/she meets the criteria for inclusion on the registry. When a candidate is listed on more than one regional waiting list, the earliest date and time on record shall be considered the initial request. Persons who wish to be added to the request for services registry shall contact a toll-free telephone number maintained by BCSS. In addition, the department adopts the following regulations regarding the request for services registry for the MR/DD Waiver.

##### **I. Inclusion Criteria**

A. Persons Currently on the Waiting List. Persons on the waiting list prior to October 27, 2000, shall be screened to determine whether they are legitimate candidates for waiver eligibility. Only persons found to meet the criteria for candidacy shall be placed on the request for services registry. However, if a waiver slot becomes available before the next person on the waiting list has been screened, that person shall be allowed to make application for the slot.

B. Entry to the Request for Services Registry. On or after October 27, 2000, persons who wish to be entered on the request for services registry shall be screened to determine whether they are legitimate candidates for waiver eligibility prior to their name being placed on the registry. Only persons who meet the criteria for candidacy shall be added to the registry for waiver services.

C. Waiver Candidacy. The candidate must provide documentation that there is a reasonable expectation that he/she meets the state's definition of being mentally retarded or developmentally disabled. In addition, the candidate must appear to meet the financial, disability, non-financial and ICF-MR level of care criteria for Medicaid eligibility according to his/her own statement or the statement of a responsible party.

##### **II. Exclusion Criteria**

A. Failure to Cooperate. Potential candidates who fail to provide requested documentation or otherwise fail to cooperate within a reasonable length of time shall be excluded from the registry. The potential candidate shall be informed of the time limits involved when the information is requested.

B. Insufficient Documentation of Disability. Documentation of the type and degree of disability must support the contention that the potential candidate meets the

state's definition of mentally retarded or developmentally disabled.

C. Ineligibility Determined during Pre-Screening. Persons who do not meet the eligibility criteria for an ICF-MR level of care according to their own statement on a pre-screening tool devised by BCSS shall be eliminated from the MR/DD waiver request for services registry.

D. Subsequent Determination of Ineligibility. BCSS may exercise its authority to eliminate a potential candidate from the registry when information provided about the potential candidate's situation indicates that he/she would not be eligible if he/she were to apply at the present point in time. For example, a candidate could not become eligible for a waiver slot if the candidate moved out of state with the intent to become a resident of that state, or was incarcerated and placed under the jurisdiction of the penal authorities, courts, or state juvenile authorities.

Interested persons may submit written comments to Barbara Dodge, Bureau of Community Supports and Services, Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood  
Secretary

0102#073

#### **DECLARATION OF EMERGENCY**

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

##### **Disproportionate Share Hospital Payment Methodologies for Large Public Non-State Hospitals**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following emergency rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq. and shall be in effect for the maximum period allowed under the Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted a Rule March 20, 1998 governing the disproportionate share payment methodologies for hospitals (*Louisiana Register*, volume 24, number 3). This Rule was subsequently amended to include the definition of a teaching hospital as required by Act 19 of the 1998 Regular Session of the Louisiana Legislature (*Louisiana Register*, volume 25, number 5). The May 20, 1999 Rule was later amended to revise the qualifying criteria for small rural hospitals as required by Senate Concurrent Resolution Number 48 and Act 1068 of the 1999 Regular Session of the Louisiana Legislature (*Louisiana Register*, volume 26, number 3).

The department adopted an Emergency Rule effective June 21, 1999 that established an additional disproportionate share hospital group for state fiscal year 1999 only, for large public non-state rural hospitals that had at least 25 percent

Medicaid inpatient days utilization. These qualifying hospitals were allowed to certify uncompensated care expenditures as match and to receive the equivalent of Federal Financial Participation (FFP) in the same manner as small public non-state rural hospitals (*Louisiana Register*, volume 25, number 6).

Act 11 of the 2000 Second Extraordinary Session of the Louisiana Legislature directed the Department of Health and Hospitals to implement procedures to receive transfers of public funds from qualifying health care providers. The public funds would qualify as the state's matching share for the purpose of claiming federal financial participation (FFP). In compliance with Act 11, the department issued a public process notice announcing its intent to adopt an Emergency Rule to establish a supplemental payment to be issued to non-state public hospitals, which are not recognized by the department as a small rural hospital, for unreimbursed Medicaid costs incurred in providing care to Medicaid recipients. In order to facilitate the transfer of public funds from qualifying health care providers as directed in Act 11, the department determined it was necessary to establish an additional disproportionate share hospital group for state fiscal year 2001 only, for large public non-state hospitals which are not recognized as small rural hospitals. These qualifying hospitals will be allowed to certify the state match and to receive the equivalent of Federal Financial Participation (FFP) in the same manner as small, public non-state rural hospitals. This action is being taken to enhance federal revenue.

It is estimated that the expenditures necessary to implement this proposed Emergency Rule will be approximately \$39,883,022 in federal funds only for state fiscal year 2001.

#### **Emergency Rule**

Effective February 1, 2001, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing establishes an additional disproportionate share hospital group, for state fiscal year 2001 only, for large public non-state hospitals which are not recognized as small rural hospitals. For those hospitals that previously received disproportionate share payments in accordance with the October 21, 2000 Emergency Rule, the sum of the disproportionate share payments to these hospitals shall not exceed the hospitals' uncompensated costs for the cost reporting period. These qualifying hospitals will be allowed to certify the state match and to receive the equivalent of Federal Financial Participation (FFP) in the same manner as small public non-state rural hospitals. A large public non-state hospital is defined as any hospital owned by a parish, city or other local government agency or instrumentality; and not included in Section III.A or B of the May 20, 1999 Rule. A qualifying hospital may be a long-term hospital. Qualifying hospitals must meet the qualifying criteria contained in Section II.E and either Section II.A, B, or C of the May 20, 1999 Rule. Qualifying hospitals must maintain a log documenting the hospitals' provision of uninsured care as directed by the Department. All other provisions contained in the May 20, 1999 Rule remain intact. Issuance of the supplemental payment is contingent on the public non-state hospital entering into a cooperative endeavor agreement with the department to certify public funds as representing expenditures eligible for FFP.

For state fiscal year 2001, disproportionate share payments to each qualifying public non-state hospital are equal to that hospital's pro rata share of uncompensated costs for uninsured patients only for all hospitals meeting these criteria for the cost reporting period ended during the period April 1, 1999 through March 31, 2000 multiplied by the amount set for this pool. If the department is required to prorate the Medicaid uncompensated costs supplemental payment to these hospitals for state fiscal year 2001, then the unpaid balance of the Medicaid uncompensated costs (as calculated according to the provisions of the December 21, 2000 Emergency Rule) shall be included in each hospital's uncompensated cost calculation. Payment will not exceed each qualifying hospital's actual uncompensated costs as defined above. If the cost reporting period is not a full period (12 months), actual uncompensated cost data for the previous cost reporting period may be used on a pro rata basis to equate to a full year.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He 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.

David W. Hood  
Secretary

0102#072

#### **DECLARATION OF EMERGENCY**

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

Professional Services Program Physician Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 49:950 et seq. and in accordance with the Administrative Procedure Act. This Emergency Rule shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing reimburses professional services in accordance with an established fee schedule for Physicians' Current Procedural Terminology (CPT) codes, locally assigned codes and Health Care Financing Administration Common Procedure Codes (HCPC) Reimbursement for these services is a flat fee established by the bureau minus the amount any third party coverage would pay. As a result of a budgetary shortfall, the bureau determined it was necessary to reduce the reimbursement paid to physicians for specific procedure codes by 7 percent (*Louisiana Register*, Volume 26, Number 2). Reimbursement was reduced for selected locally-assigned HCPCS and the following CPT procedure codes: surgery codes (10040-69979), medicine codes (90281-99199), evaluation and management codes (99201-99499), radiology codes (70010-79999) and pathology and laboratory codes (80048-89399).

As a result of the allocation of additional funds by the legislature during the 2000 Second Extraordinary Session, the bureau restored the 7 percent reduction that was previously made to the reimbursement to physicians for specific procedure codes. In addition, the reimbursement fees for certain designated procedure codes were increased.

This Emergency Rule is being adopted to continue the provisions contained in the July 1, 2000 Rule.

**Emergency Rule**

Effective for dates of service February 28, 2001 and after, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing restore the 7 percent reduction that was previously made to the reimbursement fees for selected locally-assigned HCPCS and the following CPT procedure codes: surgery codes (10040-69979), medicine codes (90281-99199), evaluation and management codes (99201-99499), radiology codes (70010-79999) and pathology and laboratory codes (80048-89399). In addition, the reimbursement fees for certain designated procedure codes are increased to the following rates.

**Evaluation and Management**

99212C	\$30.13	99213C	\$36.13	99214C	\$41.13
99215C	\$49.63	99283C	\$35.23		

**Follow-up Prenatal Visit**

Z9005C	\$33.43 (03*)	\$36.13 (09*)
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\* type of service

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood  
Secretary

0102#074

**DECLARATION OF EMERGENCY**

**Department of Natural Resources  
Office of Conservation**

Pollution ControlCStatewide Order No. 29-B  
(LAC 43:XIX.501 and 503)

Pursuant to the power delegated under the laws of the state of Louisiana, and particularly Title 30 of the Revised Statutes of 1950, as amended, and in conformity with the provisions of the Louisiana Administrative Procedure Act, Title 49, Sections 953(B)(1) and (2), 954(B)(2), as amended, the following Emergency Rule and reasons therefor are now adopted and promulgated by the Commissioner of Conservation as being necessary to protect the public health, safety and welfare of the people of the state of Louisiana, as well as the environment generally, by continuing a procedure for testing E&P waste after receipt at a commercial facility and identifying acceptable storage, treatment and disposal methods for certain E&P wastes at commercial facilities.

**Need and Purpose for Emergency Rule**

Certain oil and gas exploration and production waste (E&P waste) is exempt from the hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA). This exemption is based on findings from a 1987-1988 Environmental Protection Agency (EPA) study and other studies that determined this type of waste does not pose a significant health or environmental threat when properly managed. The EPA, in its regulatory determination, found that these wastes are adequately regulated under existing federal and state programs.

Existing Louisiana state regulations governing the operations of commercial E&P waste disposal facilities (Statewide Order No. 29-B) require only very limited testing of the waste received for storage, treatment and disposal at each commercial facility. Such limited testing finds its basis in the above-mentioned national exemption for E&P waste recognized by the EPA. However, public concern warranted the Commissioner of Conservation to issue a first Emergency Rule effective May 1, 1998 (May 1, 1998 Emergency Rule), the purpose of which was to gather technical data regarding the chemical and physical makeup of E&P waste disposed of at permitted commercial E&P waste disposal facilities within the state of Louisiana. The May 1, 1998 Emergency Rule had an effective term of 120 days. However, technical experts under contract with the Office of Conservation determined during the term of the May 1, 1998 Emergency Rule that sampling and testing should be extended for an additional 30 days for the purpose of receiving additional data in order to strengthen the validity of the inferred concentration distributions within the various E&P waste types. Therefore, a second Emergency Rule was issued on August 29, 1998, and effective through September 30, 1998.

The second Emergency Rule required continued comprehensive analytical testing of E&P waste at the site of generation together with verification testing at the commercial E&P waste disposal facility. During the terms of the first and second Emergency Rules, approximately 1,800 E&P waste testing batches were analyzed, with the raw data results being filed with the Office of Conservation. Technical experts under contract with the Office of Conservation, together with staff of the Office of Conservation, determined that the number of raw data sets of E&P waste types, along with other published analytical results of E&P waste testing, provided adequate numbers of validated test results of the various generic E&P waste types to reach statistically valid conclusions regarding the overall chemical and physical composition of each type of E&P waste.

Therefore, continued testing of E&P waste at the site of generation was unnecessarily redundant, and was discontinued. The third Emergency Rule adopted on October 1, 1998, required continued testing of each E&P waste shipment at the commercial disposal facility according to procedures described in Section D. Such continued testing was required to assure that E&P waste shipments received for disposal at commercial facilities were consistent with evolving E&P waste profiles.

A fourth Emergency Rule, adopted January 29, 1999, a fifth Emergency Rule, adopted May 29, 1999, a sixth Emergency Rule, adopted September 26, 1999, a seventh Emergency Rule, adopted January 24, 2000, an eighth

Emergency Rule, adopted May 23, 2000, and a ninth Emergency Rule, adopted September 20, 2000 provided requirements for continued testing of all E&P waste shipments received for disposal at commercial E&P waste disposal facilities, as well as identifying acceptable methods of storage, treatment and disposal of certain E&P waste types at such commercial facilities. However, since evaluation of data generated by Emergency Rules 1 and 2 has not been completed and a permanent rule has not been promulgated, it is necessary to adopt a tenth Emergency Rule, effective January 18, 2001, to continue the requirements of the ninth Emergency Rule.

Concurrent with implementation of this Emergency Rule, the Office of Conservation will continue development of a permanent rule for the management and disposal of E&P waste at commercial facilities within the state of Louisiana. Best E&P waste management practices, based on established E&P waste profiles, will be incorporated into the permanent rule. Such permanent rule will also address specific storage, treatment and disposal options for the various categories of E&P waste.

### Synopsis of Emergency Rule

#### 1. E&P Waste Will Be Transported With Identification

Each load of E&P waste transported from the site of generation to a commercial facility for disposal will be accompanied by an Oilfield Waste Shipping Control Ticket (Form UIC-28) and presented to the operator before offloading. Copies of completed Form UIC-28 are required to be timely filed with the Office of Conservation.

Produced water, produced formation fresh water and other E&P waste fluids are exempt from certain provisions of the testing requirements provided they are:

- 1) transported in enclosed tank trucks, barges, or other enclosed containers;
- 2) stored in enclosed tanks at a commercial facility; and
- 3) disposed by deepwell injection. Such provision is reasonable because, provided the above conditions are met, exposure to the public and to the environment would be minimal.

#### 2. Each Load of E&P Waste Will Be Tested At Commercial Facility

Before offloading at a commercial E&P waste disposal facility and in order to verify that the waste qualifies for the E&P category, each load of E&P waste shall be sampled for required parameters. Additionally, the presence and concentration of BTEX (benzene, toluene, ethyl benzene and xylene) compounds and hydrogen sulfide must be determined. Appropriate records of tests shall be kept at each commercial facility for review by the Office of Conservation.

#### 3. Identification of Acceptable Storage, Treatment and Disposal Methods (Options) for E&P Waste

It is required that all offsite storage, treatment and disposal methods for E&P waste utilize approved technologies that are protective of public health and the environment. Therefore, this Emergency Rule requires that injection in Class II wells, after storage in a closed system, shall be utilized for Waste Types 01 and 14. The remainder of the E&P waste types are currently under study to confirm acceptable storage, treatment and disposal methods. Any

additional acceptable storage, treatment and disposal methods will be promulgated in the near future.

### Reasons

Recognizing the potential advantages of a testing program that is fully protective of public health and the environment and that adequately characterizes such waste as to its potentially toxic constituents, and by the identification of acceptable storage, treatment and disposal methods for certain types of E&P waste, it has been determined that failure to establish such procedures and requirements in the form of an administrative rule may lead to the existence of an imminent peril to the public health, safety and welfare of the people of the state of Louisiana, as well as the environment generally.

Protection of the public and our environment therefore requires the Commissioner of Conservation to take immediate steps to assure that adequate testing is performed and acceptable storage, treatment and disposal methods for certain types of E&P waste are employed at commercial facilities. The Emergency Rule, Amendment to Statewide Order No. 29-B (Emergency Rule) set forth hereinafter, is now adopted by the Office of Conservation.

### Title 43

### NATURAL RESOURCES

#### Part XIX. Office of ConservationC General Operations Subpart 1. Statewide Order No. 29-B

#### Chapter 5. Off-Site Storage, Treatment and/or disposal of Nonhazardous Oilfield Waste Generated from Drilling and Production of Oil and Gas Wells

#### §501. Definitions

\*\*\*

*Commercial Facility*C a legally permitted waste storage, treatment and/or disposal facility which receives, treats, reclaims, stores, or disposes of exploration and production waste for a fee or other consideration, and shall include the term *transfer station*.

\*\*\*

*Exploration and Production (E&P) Waste*C drilling fluids, produced water, and other waste associated with the exploration, development, or production of crude oil or natural gas and which is not regulated by the provisions of the Louisiana Hazardous Waste Regulations and the Louisiana Solid Waste Regulations. Such wastes include, but are not limited to, the following.

Waste Type	Waste Description
01	salt water (produced brine or produced water), except for salt water whose intended and actual use is in drilling, workover or completion fluids or in enhanced mineral recovery operations
02	oil-base drilling mud and cuttings
03	water-base drilling mud and cuttings
04	completion, workover and stimulation fluids
05	production pit sludges
06	production storage tank sludges
07	produced oily sands and solids
08	produced formation fresh water
09	rainwater from ring levees and pits at production and drilling facilities
10	washout water generated from the cleaning of containers that transport E&P waste and are not contaminated by hazardous waste or material
11	washout pit water and solids from oilfield related carriers that

	are not permitted to haul hazardous waste or material
12	natural gas plant processing (E&P) waste which is or may be commingled with produced formation water
13	waste from approved salvage oil operators who only receive oil (BS&W) from oil and gas leases
14	pipeline test water which does not meet discharge limitations established by the appropriate state agency, or pipeline pigging waste, i.e., waste fluids/solids generated from the cleaning of a pipeline
15	wastes from permitted commercial facilities
16	crude oil spill clean-up waste
50	salvageable hydrocarbons
99	other approved E&P waste

\* \* \*

*NOWC* exploration and production waste

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30.4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 26:2811 (December 2000), LR 27:

**§509. Criteria for the Operation of Commercial Facilities and Transfer Stations**

A. - H.3. ...

I. Receipt, Sampling and Testing of E&P Waste

1. ...

2. Before offloading E&P waste at a commercial facility, including a transfer station, each load of E&P waste shall be sampled and analyzed by commercial facility personnel for the following:

a. pH, electrical conductivity (EC-mmhos/cm) and chloride (Cl) content; and

b. the presence and concentration of BTEX (benzene, toluene, ethyl benzene, and xylene) compounds using an organic vapor monitor or other procedures sufficient to identify and quantify BTEX;

c. the sample temperature (degrees Fahrenheit) representing actual testing conditions of the sample obtained for BTEX analysis by methodology that will assure sufficient accuracy; and

d. the presence and concentration of hydrogen sulfide (H<sub>2</sub>S) using a portable gas monitor.

3. ...

4. The commercial facility operator shall enter the pH, electrical conductivity, chloride (Cl) content, BTEX, BTEX sample temperature and hydrogen sulfide measurements on the manifest (Form UIC-28) which accompanies each load of E&P waste.

5. Produced water, produced formation fresh water, and other E&P waste fluids are exempt from organic vapor monitoring measurement (BTEX), and the H<sub>2</sub>S measurement in (a) above if the following conditions are met:

a. if transported by the generator or transporter in enclosed tank trucks, barges, or other enclosed containers; and

b. if stored in an enclosed container at a commercial facility; and

c. if disposed by deep well injection.

6. Records of these tests shall be kept on file at each commercial facility for a period of three years and be available for review by the Commissioner or his designated representative. Copies of completed Form UIC-28 shall be

filed with the Office of Conservation as provided in 129.M.6.d.

J. - L. ...

M. It is required that all offsite storage, treatment and disposal methods for E&P waste utilize approved technologies that are protective of public health and the environment. The following chart includes acceptable and required storage, treatment and disposal methods for each type of E&P waste disposed of at commercial facilities within the state of Louisiana.

Waste Type	Required Storage, Treatment and Disposal Method(s)
01	Injection in Class II well utilizing a closed system
02	(reserved)
03	(reserved)
04	(reserved)
05	(reserved)
06	(reserved)
07	(reserved)
08	(reserved)
09	(reserved)
10	(reserved)
11	(reserved)
12	(reserved)
13	(reserved)
14	Pipeline test water Injection in Class II well utilizing a closed system Pipeline pigging waste (reserved)
15	(reserved)
16	(reserved)
50	Commercial salvage oil facility
99	(reserved)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30.4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 26:2817 (December 2000), LR 27:

**Summary**

The Emergency Rule adopted herein above evidences the finding of the Commissioner of Conservation that failure to adopt the above rules may lead to an imminent risk to public health, safety and welfare of the citizens of Louisiana, and that there is not time to provide adequate notice to interested parties. However, the Commissioner of Conservation notes again that a copy of the permanent amendment to Statewide Order No. 29-B will be developed in the immediate future, with a public hearing to be held as per the requirements of the Administrative Procedure Act.

The Commissioner of Conservation concludes that the above Emergency Rule will better serve the purposes of the Office of Conservation as set forth in Title 30 of the Revised Statutes, and is consistent with legislative intent. The adoption of the above Emergency Rule meets all the requirements provided by Title 49 of the Revised Statutes. The adoption of the above Emergency Rule is not intended to affect any other provisions, rules, orders, or regulations of the Office of Conservation, except to the extent specifically provided for in this Emergency Rule.

Within five days from date hereof, notice of the adoption of this Emergency Rule shall be given to all parties on the mailing list of the Office of Conservation by posting a copy of this Emergency Rule with reasons therefor to all such parties. This Emergency Rule with reasons therefor shall be published in full in the *Louisiana Register* as prescribed by

law. Written notice has been given contemporaneously herewith notifying the governor of the state of Louisiana, the attorney general of the state of Louisiana, the speaker of the House of Representatives, the president of the Senate and the *State Register* of the adoption of this Emergency Rule and reasons for adoption.

**Effective Date and Duration**

1. The effective date for this Emergency Rule shall be January 18, 2001.

2. The Emergency Rule herein adopted as a part thereof, shall remain effective for a period of not less than 120 days hereafter, or until the adoption of the final version of an Amendment to Statewide Order No. 29-B as noted herein, whichever occurs first.

Signed at Baton Rouge, Louisiana, this eighteenth day of January, 2001.

Philip N. Asprodites  
Commissioner of Conservation

0102#009

**DECLARATION OF EMERGENCY**

**Department of Social Services  
Office of Family Support**

**Income Deductions and Resource Limits  
(LAC 67:III.1983)**

The Department of Social Services, Office of Family Support, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following change to Title 67, Part III, Subpart 3, Food Stamps, effective March 1, 2001. This Emergency Rule shall remain in effect for a period of 120 days.

Pursuant to a revision at 7 CFR 273 of the United States Department of Agriculture, Food and Nutrition Service, which was adopted in Public Law 106-387, the Agriculture Appropriations Act, there shall be an increase for certain households in the maximum allowable amount of the excess shelter expense deduction effective March 1, 2001. This change in the shelter cap is federally mandated and would result in sanctions or penalties if not implemented by this date.

**Title 67  
SOCIAL SERVICES  
Part III. Office of Family Support  
Subpart 3. Food Stamps  
Chapter 19. Certification of Eligible Households  
Subchapter I. Income and Deductions  
§1983. Income Deductions and Resource Limits**

A. In determining eligibility and benefit levels, the household is allowed deductions for certain costs.

1. ...

2. The maximum shelter deduction is \$300 for households which do not include a member who is elderly or disabled. Effective March 1, 2001, a maximum shelter deduction of \$340 shall be allowed at certification, recertification, or at the time of other case action. For fiscal year 2002 and each subsequent fiscal year, the maximum shelter deduction will be computed based on the amount for the preceding fiscal year, adjusted to reflect changes in the

Consumer Price Index for All Urban Consumers for the 12-month period ending the preceding November 30.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 273.9 (d)(2) and (d)(6), P.L. 104-193, P.L. 106-387.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 12:285 (May 1986), amended LR 12:423 (July 1986), LR 12:824 (December 1986), LR 13:181 (March 1987), LR 14:684 (October 1988), LR 15:14 (January 1989), amended by the Department of Social Services, Office of Family Support, LR 19:303 (March 1993), LR 19:905 (July 1993), LR 20:780 (July 1994), LR 20:990 (September 1994), LR 20:1362 (December 1994), LR 21:186 (February 1995), LR 23:82 (January 1997), LR 27:

J. Renea Austin-Duffin  
Secretary

0102#034

**DECLARATION OF EMERGENCY**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

Boating Traffic CSt. Martin-Lafayette  
Fish and Game Preserve  
(LAC 76:III.333)

In accordance with the emergency provisions of the Administrative Procedure Act, the Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries do hereby close a portion of Lake Martin, St. Martin Parish, to all boating traffic, both motorized and non-motorized.

The closed zone encompasses one of the largest and most significant bird rookeries in not only the state, but also the U.S.; and is both a natural treasure, as well as a significant eco-tourism attraction and economic asset to the local area and the state as a whole. Continued boating traffic through the rookery is extremely disruptive to the rookery and could even lead to its relocation or demise, which would pose an imminent peril to this natural and economic asset, and to those citizens who value it. Therefore this closure is necessary on an emergency basis, particularly in light of the fact that the nesting birds will begin returning to the rookery during the month of February.

This Declaration of Emergency will become effective on February 15, 2001 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final Rule.

**Title 76  
WILDLIFE AND FISHERIES  
Part III. State Game and Fish Preserves and Sanctuaries  
Chapter 3. Particular Game and Fish Preserves and Commissions**

**§333. St. Martin-Lafayette Fish and Game Preserve**

A. That portion of the St. Martin-Lafayette Fish and Game Preserve, particularly the following described portion of Lake Martin, St. Martin Parish is hereby closed to all boating traffic, both motorized and non-motorized, said closure to remain in effect each year from February 15 through July 31 inclusive. The closed zone is described as follows. All that certain property containing 131.94 acres more or less located in Section 31, Township 9 South, Range 6 East and Section 6, Township 10 South, Range 6 East, St. Martin Parish, Louisiana described as follows. Beginning at



a point on the lake's edge located N 1 degree 59 minutes E a distance of 330 ft from a 4" x 4" concrete post, the post having State Plane Coordinates Louisiana South of X=1819303.09 ft, Y=561651.02 ft; thence N 1 degree 59 minutes E as distance of 1100 ft; thence S 88 degrees 1 minute E a distance of 2320 ft; thence S 36 degrees 54 minutes 58 seconds E a distance of 500 ft; thence S 1 degree 59 minutes W a distance of 2350 ft; thence N 88 degrees 1 minute W a distance of 660 ft; thence S 1 degree 59 minutes W a distance of 1320 ft; thence N 88 degrees 1 minute W a distance of 660 ft; thence N 1 degree 59 minutes E a distance of 2970 ft; thence N 88 degrees 1 minute W a distance of 1320 ft to the point of beginning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:610C and R.S. 56:1861 et seq.

HISTORICAL NOTE: Promulgated by Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 27:

Dr. H. Jerry Stone  
Chairman

James H. Jenkins, Jr.  
Secretary

0102#027

## **DECLARATION OF EMERGENCY**

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

#### **Offshore Shrimp Season Closure**

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 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 have the authority to open or close the state's offshore waters to shrimping, the Wildlife and Fisheries Commission hereby orders a closure to shrimping in that portion of the state's territorial waters, south of the

Inside/Outside Shrimp Line as described in R.S. 56:495, from the eastern shore of Freshwater Bayou to the U.S. Coast Guard navigational light off the northwest shore of Caillou Boca at latitude 29E 03' 10" N and longitude 90E 50' 27" W. This closure is effective at 6 a.m., Monday, February 5, 2001. The commission also hereby orders that that portion of the state's territorial waters, south of the Inside/Outside Shrimp Line as described in R.S. 56:495, from the U.S. Coast Guard navigational light off the northwest shore of Caillou Boca at latitude 29E 03' 10" N and longitude 90E 50' 27" W to the Atchafalaya River Ship Channel at Eugene Island as delineated by the Channel Buoy Line, shall reopen to shrimping at 6 a.m. on Monday, April 16, 2001.

R.S. 56:498 provides that the minimum legal count on white shrimp is 100 (whole shrimp) count per pound after the third Monday in December. Current biological sampling conducted by the Department of Wildlife and Fisheries has indicated that white shrimp in this portion of the state's outside waters do not average 100 count minimum legal size and additional small white shrimp are expected to recruit to these waters. This action is being taken to protect these small white shrimp and allow them the opportunity to grow to a more valuable size.

The Wildlife and Fisheries Commission authorizes the secretary of the Department of Wildlife and Fisheries to close to shrimping, if necessary to protect small white shrimp, any part of the remaining territorial waters, if biological and technical data indicates the need to do so, and to reopen any area closed to shrimping when the closure is no longer necessary; and hereby authorizes the secretary of the Department of Wildlife and Fisheries to open special seasons for the harvest of white shrimp in any portion of the state's inshore waters where such a season would not detrimentally impact small brown shrimp.

Dr. H. Jerry Stone  
Chairman

0102#028

# Rules

## RULE

### Department of Agriculture and Forestry Office of the Commissioner

Diseases of Animals  
(LAC 7:XXI.Chapter 3)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Office of the Commissioner amends regulations governing livestock auction market requirements.

Currently, there are about 80,000 calves vaccinated yearly at Louisiana livestock auctions. These vaccinations cost the state about \$32,000 a year (\$0.40 per calf). Under the proposed Rule there will be a 90 percent reduction in vaccinations. About 8,000 calves will be vaccinated at a cost \$3,200. This results in an estimated reduction of costs of \$28,800 to state governmental units.

These Rules comply with and are enabled by R.S. 3:2093, R.S. 3:2221, and R.S. 3:2228.

#### Title 7

### AGRICULTURE AND ANIMALS Part XXI. Diseases of Animals

#### Chapter 3. Cattle

##### §305. Brucellosis Vaccination and Fee

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2221 and R.S. 3:2223.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 15:75 (February 1989), amended LR 22:960 (October 1996), LR 24:1677 (September 1998), repealed by the Office of the Commissioner, LR 27:182 (February 2001).

##### §307. Livestock Auction Market Requirements

A. - A.1.d. Y

i. All nonvaccinated heifer calves, between 4 and 12 months of age are to be vaccinated with USDA-approved brucellosis vaccine prior to being sold or at the first point of sale, but in no case shall any heifer calf 4 to 12 months of age remain unvaccinated for brucellosis more than 15 days after the date of sale. Exceptions to this Clause are heifer calves 4 to 12 months of age which are transported out of the state within 15 days of the date of their sale.

A.1.d.ii. - A.1.g.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, R.S. 3:2221, and R.S. 3:2228.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:237 (March 1985), amended LR 11:651 (June 1985), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 12:501 (August 1986), LR 12:598 (September 1986), LR 13:556 (October 1987), LR 14:220 (April 1988), LR 14:695 (October 1988), LR 15:813 (October 1989), LR 17:30 (January 1991), LR 18:837 (August 1992), LR 22:960 (October 1996), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1677 (September 1998), LR 27:182 (February 2001).

##### §309. Governing the Sale of Cattle in Louisiana by Livestock Dealers

All cattle which are sold or offered for sale by livestock dealers, must meet the general requirements of LAC 7:XXI.115 and the following specific requirements:

A. - A.2.b.ii. ...

3.a. All heifer calves between 4 and 12 months of age are to be vaccinated with USDA-approved brucellosis vaccine prior to being sold or at the first point of sale but in no case shall any heifer calf 4 to 12 months of age remain unvaccinated for brucellosis more than 15 days after the date of sale. Exceptions to this paragraph are heifer calves 4 to 12 months of age which are transported out of the state within 15 days of the date of their sale.

A.3.b. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, R.S. 3:2221, and R.S. 3:2228.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:237 (March 1985), amended LR 11:651 (June 1985), amended LR 12:502 (August 1986), LR 13:558 (October 1987), LR 14:221 (April 1988), LR 17:31 (January 1991), LR 18:838 (August 1992), LR 22:960 (October 1996), LR 17:30 (January 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1678 (September 1998), LR 27:182 (February 2001).

##### §311. Governing the Sale of Purchase, within Louisiana, of all Livestock not Governed by Other Regulations (Brucellosis Requirements)

A. It is a violation of this regulation to sell or purchase cattle, not governed by other regulations of the Livestock Sanitary Board, in Louisiana, for any purpose other than immediate slaughter, unless they meet one of the following requirements:

1.a. Heifers 4 to 12 months of age, are to be official brucellosis calfhood vaccinates prior to being sold or be vaccinated at the first point of sale but in no case shall any heifer 4 to 12 months of age remain unvaccinated for brucellosis more than 15 days after the date of sale. Exceptions to this Paragraph are:

i. heifers sold to move directly to slaughter;

ii. heifers sold to be moved directly to a quarantine feed lot;

iii. heifers which are transported out of Louisiana within 15 days of the date of their sale.

b. Any person found in violation of Paragraph 1.a. of this regulation shall be fined no less than \$1,000 or more than \$5,000 for each count. Each nonvaccinated heifer shall be considered a separate violation and each day on which the violation occurs shall be considered a separate count.

c. Any person who has knowledge of and does not report to the LDAF any violation of Subparagraph 1.a. of this regulation shall be considered in violation of this regulation and subject to the same penalties as stated in Subparagraph 1.b. of this regulation.

A.2. - A.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, R.S. 3:2221 and R.S. 3:2228.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:238 (March 1985), LR 11:615 (June 1985), amended 12:502 (August 1986), LR 13:559 (October 1987), LR 17:31 (January 1991), LR 18:837 (August 1992), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1678 (September 1998), LR 27:182 (February 2001).

Bob Odom  
Commissioner

0102#068

## RULE

### Department of Economic Development Board of Examiners of Certified Shorthand Reporters

Examinations (LAC 46:XXI.Chapter 3)

In accordance with the Administrative Procedure Act, R. S. 49:950 et seq. the Louisiana Board of Examiners of Certified Shorthand Reporters, has adopted changes made to the examination grading procedure.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XXI. Certified Shorthand Reporters

#### Chapter 3. Examinations

#### §301. Applications for Examinations

A. Examinations shall be held at such times and places as the board may designate.

B. Applications must be received by the board at least 30 days prior to the examination date.

C. Applicant must furnish a diploma, official transcript or certificate from a licensed court reporting school that he has passed a qualifying test consisting of five minutes of two-voice Q & A at 225 wpm with 95 percent accuracy within one year prior to application to the board for examination; or a CSR certificate from another state issued with a minimum requirement of 225 wpm; or participate in an equivalent qualifying test administered by the board on a date designated by the board. An applicant who has passed at least one segment of the skills portion of the test is exempt for two years thereafter from complying with the foregoing requirements.

1. An application fee of \$25 shall be paid to the board by the applicant participating in a qualifying test administered by the board, which fee shall be refundable to the applicant upon completion of the qualifying test. An applicant who fails to timely appear for the qualifying examination by the board shall be deemed to have abandoned the application and shall forfeit the application fee for said qualifying test. Proof of passing said qualifying test must accompany the application for examination.

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

E. An applicant who fails to timely appear for examination after being notified of eligibility shall be deemed to have abandoned the application and shall forfeit the application fee. In order again to become eligible for an examination, such person shall file a new application and otherwise comply in all respects with the provisions of the

Act and these regulations in the same manner as required of an original applicant.

F. An applicant who commences but does not finish the examination or who otherwise fails such examination shall not be eligible for any future examination except upon complying in all respects with the provisions of the Act and these regulations.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters, LR 9:678 (October 1983), amended by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 14:530 (August 1988), LR 16:393 (May 1990), LR 17:578 (June 1991), LR 19:1537 (December 1993), LR 27:183 (February 2001).

#### §303. Examination to be Under Direction of the Board

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

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

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

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters, LR 9:678 (October 1983), LR 27:183 (February 2001).

#### §307. Content of Examination

A. The examination shall consist of:

1. written knowledge test;
2. dictated tests at the following speeds:
  - a. 5 minutes at 180 WPM (literary, one voice);
  - b. 5 minutes at 200 WPM (jury charge, one voice);
  - c. 5 minutes at 225 WPM (Q & A, two voices).

B. The written knowledge test will consist of 100 multiple choice questions which will include 50 questions on English, grammar, spelling and word comprehension, 25 questions on medical terms and 25 questions on legal terms. The use of reference material will not be allowed.

C. Completion time for the written knowledge test is one and one-half hours. Four hours are allowed for transcribing the three segments of the dictated test. The time allocated for an applicant taking fewer than three segments of the dictated test shall be reduced proportionately. Transcripts must be typed.

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

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

F. Upon completion of the examination all shorthand notes, stenomask tapes, transcripts, and other examination materials shall become the property of the board.

G. Stenomask applicants will also be tested according to NVRA standards for silence.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters, LR 9:678 (October 1983), amended by the Department of Economic Development, Board of Examiners of Shorthand Reporters, LR 14:529 (August 1988), LR 16:394 (May 1990), LR 27:183 (February 2001).

**§309. Grading of Examination**

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

B. Seventy-five percent accuracy is required on the written knowledge test with a maximum of 25 errors.

C. The maximum number of errors allowed to pass the dictated and transcribed portions of the skills test is 57 errors on the Q&A portion; 50 errors on the jury charge portion; and 45 errors on the literary portion.

D. If the examinee passes the written knowledge portion of the test but fails the dictated and transcribed portions; he will be exempt from taking the written knowledge portion of all subsequent tests.

E. If an examinee passes any segment of the dictated and transcribed portion of the test, the remainder of the dictated and transcribed segments may be taken at subsequent tests within two years and, if the remaining segments are passed, will satisfy the skills portion of the examination requirement.

F. For the purpose of grading stenotype tests, errors will be assessed in accordance with the guidelines accepted by the National Court Reporters Association. For the purpose of grading stenomask tests, errors will be assessed in accordance with guidelines accepted by the National Verbatim Reporters Association.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters, LR 9:678 (October 1983), amended by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 14:530 (August 1988), LR 16:393 (May 1990), LR 19:1010 (August 1993), LR 19:1537 (December 1993), LR 27:184 (February 2001).

**§317. National Examinations**

A. The board will accept as an examination from any reporter domiciled in Louisiana under Section 2554 (A) an NCRA-RPR and/or CM examination or an NVRA examination with the equivalent or current standards of the CCR examination requirement in Louisiana. Upon proper application, and upon satisfactory proof that applicant has passed such an examination, a certificate shall be issued.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters, LR 9:678 (October 1983), amended by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 14:531 (August 1988), LR 21:931 (September 1995), LR 27:184 (February 2001).

Merrell Long  
Examination Committee Chairman

0102#003

**RULE**

**Board of Elementary and Secondary Education**

Nonpublic Bulletin 741C Louisiana Handbook For School Administrators C Computer/Technology Education (LAC 28:1.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended Bulletin 741, referenced in LAC 28:1.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). The proposed amendment makes the following changes to the computer education program of studies for nonpublic schools, aligning them with those of public schools:

(1) the title of the Computer Education secondary program of studies A Computer/Technology Education@,

(2) adds nine additional computer/technology electives to the Computer Education program of studies; and

(3) changes the title of Computer Literacy to A Computer/Technology Literacy.@

The new courses are to provide instruction necessary to keep up with advances in computer technology and to prepare students for future technologies.

**Title 28**

**EDUCATION**

**Part I. Board of Elementary and Secondary Education**

**Chapter 9. Bulletins, Regulations, and State Plans**

**Subchapter A. Bulletins and Regulations**

**' 901. School Approval Standards and Regulations**

A. Bulletin 741

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2), (6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended by the Board of Elementary and Secondary Education LR 26:635 (April 2000); 26:1260 (June 2000), LR 26:1260-1261 (June 2000), LR 27:184 (February 2001).

**Bulletin 741C Louisiana Handbook for School Administrators C Computer/Technology Education**

6.105.02 Computer/technology education course offerings shall be as follows:

Course Title	Unit(s)
Computer Applications	1
Computer Architecture	1
Computer Science I	1
Computer Science II	1
Computer Systems and Networking I	1
Computer Systems and Networking II	1
Computer/Technology Literacy	½
Desktop Publishing	½
Digital Graphics & Animation	½
Multimedia Productions	1
Web Mastering	½
Independent Study in Technology Applications	1

Weegie Peabody  
Executive Director

0102#023

## RULE

### Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook For School Administrators C Guidelines for Nonpublic and Home Schooling Students Transferring to the Public School Systems: Participation in the LEAP 21 (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted an amendment to Bulletin 741, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). This action is required because of the revision of the transfer policy which now requires that students in grades 5 and 9 transferring to the public school system from any in-state nonpublic school or any home schooling program or any Louisiana resident transferring from any out-of-state school shall be required to take the 4th and 8th grade LEAP 21 English Language Arts and Mathematics tests and score at the *Approaching Basic* or above achievement level. Guidelines are needed to clarify the policy.

#### Title 28 EDUCATION

#### Part I. Board of Elementary and Secondary Education Chapter 9. Bulletins, Regulations, and State Plans Subchapter A. Bulletins and Regulations

#### 901. School Approval Standards and Regulations

##### A. Bulletin 741

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 26:1260 (June 2000), LR 27:185 (February 2001).

#### Bulletin 741C Louisiana Handbook for School Administrators

#### Guidelines for Nonpublic and Home Schooling Students Transferring to the Public School Systems: Participation in the LEAP 21

Students in grades 5 and 9 transferring to the public school system from any in-state nonpublic school or any home schooling program, or any Louisiana resident transferring from any out-of-state school shall be required to take the 4th or 8th grade LEAP 21 English Language Arts and Mathematics Tests and score at the *Approaching Basic* or above achievement level. The following guidelines shall apply.

1. Students may take LEAP 21 at either the spring or summer administration prior to enrollment. It is the responsibility of the parent to contact the District Test Coordinator to register for the test.

2. The nonpublic school and parent (or home schooling parent) is responsible for providing the District Test Coordinator, at least 10 working days prior to the testing date, any documentation required for requested standard testing accommodations.

3. Students with disabilities who have a current 1508 evaluation will participate in on-level LEAP 21 testing. Promotion decisions for these students will adhere to those

policies as outlined in the High-Stakes Testing Policy for students with disabilities participating in on-level testing.

4. School systems may charge a fee for the testing of nonpublic and home schooling students. This testing fee shall be refunded upon the student's enrollment in that public school system the semester immediately following the testing.

5. Students who participate in the spring administration and score at the *Unsatisfactory* achievement level are eligible to retake the LEAP 21 at the summer administration.

6. Local school systems shall offer LEAP 21 summer remediation to nonpublic/home schooling 4th and 8th grade students who score at the *Unsatisfactory LEAP 21* achievement level. School systems may charge a fee, not to exceed \$100 per student for this attendance. This summer remediation fee shall be refunded upon the student's enrollment in that public school system the semester immediately following summer remediation.

7. Students who score at the *Unsatisfactory* achievement level are not required to attend summer school offered by the local school system to be eligible to take the summer retest. (Refer to the High-Stakes Testing Policy for exceptions)

8. Only those students who score at the *Unsatisfactory* achievement level after participation in both the spring and summer administration of the LEAP 21 and who attend the summer school offered by the local school system are eligible for the appeals process or the policy override, provided all criteria are met. (Refer to the High-Stakes Testing Policy)

9. Students who participate in the spring administration only or summer administration only and score at the *Unsatisfactory* achievement level are not eligible for the appeals process or the policy override. These students are not eligible to take The Iowa Tests for placement purposes.

10. Students transferring into local school systems after the LEAP 21 summer retest but prior to February 15th are required to take the state selected form of the Iowa Tests for grade placement, if the student has not taken LEAP 21.

11. Students taking the Iowa Tests are not eligible for either a retest or the appeals process. These students may be eligible for the policy override based upon a decision by the School Building Level Committee (SBLC).

Weegie Peabody  
Executive Director

0102#021

## RULE

### Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook For School Administrators C High School Credit for Elementary Students (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended Bulletin 741, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). The

revisions to Standards 2.102.01, 2.105.04, and 2.105.17 were made to be consistent with LEAP for the 21st Century High Stakes Testing Policy. The changes include:

(1) eighth grade LEAP 21 shall be in lieu of a required credit exam for Option 1 and Option 2 students;

(2) students must score at an achievement level of *Approaching Basic* on the mathematics components of eighth grade LEAP 21 before enrolling in courses in the secondary program of studies for mathematics;

(3) students must score at an achievement level of *Approaching Basic* on the English language arts components of eighth grade LEAP 21 before enrolling in courses in the secondary program of studies for English.

## Title 28

### EDUCATION

#### Part I. Board of Elementary and Secondary Education

#### Chapter 9. Bulletins, Regulations, and State Plans

#### Subchapter A. Bulletins and Regulations

#### §901. School Approval Standards and Regulations

##### A. Bulletin 741

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7(5), (7), (11); R.S. 17:10, 11; R.S. 17:22(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended by the Board of Elementary and Secondary Education, LR 26:1260 (June 2000), LR 27:186 (February 2001).

#### Bulletin 741C Louisiana Handbook for School Administrators

(Proposed Policy: Page 96 High School Credit for Elementary Students)

An elementary student shall be eligible to receive high school credit in a course listed in the program of studies provided that:

- the time requirement for the awarding of a Carnegie unit is met;
- the teacher is certified at the secondary level in the course taught; and
- the student has mastered the set standards of the course taken.

The school system may grant credit on either a letter grade or a Pass or Fail (P/F) basis, provided there is consistency system-wide. The course title, year taken, P/F (Pass or Fail) or the letter grade, and unit of credit shall be entered on the *Certificate of High School Credits* (transcript). H.S.C. (High School Credit) must be indicated in the remarks column.

or

The student has passed the credit examination in the subject taken, mastering the set standards for the course.

Credit shall be granted on a Pass or Fail (P/F) basis only. The course title, year taken, P/F (Pass or Fail) or the letter grade, and unit of credit shall be entered on the *Certificate of High School Credits* (transcript). C.E. (Credit Examination) must be indicated in the remarks column.

The eighth grade LEAP 21 shall be administered in lieu of a required credit exam for students who

- scored *Unsatisfactory* on the Mathematics or English Language Arts components of eighth grade LEAP 21; and
- successfully complete a specially designed elective for eighth grade LEAP 21 remediation.

Students meeting the above criteria who score at or above the *Basic* achievement level upon retaking eighth grade LEAP 21 may earn a maximum of one Carnegie unit of elective credit toward graduation.

Credit or Credit Examinations may be given in the following subjects: Computer Literacy, Computer Science I-II, English I-IV, Advanced Mathematics, Algebra I-II, Calculus, Geometry, Trigonometry, Keyboarding/Keyboarding Applications, and Health Education. Additionally, credit may be given in all courses listed in the Program of Studies in foreign languages, science, and social studies. Exceptions may be made by the Division of Student Standards and Assessments upon request of the local superintendent.

If a credit examination has not been developed in a subject area, the school may submit a locally developed examination to the Division of Student Standards and Assessments for approval.

(Page 100 English)

Four units of English shall be required for graduation. They shall be English I, II, and III, in consecutive order, and English IV or Business English.

An achievement level of *Approaching Basic* on the English Language Arts component of eighth grade LEAP 21 is a prerequisite for enrollment in English I. The English course offerings shall be as follows:

Course Title	Unit
English I, II, III, IV	1 each
Business English	1
Reading I	1
Reading II	1
English as a Second Language (ESL) I, II, III, IV	1 each

(Page 104 Mathematics)

Effective for 1997-98, incoming freshmen and thereafter, three units of mathematics shall be required for graduation. They shall be selected from the following courses and may include a maximum of two entry level courses (designated by E): Introductory Algebra/Geometry (E), Algebra I-Part 1 (E), Algebra I-Part 2, Integrated Mathematics (E), Integrated Mathematics II, Integrated Mathematics III, Applied Mathematics I (E), Applied Mathematics II, Applied Mathematics III, Algebra I (E), Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-calculus, Calculus, Probability and Statistics, and Discrete Mathematics.

An achievement level of *Approaching Basic* on the Mathematics component of eighth grade LEAP 21 is a prerequisite for enrollment in any secondary mathematics course listed in the High School Program of Studies.

Course Title	Unit
Advanced Mathematics	1 each
Advanced Mathematics II	1
Algebra I	1
Algebra I-Part I	1
Algebra II	1
Applied Mathematics I	1
Applied Mathematics II	1
Applied Mathematics III	1
Calculus	1
Discrete Mathematics	1
Financial Mathematics	1
Geometry	1
Introductory Algebra/Geometry	1
Integrated Mathematics I	1
Integrated Mathematics II	1
Integrated Mathematics III	1
Pre-Calculus	1
Probability and Statistic	1

Financial Mathematics may be taught by teachers certified in Business Education

Weegie Peabody  
Executive Director

0102#025

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 741C Louisiana Handbook for School Administrators CSchool Approval Standards and Regulations (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended Bulletin 741, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). The amendment to Standard 1.087.00 reflects the legislative intent of R.S. 17:282.2(F), making parallel the language between statute and SBESE policy.

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 9. Bulletins, Regulations, and State Plans  
Subchapter A. Bulletins and Regulations**

**§901. School Approval Standards and Regulations**

A. Bulletin 741

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2), (6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:483 (November 1975), amended by the Board of Elementary and Secondary Education LR 26:635 (April 2000), LR 26:1260 (June 2000), LR 26:1260 (June 2000), LR 27:187 (February 2001).

**Bulletin 741C Louisiana Handbook  
for School Administrators**

1.087.00 The school system shall plan and implement a continuous program of skills, concepts, and instruction in a learning environment designed to promote excellence in order that every individual may be afforded an equal opportunity to develop to his/her full potential.

The school system shall develop a nonsectarian character education philosophy and implementation plan consistent with locally developed curriculum. Refer to R.S.17:282.2(F).

Weegie Peabody  
Executive Director

0102#024

**RULE**

**Department of Education  
Board of Elementary and Secondary Education**

Bulletin 1213C Minimum Standards for School Buses in Louisiana CUsed School Buses (LAC 28:XXV.303)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the State Board of Elementary and Secondary Education adopted an amendment to Bulletin 1213 promulgated in LR 2:187 (June 1976), referenced in LAC 28:I.915.B, readopted in codified format, LR 25:643-653 (April 1999). The amendment clarifies the present policy governing the purchase of used school buses.

**Title 28  
EDUCATION**

**Part XXV. Bulletin 1213C Minimum Standards for  
School Buses in Louisiana**

**Chapter 3. General Provisions**

**§303. Used School Buses**

A. Any used school bus purchased for use in Louisiana by or for a school system shall meet current legal requirements of the Louisiana Revised Statutes for motor vehicles and shall meet Louisiana specifications for school buses that were in effect on the date the vehicle was manufactured. No vehicle with rated capacity of 10 or more passengers shall be classified as a school bus and thereby used to transport students to and from school and school-related activities unless said vehicle originally was manufactured and certified as a school bus and maintained the certification as a school bus all in accordance with federal and state requirements throughout the life of the vehicle.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:158, R.S. 17:160-161, and R.S. 17:164-166.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:644 (April 1999), amended LR 27:187 (February 2001).

Weegie Peabody  
Executive Director

0102#020

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 1566C Guidelines for Pupil Progression (LAC 28:I.907)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the State Board of Elementary and Secondary

Education amended Bulletin 1566, Guidelines for Pupil Progression, referenced in LAC 28:1.907.A. The Guidelines for Pupil Progression incorporate the High Stakes Testing Policy that was approved by the Board of Elementary and Secondary Education in January, 1999 and revised in May, 2000 as well as other policies related to the promotion and retention of students. The revisions changed current policy by allowing eighth grade students the ability to earn a maximum of one Carnegie unit of credit toward graduation for remedial courses. Prior to this revision, these eighth grade students were required to take non-credit remedial courses in the areas in which they scored at the "unsatisfactory" achievement level on LEAP 21. The policy was also revised to include a retention limit at the 4th grade, a double jeopardy clause, information relative to the earning of Carnegie units by eighth grade students on an elementary campus, implementation of instructional options for students retained, override guidelines, and a classification of Option 1 and 2 for 8th grade students.

**Title 28  
EDUCATION**

**Part XXXIX. Bulletin 1566C Guidelines for Pupil Progression**

**Chapter 3. General Procedure for Development;  
Approval and Revision of a Pupil  
Progression Plan**

**§305. Public Notice**

A. ...

B. The local Pupil Progression Plan shall be adopted at a public meeting of the local board, notice of which shall be published pursuant to the Open Meetings Law. It shall be stated that once the plan has been adopted and approved, the policies in the local plan shall be incorporated into the policies and procedures manual of the local school board.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2171 (November 1999), amended LR 27:188 (February 2001).

**Chapter 5. Placement Policies; State Requirements**

**§503. Regular Placement<sup>1</sup>**

A. Promotion Grades K-12

1. Promotion from one grade to another for regular education and students with disabilities shall be based on the following statewide evaluative criteria.

a. - b.i. ...

ii.(a). No fourth or eighth grade student shall be promoted if he or she scores at the "Unsatisfactory" level on the English language arts or mathematics components of the LEAP for the 21st century (LEAP 21). Exceptions to this policy include:

(i). Policy Override. A given student scores at the "unsatisfactory" level in English language arts or mathematics and scores at the "proficient" or "advanced" level in the other; and participates in the summer school and retest offered by the LEA. The decision to override is made in accordance with the local Pupil Progression Plan, which may include referral to the School Building Level Committee (SBLC).

(ii). Retention Limit. The decision to retain a student in the fourth grade more than once as a result of failure to score at or above the *Approaching Basis*

achievement level in English Language Arts and/or Mathematics on the LEAP 21 shall be made by the LEA in accordance with the local Pupil Progression Plan. Students retained in the 4th grade shall retake all four components of the LEAP 21. For promotional purposes, a student must score at or above the *Approaching Basic* achievement level on the English language arts and mathematics components of the LEAP 21 only one time.

(iii). Waiver for students with disabilities eligible under the Individuals with Disabilities Education Act (IDEA). For the 1999/2000 school year only if a student with disabilities (excluding students with only a Speech or Language Impairment) participates in on-level testing, the local school system may consider a waiver only if the student has participated in the summer remediation program and retest offered by the LEA. If a student with disabilities (excluding students with only a speech or language impairment) participates in out-of-level testing, promotion decisions shall be determined by the local Pupil Progression Plan. If a student with disabilities participates in an alternative assessment, promotion decisions shall be determined by the local Pupil Progression Plan for the 2000 school year and beyond. Students with disabilities will be promoted in grades four and eight in accordance with SBESE adopted policies.

(iv). Appeals Process. A school system, through its superintendent, may grant an appeal on behalf of individual fourth and eighth grade students who have not scored above the "unsatisfactory" level on the English Language Arts and/or Mathematics after retesting provided that certain criteria are met.

iii. School systems shall design and implement additional instructional program options for these fourth and eighth grade students being retained

(a). The purpose of the additional instructional options is to move the students to grade level proficiency by providing focused instruction in the area(s) on which they scored "unsatisfactory" and by providing ongoing instruction using locally developed curricula based on state level content standards.

(b). Examples of instructional options may include alternative learning settings, individual tutoring, transitional classes or other instructional options appropriate to the student's needs.

(c). LEAs are encouraged to design and implement additional options for students in grades 3, 4, 7 and 8 determined to be at risk of scoring at the "unsatisfactory" level on LEAP 21.

iv. Summer remediation programs and end-of-summer retests must be offered by school systems at no costs to all students who score at the "unsatisfactory" level on LEAP 21.

(a). All students with disabilities who participate in on-level testing should receive services along with regular education students in summer programs, with special supports provided as needed.

(b). Students with disabilities who participate in out-of-level testing and alternate assessment are not eligible to attend LEAP 21 summer remediation programs.

v. School systems must develop and implement non-discriminatory criteria to determine placement of eighth



grade students who have not scored "approaching basic" or above on the LEAP 21 into Options 1 or 2.

(a). Option 1 Students. Students in Option 1 will repeat grade 8. Students in Option 1 will retake all four components of the LEAP 21. For promotional purposes, a student must score at or above the *Approaching Basic* achievement level on the English arts and mathematics components of the LEAP 21 only one time. In accordance with the local Pupil Progression Plan, Option 1 students:

(i). may earn Carnegie units in accordance with *Bulletin 741 Louisiana Handbook for School Administrators policy*, regarding high school credit for elementary students;

(ii). may earn a maximum of one Carnegie unit of remedial elective credit toward graduation provided the student passes a specially designed remediation elective and scores at or above the *Basic* achievement level on the component of the eighth grade LEAP 21 that is retaken. LEAP 21 shall be in lieu of a required credit examination. For these specially designed remediation courses, the LEA shall record a grade of *Pass* or *Fail (P/F)* on the student's transcript;

(iii). shall not enroll in or earn Carnegie credit in content areas (English language arts and/or mathematics) in which the student has scored at the *Unsatisfactory* achievement level on the Grade 8 LEAP 21.

b. Option 2 Students. Students in Option 2 will participate in a transitional program on the high school campus. Students in Option 2 will retake the eighth grade components of the LEAP 21 previously failed (English and/or Mathematics) and all parts of the Iowa Tests at the ninth grade level. All Option 2 Students:

(i). shall take remedial courses in the component (English language arts and/or mathematics) of the Grade 8 LEAP 21 in which an *Unsatisfactory* achievement level was attained.

(ii). may earn a maximum of one Carnegie unit of remedial elective credit toward graduation provided the student passes a specially designed remediation elective and scores at or above the *Basic* achievement level on the component of the 8th grade LEAP 21 that is retaken. For these specially designed remediation courses, the LEA shall record a grade of *Pass* or *Fail (P/F)* on the student's transcript.

(iii). shall not enroll in or earn Carnegie credit in content areas (English language arts and/or mathematics) in which the student has scored at the *Unsatisfactory* achievement level on the Grade 8 LEAP 21.

(iv). may earn Carnegie credit in other content areas.

vi. Exceptional students participating in LEAP 21 must be provided with significant accommodations as noted in the student's IEP.

vii. The aforementioned policies will be in effect from spring 2000 through spring 2003. Beginning in spring 2004, the policies will also apply to students scoring at the *approaching basic* level.

A.1.b.viii. - D.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2171 (November 1999), amended LR 27:188 (February 2001).

#### **§505. ProgressionC Students Participating in Alternate Assessment**

A. Students with disabilities who participate in the alternate assessment shall have promotion decisions determined by the local Pupil Progression Plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2172 (November 1999), amended LR 27:189 (February 2001).

#### **§507. Alternatives to Regular Placement**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2172 (November 1999), amended LR 27:189 (February 2001).

#### **§509. Alternative Schools/Programs/Settings**

A. The local school board may establish alternative schools/programs/settings which shall respond to particular educational need(s) of its students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2172 (November 1999), amended LR 27:189 (February 2001).

#### **§513. Policies on Records and Reports**

A. - B.7. ...

8. a statement regarding written notification to parent concerning retention and due process procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2172 (November 1999), amended LR 27:189 (February 2001).

#### **§515. Policies on Due Process**

A. Due process procedures for teachers, students, and parents shall be specified in each local Pupil Progression Plan as related to student placement. The local school system must assure that these procedures do not contradict the due process rights of students with disabilities as defined in the IDEA -Part B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2173 (November 1999), amended LR 27:189 (February 2001).

#### **Chapter 9. Regulations for the Implementation of Remedial Education Programs Related to the LEAP/CRT Program**

##### **§911. Criteria for State Approval**

A. Student Eligibility

1. Any public elementary or secondary student, including a student with a disability participating in LEAP 21, who does not meet the performance standards established by the Department and approved by the State Board, as measured by the state criterion-referenced tests, shall be provided remedial education (R.S. 17:397).

2. The failure of students with disabilities to achieve performance standards on the state criterion-referenced tests does not qualify such students for special education extended school year programs (SBESE Policy).

B. - D.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1775 (November 1999), amended LR 27:189 (February 2001).

**§913. Local Program Development and Evaluation**

A. Each parish and city school board shall develop annually a remedial education program as part of its Pupil Progression Plan, which complies with the established regulations adopted by the Department and approved by the SBESE pursuant to R.S. 17.24.4.

B. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2175 (November 1999), amended LR 27:190 (February 2001).

**Chapter 11. Appendix A**

**§1101. Definition of Terms**

A. - A.1. ...

\*\*\*

*Alternate Assessment*Cthe substitute way of gathering information on the performance and progress of students with disabilities who do not participate in typical state assessments.

\*\*\*

*Content Standards*Cstatements of what we expect students to know and be able to do in various content areas.

\*\*\*

*LEAP 21 Summer Remediation Program*Cthe summer school program offered by the LEA for the specific purpose of preparing students to pass the LEAP 21 test in English language arts, or mathematics.

\*\*\*

*Louisiana Educational Assessment Program (LEAP)*Cthe state's testing program that includes the grades 3, 5, 6, 7 and 9 Louisiana Norm-referenced Testing Program; the grades 4 and 8 Criterion-referenced Testing Program including English language arts, mathematics, social studies and science and the Graduation Exit Examination (English language arts, mathematics, written composition, science and social studies).

\*\*\*

*Promotion*Ca pupil's placement from a lower to a higher grade based on local and state criteria contained in these Guidelines.

\*\*\*

*Pupil Progression Plan*C"The comprehensive plan developed and adopted by each parish or city school board which shall be based on student performance on the Louisiana Educational Assessment Program with goals and objectives which are compatible with the Louisiana competency-based education program and which supplement standards approved by the State Board of Elementary and Secondary Education (SBESE). A Pupil Progression Plan shall require the student's proficiency on certain test as determined by SBESE before he or she can be recommended for promotion."

\*\*\*

*Regular Placement*Cthe assignment of students to classes, grades, or programs based on a set of criteria established in the Pupil Progression Plan. Placement includes promotion, retention, remediation, and acceleration.

\*\*\*

*Remedial Programs*Cprograms designed to assist students including students with disabilities and Non/Limited English Proficient (LEP) students, to overcome educational deficits identified through the Louisiana Education Assessment Program and other local criteria.

\*\*\*

RemediationCsee *Remedial Programs*.

\*\*\*

*Retention*Cnonpromotion of a pupil from a lower to a higher grade.

2. - 2.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2176 (November 1999), amended LR 27:190 (February 2001).

Weegie Peabody  
Executive Director

0102#022

**RULE**

**Tuition Trust Authority  
Office of Student Financial Assistance**

Authority Bylaws (LAC 28:VI.209)

The Louisiana Tuition Trust Authority (LATTA), the statutory body created by R.S. 17:3091-3099.2 in compliance with §952 of the Administrative Procedure Act, hereby announces revision of its governing bylaws.

**Title 28**

**EDUCATION**

**Part VI. Tuition Trust Authority**

**Chapter 2. Bylaws**

**§209. Committees**

A. - A.3. ...

- 4. planning committee; and
- 5. rules committee.

B. - B.2. ...

3. The vice chairman of the authority shall be chairman of the rules committee.

4. The term of committee appointments shall be one year.

5. Vacancies occurring among the appointive members of any committees, however arising, shall be filled by the chairman of the authority for the remainder of the unexpired term.

C. - F.3. ...

4. The executive committee shall consider such matters as shall be referred to it by the authority and shall execute such orders and resolutions as shall be assigned to it at any meeting of the authority.

5. However, the authority may not delegate to the executive committee the final determination of the rate of interest to be paid on education savings accounts of record at the close of the calendar year.

6. All official actions of the executive committee shall require a majority vote of the quorum present at the meeting.

7. The executive committee shall also approve all budget adjustments prior to submission to the appropriate authority.

8. In the event that an emergency requiring immediate authority action shall arise between authority meetings, it shall be the duty of the executive committee to meet in emergency session to take such action as may be necessary and appropriate.

9. The executive committee shall report the actions it takes in emergency session to the authority for ratification at the authority's next meeting.

G. - H.3.d. ...

I. Planning Committee. The planning committee shall consist of not less than six members of the authority. Normally, to this committee shall be referred the Strategic Plans and related matters.

J. Rules Committee. The rules committee shall consist of not less than seven members of the authority. Normally, to this committee shall be referred all matters related to making and interpreting rules.

K. Special Committees

1. As the necessary therefore arises, the chairman may, with the concurrence of the authority, create special committees with such functions, powers and authority as may be delegated.

2. The chairman may appoint ad hoc committees for special assignments for limited periods of existence not to exceed the completion of the assigned task.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:1655 (December 1997), amended LR 27:190 (February 2001).

Mark S. Riley  
Assistant Executive Director

0102#002

## RULE

### Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Correct Organization Citations  
Resulting From Reengineering of DEQ  
(LAC 33:XI.2609)(OS036)

Editor's Note: The following Section of OS036, which was published as a Rule on pages 2439-2608 of the November 20, 2000 Louisiana Register, is being published to correct a typographical error in the "see prior text" explanations.

#### Title 33

#### ENVIRONMENTAL QUALITY

#### Part XI. Water Quality Regulations

#### Chapter 23. The LPDES Program

#### Subchapter R. Toxic Pollutant Effluent Standards and Prohibitions

#### Chapter 26.

#### §2609. Compliance

A.1. Within 60 days from the date of promulgation of any toxic pollutant effluent standard or prohibition each owner or operator with a discharge subject to that standard or prohibition must notify the Office of Environmental Services, Permits Division of such discharge. Such notification shall include such information and follow such procedures as the state administrative authority may require.

\* \* \*

[See Prior Text In A.2. - G.]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2555 (November 2000), repromulgated LR 27:191 (February 2001).

James H. Brent, Ph.D.  
Assistant Secretary

0102#066

**RULE**

**Department of Environmental Quality  
Office of Environmental Assessment  
Environmental Planning Division**

Emissions Control from Motor Vehicles and Related Fees  
(LAC 33:III.223; 1901-1935)(AQ200)

Editor's Note: The following Section of AQ200, which was published as a Rule on pages 1605-1607 of the August 20,

2000 *Louisiana Register*, is being republished to correct typographical errors in the first and last "see prior text" explanations.

**Title 33  
ENVIRONMENTAL QUALITY**

**Part III. Air**

**Chapter 2. Rules and Regulations for the Fee System  
of the Air Quality Control Programs**

**§223. Fee Schedule Listing**

Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
* * *						
[See Prior Text in Fee No. 0010-1722]						

Additional Fees		
Fee Number	Fee Description	Amount
* * *		
[See Prior Text in Fee No. 2000-2300]		
2400	An application approval fee for Stage II Vapor Recovery	100.00
	An annual facility inspection fee for Stage II Vapor Recovery	150.00
2600 *NOTE 16*	Accident Prevention Program Annual Maintenance Fee: Program 1	200.00
* * *		
[See Prior Text in Fee No. 2620-2914]		

Explanatory Notes for Fee Schedule

\* \* \*

[See Prior Text in Notes 1-17]

Note 18. Reserved.

\* \* \*

[See Prior Text in Notes 19 – 20]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, 30:2341 and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:613 (September 1988), LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December, 1991), repromulgated LR 18:31 (January 1992), amended LR 18:706 (July 1992), LR 18:1256 (November 1992), LR 19:1373 (October 1993), LR 19:1420 (November 1993), LR 19:1564 (December 1993), LR 20:421 (April 1994), LR 20:1263 (November 1994), LR 21:22 (January 1995), LR 21:782 (August 1995), LR 21:942 (September 1995), repromulgated LR 21:1080 (October 1995), amended LR 21:1236 (November 1995), LR 23:1496 (November 1997), LR 23:1499 (November 1997), LR 23:1662 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:267 (February 2000), LR 26:485 (March 2000), LR 26:1605 (August 2000), repromulgated LR 27:192 (February 2001).

James H. Brent, Ph.D.  
Assistant Secretary

0102#065

**RULE**

**Department of Environmental Quality  
Office of Environmental Assessment  
Environmental Planning Division**

Filling of Gasoline Storage Vessels CExemption  
(LAC 33:III.2131)

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 has amended the Air Quality regulations, LAC 33:III.2131 (Log #AQ209).

The Rule will correct an omission in LAC 33:III.2131.D.3 to add St. Mary Parish to the list of parishes exempted from compliance with the requirements of LAC 33:III.2131.A for certain facilities. St. Mary Parish was inadvertently omitted in the original rulemaking. The basis and rationale for this Rule are to add St. Mary Parish to LAC 33:III.2131.D.3, where it was omitted in error from the list of parishes exempted from the requirements in LAC 33:III.2131.A.

**Title 33**  
**ENVIRONMENTAL QUALITY**

**Part III. Air**

**Chapter 21. Control of Emission of Organic Compounds**

**Subchapter F. Gasoline Handling**

**§2131. Filling of Gasoline Storage Vessels**

\* \* \*

[See Prior Text in A - D.2]

3. Any gasoline outlet in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee and West Baton Rouge whose throughput is less than 120,000 gallons (454,200 liters) per year or any gasoline outlet in the parishes of Beauregard, Bossier, Caddo, Grant, Jefferson, Lafayette, Lafourche, Orleans, St. Bernard, St. Charles, St. James, St. John the Baptist, and St. Mary whose throughput is less than 500,000 gallons (1,892,700 liters) per year. Once the rolling 30-day average throughput exceeds 10,000 gallons for a facility in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee and West Baton Rouge or 42,000 gallons for a facility in the parishes of Beauregard, Bossier, Caddo, Grant, Jefferson, Lafayette, Lafourche, Orleans, St. Bernard, St. Charles, St. James, St. John the Baptist, and St. Mary that facility becomes an affected facility and does not revert to an exempted facility when the throughput drops back below the throughput exemption level.

\* \* \*

[See Prior Text in D.4 - G]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:609 (July 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), LR 18:1123 (October 1992), LR 19:1564 (December 1993), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning, LR 27:193 (February 2001).

James H. Brent, Ph.D.  
Assistant Secretary

0102#064

**RULE**

**Department of Health and Hospitals  
Board of Electrolysis Examiners**

Definition of Electrologist Technician; Exceptions and Rights; Licensure of Electrologists and Instructors, Sanitary Requirements; License Renewal  
(LAC 46:XXXV.103, 105, 903, 905, 1303,  
1401 - 1409 and 1503)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq. and of R.S. 37:74, the Board of Louisiana Electrolysis Examiners gives notice of its intent to revise Title 46, Part XXXV. The objective of this action is to adopt, amend and repeal Rules in response to changes in the 1999 regular session, Act 530

of 1999, enacted on June 14, 1999. Rules are being changed for the requirements for licensure of instructors of electrology; licensure of electrologists technicians; to provide for the use of sterilized disposable equipment, and to establish continuing education. Implementation of the proposed Rules will have no known effect upon family stability, functioning, earnings, budgeting, the responsibility and behavior of children, or parental rights and authority, as set forth in R.S. 49:972.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XXXV. Electrologists**

**Chapter 1. General Provisions**

**§103. General Definitions**

A. ...

\* \* \*

*Electrologist Technician* Any person who for compensation practices electrolysis for the permanent removal of hair under the direct supervision of a licensed electrologist and has completed a 200-hour course of instruction.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 10:329 (April 1984), repromulgated LR 11:534 (May 1985), amended LR 17:778 (August 1991), LR 19:1144 (September 1993), LR 27:193 (February 2001).

**§105. Exceptions and Rights**

A. - C. ...

D. A new unopened presterile disposable type probe shall be used for each client treatment. Techniques of sterilization of other instruments shall be the same as is used in hospitals, using pressure heat, dry heat, or any other method of sterilization deemed appropriate by the board.

E. Operation of Other Business or Trade

1. No other business or trade shall be allowed in treatment rooms while electrolysis is being performed, however, a licensed physician may perform electrolysis in his private office or clinic.

2. If a person or business conducting electrolysis before July 1, 1983, moves to a different location, that person or business shall be required to comply with the terms of this Subsection.

3. Further, any person or person conducting electrolysis that accedes to the common office suites, treatment rooms, and reception or waiting rooms used for the performance of any other business or trade, including schools of electrology and apprenticeship programs, shall be required to comply with the terms of the Subsection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Electrolysis Examiners, LR 10:329 (April 1984), repromulgated LR 11:534 (May 1985), amended by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 17:778 (August 1991), LR 19:1144 (September 1993), LR 27:193 (February 2001).

## **Chapter 9. Licensure of Electrologists and Instructors**

### **§903. Licensure of Electrologists**

A. The board shall license and issue an appropriate certificate to any person who files a verified application, accompanied by the appropriate application fee, with evidence, verified under oath and satisfactory to the board, that he is at least 18 years of age, of good moral character, has graduated from an accredited high school or equivalent (has submitted proof of G.E.D.), and has successfully completed a course in practical training of electrolysis in a school of electrology which maintains the standards established and approved by the board or that he has completed a like number of hours in the subject areas specified in an apprenticeship program approved by the board; at the time of certification is free of any infectious disease; has successfully completed the written and practical test, and is current with all fees owed to the board, and has completed at least 450 hours of clinical experience, 150 hours of academic study in a board approved school or apprenticeship program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 10:333 (April 1984), amended LR 11:534 (May 1985), LR 17:778 (August 1991), LR 19:1144 (September 1993), LR 27:194 (February 2001).

### **§905. Licensure of Instructor**

A. The board may issue a license to any person as an instructor of electrology, subject to the restrictions provided herein and rules promulgated pursuant to R.S. 37:3051-3077. No person shall teach or instruct electrology or its allied courses who does not hold both a valid license to practice electrology and a valid instructor's license issued by the board in accordance with the provisions of R.S. 3051-3077.

B. The board shall not license as an instructor of electrology any person who does not file with it a verified application thereof, accompanied by the appropriate application fee required, together with evidence verified by oath and satisfactory to the board, that the applicant:

1. meets all the requirements to practice electrology in this state and holds a current license to practice electrology in this state;

2. has practiced as a licensed electrologist for at least five years.

C. The board shall not issue an instructor's license to any person seeking initial licensure on or after August 1, 1999, who does not possess the following qualifications:

1. possesses the applicant qualifications required in §905.A and §905.B.1 and 2;

2. has successfully completed the curriculum for instructor training in electrolysis in an instructor training program that maintains the standards established and approved by the board and is part of either an approved school of electrology or an approved apprenticeship program. Such curriculum shall be under the supervision of a licensed instructor of electrology, shall include a course of study and practice over no less than a five-month period, and shall include at least 175 hours on the science of teaching, 150 hours of teacher assistance/observations, and 175 hours of clinic-supervised practice teaching;

3. successfully achieves a minimum test score on an examination administered and approved by the board. The examination shall be given annually at such time and place and under such supervision as the board determines and specifically at such other times as in the opinion of the board the number of applicants warrants. The board shall designate the date, time, and place of examination and give public notice thereof and, in addition, shall notify each person who has made application for examination to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Electrolysis Examiners, LR 10:333 (April 1984), amended LR 11:534 (May 1985), amended by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 17:778 (August 1991), LR 19:1144 (September 1993), LR 27:194 (February 2001).

## **Chapter 13.**

### **§1303. Sanitary Requirements for Schools, Apprenticeship Programs, and Electrology Offices**

A. ...

B. In compliance with recommendations of the Centers for Disease Control (CDC), all electrology schools, apprenticeship programs, and electrology offices shall be equipped with either a dry heat sterilizer or steam heat autoclave to be used in accordance with the manufacturer's instructions. A new unopened presterile disposable type probe shall be used for each client treatment. Techniques of sterilization of other instruments shall be the same as is used in hospitals, using pressure heat, dry heat, or any other method of sterilization deemed appropriate by the board. All other instruments must be thoroughly cleansed with soap and water and then wiped clean with 70 percent alcohol solution before being placed in one of the following sterilization units. The instruments must then be sterilized following the manufacturer's proper sterilization procedures. These temperatures must be maintained during the complete sterilization cycle:

1. saturated steam, 250°F, 15 psi, 30 minutes; and

2. dry heat, 340°F for 60 minutes or 320°F for 120 minutes.

C. All probes must be discarded in a Contamination Waste Box (red box), then discarded or collected in accordance with State Biomedical Hazardous Waste Disposal Procedures.

D. Vinyl or latex protective gloves shall be used while attending electrology procedures. Hands shall be thoroughly washed with soap and water after removal of gloves. Unused gloves shall be used for each patient procedure and discarded after each use or if practitioner leaves patient's side or touches anything.

E. Clean tissues, paper towels or freshly laundered towels shall be used for each patient. Before any patient is permitted to recline in a chair or on a table, said object shall be covered with a clean professional size towel or drape or a clean professional type tissue and shall be disposed of or laundered after each use.

F. The skin area to be treated must first be cleaned with 70 percent alcohol.

G. Every patient must be treated on a professional treatment table or chair, which shall be used for the purpose of electrolysis treatment only. The exception to the

preceding is if the patient is physically handicapped; the patient may be treated in a wheelchair, stretcher, medical bed, chair or table.

H. All treatment shall be given in privacy within an enclosed area.

I. The electrolysis treatment room shall be provided with a separate entrance, but not leading directly from the exterior of the house or building. One must not pass through any part of the living quarters in order to reach the treatment room.

J. The treatment room shall be closed from adjacent rooms by walls or doors. During treatment, such doors shall remain closed.

K. Every office shall have hand washing facilities with operating hot and cold water in the treatment room or adjacent room which can be reached without passing through any part of the living quarters. Such hand washing facilities shall not be located in the bathroom, or public restroom.

L. No electrologist, instructor or student in an apprenticeship program or school shall knowingly treat a person who is infected with impetigo, any contagious disease, skin malignancy, or any disease dangerous to the public.

M. No electrologist, instructor or student in an apprenticeship program or school shall treat a diabetic person without written authorization of the patient's treating physician.

N. All electrologists, instructor and student, must place probe in holder of epilator when not in use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Electrolysis Examiners, LR 10:333 (April 1984), amended LR 11:534 (May 1985), amended by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 17:778 (August 1991), LR 19:1144 (September 1993), LR 27:194 (February 2001).

#### **Chapter 14. Electrologist Technician**

##### **§1401. Licensure of Electrologist Technician**

A. The board shall license and issue an appropriate certificate to any person who files a verified application, accompanied by the appropriate application fee, with evidence, verified under oath and satisfactory to the board, that he is at least 18 years of age, of good moral character, has graduated from an accredited high school or equivalent (has submitted proof of G.E.D.), and has successfully completed a course in practical training of electrolysis in a school of electrology which maintains the standards established and approved by the board or that he has completed a like number of hours in the subject areas specified in an apprenticeship program approved by the board, at the time of certification is free of infectious disease, has successfully completed the written and practical test, and is current with all fees owed to the board, and has completed at least 110 hours of clinical experience, 90 hours of lectures on insertion techniques, modalities, healing, regrowth problems, and office management.

B. Application fee for an electrologist technician shall be the same as provided in the R.S. 37:3072(A)(1).

C. The board may license any person as an electrologist technician who has successfully completed the provisions of R.S. 37:3063(C)(2) and passes the appropriate written and

practical examinations. The electrologist technician must work under the direct supervision of a licensed electrologist or licensed electrologist instructor and provide the name of the supervising electrologist to the board. A licensed electrologist technician may upgrade his license to that of an electrologist by completing the additional theory and practical hours in school or an electrologist apprenticeship program and by passing the appropriate board examination.

D. If a student fails one or more parts of an examination, the student may take the parts in which he has failed in a subsequent examination upon payment of a \$15 examination fee. If, after two attempts, the examination is not satisfactorily completed, the student thereafter shall be required to repeat and take the entire examination within one year of the date of the original examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 27:195 (February 2001).

##### **§1403. Requirements for Electrologist Technician**

A. Each licensed electrologist technician may provide services only under the direct supervision of a licensed electrologist or a licensed instructor of electrology and provide the name, address, and license number of the supervising electrologist to the board.

B. The licensed electrologist technician shall comply with the current regulations for sanitary requirements, proper sterilization, license renewals, and professional conduct in the boards rules and regulations.

C. The electrologist technician shall not give formal consultations by phone or in the office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 27:195 (February 2001).

##### **§1405. Requirements for Instructor of Electrologist Technician**

A. No instructor shall devote more than five days a week and no more than six hours a day to formal training in electrolysis including practical experience and extending over a period of not less than two months.

B. Electrologist Technician Students shall submit to the board in writing every month a record of the time completed by every electrologist technician student in practical and theoretical work.

C. No electrologist technician student may be supervised by another student or apprentice.

D. The board approved school or apprenticeship program shall provide an identification badge to each student. The badge shall include the student's name, picture, and school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 27:195 (February 2001).

##### **§1407. Requirements of Supervising Electrologists**

A. Each supervising licensed electrologist shall be responsible for the activities of the electrologist technician under his/her direct supervision.

B. Have on file each patient's signed statement verifying that he/she is aware of being treated by a licensed

electrologist technician which may be checked upon inspection by the board.

C. The supervising licensed electrologist shall furnish the board with the name, address, and license number of the electrologist technician under their supervision. The board must be contacted if the electrologist technician ceases to be under the direct supervision of the licensed electrologist.

D. Each licensee must display his or her license in the treatment room. Each duplicate license will be provided by the board after payment of a \$25 duplicate license fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 27:196 (February 2001).

**§1409. Curriculum Regulations for the Electrologist Technician**

A. The 110 hours of clinical experience shall involve epilation whereby the licensed instructor demonstrates how to perform electrolysis on areas to be treated on the face and body not specifically prohibited in §105.B of the rules and regulations.

B. The 90 hours of academic study shall include the following:

- |  |    |
|--|----|
| 1. histology of hair and skin structure  | 30 |
| 2. bacteriology and sterilization  | 20 |
| 3. electricity and equipment   | 15 |
| 4. basic dermatology   | 15 |
| 5. professional conduct and hygiene (including statutes and state board rules and regulations) | 10 |
|  | 90 |

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 27:196 (February 2001).

**Chapter 15. License**

**§1503. Renewal of License**

A. Each license to practice electrology in this state shall be renewed annually on or before December 1 of each year upon application thereof accompanied by the renewal fee prescribed in R.S. 37:3072(A) and, beginning December 31, 1999, proof that the applicant has completed at least three hours of continuing education approved by the board.

B. Continuing Education Guidelines

1. The board may grant an extension of up to six months for completion of the continuing education requirements to any person who applies to the board in writing for an extension and shows good cause.

2. In addition to the continuing education requirements of §1503.A and B.1, license renewal for an instructor's license shall include completion of an additional two hours of continuing education approved by the board. The board may grant an extension of up to six months for completion of the continuing education requirements to any person who applies to the board in writing for an extension and shows good cause.

C. Failure to Register

1. When any electrologist, instructor, electrolysis school, or electrologist apprenticeship program licensed hereunder fails to register and pay the annual registration fee within 30 days after the registration fee becomes due, the license or certificate of such person, school, or electrologist

apprenticeship program shall be revoked automatically at the expiration of 30 days after the registration was required, without further notice or hearing. However, any person, school, or electrologist apprenticeship program whose license or certificate is automatically revoked as provided herein may, within three years of the date of revocation, make application in writing to the board for the reinstatement of such license or certificate and, upon good cause being shown, the board in its discretion may reinstate such license or certificate upon payment of all past due renewal fees and the payment of an additional sum of \$50. The board may require as a condition of reinstatement that the person complete all or some of the past continuing education requirements within 12 months of reinstatement of the license.

2. Any person, electrologist school, or electrologist apprenticeship program who fails within three years after revocation of a license or certificate to make written application to the board for reinstatement must reapply to the board and successfully complete a written and practical examination and pay all fees as required under the provisions of this Chapter and the rules and regulations adopted pursuant thereto.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3051.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Electrolysis Examiners, LR 10:333 (April 1984), amended LR 11:534 (May 1985), amended by the Department of Health and Hospitals, Board of Electrolysis Examiners, LR 17:778 (August 1991), LR 19:1144 (September 1993), LR 27:196 (February 2001).

Cheri L. Miller  
Chairperson

0102#031

**RULE**

**Department of Health and Hospitals  
Board of Examiners for Speech Language  
Pathology and Audiology**

Speech-Language Pathology and Audiology  
(LAC 46:LXXXV.Chapters 1-7)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., notice is given that the Board of Examiners for Speech-Language Pathology and Audiology has adopted the rules, regulations and procedures to replace the board's current Rules, regulations and procedures.

The Rules add definitions, amend supervision rules, amend the board's application procedures, amend the continuing education Rules, and establish a procedure for applicants who practice illegally in Louisiana as a speech-language pathologist, speech-language pathology assistant, and/or audiologist in the state of Louisiana. A detailed synopsis of the Rules is attached for your information. A complete copy of the Rules may be accessed on the board's website at [www.lbespa.org](http://www.lbespa.org) or by completing and submitting the attached order blank to the board office.



**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL**  
**STANDARDS**

**Part LXXV. Speech Pathology and Audiology**

**Chapter 1. General Rules**

**§103. Definitions**

\* \* \*

*Hearing Screening* consists of pure-tone air conduction screening, and screening tests of auditory function such as tympanometry, Otoacoustic Emissions (OAE) and Auditory Brainstem Response (ABR) testing, for the purpose of the initial identification and/or referral of individuals with suspected hearing problems and/or middle ear pathology.

*License Renewal Period* the period of time that begins July 1, and ends on June 30, of the following calendar year.

*Nine Months of Full-Time Supervised Postgraduate Professional Employment* nine calendar months.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:705 (October 1988), amended LR 22:346 (May 1996), LR 27:197 (February 2001).

**§105. Designations**

A. - B. ...

1. When signing formal and informal professional documents, speech-language pathology assistants and provisional speech-language pathology assistants shall write their full license title, e.g., B.A., Speech-Language Pathology Assistant. Speech-language pathology assistants and provisional speech-language pathology assistants shall always identify themselves as such in professional interactions.

C. When listing credentials, licensees should sequentially list their name, educational designation, license designation, and professional certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 22:346 (May 1996), LR 27:197 (February 2001).

**§107. Qualifications for Licensure**

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

C. *Coursework Requirements* Speech Language Pathology License and Provisional Speech Language Pathology License. The following coursework requirements apply to applicants who began a master's program after January 1, 1994.

C.1. - D. ...

1. The applicant shall submit official transcripts from one or more regionally accredited colleges or universities evidencing completion of at least 60 semester hours of coursework which constitutes a well-integrated program that includes at least 12 semester credit hours in basic human communication processes to include the anatomic and physiologic bases, the physical and psychophysical bases, and the linguistic and psycholinguistic aspects.

D.2.a. - G.3.a.ii. ...

iii. The remaining 35 hours may be obtained in the areas of speech, language or hearing disorders. It is recommended that a minimum of 20 hours be in articulation.

G.3.b. - 4.b. ...

c. A provisional speech-language pathology assistant may surrender his/her license if unable to find employment in the area of speech-language pathology and may defer the remaining time of the three year period to complete the licensure requirements.

1. If the licensee has never worked as a provisional speech-language pathology assistant, a notarized statement shall be submitted to the board office.

2. If the licensee is not currently employed as a provisional speech-language pathology assistant a letter specifying date of termination from the last employer shall be submitted to the board office with Form 300, to verify supervision to the date of termination.

H. - J.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:706 (October 1988), amended LR 22:350 (May 1996), LR 27:197 (February 2001).

**§109. Requirements to Upgrade License**

A. - D. ...

1. an official copy of a passing score on the Educational Testing Service area examination;

2. verification of nine months of post-graduate professional employment/experience or its part-time equivalent in the field in which the license is held;

D.3. - G. ...

H. Audiologists who hold an audiology license but are completing the coursework or practicum requirements for registration as a dispenser shall follow the supervision requirements as specified in §123, and shall submit the board's Form 100 at the time of renewal. The board's Form 100 and the upgrade fee shall be submitted to upgrade license status.

I. It is the responsibility of the licensee to submit the documents and make a written request for upgrade of his/her license status. Licensees shall complete all supervision requirements consistent with the license held and immediately thereafter submit appropriate supervision forms to the board office along with a written request for license upgrade and the upgrade fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 22:329 (May 1996), amended LR 27:197 (February 2001).

**§111. Fees**

The board collects the following fees, which are non-refundable.

A. Initial Louisiana license for:

1.	Speech-Language Pathologist	\$100
2.	Audiologist	\$100
3.	Audiologist to include hearing aid dispensing	\$125
4.	Provisional Speech-Language Pathologist	\$100
5.	Restricted Speech-Language Pathologist	\$100
6.	Provisional Audiologist	\$100
7.	Provisional Audiologist to include hearing aid dispensing	\$125
8.	Speech-Language Pathology Assistant	\$100
9.	Provisional Speech-Language Pathology Assistant	\$100

10.	Dual License Fee	\$200
11.	Dual License Fee to include hearing aid dispensing	\$225

(Payable only by certified check, cashier's check or money order.)

B. Renewal of license submitted on or before June 30 of each year for:

1.	Speech-Language Pathologist	\$50
2.	Audiologist	\$50
3.	Audiologist to include hearing aid dispensing	\$60
4.	Provisional Speech-Language Pathologist	\$50
5.	Restricted Speech-Language Pathologist	\$50
6.	Provisional Audiologist	\$50
7.	Provisional Audiologist to include hearing aid dispensing	\$60
8.	Speech-Language Pathology Assistant	\$50
9.	Provisional Speech-Language Pathology Assistant	\$50
10.	Dual License	\$75
11.	Dual License to include hearing aid dispensing	\$85

C. Delinquent Renewal Fee submitted between July 1 and July 31 of each year for:

1.	Speech-Language Pathologist	\$100
2.	Audiologist	\$100
3.	Audiologist to include hearing aid dispensing	\$120
4.	Provisional Speech-Language Pathologist	\$100
5.	Restricted Speech-Language Pathologist	\$100
6.	Provisional Audiologist	\$100
7.	Provisional Audiologist to include hearing aid dispensing	\$120
8.	Speech-Language Pathology Assistant	\$100
9.	Provisional Speech-Language Pathology Assistant	\$100
10.	Dual License	\$150
11.	Dual License to include hearing aid dispensing	\$170

D. Delinquent Renewal Fee submitted between August 1 and October 31 of each year for:

1.	Speech-Language Pathologist	\$200
2.	Audiologist	\$200
3.	Audiologist to include hearing aid dispensing	\$220
4.	Provisional Speech-Language Pathologist	\$200
5.	Restricted Speech-Language Pathologist	\$200
6.	Provisional Audiologist	\$200
7.	Provisional Audiologist to include hearing aid dispensing	\$240
8.	Speech-Language Pathology Assistant	\$200
9.	Provisional Speech-Language Pathology Assistant	\$200
10.	Dual License	\$300
11.	Dual License to include hearing aid dispensing	\$340

E. Registration fee for audiologists to dispense hearing aids C\$25

F. Upgrade of provisional speech-language pathologist, provisional audiologist, speech-language pathology assistant or provisional speech-language pathology assistant C\$25

G. NSF or returned check C\$25

H. Video rental C\$10 per tape for two weeks; \$20 for two-tape set for two weeks

Late return fee	\$10 per tape
Late 30 days or more	Cost of tape
Video Catalog	\$5

I. Mailing labels C\$.03 per label plus postage & handling

J. Re-issuance of license certificate C\$20

K. Address listing-all licensees C\$25

L. Directory of all licensees C\$25

M. Fax transmission C\$3 for first page; \$1 each additional page

N. Publications to include law, rules, etc. C\$5 each plus postage & handling

O. Brochures/Pamphlets C\$.10 each plus postage and handling

P. Verification of license (written) C\$5

Open Book Test fee	\$30
Open Book Retest fee, per section	\$10

Q. Subpoena

1. within East Baton Rouge Parish C\$50;

2. plus \$.30 per mile outside East Baton Rouge Parish C\$50

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:706 (October 1988), amended LR 22:350 (May 1996), LR 27:197 (February 2001).

### §113. License Renewals

A. - E. ...

F. Retired status is granted to speech-language pathologists and audiologists who are retired and do not practice speech-language pathology or audiology during the fiscal year, July 1 through June 30.

1. These licensees shall complete the affidavit on the continuing education report and submit it at the time of licensure renewal.

2. Retired licensees may retain their license by payment of the annual renewal fee. In order to resume the practice of speech-language pathology or audiology, retired licensees shall demonstrate completion of five clock hours of continuing education in the area of licensure for each year that retired status was maintained.

3. The licensee may submit the required five hours of continuing education each year he/she is retired or submit all of the hours the year he/she returns to work in the profession.

G. Licensees who hold a license requiring supervision and who are not working in the field of speech-language pathology and/or audiology shall submit a notarized statement at the time of license renewal attesting to the fact that they did not work in the profession during the license period.

H. Delinquent Renewal

1. Delinquent requests for renewals will be accepted by the board through October 31, provided the Delinquent Renewal Fee is paid in accordance with §111.C. and D. and the continuing education summary form is submitted.

2. A licensee whose license lapsed on November 1, and applies to reinstate prior to the following June 30, is required to submit a completed application, proof of continuing education, initial license fee and delinquent renewal fee in accordance with §111.A. and D. and §115.

3. A licensee whose license lapsed on November 1, and applies for reinstatement after June 30, of the following

year, is subject to the initial license fee and the requirements of §113.I.3.

I. - I.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:707 (October 1988), amended LR 22:351 (May 1996), LR 27:198 (February 2001).

**§115. Continuing Education Requirements**

A. - D. ...

E. Continuing Education events occurring in the month of June, will be accepted for the collection period in which they occur or they may be counted in the following collection period which begins on July 1. Hours from one event may not be divided between two collection periods.

F. - G ...

H. The graduated scale for the collection of Continuing Education hours is based on the date an applicant receives his/her initial license:

License Received	Hours Required
April, May, June	0
January, February, March	3
October, November, December	6
July, August, September	10

I. - I.4. ...

5. Distance learning (video conferences, telephone seminars and internet courses sponsored by universities, schools, clinics, state agencies, hospitals, or related professional organizations) (maximum of five hours).

I.6. - 8. ...

9. The presenting licensee may count 12 times the value of a workshop the first time it is presented to allow for preparation time. (Example: a 3 hour workshop = 42 hours) The workshop will count for the actual hour value for each subsequent presentation of the same workshop.

10. Teaching at the college level in the area of communication disorders is not acceptable.

J. - J.2. ...

3. Licensees who elect to attend university classes/courses in speech-language pathology and/or audiology without payment of the university fee shall submit a self-study plan for pre-approval from the Louisiana Board of Examiners for Speech-Language Pathology and Audiology to receive continuing education credits.

J.4. - K.1. ...

2. The board may request, through random audit, verification of clock hours submitted, including information regarding content and attendance. Approximately 10 percent will be audited each year as a means of evaluating compliance with the continuing education requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 22:351 (May 1996), amended LR 27:199 (February 2001).

**§117. Application Procedures**

A. - D. ...

E. Speech-language pathologists, assistants and/or audiologists who have held a license in another state, shall

provide official verification of their licensure status in each state.

F. - I. ...

J. An applicant may be granted only one 60 day period to work while his/her initial application is being processed. No additional grace period may be granted to an applicant.

K. When there is probable cause to believe that an applicant practiced illegally in Louisiana as a speech-language pathologist, speech-language pathology assistant and/or audiologist, the board may offer a consent agreement and order which will grant the individual a license, subject to the following specified terms and conditions.

1. Within 90 days of the date of the consent agreement and order, the applicant shall take and pass an open book examination regarding R.S. 37:2650-2666, the Board's Rules, Regulations and Procedures, and Ethical Questions or within ten months of the date of the consent agreement and order, the applicant shall complete not fewer than five hours of continuing education in the area of ethics.

a. Open book test fee shall be \$30. The retest fee shall be \$10 per section.

b Applicants have 42 hours to complete all sections of the test.

c. The open book examination or any section may be re-taken anytime within the 90 days.

2. The applicant may be required to appear before the Board following completion of the continuing education in ethics to answer questions regarding the continuing education.

3. The consent order and agreement shall be published in the LBESPA newsletter.

4. If the applicant fails to successfully complete all requirements set forth in the above paragraphs within 90 days, the applicant's license shall be suspended without further notice until the board receives and accepts documentation of the applicant's completion of the consent order and agreement requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 22:352 (May 1996), amended LR 27:199 (February 2001).

**§119. Supervision Requirements for Restricted License, Provisional Speech-Language Pathology License and Provisional Audiology License**

A. ...

B. Speech-Language Pathologists or Audiologists may share the supervision responsibility for Provisional or Restricted licensees, but each supervising speech-language pathologist or audiologist shall complete and submit the necessary supervision forms.

C. - C.1. ...

2. For 12 month employees, one on-site, in-view observation shall be conducted each quarter.

3. For nine month employees, two on-site, in-view observations shall occur in each semester.

D. ...

E. Licensees shall complete all supervision requirements consistent with the license held and immediately thereafter submit appropriate supervision forms to the board office along with a written request for license upgrade and the upgrade fee.

F. Licensees who are not working in the field of speech-language pathology and/or audiology and who hold a license requiring supervision, shall submit a notarized statement at the time of license renewal attesting to the fact that they did not work in the profession during the license period.

G. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana Board of Examiners for Speech-Language Pathology and Audiology, LR 14:707 (October 1988), amended LR 22:352 (May 1996), LR 27:199 (February 2001).

**§121. Supervision Requirements for Speech-Language Pathology Assistant and Provisional Speech-Language Pathology Assistant**

A. The supervision requirements specified in these guidelines are minimum requirements. It is the responsibility of the speech-language pathologist to design and provide a supervision system that protects patient/client care and maintains the highest possible standards of quality.

B. Speech-language pathologists may share the supervision responsibility for provisional speech-language assistants or speech-language pathology assistants, but each supervising speech-language pathologist shall complete and submit the necessary supervision forms.

C. Treatment for the patient/client served remains the responsibility of the supervisor. Therefore, the level of supervision required is considered the minimum level necessary for the supervising speech-language pathologist to maintain direct contact with the patient/client.

D. Assistants who are not working in the field of speech-language pathology shall submit a notarized statement at the time of license renewal attesting to the fact that they did not work in the profession during the license period.

E. Although more than one speech-language pathologist may provide supervision of an assistant licensee and provisional assistant licensee, at no time may a licensed speech-language pathologist supervise or be listed as a supervisor for more than three assistant or provisional assistant licensees. When multiple supervisors are used, the supervisors are encouraged to coordinate and communicate with each other.

F. Documentation of supervision shall be submitted annually at the time of license renewal on Form 200 provided by the board.

G. The supervising speech-language pathologist shall be readily available for consultation with the assistant licensee. This includes personal contact, telephone, pager, or other means of communication.

H. Supervision Requirements for the Speech-Language Pathology Assistant.

1. A minimum of one clock hour of on-site, in-view supervision shall be completed each week for each licensee.

2. A minimum of one clock hour of alternative supervision methods shall be completed each week for each licensee. These methods should include, but are not limited to:

- a. specifying protocols for speech-language screenings and assessments conducted by the assistant licensee;
- b. specifying protocols for hearing screenings conducted by the assistant licensee;

c. approving treatment plans or protocols and documenting approval;

d. monitoring patient/client progress toward meeting established objectives;

e. monitoring, scheduling, charting and data collection;

f. directing maintenance of equipment;

g. directing research projects, in-service training and public relations programs;

h. conducting telephone conferences.

3. If circumstances prohibit a supervisor from completing the minimum supervision requirements (§121.H.1 and 2) in a given week, the remaining supervision may be completed the following week in conjunction with the required supervision hours for that week.

4. When the supervising speech-language pathologist is unavailable for supervision for an extended period of time, arrangements shall be made for another qualified supervisor, or the speech-language pathology assistant shall be transferred to other duties.

5. Provisional Speech-Language Pathology Assistant Full-Time and Part-time Supervision Requirements:

Hours Worked	Required Supervision On-site, In-view	Required Supervision Alternative Method
21-40 hrs.	1 hr/week	1 hr/week
20 hrs or less	1 hr/week	1 hr/every 2 wks

6. Assistant licensees shall be supervised only by a speech-language pathologist licensed under the provisions of R.S. 37:2659(A) with the exception of hearing screenings which may be supervised by an audiologist, licensed under the provisions of R.S. 37:2659. An individual may not be supervised by a provisional licensee or restricted licensee.

I. Supervision Requirements for the Provisional Speech-Language Pathology Assistant.

1. A minimum of three clock hours of on-site, in-view supervision shall be completed each week for each licensee.

2. A minimum of two clock hours of alternative supervision methods shall be completed each week for each licensee.

3. These methods should include, but are not limited to:

a. specifying protocols for speech-language screenings and assessments conducted by the assistant licensee;

b. specifying protocols for hearing screenings conducted by the assistant licensee;

c. approving treatment plans or protocols and documenting approval;

d. monitoring patient/client progress toward meeting established objectives;

e. monitoring scheduling, charting and data collection;

f. directing maintenance of equipment;

g. directing research projects, in-service training and public relations programs;

h. conducting telephone conferences.

4. If extenuating circumstances prohibit a supervisor from completing the minimum supervision requirements (§121.I.1 and 2) in a given week, the remaining supervision may be completed the following week in conjunction with the required supervision hours for that week.

5. When the supervising speech-language pathologist is out for an extended period of time, arrangements shall be made for another qualified supervisor or the provisional speech-language pathology assistant shall be transferred to other duties.

6. When supervision requirements have not been met, in accordance with §121.I.1 and 2, licensees shall complete additional months of supervision to replace months of incomplete supervision.

7. Provisional Speech-Language Pathology Assistant Full-Time and Part-Time Supervision Requirements:

Hours Worked	Required Supervision On-Site, In - View	Required Supervision Alternative Method
21-40 hrs	3hrs/week	2hrs/week
20 hrs or 1	1 ½ hr/week	1 hr/week

8. Provisional assistant licensees shall be supervised by a speech-language pathologist licensed under the provisions of R.S. 37:2659(A) with the exception of hearing screenings which may be supervised by an audiologist, licensed under the provisions of R.S. 37:2659. An individual may not be supervised by a provisional licensee or a restricted licensee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana Board of Examiners for Speech-Language Pathology and Audiology, LR 14:707 (October 1988), amended LR 22:353 (May 1996), LR 27:200 (February 2001).

**§123. Hearing Aid Dispensing**

A. - F.3. ...

4. Audiologists shall conduct a post-fitting evaluation that includes functional gain measurements and/or real ear measurements unless the patients physical conditions prohibit accomplishment of these procedures.

F.5. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana Board of Examiners for Speech-Language Pathology and Audiology, LR 22:353 (May 1996), amended LR 27:201 (February 2001).

**§129. Additional Requirements for International Applicants/Speakers of English as a Second Language**

A. Any document required to be submitted to this board with an application for a license shall be in the English language, or accompanied by a certified translation thereof into the English language.

B. As a condition of the board's consideration of the license application of a graduate of a foreign college or university, the applicant shall provide the board with an evaluation of the applicant's transcript from an approved credentials evaluation agency. A list of approved agencies, and their addresses, may be obtained from the board.

C. Because the essence of the practice of speech-language pathology and audiology is communication, an applicant whose primary language is not English shall submit a passing score on a nationally recognized English

proficiency examination, and make a personal appearance before the board or its designees before a license may be issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana Board of Examiners for Speech-Language Pathology and Audiology, LR 14:707 (October 1988), amended LR 22:354 (May 1996), LR 27:201 (February 2001).

**Chapter 3. Aides**

**§301. Qualifications and Duties**

A. - C.5. ...

D. The aide may engage in activities limited to those that are planned and directed by the supervising speech-language pathologist or audiologist. Providing that the preparation, training, and supervision are appropriate, the following tasks may be assigned to aides:

1. setting up room and equipment;
2. clearing room and storing equipment;
3. preparing materials (such as making copies, typing forms) for use by the speech-language pathologist and/or audiologist;
4. checking equipment to determine if the equipment is performing adequately;
5. transporting patients/clients to and from sessions;
6. assisting with field trips;
7. performing hearing screenings limited to pure-tone air conduction screening and screening tympanometry;
8. recording, charting, graphing, or otherwise displaying objective data relative to the patient's/client's performance.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana Board of Examiners for Speech-Language Pathology and Audiology, LR 16:409 (May 1990), amended LR 22:355 (May 1996), LR 27:201 (February 2001).

**Chapter 5. Procedural Rules**

**§503. Compliance Hearings**

A. - D. ...

E. Within 30 days after the compliance hearing, the board shall forward its final decision, including specific reasons therefore, by certified mail, return receipt requested, to the applicant or licensee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana Board of Examiners for Speech-Language Pathology and Audiology, LR 17:374 (April 1991), amended LR 22:357 (May 1996), LR 27:201 (February 2001).

**§507. General Procedural Rules For Hearings**

A. - E. ...

F. The procedures to be followed in conducting the hearing governing the order of the proceedings are contained in Chapter 12, of the Disciplinary Action Manual For Occupational Licensing Boards prepared by the Louisiana Department of Justice, 1979, through the Office of the Attorney General. A copy of the Chapter will be provided to any interested party involved with the hearing upon receipt by the board of a written request therefore.

G. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana Board of Examiners for Speech-Language Pathology and Audiology, LR 17:374 (April 1991), amended 22:357 (May 1996), LR 27:201 (February 2001).

C. Robin Morehouse, L-AUD, CCC-A  
Chairperson

0102#007

## RULE

### Department of Health and Hospitals Board of Nursing

#### Denial or Delay of Licensure, Reinstatement, or the Right to Practice as a Student Nurse (LAC 46:XLVII.3331)

Notice is hereby given, in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., that the Board of Nursing (board) pursuant to the authority vested in the board by R.S. 37:918, 919 has adopted Rules amending the Professional and Occupational Standards pertaining to Denial or Delay of Licensure, Reinstatement, or the Right to Practice as a Student Nurse. The proposed amendments of the Rules are set forth below.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLVII. Nurses

#### Subpart 2. Registered Nurses

#### Chapter 33. General

#### §3331. Denial or Delay of Licensure, Reinstatement, or the Right to Practice Nursing as a Student Nurse

A. Denial of Licensure, Reinstatement, or the Right to Practice Nursing as a Student Nurse

1. Applicants for licensure, reinstatement, or the right to practice as a student nurse shall be denied approval for licensure, for reinstatement, to receive a temporary working permit, to be eligible for NCLEX -RN, or to enter or progress into any clinical nursing course, if the applicant has pled guilty, nolo contendere, "best interest of," been convicted of, or committed a:

a. "crime of violence" as defined in R.S. 14:2(13), or any of the following crimes: first degree feticide, second degree feticide, aggravated assault with a firearm, stalking, false imprisonment-offender armed with a dangerous weapon, incest, aggravated incest, molestation of a juvenile, sexual battery of the infirm; or

b. crime which involves distribution of drugs.

2. For purposes of this Section, a pardon, suspension of imposition of sentence, expungement, or pretrial diversion or similar programs shall not negate or diminish the requirements of this Section.

3. Applicants who are denied licensure, reinstatement, or the right to practice nursing as a student nurse shall not be eligible to submit a new application.

4. Exception. The board may make an exception to the said rules when the following conditions are met:

a. the applicant presents evidence that the cause for the denial will not affect safe nursing practice. The evidence

may include but not be limited to completion of all court ordered probation and/or parole, comprehensive evaluations, employer references, rehabilitation, and restitution. Prior to requesting a board hearing, the evidence shall be presented to board staff; and

b. a hearing or conference is held before the board to review the evidence, to afford the applicant the opportunity to prove that the cause for the denial does not affect safe nursing practice, and to provide an opportunity for the board to evaluate the evidence presented.

B. Delay of Licensure, Reinstatement, or the Right to Practice Nursing as a Student Nurse

1. Applicants for licensure, reinstatement, and for practice as a student nurse shall be delayed approval for licensure, for reinstatement, to receive a temporary working permit, to be eligible for NCLEX -RN, or to enter or progress into any clinical nursing course, if the applicant:

a. has any pending disciplinary action or any restrictions of any form by any licensing/certifying board in any state; or

b. has a pending criminal charge that involves any violence or danger to another person, or involves a crime which constitutes a threat to patient care; or

c. has pled guilty, nolo contendere, "best interest of," been convicted of or committed a crime that reflects on the ability of the person to practice nursing safely, and the conditions of the court have not been met, or is currently serving a court ordered probation or parole. If the crime is a "crime of violence" as defined in R.S. 14:2(13) or any of the following crimes: first degree feticide, second degree feticide, aggravated assault with a firearm, stalking, false imprisonment-offender armed with a dangerous weapon, incest, aggravated incest, molestation of a juvenile, sexual battery of the infirm, the applicant shall be denied.

2. For purposes of this Section, a pardon, suspension of imposition of sentence, expungement, or pretrial diversion or similar programs shall not negate or diminish the requirements of this Section.

3. Applicants who are delayed licensure, reinstatement, or the right to practice nursing as a student nurse shall not be eligible to submit a new application until the following conditions are met:

a. the applicant presents sufficient evidence that the cause for the delay no longer exists; and

b. a hearing or conference is held before the board to review the evidence, to afford the applicant the opportunity to prove that the cause for the delay no longer exists, and to provide an opportunity for the board to evaluate changes in the person or conditions.

4. Exception. The board may make an exception to the said rules when the following conditions are met:

a. the applicant presents evidence that the cause for the delay will not affect safe nursing practice. The evidence may include but not be limited to comprehensive evaluations, employer references, rehabilitation, and restitution; and

b. a hearing or conference is held before the board to review the evidence, to afford the applicant the opportunity to prove that the cause for the delay will not affect safe nursing practice, and to provide an opportunity for the board to evaluate the evidence presented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918, 920 and 921.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 7:74, (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1145 (September 1993), LR 21:271 (March 1995), LR 24:1293 (July 1998), LR 27:202 (February 2001).

Barbara L. Morvant  
Executive Director

0102#069

**RULE**

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

**Early Periodic Screening, Diagnosis and  
Treatment CDental Services**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

**Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing restores the 7 percent reduction that was previously made to the reimbursement fees for the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) dental services. In addition, the reimbursement fees for certain designated procedure codes are increased to the following rates.

Procedure Code	Procedure Name	New Rate
02110	Amalgam-1 Surface Deciduous	\$ 35.00
02120	Amalgam-2 Surface Deciduous	\$ 45.00
02130	Amalgam-3 Surface Deciduous	\$ 55.00
02140	Amalgam-1 Surface Permanent	\$ 35.00
02150	Amalgam-2 Surface Permanent	\$ 45.00
02160	Amalgam-3 Surface Permanent	\$ 55.00
02930	Stainless Steel Crown-Primary	\$ 75.00
02931	Stainless Steel Crown-Permanent	\$ 75.00
02950	Crown Buildup	\$ 75.00
05211	Upper Acrylic Partial w/Clasp	\$355.00
05212	Lower Acrylic Partial w/Clasp	\$355.00
07110	Simple Extraction	\$ 35.00
07210	Surgical Extraction	\$ 50.00

David W. Hood  
Secretary

0102#084

**RULE**

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

**Home Health Program C Extended Skilled Nursing Visits**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

**Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement rate for Home Health extended skilled nursing visits to \$24.50 per hour.

David W. Hood  
Secretary

0102#82

**RULE**

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

**Home Health Services C Skilled  
Nursing Reimbursement Reduction**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law." This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

**Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the reimbursement methodology for home health services by establishing a separate reimbursement rate for skilled

nursing services when these services are not provided by a licensed registered nurse. Reimbursement is set at 80 percent of the current rate when skilled nursing services are provided by a licensed practical nurse (LPN). However, the current rates on file will continue to be paid when a registered nurse provides the skilled nursing services. The separate reimbursement rate set at 80 percent of the current home health physical therapy rate when the physical therapy services are provided by a physical therapy assistant is discontinued.

David W. Hood  
Secretary

0102#083

**RULE**

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

Medical Transportation Program  
Emergency Ambulance Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

**Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing restores the 7 percent reduction previously made to the reimbursement rates for emergency ambulance transportation services. In addition, the base rate for these services is increased by 2 percent.

David W. Hood  
Secretary

0102#081

**RULE**

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

Medical Transportation Program  
Non-Emergency Ambulance Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

**Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing restores the base rate for non-emergency ambulance transportation

services to the rate that was in effect July 1, 1999. In addition, the reimbursement fees for certain designated procedure codes are increased to the following rates:

A0360	Base rate, BLS, 1 <sup>st</sup> Trip	\$125.00
A0364	Base rate, no specialized ALS services, 1 <sup>st</sup> trip	\$125.00
A0366	Base rate, Specialized ALS services, 1 <sup>st</sup> trip	\$125.00
A0380	Loaded miles, BLS, 1 <sup>st</sup> trip	\$4.32
A0390	Loaded miles, ALS, 1 <sup>st</sup> trip	\$4.32
Z5100	Transfer, loaded miles, BLS, 1 <sup>st</sup> trip	\$125.00
Z5101	Transfer, loaded miles, ALS, 1 <sup>st</sup> trip	\$125.00
Z5102	Loaded miles, ALS or BLS, 2 <sup>nd</sup> trip	\$4.32
Z9497	Base rate, ALS or BLS, 2 <sup>nd</sup> trip	\$125.00

David W. Hood  
Secretary

0102#080

**RULE**

**Department of Public Safety and Corrections  
Gaming Control Board**

Compulsive or Problem Gamblers  
Telephone Information and Referral Service Posting  
(LAC 42:VII.2933, IX.2939, XI.2407 and XIII.2933)

The Gaming Control Board hereby amends LAC 42:VII.2933, IX.2939, XI.2407 and XIII.2933 in accordance with R.S. 27:15 and 24, and the Administrative Procedure Act, R.S. 49:950 et seq.

**Title 42**

**LOUISIANA GAMING**

**Part VII. Pari-Mutuel Live Racing Facility  
Slot Machine Gaming**

**Chapter 29. Methods of Operation Generally**

**§2933. Compulsive or Problem Gamblers  
Telephone Information and Referral Service Posting**

A. The Type A license shall post one or more signs at points of entry to the designated gaming areas to inform customers of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling. The toll-free numbers shall be provided by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:767 (April 2000), amended LR 27:204 (February 2001).

**Part IX. Landbased Casino Gaming**

**Chapter 29. Operating Standards**

**§2939. Compulsive or Problem Gamblers  
Telephone Information and Referral Service Posting**

A. The casino operator shall post one or more signs at points of entry to the designated gaming areas to inform customers of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling. The toll-free numbers shall be provided by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1954 (October 1999), amended LR 27:204 (February 2001).



**Part XI. Video Poker**

**Chapter 24. Video Draw Poker**

**§2407. Operation of Video Draw Poker Devices**

A. - A.16. ...

17. All licensees shall post one or more signs at points of entry to the gaming area to inform customers of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling. The toll-free numbers shall be provided by the division. The penalty for violation of this subsection shall be \$250 per day for the first offense, \$500 per day for the second offense and \$1000 per day for the third offense. The penalty for fourth and subsequent offenses shall be \$1000 per day or administrative action including but not limited to suspension or revocation.

B. - D.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:85 (January 1999), LR 27:205 (February 2001).

**Part XIII. Riverboat Gaming**

**Chapter 29. Operating Standards**

**§2933. Compulsive or Problem Gamblers Telephone Information and Referral Service Posting**

A. The holder of an operators license shall post one or more signs at points of entry to the designated gaming areas to inform customers of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling. The toll-free numbers shall be provided by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:705 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 27:205 (February 2001).

Hillary J. Crain  
Chairman

0102#035

**RULE**

**Department of Public Safety and Corrections  
Office of State Police**

Approved Citation for Litter Enforcement  
(LAC 55:I.2101)

Pursuant to R.S. 30:2531.7 and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public Safety and Corrections, Public Safety Services, hereby adopts LAC 55:I.2101. The adoption of §2101 is necessary as a result of the enactment of Act Number 148 of the 1998 First Extraordinary Legislative Session which requires the department to promulgate rules and regulations to provide for a uniform citation document which shall be used for issuing citations of the litter law.

**Title 55**

**PUBLIC SAFETY**

**Part I. State Police**

**Chapter 25. Litter Enforcement**

**§2501. Approved Citation for Litter Enforcement**

A. The department hereby approves any uniform citation approved and adopted for use pursuant to R.S. 32:398.1 for the enforcement of any litter violations committed in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2531.7.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:205 (February 2001).

Jerry W. Jones  
Undersecretary

0102#047

**RULE**

**Department of Public Safety and Corrections  
Office of State Police**

Collection of DNA Samples for Convicted  
Offenders (LAC 55:I.Chapter 23)

Pursuant to R.S. 15:601 et seq. and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Public Safety and Corrections, Public Safety Service, Office of State Police adopts LAC 55:I.Chapter 23. Notice is further given that the department adopts the following rules and regulations which establish guidelines for the collection, submission, receipt, identification, storage and disposal of DNA samples for convicted offenders as defined in R.S. 15:601 et seq.

**Title 55**

**PUBLIC SAFETY**

**Part I. State Police**

**Chapter 23. Collection, Submission, Receipt, Identification, Storage and Disposal of DNA Samples**

**§2301. Scope, Purpose and Application**

A. Scope, Purpose, and Application. To provide rules and regulations governing the collection, submission, receipt, identification, storage and/or disposal of DNA samples for convicted offenders for a state database/CODIS pursuant to R.S. 15:601 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:205 (February 2001).

**§2302. Definitions**

**AFIS** the Automated Fingerprint Identification System operated by the Department of Public Safety and Corrections, Public Safety Services.

**CAJUN** the Corrections and Justice Unified Network operated by the Department of Public Safety and Corrections.

**CODIS or Combined DNA Index System** the Federal Bureau of Investigation's national DNA identification index system which facilitates the storage and exchange of DNA

records submitted by state and local criminal justice and law enforcement agencies.

**Crime Laboratory** Louisiana State Police Crime Laboratory of the Department of Public Safety and Corrections, Public Safety Services.

**Convicted Offender** Ca person convicted of a felony sex offense, other specified offense or any other offense for which a DNA sample must be obtained pursuant to R.S. 15:601 et seq.

**Department** Department of Public Safety and Corrections, Public Safety Services.

**Director** the Director of the Louisiana State Police Crime Laboratory.

**DNA** deoxyribonucleic acid.

**DNA Analysis** DNA typing tests that generate numerical identification information and are obtained from a DNA sample.

**DNA Database** the DNA identification record system maintained and administered by the director.

**DNA Database Blood Collection Kit or Kit** the kit provided by the Department for the collection of DNA samples.

**DNA Record** DNA information that is derived from a DNA sample and DNA analysis and is stored in the state DNA database or in CODIS, including all records pertaining to DNA analysis.

**DNA Sample** biological evidence of any nature that is utilized to conduct DNA analysis.

**DPS** Department of Public Safety and Corrections.

**Evidence Technician** individual authorized by the Director to perform the duties set forth in LAC 55:I:2301 et seq.

**FBIC** Federal Bureau of Investigation within the United States Department of Justice.

**FTA** specialized paper that binds DNA.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 15:611.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:205 (February 2001).

### **§2303. Collection, Submission, and Identification of DNA Samples for Convicted Offenders**

A. All DNA samples obtained for DNA Analysis from a convicted offender shall be collected using an approved Louisiana State Police Crime Laboratory DNA Database Collection Kit as supplied by the department.

1. Each DNA Database Blood Collection Kit shall contain all necessary materials for blood collection via finger stick and for proper identification of the offender.

2. Each kit shall be numbered sequentially from one kit to the next so that each kit number shall serve as a unique identifier. Any DNA Database Collection Kit Envelope, Kit Shipping Envelope, DNA Database Information Card, DNA Database Collection Card or AFIS or CAJUN Printout identifying the convicted offender that may be used as part of the kit shall have the same number as the kit used for collection.

3. For blood collection, all DNA samples shall be collected by individuals trained and approved to serve as collectors by the Louisiana State Police Crime Laboratory.

4. The collector shall complete the DNA Database Information Card or utilize an AFIS or CAJUN Printout

which contains the identifying information of the collected offender when obtaining a sample.

a. In the event a DNA Database Information Card is used, the collector shall fill in all requested information as completely as possible. This information shall include the offender's name in full, current address, social security number, date of birth, sex, race, state identification number, submitting agency, name and signature and agency of person obtaining the blood sample, date, and form of positive identification shown by the offender.

b. If an AFIS or CAJUN printout is used, identifying information of the offender will be contained on the printout.

c. A DNA Blood Collection Card or a space on the AFIS or CAJUN printout utilized for all necessary collection information shall be filled out as completely as possible and shall include the following information: race, sex, name of blood collector, signature of blood collector, date and time of sample collection, signature of person taking offender's fingerprint, date and time of fingerprint application.

d. The state identification number or Department of Corrections number and name of the offender shall be written on the FTA Blood Collection Paper in the information space provided.

5. Finger stick blood samples shall be obtained using recognized and approved medical procedures, and the following guidelines shall be followed.

a. Prior to each individual blood collection procedure, personnel performing the collection shall put on barrier gloves. The FTA Blood Collection Paper contained within the kit shall not be touched unless the individual collecting the offender's blood is wearing barrier gloves.

b. The tip of the offender's finger shall be wiped with an absorbent alcohol pad.

c. The offender's finger shall be pricked using a sterile, fixed depth lancet.

d. The offender's finger shall be positioned over one of the four circles printed on the FTA Blood Collection Paper, and the finger shall be milked, allowing two drops of blood to fall onto the FTA paper, within the circle. This procedure will be repeated for the remaining three circles if possible.

e. A sterile gauze pad shall be used to wipe off any remaining blood from the offender's finger, and an adhesive bandage shall be affixed to the offender's finger.

f. All medical supplies (lancet, absorbent alcohol pad, gauze pad, barrier gloves) shall be discarded in compliance with standard medical procedures.

g. The blood on the FTA Blood Collection Paper shall be allowed to air dry for approximately 30 minutes. The FTA Blood Collection Paper shall not be touched, nor shall it be allowed to come in contact with any other FTA Blood Collection Paper during the drying and packaging stages.

h. The FTA Blood Collection Paper shall be placed in the protective envelope provided in the kit and sealed. The sealed protective envelope shall be stapled to the DNA Database Collection Card or the Completed AFIS or CAJUN printout which shall then be placed in the kit envelope. The kit envelope flap shall be moistened and the envelope sealed. An evidence or security seal shall then be placed over the envelope seal, and the seal shall be dated and initialed.

i. The sealed kit envelope shall be placed in a pre-addressed mailing envelope which shall be conspicuously marked as containing dried blood specimens with a biohazard label.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:206 (February 2001).

**§2304 Shipping of DNA Samples for Convicted Offenders**

A. DNA samples collected in accordance with these procedures shall be submitted to the Crime Laboratory in person by approved personnel or via delivery service, such as U.S. mail in accordance with the Crime Laboratory's Quality Manual. The mailing envelope shall be mailed or delivered to the Crime Laboratory after collection to the following address:

Louisiana State Police Crime Laboratory  
376 East Airport Drive  
Baton Rouge, LA 70806

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 27:207 (February 2001).

**§2305. Record Keeping of DNA Samples for Convicted Offenders**

A. The individual who collects each DNA sample shall provide an accurate, up-to-date list of every DNA sample collected each day of collection. Any failed attempts to collect blood from an offender and the reason for the failure (e.g. refusal of offender to submit, failure to keep scheduled appointment) shall also be indicated. The list will include the following information: the kit number, the offender's name, the name of the person collecting the sample and the submitting agency together with any additional data which the director deems necessary. This information shall be forwarded in the form of an audit sheet to the director on a daily basis, via both facsimile and U.S. mail. If the mailing envelopes are hand delivered to the Crime Laboratory, the audit sheet shall accompany the mailing envelopes being delivered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:207 (February 2001).

**§2306. Storage of DNA Samples for Convicted Offenders**

A. The sealed kits containing DNA samples shall be stored in a dedicated storage area within the Crime Laboratory. Access to the sealed kits and to the storage area shall be limited to authorized personnel. Any access to or removal/return of the sealed kit or specimen bags shall be performed in accordance with Crime Lab Evidence and Handling Policies and Procedures. Only authorized personnel shall open a sealed kit or specimen bag and shall initial and date the broken seal and shall reseal the kit or specimen bag in accordance with standard forensic operating procedures.

B. DNA samples on FTA Blood Collection Paper, DNA Database Collection Cards, DNA Database Identification Cards, and AFIS or CAJUN printouts shall be stored

indefinitely in a secure storage area unless otherwise required in accordance with R.S. 15:614.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:207 (February 2001).

**§2307. Severability**

A. If any article, section, subsection, sentence, clause or phrase of LAC 55:I:2301 et seq. is for any reason determined to be unconstitutional, contrary to statute, in excess of authority, or otherwise inoperative, such determination shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of LAC 55:I:2301 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:207 (February 2001).

Jerry W. Jones  
Undersecretary

0102#046

**RULE**

**Department of Revenue  
Office of the Secretary**

**Policy Statements (LAC 61:III.101)**

Under the authority of R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Office of the Secretary, adopted LAC 61:III.101 to provide for policy statements issued by the Department of Revenue.

The Secretary of Revenue is authorized by R.S. 47:1511 to adopt reasonable Rules and regulations to enforce the provisions relating to the taxes collected and administered by the department. LAC 61:III.101 establishes the types of policy statements to be issued for the proper administration and enforcement of the tax laws and the collection of revenues.

**Title 61**

**REVENUE AND TAXATION**

**Part III. Department of Revenue; Administrative Provisions and Miscellaneous**

**Chapter 1. Agency Guidelines**

**§101. Policy Statements**

**A. Purpose**

1. This Rule defines the types of policy statements that may be issued and the procedures for issuing them. Policy statements provide guidance as to the department's position and ensure that employees enforce the tax laws correctly, consistently, and fairly.

2. In the past, policy statements issued to provide policy guidance included Rules, Private Letter Rulings, Technical Advisory Memoranda, Policy and Procedure Memoranda, and informal oral and written advice.

3. The following policy statements will now be issued:

a. rules adopted according to the administrative procedure act;

- b. policy and procedure memoranda;
- c. declaratory rulings:
  - i. private letter rulings;
  - ii. revenue rulings; and
  - iii. statements of acquiescence or nonacquiescence;
- d. revenue information bulletins; and
- e. informal advice.

#### B. Distinguishing Rules from Other Policy Statements

1. Rules are adopted in accordance with Louisiana's Administrative Procedure Act (APA), R.S. 49:950 et seq., and the APA is the authoritative guide as to when a Rule is required.

2. The APA excepts agency statements, guides, or requirements for conduct or action that regulate the internal management of the agency from the definition of a "Rule" [R.S. 49:951(6)]. Policy and Procedure Memoranda are issued under this exception.

3. The APA also provides that, "The fact that a statement of policy or an interpretation of a statute is made in the decision of a case or in an agency decision upon or disposition of a particular matter as applied to a specific set of facts involved does not render the same a Rule within this definition or constitute specific adoption thereof by the agency so as to be required to be issued and filed as provided in this Subsection" [R.S. 49:951(7)]. The term Rule "does not include declaratory rulings or orders." [R.S. 49:951(6)]. Declaratory Rulings are issued under these exceptions.

4. General information may be disseminated and general assistance provided, but taxpayers are only bound by statutes and regulations that have the force and effect of law. Revenue Information Bulletins and informal advice offered to taxpayers do not establish legal requirements for taxpayers.

5. Within the parameters set forth by the APA, Title 47, and other applicable laws, discretion may be used to determine if policy guidance is needed and the type of policy guidance to be issued.

6. Reasons for issuing a Rule may include:

- a. the law or current rules are not clear and the issue affects many people;
- b. there is inconsistency in the treatment of a tax issue within the department or among taxpayers;
- c. the procedures a taxpayer should follow to comply with the law are undefined, unclear, or inconsistently followed;
- d. a request for a Private Letter Ruling from one taxpayer concerns an issue that may affect many taxpayers;
- e. a request for policy guidance from employees concerns an issue that may affect many taxpayers; or
- f. issuance of a Rule will assist the public in meeting its legal obligations in an effective and efficient manner.

7. Reasons for not issuing a Rule may include:

- a. the matter affects only one taxpayer;
- b. the law is clear;
- c. a statutory change is more desirable; or
- d. the matter may best be handled by another means.

#### C. Declaratory Rulings

1. Declaratory Rulings are statements pertaining to a specific set of facts to provide guidance for department

employees and taxpayers. Declaratory Rulings, Policy and Procedure Memoranda, Revenue Information Bulletins, and informal advice are not agency rules and are not binding on the public.

2. The following types of Declaratory Rulings will be issued with a uniform format and numbering system. Each Declaratory Ruling will indicate the date the ruling was issued, a summary title of what the ruling addresses (subject heading), whether it replaces, modifies, or supersedes a previous policy statement, applicable references and authority, a statement of scope, and other pertinent information.

##### a. Private Letter Rulings

i. Private Letter Rulings (PLR) provide guidance to a specific taxpayer at the taxpayer's request. It is a written statement issued to apply principles of law to a specific set of facts or a particular tax situation. A PLR does not have the force and effect of law.

ii. A PLR is not binding on the person who requested it or on any other taxpayer. It is binding on the department only as to that taxpayer and only if the facts provided were truthful and complete and the transaction was carried out as proposed. It continues as authority for the department's position unless a subsequent declaratory ruling, rule, court case, or statute supersedes it.

iii. Requests for PLR are submitted to the secretary by an identified taxpayer, or the taxpayer's representative who has a power of attorney. Requests must contain the following information:

- (a). name, address, and telephone number of person requesting the advisory opinion;
- (b). a power of attorney, if the person is represented by a third party;
- (c). specific questions to be answered or issues to be addressed;
- (d). complete statement of all relevant facts;
- (e). citations to or copies of relevant statutes, regulations, court decisions, advisory opinions, or other authority that appear to support the taxpayer's position;
- (f). copies of relevant documents such as contracts, wills, deeds, account statements, workpapers, reports, invoices, etc.; and
- (g). a statement attesting:
  - (i). whether the person requesting the opinion has the same issue under audit or appeal with the department or any other taxing or revenue authority;
  - (ii). if the person requesting the opinion has been notified that an examination or audit is pending;
  - (iii). if the person requesting the opinion is litigating the issue;
  - (iv). if the department, or any other taxing or revenue authority, has previously issued the advisory opinion on the same issue (with copy attached); and
  - (v). if the Attorney General's Office has been, or will be, requested to issue an opinion concerning the issue;

(vi). that, prior to the issuance of a PLR, if the requesting person is notified of a pending examination or audit by the department or other taxing or revenue authority, they will notify the Secretary of the pending examination.

iv. PLRs may be published but only after all taxpayer identifying information has been removed and measures are taken to protect taxpayer confidentiality.

v. A PLR request may not be used to delay or interrupt an audit.

vi. Reasons for issuing a Private Letter Ruling may include:

(a). it has been requested by an identified taxpayer, or the taxpayer's representative who has a power of attorney; and

(b). the law and regulations are not clear.

vii. Reasons for not issuing a Private Letter Ruling may include:

(a). the law and regulations are clear;

(b). a rule would be more appropriate under the APA;

(c). the inquiry concerns alternative treatments or purely hypothetical situations;

(d). the inquiry concerns matters scheduled for audit or in audit, appeal, or litigation;

(e). the inquiry concerns federal tax matters not pertaining to differences in treatment for federal and state purposes;

(f). the inquiry concerns an issue that is being litigated or may be litigated in the near future;

(g). the request is incomplete because it does not contain all of the information required by §101.C.2.a.iii;

(h). the request can best be handled by another means; or

(i). the requesting person withdraws the request at any point prior to issuance of the PLR.

b. Revenue Rulings

i. A Revenue Ruling provides guidance to the public and employees.

(a). It is a written statement issued to apply principles of law to a specific set of facts.

(b). A Revenue Ruling does not have the force and effect of law and is not binding on the public. It is a statement of the department's position and is binding on the department until superseded or modified by a subsequent change in statute, regulation, declaratory ruling, or court decision.

(c). A Revenue Ruling is requested by employees, who provide a complete factual and legal background similar to that required of taxpayers requesting a Private Letter Ruling.

(d). A Revenue Rulings request cannot be used to delay or interrupt an audit.

ii. Temporary Revenue Rulings may be issued when necessary due to time constraints or emerging issues.

(a). Temporary Revenue Rulings must clearly state their lack of finality and once a final Revenue Ruling is issued, the Temporary Revenue Ruling is superseded.

(b). If the final Revenue Ruling reaches a different conclusion than the Temporary Revenue Ruling, the department will honor whichever ruling is more favorable to the taxpayer, but only for those transactions that occurred after the Temporary Revenue Ruling was issued and before the final Revenue Ruling.

iii. Reasons for Issuing a Revenue Ruling may include:

(a). to provide an official interpretation of rules, regulations, statutes, court cases, Board of Tax Appeals decisions, or any other sources of law as to a specific set of facts;

(b). to serve as guidance to taxpayers, tax practitioners, and employees if the law or regulations are not clear as to a specific set of facts.

iv. Reasons for Not Issuing a Revenue Ruling may include:

(a). the law and regulations are clear;

(b). a rule would be more appropriate under the APA;

(c). the inquiry concerns an issue that is being litigated or may be litigated in the near future;

(d). the facts contain information that could identify a taxpayer and the taxpayer has not consented to publication of the revenue ruling or there are other confidentiality concerns; and

(e). the request can best be handled by another means.

c. Statements of Acquiescence or Nonacquiescence

i. A Statement of Acquiescence or Nonacquiescence (SA/SNA) is intended to provide guidance to the public and to employees.

ii. A SA/SNA is a written statement issued to announce the department's acceptance or rejection of specific unfavorable court or administrative decisions. If a decision covers several disputed issues, a SA/SNA may apply to just one of them, or more, as specified.

iii. A SA/SNA is not binding on the public, but is binding on the department unless superseded by a later SA/SNA, declaratory ruling, rule, statute, or court case.

iv. If the department acquiesces, these guidelines will be followed.

(a). In cases that are substantially the same as the facts, the same result will be reached by department officials and may be relied on by employees and taxpayers. Taxpayers must be careful to apply acquiescence to the same or substantially the same facts. Acquiescence does not mean agreement with the court's reasoning; simply that the department will abide by it.

(b). The department may acquiesce in the result only, which only concedes the litigation with that particular taxpayer. The issue may still be pursued with other taxpayers. This indicates that the department will likely seek out another opportunity to litigate the issue with the hope of having the issue addressed by an authoritative court.

(c). The department may consider any of the following factors in deciding whether to issue a Statement of Acquiescence or Nonacquiescence:

(i). whether the issue in the court or administrative decision affects many taxpayers;

(ii). whether the issue is one of fact or law, or a mixed question;

(iii). whether the decision is binding statewide with no statement needed;

(iv). whether other cases on the same or a similar issue are pending;

(v). whether cases in other jurisdictions have been decided, and in whose favor;

- (vi). the cost of litigation as it relates to that issue, as well as overall;
- (vii). the clarity of the applicable statutes and regulations on the disputed issue;
- (viii). the soundness of the reasoning of the decision; or
- (ix). the likelihood of success if the department relitigates the issue.

D Other Types of Policy Guidance

1. Policy and Procedure Memoranda

a. A Policy and Procedure Memorandum (PPM) is an internal document providing internal administrative or management guidance to employees. A PPM does not have the force and effect of law and is not binding on the public. It does not focus on taxpayers' substantive or procedural rights or obligations. It is binding on employees.

b. A PPM may be issued for any of the following reasons:

- i. to notify employees of internal policies that apply only to employees and do not apply to taxpayers;
- ii. to notify employees of internal procedures and instructions that do not apply to taxpayers; or
- iii. to inform employees of internal programs that affect only employees.

c. A PPM may not be the appropriate policy statement if:

- i. a taxpayer's substantive or procedural rights or obligations would be affected; or
- ii. a rule would be more appropriate under the APA.

2. Revenue Information Bulletin

a. A Revenue Information Bulletin (RIB) is an informal statement of information issued for the public and employees that is general in nature. A RIB does not have the force and effect of law and is not binding on the public or the department. RIBs will be established in a standard format and issued in sequence. Each RIB will address one topic.

b. A RIB announces general information useful in complying with the laws administered by the department and may be issued under any of the following circumstances:

- i. to inform the public and employees that a statute or regulation has been added, amended, or rescinded;
- ii. to inform the public and employees that a case has been decided;
- iii. to publish information to employees and the public that is based on data supplied by other agencies, such as per capita income figures or comparative tax collections by parish;
- iv. to publish IRS information;
- v. to publish information such as deadlines;
- vi. to inform the public of services offered by the department, such as regional office hours, website features, and like information; or
- vii. to revise a previous Revenue Information Bulletin, Tax Topics, or other similar publication.

c. A RIB may not be used under the following circumstances:

- i. if the primary purpose is to provide a declaratory ruling, interpretation, or procedural guidance; or
- ii. if announcements of general information can best be handled by other means.

3. Informal Advice

a. In addition to rules, Declaratory Rulings, Policy and Procedure Memoranda, and Revenue Information Bulletins, taxpayers and employees may still seek advice on tax questions. To assist customers, the department will provide informal advice. Informal advice does not have the force and effect of law and is not binding on the department, the public, or the person who asked for the advice. Informal advice will have no effect on an audit.

b. Any of the following types of informal advice may be provided.

i. Informal Oral Advice. There is no formal procedure for requesting informal oral advice. Employees will answer questions by telephone or in person as requested, within resource and appropriateness constraints. Advice given at audit meetings, protest conferences, and the like is considered informal oral advice.

ii. Informal EMail Advice. Has the same status as informal oral advice.

iii. Informal Written Advice. Requests for informal written advice should be in writing. Informal written advice is not a declaratory ruling.

iv. Newsletters, Pamphlets, and Informational Publications. The department may publish informational newsletters, pamphlets, and publications at regular intervals. Statements contained in these publications do not have the force and effect of law and they are not binding on the public or the department. They are merely helpful tools for disseminating information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of the Secretary, LR 27:207 (February 2001).

Cynthia Bridges  
Secretary

0102#004

**RULE**

**Department of Social Services  
Office of Rehabilitation Services**

Vocational Rehabilitation Services  
Eligibility and Ineligibility  
(LAC 67:VII. Chapter 1)

In accordance with the provisions of R.S. 49:953(B), the Administrative Procedure Act, the Department of Social Services, Louisiana Rehabilitation Services (LRS) has revised its Vocational Rehabilitation Policy Manual Sections: 109. Eligibility and Ineligibility and 115. Financial. Revisions to the Eligibility and Ineligibility were made to the "Order of Selection" to provide the agency with sufficient flexibility in allocating the order of selection groups on the basis of functional impairment with the most significant continuing to receive priority. Moving to five selection groups will also provide the agency with increased flexibility in managing the opening and closing of the groups to ensure that the most significantly disabled continue to receive priority for services. Revisions to the Financial section were made to the Individual's Participation in the

Cost of Vocational Rehabilitation Services, to exempt certain Social Security recipients from a financial need test.

**Title 67**

**SOCIAL SERVICES**

**Part VII. Rehabilitation Services**

**Chapter 1. General Provisions**

**§109. Eligibility and Ineligibility**

A. - H.1.b. ...

**I. Individual with a Significant Disability**

1. Individuals eligible for vocational rehabilitation services are determined to be significantly disabled if the disabling condition and subsequent functional limitations fall into one of the following:

a. the individual is a recipient of Social Security Disability Insurance (SSDI); or

b. the individual is a recipient of Supplemental Security Income (SSI) by reason of blindness or disability (SSI based on age alone does not automatically render an individual significantly disabled); or

c. the individual is one:

i. who has a severe physical or mental impairment which severely limits one or more functional capacities (mobility, motor skills, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; and

ii. whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time (extended period of time means six months or longer); and

iii. who has one or more physical or mental disabilities resulting from:

- (a). amputation;
- (b). arthritis;
- (c). autism;
- (d). blindness;
- (e). burn injury;
- (f). cancer;
- (g). cerebral palsy;
- (h). cystic fibrosis;
- (i). deafness;
- (j). head injury;
- (k). heart disease;
- (l). hemiplegia;
- (m). hemophilia;
- (n). respiratory or pulmonary dysfunction;
- (o). mental retardation;
- (p). mental illness;
- (q). multiple sclerosis;
- (r). muscular dystrophy;
- (s). musculoskeletal disorders;
- (t). neurological disorders (including stroke and

epilepsy);

(u). paraplegia, quadriplegia, other spinal cord conditions;

- (v). sickle cell anemia;
- (w). specific learning disability;
- (x). end-stage renal disease; or

(y). another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitations.

J. Functional Capacity Areas Defined. Functional Capacity Areas are defined as follows: mobility, motor skill, communication, self-care, self-direction, interpersonal skills, work tolerance, and work skills.

**K. Order of Selection**

1. LRS follows an Order of Selection to ensure that individuals with the most significant disabilities receive priority for vocational rehabilitation services.

2. The following factors shall not be used either in determining the order of selection or in determining the placement category of eligible individuals:

a. any duration of residency requirement, provided the individual is present in the state;

b. type of disability;

c. age, gender, race, color, creed, or national origin;

d. source of referral;

e. type of expected employment outcome;

f. the need for specific services or anticipated cost of services required by an individual; or

g. the income level of an individual or an individual's family.

3. Prerequisite to Placement in the Order of Selection Assignment to a selection group is made after a determination of both of the following:

a. eligibility for Vocational Rehabilitation Services; and

b. significance of disability.

4. Selection Groups. In accordance with the criteria below, an individual is placed in one of the following:

a. Selection Group I Most Significantly Disabled. An eligible individual is considered most significantly disabled when all of the following apply:

i. the individual meets the definition of an "individual with a significant disability" as defined in I. above.

ii. the individual's significant physical or mental impairment seriously limits four or more functional capacity areas; and

iii. the individual's vocational rehabilitation is expected to require multiple vocational rehabilitation services over an extended period of time;

b. Selection Group II The Most Significantly Disabled. An eligible individual is considered the most significantly disabled when the following apply:

i. the individual meets the definition of an "individual with a significant disability" as defined in I. above.

ii. the individual's severe physical or mental impairment seriously limits three functional capacity areas; and

iii. the individual's vocational rehabilitation is expected to require multiple vocational rehabilitation services over an extended period of time.

c. Selection Group III Significantly Disabled. An eligible individual is considered significantly disabled when the following apply:

i. the individual meets the definition of an "individual with a significant disability" as defined in I. above.

ii. the individual's severe physical or mental impairment seriously limits two functional capacity areas; and

iii. the individual's vocational rehabilitation is expected to require multiple vocational rehabilitation services over an extended period of time.

d. Selection Group IVCSignificantly Disabled. An eligible individual is considered significantly disabled when the following apply:

i. the individual meets the definition of an "individual with a significant disability" as defined in I. above;

ii. the individual's severe physical or mental impairment seriously limits one functional capacity area; and

iii. the individual's vocational rehabilitation is expected to require multiple vocational rehabilitation services over an extended period of time.

e. Selection Group VNon-Significantly Disabled. An individual is considered non-significantly disabled when:

i. the individual has a physical or mental impairment;

ii. the individual has been determined eligible for vocational rehabilitation services; and

iii. the individual does not meet the above stated criteria for an individual who is either "the most significantly disabled" or "significantly disabled."

f. Other Considerations:

i. individuals shall be placed in the highest priority category for which they are eligible;

ii. upon placement into a priority category, individuals will be notified in writing of their category assignment and of their right to appeal their category assignment.

5. Scope of Services Available. LRS's order of selection shall not limit the scope of services available for eligible individuals within the selection group(s) being served.

6. Information and Referral. LRS will, as appropriate, refer those individuals in selection groups not being served to other components of the statewide workforce investment system that are best suited to address the specific employment needs of the individual with a disability.

7. Continuity of Services. LRS shall provide for continuity of services once an otherwise eligible individual is selected for and begins to receive services under an IPE, irrespective of the severity of the individual's disability.

8. Other Assurances

a. All individuals within a higher priority category for services shall be served before individuals in the next lowest priority category.

b. When it is impossible to serve all eligible individuals within a priority category, the individuals (in addition to referral to other components of the statewide workforce investment system) will be placed on a deferred services waiting list. Individuals on the deferred services waiting list will be served in chronological order based on the date of application.

c. If the order of selection is rescinded, individuals on deferred services waiting lists and in unserved categories will be contacted and served in chronological order based on the date of application.

9. Client Participation in the Cost of Services. All LRS policy relative to client participation in the cost of services shall apply to individuals receiving services under the order of selection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 19:891 (September 1991), amended LR 20:317 (March 1994), LR 21:191 (February 1995), LR 22:993 (October 1996), LR 23:994 (August 1997), LR 25:1267 (July 1999), LR 27:211 (February 2001).

## **§115. Financial**

A. Comparable Services and Similar Benefits

1. Determination of Availability

a. Prior to providing any vocational rehabilitation service to an eligible individual, except those services specified below in c.i.(a)-(f), LRS will determine whether comparable services and benefits are available under any other program (other than a program carried out under Title IV, Rehabilitation Act Amendments of 1998) unless such a determination would interrupt or delay:

i. the progress of the individual toward achieving the employment outcome identified in the IPE of the individual;

ii. an immediate job placement; or

iii. the provision of such service to any individual at extreme medical risk.

b. Awards and Scholarships. For purposes of the determination of availability in A.1 above, comparable benefits do not include awards and scholarships based on merit.

c. Exceptions to Use of Comparable Services and Benefits. The following vocational rehabilitation services can be provided without making a determination of the availability of comparable services and benefits:

i. services provided through LRS's Information and Referral System;

ii. assessment for determining eligibility and vocational rehabilitation needs, including if appropriate, assessment by personnel skilled in rehabilitation technology;

iii. counseling and guidance, including information and support services to assist an individual in exercising informed choice;

iv. referral and other services needed to secure necessary services from other agencies through cooperative agreements, if such services are not available from LRS;

v. job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;

vi. rehabilitation technology, including telecommunications, sensory, and other technological aids and devices.

B. Individual's Participation in the Cost of Vocational Rehabilitation Services.

1. Neither a financial needs test nor a budgetary analysis of assets, income, monthly liabilities, and/or comparable services and similar benefits shall be applied as a condition for furnishing any vocational rehabilitation services if the individual in need of the services has been determined eligible for Social Security benefits under Title II or Title XVI if the Social Security Act.

2. LRS will consider, through budgetary analysis of assets, income, monthly liabilities, and comparable services and similar benefits, the financial need of eligible individuals and individuals who are under extended evaluations for purposes of determining the extent of the



individual's participation in the costs of certain vocational rehabilitation services.

a. Neither a financial needs test, nor a budgetary analysis, is applied and no financial participation is required as a condition for furnishing the following vocational rehabilitation services:

i. assessment for determining eligibility and priority for services, except those non-assessment services that are provided during an extended evaluation to explore the individual's abilities, capabilities, and capacity to perform in work situations (trial work periods);

ii. assessment for determining vocational rehabilitation needs;

iii. counseling, guidance, including information and support services to assist an individual in exercising informed choice;

iv. referral and other services to secure needed services from other agencies through cooperative agreements, if such services are not available from LRS;

v. job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;

vi. rehabilitation technology assessments;

vii. supported employment, on-site training, and on-the-job training;

viii. personal assistance services directly related to a direct job placement outcome and provided simultaneously with any of the above-listed vocational rehabilitation services. (Examples include attendant, reader, scribe, interpreter, braille, notetaker, and adjustment/orientation and mobility training services.)

ix. assistive technology devices and services.

b. A financial needs test will be applied through budgetary analysis to determine the ability of the individual to financially contribute to the cost of the following vocational rehabilitation services:

i. physical restoration and/or mental restoration;

ii. maintenance;

iii. transportation;

iv. books and supplies;

v. occupational tools and equipment;

vi. cost services to other family members;

vii. occupational licenses;

viii. discretionary training fees such as car registration fees, student health service fees, etc. not included in tuition;

ix. adjustment/orientation and mobility, attendant, reader, scribe, and interpreter services not directly related to a direct job placement outcome;

x. vocational and other training services, such as college/university, vocational and proprietary school training, not related to an immediate direct job placement outcome;

xi. other goods and services;

xii. post-employment services consisting of the services listed above.

c. The only exception to items ix and x above is as follows:

i. to preserve LRS's Continuity of Services provision in the Order of Selection, LRS exempted those eligible individuals who had an IWRP/IPE in effect prior to July 20, 1999, which is the date of the adoption of this rule

change; therefore, items ix and x in b above will only apply to those individuals who had an IWRP/IPE developed after July 20, 1999.

d. The following services are exempt from the application of a budget surplus, if the counselor determines that a surplus exists:

i. adjustment/orientation and mobility services;

ii. attendant services;

iii. reader services;

iv. scribe, notetaker/braille services;

v. interpreter services;

vi. assistive technology services.

e. When it is determined by a counselor and an eligible client that self-employment, through establishment of a small business enterprise, is the best option for the client, the client must provide a minimum cash capital contribution of 20 percent of the total transaction. (Refer to LRS Policy on Small Business Enterprise.)

f. An individual's status for the budget analysis will be determined as follows:

i. the agency will perform the budget analysis on the basis of the resources of both the client and the spouse if the client is married;

ii. the agency will perform the budget analysis on the basis of the resources of the family unit for all single clients living in the family home as a family member. Temporary absences from the home, such as for vacations, school, or illness, count as time lived in the home;

iii. the agency will perform the budget analysis on an individual who has returned to the family unit on the basis of the resources of only that individual if the following conditions are met:

(a). the individual's disability has precluded their obtaining or maintaining employment; and

(b). the individual has a documented history of self-sufficiency that includes providing over one-half the costs of maintaining a residence for at least one year prior to their return to the family unit; and

(c). the individual's parent(s), legal guardian, or other head of household provides documentation that indicates such person(s) do not claim the individual as an exemption for federal and/or state income tax purposes.

(d). the agency will perform a budget analysis on the basis of the resources of a single consumer living away from the family home if the individual meets the following conditions:

(i). the individual can document history of self-sufficiency that included providing over one-half the costs of maintaining a residence. Documentation must include, but is not limited to, the following: copy of the lease which is in consumer's name; utility bills in consumer's name; and income verification sufficient to cover living expenses; and

(ii). the consumer files his/her own state and federal income tax forms and is not claimed as an exemption on another individual's state/federal income tax return;

(iii). at annual review, the Counselor must verify that consumer still meets the criteria established for individual status.

(e). family unit is defined as the client and the client's parents or the client and any significant other(s),

such as aunts, uncles, friends, legal guardians, etc., who are living in the household and are providing support for the maintenance of the household in which the client lives. Adult siblings of the client can be excluded as a member of the family unit for income reporting; but, must also be excluded from the family unit in the determination of allowable monthly liabilities.

g. Individuals who do not provide LRS with necessary financial information to perform the budget analysis will be eligible only for those vocational rehabilitation services that are not conditioned upon an analysis to determine the extent of the individual's participation in the costs of such services.

h. Individuals who have defaulted on a student loan must make good faith efforts with the lender to clear the default or to defer payment before LRS will participate in the cost of the client's vocational rehabilitation program.

i. Simultaneously with the comprehensive assessment, at the annual review of the IPE, and at any time there is a change in the financial situation of either the client or the family, the counselor will perform a budget analysis for each client requiring vocational rehabilitation services as listed above in §115 B.2b.i.-xii. The amount of client participation in the cost of their vocational rehabilitation program will be based upon the most recent budget analysis at the time the relevant IPE or amendment is developed.

3. State and Departmental Purchasing Procedures. All applicable state, departmental and agency purchasing policies and procedures must be followed.

a. LRS does not purchase vehicles or real estate.

b. Fee Schedule. Services and rates of payment must be authorized in accordance with LRS's Medical Fee Schedule and LRS's Technical Assistance and Guidance Manual, Section 500 which lists approved service providers.

c. Approval of Service Providers

i. Any service provider approved by the agency must agree not to make any additional charge to or accept any additional payment from the client or client's family for services authorized by the agency.

ii. Relatives of vocational rehabilitation clients will not be approved as a paid service provider unless such individuals are professionally and occupationally engaged in the delivery of such services by offering their services to the general public on a regular and consistent basis.

d. Prior Written Authorization and Encumbrance

i. Either before or at the same time as the initiation or delivery of goods or services, the agency must be in possession of the proper authorizing document. The only exception is in an emergency situation.

ii. If oral authorization of approved services is made in an emergency situation, there must be prompt documentation, and the authorization must be confirmed in writing and forwarded to the provider of the services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 19:891 (September

1991), amended LR 20:317 (March 1994), LR 21:191 (February 1995), LR 22:993 (October 1996), LR 23:994 (August 1997), LR 25:1267 (July 1999), LR 27:212 (February 2001).

J. Renea Austin-Duffin  
Secretary

0102#041

## RULE

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

#### Nonresident Hunting License Fees (LAC 76:V.101 and 501)

The Wildlife and Fisheries Commission hereby repeals LAC 76:V.101 relative to bow hunting licenses and amends nonresident hunting fees as follows.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part V. Wild Quadrupeds and Wild Birds

#### Chapter 1. Wild Quadrupeds

#### §101. Bow Hunting License

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:105.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 4:405 (October 1978), repealed LR 27:214 (February 2001).

#### Chapter 5. Licenses and License Fees

#### §501. Nonresident Hunting License Fees

A. The basic hunting license fee shall be \$150 for the entire season or \$100 for five consecutive days. The nonresident big game license fee shall be \$150 for the entire season or \$75 for five consecutive days. A fee of \$26 shall be charged a nonresident for the issuance of a special muzzleloader license; and a fee of \$26 shall be charged a nonresident for a special bow license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(28).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 27:214 (February 2001).

James H. Jenkins, Jr.  
Secretary

0102#061

## RULE

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

#### Public Oyster Seed Grounds (LAC 76:VII.517)

The Wildlife and Fisheries Commission does hereby set aside additional areas in portions of Lake Mechant, Lake Tambour, Lake Chien, Lake Felicity, all in Terrebonne

Parish, Deep Lake, Lafourche Parish, and Barataria Bay (next to Queen Bess Island), Jefferson Parish as public oyster seed grounds. This is being done under the authority of R.S. 56:434.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part VII. Fish and Other Aquatic Life**

**Chapter 5. Oyster**

**§517. Public Oyster Seed Grounds C Portions of Lake Mechant, Lake Tambour, Lake Chien, Lake Felicity, Deep Lake, and Barataria Bay**

A. The following areas are designated as oyster seed grounds.

1. Lake Mechant, Terrebonne Parish. The state waterbottoms within a 6-sided figure with the following corners:

29E 19' 45.36273" N 90E 58' 19.84034" W  
29E 18' 52.50955" N 90E 57' 32.90680" W  
29E 18' 41.04086" N 90E 55' 58.95532" W  
29E 16' 47.29750" N 90E 56' 44.37133" W  
29E 18' 33.55333" N 90E 57' 37.82946" W  
29E 18' 46.69380" N 90E 59' 21.09926" W

2. Lake Tambour, Terrebonne Parish. The state waterbottoms within a 4-sided figure with the following corners:

29E 20' 30.73200" N 90E 31' 09.14598" W  
29E 19' 51.16104" N 90E 29' 28.99726" W  
29E 19' 59.29224" N 90E 29' 26.60078" W  
29E 19' 50.06346" N 90E 30' 49.92953" W

3. Lake Chien, Terrebonne Parish. The state waterbottoms within a 4-sided figure with the following corners:

29E 20' 32.76107" N 90E 27' 00.06196" W  
29E 19' 52.97766" N 90E 27' 17.37544" W  
29E 19' 48.08926" N 90E 26' 08.51018" W  
29E 20' 17.07711" N 90E 26' 01.32145" W

4. Lake Felicity, Terrebonne Parish. The state waterbottoms within a 4-sided figure with the following corners:

29E 19' 04.72932" N 90E 26' 58.50922" W  
29E 18' 01.44630" N 90E 27' 47.32882" W  
29E 18' 24.61153" N 90E 24' 04.57895" W  
29E 19' 11.54946" N 90E 25' 19.67927" W

5. Deep Lake, Lafourche Parish. The state waterbottoms within a 4-sided figure with the following corners:

29E 17' 59.74050" N 90E 21' 25.89465" W  
29E 17' 18.88030" N 90E 21' 24.62348" W  
29E 17' 17.26209" N 90E 21' 03.04101" W  
29E 18' 17.57225" N 90E 21' 01.40994" W

6. Barataria Bay, Jefferson Parish. The state waterbottoms within a 4-sided figure with the following corners:

29E 20' 13.14881" N 89E 56' 51.91540" W  
29E 14' 47.14426" N 89E 56' 59.91355" W  
29E 20' 12.06107" N 89E 56' 19.01249" W  
29E 17' 46.05927" N 89E 56' 23.01176" W

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:434.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 27:215 (February 2001).

James H. Jenkins, Jr.  
Secretary

0102#029

**RULE**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

**Three Day Basic and Saltwater Nonresident Recreational Fishing License Fees (LAC 76:VII.407)**

The Wildlife and Fisheries Commission hereby sets a \$15 fee on a Louisiana nonresident three-day trip basic recreational sport fishing license, by repealing LAC 76:VII.407.D and amending LAC 76:VII.407.A as follows.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part VII. Fish and Other Aquatic Life**

**Chapter 4. License and License Fees**

**§407. Three-Day Basic and Saltwater Nonresident Recreational Fishing License Fees**

A. In lieu of the basic recreational fishing license, a nonresident may purchase a three-day basic recreational sport fishing license for a fee of \$15 which shall be valid for three consecutive days.

B. - C. ...

D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(28).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 24:710 (April 1998), amended LR 27:215 (February 2001).

James H. Jenkins, Jr.  
Secretary

0102#062

# Notices of Intent

## NOTICE OF INTENT

### Department of Civil Service Civil Service Commission

#### Civil Service Rule Amendments

The Civil Service Commission will hold a public hearing on March 7, 2001, to consider the amendment of Civil Service Rules 1.9.01, 8.18, 11.5(a), and 17.3 and the adoption of Rule 11.34. The hearing will begin at 9 a.m. and will be held in the Commission Hearing Room, DOTD Annex Building, 1201 Capitol Access Road, Baton Rouge, Louisiana.

Consideration will be given to the following.

#### **Amend Rule 1.9.01**

**1.9.01** 'Commuting Area' means that geographic area in which employees are subject to competition for a layoff. It shall encompass either:

- 1) the parish of the abolished position(s), or
- 2) an expanded area which will be defined by the agency and will consist of the parish of the abolished position(s) plus one or more parishes bordering the parish of the abolished position(s).

#### **Explanation**

This amendment would change the present definition of commuting area, which is the geographic area in which an employee can bump another employee in a layoff. The current definition includes the parish of an abolished position and all its bordering parishes. This amendment allows either of the two options listed above. Particularly in large layoffs, bumping offers can be involved and significantly lengthen the period needed to conduct the layoff. This option will allow simplification of the bumping process by permitting the agency to continue to use the current larger area, or a smaller one, at the option of the appointing authority.

#### **Amend Rule 17.3 (a) and (b)**

##### **Exemptions and Exceptions to Layoff Avoidance and Layoff Rules**

In a layoff, an agency may exempt from displacement a number of employees, the total of which does not exceed 15 percent of the number of positions selected for abolishment. These exemptions must be made for rational business reasons which may include employees who have outstanding performance and/or who possess particular qualifications needed to complete an essential program or to maintain essential services necessary to preserve the life, health, or welfare of the public. Exemptions and reasons must be stated in the layoff plan.

The director may give interim approval to exceptions to these Rules. Such interim approvals are granted subject to ratification by the commission at the next regularly scheduled meeting. The director may, if he so desires, refer exceptions to the commission for approval without giving interim approval.

#### **Explanation**

This amendment allows an agency to exempt from being bumped a number of employees, the total of which does not exceed 15 percent of the number of positions selected for abolishment, as long as a rational business reason(s) exists and this is stated in the layoff plan for each such employee.

This provision allows flexibility for the agency to consider factors other than seniority for bumping. These are "exemptions," while any additional such requests to exempt individuals from bumping, as well as other types of exceptions to the regular layoff rules, are "exceptions" as noted in Subsection (b). Exemptions as noted in Subsection (a) do not have to be referred to the Civil Service Commission for approval.

#### **Amend Rule 11.5(a)**

##### **11.5 Earning of Annual and Sick Leave.**

Annual and sick leave shall be earned by each full-time and each part-time employee who has a regular tour of duty, except that no employee shall earn annual or sick leave while serving on restricted appointment or while using leave from an agency leave pool as defined in Rule 11.34.

#### **Explanation**

This amendment would prohibit the earning of annual or sick leave while an employee is using paid leave from a departmental leave pool as proposed in Rule 11.34 below.

#### **Adopt Rule 11.34**

##### **Crisis Leave Pool**

Subject to the provisions of Rule 11.5(a), a department may establish a policy to implement and administer a pool of shared annual leave which may be used by employees who cannot work due to a crisis situation and who have insufficient appropriate paid leave to cover the absence needed for the crisis situation. An employee using leave from a crisis leave pool shall receive leave in sufficient quantity to ensure his wage replacement is 75 percent of the pay he would receive in a regularly scheduled workweek. A department's policy must have the approval of the Civil Service Commission prior to implementation. At minimum, policies must include the following conditions and elements:

Classified employees must have attained permanent status to be eligible to donate or use leave from the leave pool.

The department's policy shall establish a cap on the amount of annual leave which may be donated by an individual employee. No cap shall exceed 240 hours per employee per calendar year.

The department's policy shall establish a reasonable balance of annual leave that donors are required to retain after the leave donation.

The department's policy shall establish a cap on the amount of leave which may be used by an individual employee. The cap shall not exceed 240 hours during one calendar year.

The department's policy shall establish and clearly define eligibility criteria and the crisis situations which will be covered.

The department's policy shall define a procedure for administering the leave pool.

The department's policy shall establish a prohibition against the use of coercion or pressure to donate leave.

The department may establish other policy elements and conditions as deemed necessary. All additional elements and conditions shall be in compliance with Civil Service Rules.

A department's leave pool may be either: 1) a pool consisting of leave hours donated and used, or 2) a pool consisting of the dollar value of the leave donated and used.

**Explanation**

This Rule will allow the Civil Service Commission to approve departmental policies to establish and implement a pool of shared leave which will provide temporary and reduced wage replacement to an employee who has exhausted his/her leave and who is involved in a personal or family crisis which temporarily restricts the employee's ability to report to work. The Rule does not require any department to establish a leave pool. This Rule is intended to allow agencies to provide "compassionate" leave which will cover an employee who is faced with a sudden illness or accident affecting himself or a family member, and which is temporary in nature. The Rule is not intended to include a "crisis" which is purely financial in nature, nor is it intended to cover a crisis situation which will be long-term or permanent.

**Amend Rule 8.18 and Adopt Rule 8.18(g)**

**8.18** Noncompetitive Reemployment Based on Prior State Service.

Subject to the provisions of Subsections (d), (e) and (f) hereof and with the approval of the director, a former permanent employee who has been separated from the classified service may, within ten years from separation, be noncompetitively reemployed in any job for which he is qualified and which has the same or lower entrance salary as the current minimum for the job in which he had permanent status. Further, if the job in which an employee or former employee held permanent status undergoes a change in title, other than an upward reallocation of the position after the employee separated from it, or undergoes a change in minimum qualification requirements, he shall not lose his reemployment eligibility for such position or lower position in the same job series, if such exists, except where the qualification lacking is one required by law or under a recognized accreditation program. In this case eligibility remains, even if the entrance pay has moved upward. Further, he shall be eligible to be reemployed in any other job at the same or lower current entrance pay as the job to which his position changed in title, provided he meets the minimum qualification requirements.

(b) - (f) ...

(g) The former employee may be required to provide proof or evidence of his prior employment before being eligible for reemployment under this Rule.

**Explanation**

Current rules allow for the non-competitive reemployment of a former permanent-status employee within five years of separation. This rule increases the limitation from five years to ten years. The addition of Subsection (g) would place employees on notice that they may be expected to provide proof or evidence of former employment, if needed, before being eligible to be rehired under this rule.

Persons interested in making comments relative to these proposals may do so at the public hearing or by writing to

the Director of Civil Service at Box 94111, Baton Rouge, LA 70804-9111.

If any accommodations are needed, please notify us prior to this meeting.

Allen H. Reynolds  
Director

0102#030

**NOTICE OF INTENT**

**Department of Civil Service  
Civil Service Commission**

**Probationary Period**

The Civil Service Commission will hold a public hearing on March 7, 2001, to consider the amendment of Civil Service Rules 9.1 and 9.2(c). The hearing will begin at 9 a.m. and will be held in the Commission Hearing Room, DOTD Annex Building, 1201 Capitol Access Road, Baton Rouge, Louisiana.

Consideration will be given to the following.

**Amend Rule 9.1**

**9.1** Probationary Period.

(a) Probationary periods of no less than 6 months or more than 24 months shall be served by employees following appointments to:

1. - 3. ...

(b) ...

(c) A permanent or probationary employee who is appointed to another position following certification from an open competitive eligible list is considered a new employee in the new position and shall serve a probationary period no less than 6 months or more than 24 months in such new position.

(d) A probationary employee who is permanently transferred, reassigned, or demoted to another position shall be eligible for permanent status in the new position between the sixth and twenty-fourth month of the probationary period which began prior to the change in position(s).

(e) - (g) ...

**Amend Rule 9.2(c)**

**9.2** Permanent Appointment Action Following Probationary Period.

(a) - (b) ...

(c) The appointing authority shall separate employees who have not been certified as permanent at the end of the 24-month probationary period in accordance with the provisions of Rule 9.1(e).

**Explanation**

These amendments propose allowing the maximum length of the probationary period to be extended from the present 12 months to 24 months. The probationary period would continue to be a minimum of 6 months, and, at the discretion of the appointing authority, could last as long as 24 months. This would give agencies a longer working test period for employees, if desired.

Persons interested in making comments relative to these proposals may do so at the public hearing or by writing to the Director of State Civil Service at Post Office Box 94111, Baton Rouge, LA 70804-9111.

If any accommodations are needed, please notify us prior to this meeting.

Allen H. Reynolds  
Director

0102#039

**NOTICE OF INTENT**

**Economic Development  
Real Estate Commission**

Broker Application Acknowledgment;  
Advertisements; Registration of Franchise Name  
(LAC 46:LXVII.1903, 2501, and 4501)

Under the authority of the Real Estate License Law, R.S. 37:1430 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Real Estate Commission has initiated procedures to amend LAC 46:LXVII.Chapter 19, Chapter 25, and Chapter 45. The amendments define and interpret to a more full and precise extent the procedures which govern trade names, registration of franchise names, and advertisements by franchise organizations.

Interested parties are invited to submit written comments on the proposed regulations through March 20, 2001 at 4:30 p.m., to Stephanie Boudreaux, Real Estate Commission, Box 14785, Baton Rouge, LA 70898-4785 or to 9071 Interline Avenue, Baton Rouge, LA 70809.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part LXVII. Real Estate**

**Chapter 19. Broker Application Acknowledgment**

**§1903. Trade names**

A. ...

B. All names and/or trade names used by licensees, registrants or certificate holders in advertising and/or written or verbal communications of any kind shall be a name that is a clearly identifiable entity that will distinguish it from other licensees, registrants or certificate holders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:42; amended, LR 27:

**Chapter 25. Advertising**

**§2501. Advertisements**

A. All advertising by any licensee shall include the phone number and the identity of the listing broker or firm through the use of the identical name under which the listing broker or firm is licensed or a registered trade name that is a clearly identifiable entity which will distinguish the listing broker or firm from other licensees, registrants, or certificate holders.

B. The name(s), telephone number(s), and any trade name(s), symbol(s) or trademark(s) registered by salespersons or associate brokers with the secretary of state, may be placed in advertisements; however, the name(s), telephone number(s), trade name(s), symbol(s) or trademark(s) registered by salespersons or associate brokers and placed in the advertisements shall not be larger than or

appear to be larger than the name and telephone number, or any registered trade name, symbol, or trademark, of their licensed sponsoring broker appearing in the same advertisement.

C. Any trade name used by a licensee, registrant or certificate holder in advertising shall be a trade name that is a clearly identifiable entity that will distinguish itself from other licensees, registrants or certificate holders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:42 (January 2000), amended LR 27:

**Chapter 45. Franchise Operations**

**§4501. Registration of Franchise Name**

A. ...

B. Any name or trade name used by a franchisor or franchisee shall be a name or trade name that is a clearly identifiable entity that will distinguish itself from other franchisors or franchisees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:50 (January 2000), amended LR 27:

**Family Impact Statement**

In accordance with R.S. 49:953(A)(1)(a)(viii) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the February 20, 2001 Louisiana Register.

The proposed rules have no known impact on family formation, stability, or autonomy.

Julius C. Willie  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Broker Application Acknowledgment;  
and Advertisements; Registration of Franchise Name**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no estimated implementation costs (savings) associated with the proposed rules. The new language serves to define and interpret existing rules and regulations to a more full and precise extent. The affected programs have all been previously implemented.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that there will be no effect on revenue collections. Revenue collection is determined by the number of applicants and the time frame within which licenses, certificates, or registrations are obtained and/or renewed. The proposed language will not impact this.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

In addition to the general public, groups which may be directly affected by the proposed amendments include real estate licensees, registrants, and certificate holders. An inadvertent omission in present language which regulates trade names, advertisements, and advertisements by franchise organizations provides no means in which to clearly distinguish between individual licensees. This omission has created a

circumstance whereby (1) individual brokers who are affiliated with a franchise organization may conduct real estate activities in the identical trade name, and (2) salesperson and associate brokers may advertise in a manner that is leading over that of the sponsoring broker. There is no way to estimate costs to those licensees who will be affected; however, it is assumed that the ability to discern for whom and/or with whom one is working will be a benefit to the general public, the real estate industry, and the market place that will outweigh any costs. The proposed amendments do not affect current registrants or certificate holders; however, these groups have been included in the language so as to prohibit a similar circumstances from occurring within the program(s) that regulate them.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no significant net effect in that all affected persons are treated equally.

Julius C. Willie  
Executive Director  
0102#048

Robert E. Hosse  
General Government Section Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 741C Louisiana Handbook for School Administrators  
Policy for Louisiana's Public Education Accountability System (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 741, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). The proposed changes more clearly explain and refine the existing policy as it pertains to the paired/shared status of schools, the inclusion of alternative education students enrolled in a GED/Skill Option program in school accountability, the awarding of bonus points for all 4 subjects for schools with grade 4 and Option I eighth grade students, growth in subgroups for rewards, and the removal of references to the Graduation Index from policy.

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 9. Bulletins, Regulations, and State Plans  
Subchapter A. Bulletins and Regulations**

**§901. School Approval Standards and Regulations**

A. Bulletin 741

\* \* \*

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2), (6).

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended by the Board of Elementary and Secondary Education LR 26:635 (April 2000), LR 26:1260 (June 2000), LR 26:1260-1261 (June 2000), LR 27

:

**The Louisiana School and District Accountability System**

Indicators for School Performance Scores

2.06.01 A school's School Performance Score shall be determined using a weighted composite index derived from three or four indicators: criterion-referenced tests (CRT), norm-referenced tests (NRT), student attendance for grades K-12, dropout rates for grades 7-12.

Each school shall receive one School Performance Score under one sitecode regardless of its grade structure.

- K-9 schools (excluding grades 10 and 11) shall follow K-8 Accountability Policy
- Schools with grades 10 and 11 shall follow 9-12 SPS calculation policy

Louisiana's 10- and 20-Year Education Goals  
[K-8 and 9-12]

2.006.02 Each school shall be expected to reach 10- and 20-Year Goals that depict minimum educational performances.

K-8 Indicators and Weighting			
Indicators and Weighting	Grades Administered	10-Year Goal	20-Year Goal
CRT (60% K-8)	Grades 4, 8	Average student score at BASIC	Average student score at PROFICIENT
NRT (30% K-8)	Grades 3, 5, 6, 7	Average composite standard score corresponding to the 55th percentile rank in the tested grade level	Average composite standard score corresponding to the 75th percentile rank in the tested grade level
Attendance (10% K-6; 5% 7-8)		95% (grades K-8)	98% (grades K-8)
Dropout Rate (5% 7-8)		4% (grades 7-8)	2% (grades 7-8)

Indicator	Weight		Grades Administered	10-Year Goal	20-Year Goal
	Cycle				
	1	2			
CRT — English/ language arts and mathematics	60%	30%	10	Average student score at Basic	Average student score at Proficient
CRT — science and social studies	--	30%	11	Average student score at Basic	Average student score at Proficient
NRT		30%	9	Average composite standard score corresponding to the 55th percentile rank in the tested grade level	Average composite standard score corresponding to the 75th percentile rank in the tested grade level

			percentile rank in the tested grade level	ng to the 75 <sup>th</sup> percentile rank in the tested grade level
Attendance Rate		5%	93%	96%
Dropout Rate		5%	7%	3%

### School Performance Scores

#### 2.006.03 School Performance Scores for K-8

A School Performance Score (SPS) shall be calculated for each school. This score shall range from 0-100 and beyond, with a score of 100 indicating a school has reached the 10-Year Goal and a score of 150 indicating a school has reached the 20-Year Goal. The lowest score that a given school can receive for each individual indicator index and/or for the SPS as a whole is "0."

For the first accountability cycle, the baseline SPS shall be calculated using CRT and NRT scores from spring 1999 and the prior year's attendance and dropout data. The comparison SPS shall be calculated using CRT and NRT scores from spring 2001 and the prior year's attendance and dropout data. Beginning the second cycle, every year of student data shall be used as part of a school's SPS. Calculations of the SPS shall use the following:

- An average of the most recent two year's test data and
- Attendance and dropout rates from the two years prior to the last year of test data used.

For schools entering accountability after 1999, one year's data shall be used for schools formed in mid-cycle years and two years data for other schools. Only spring administration test data shall be used in the School Performance Score.

A baseline School Performance Score shall be calculated in Spring 1999 for Grades K-8.

During the summer of 1999 for K-8 schools, each school shall receive two School Performance Scores as follows:

- A score for regular education students, including gifted, talented, speech or language impaired, and Section 504 students.
- A score including regular education students AND students with disabilities eligible to participate in the CRT and/or NRT tests.
- For the purpose of determining Academically Unacceptable Schools, during the summer of 1999 for K-8 schools, the School Performance Score that includes only regular education students shall be used.

#### Formula for Calculating an SPS [K-8]

The SPS for a sample school is calculated by multiplying the index values for each indicator by the weight given to that indicator and adding the total scores. In the example,  $[(66.0 * 60\%) + (75.0 * 30\%) + (50.0 * 10\%)] = 67.1$

Indicator	Index Value	Weight	Indicator Score
CRT	66.0	60%	39.6
NRT	75.0	30%	22.5
Attendance	50.0	10%	5.0

Dropout	N/A	0%	0
<i>SPS = 67.1</i>			

#### Criterion-Referenced Tests (CRT) Index Calculations [K-8]

A school's CRT Index score equals the sum of the student totals divided by the number of students eligible to participate in state assessments. For the CRT Index, each student who scores within one of the following five levels shall receive the number of points indicated.

Advanced	200 points
Proficient	150 points
Basic	100 points
Approaching Basic	50 points
Unsatisfactory	0 points

#### Formula for Calculating a CRT Index for a School [K-8]

1. Calculate the total number of points by multiplying the number of students at each performance level times the points for those respective performance levels, for all content areas.
2. Divide by the total number of students eligible to be tested times the number of content area tests.
3. Zero shall be the lowest CRT Index score reported for accountability calculations.

**Option I students:** those students failing the 8<sup>th</sup> grade LEAP 21 that have been

- retained on the 8<sup>th</sup> grade campus
- must retake all parts of the 8<sup>th</sup> Grade LEAP 21

If, during spring testing, a repeating fourth grade student or Option I 8<sup>th</sup> grade student receives a score of Approaching Basic or above on a LEAP 21 test of mathematics, English language arts, science or social studies, for which he/she received a score of Unsatisfactory the previous spring; the retaining school shall receive 50 bonus points per subject in its CRT index. A student may earn a maximum of 200 bonus points for his/her school. (No bonus points will be given for passing parts of tests in the summer school of the year he/she first failed in spring testing.)

#### Initial Transition Years [K-8]

To accommodate the phase-in of Social Studies and Science tests for K-8 schools, the following CRT scores shall be used for each year:

1999 Baseline CRT Score	1999 Math & English Language Arts (Grades 4 & 8)
2001 Comparison CRT Score	2000 & 2001 Math & English Language Arts (both years averaged for each subject and each grade)
2001 <i>New</i> Baseline CRT Score	2000 & 2001 Math, English, Social Studies, and Science (both years averaged for each subject and each grade)
2003 Comparison CRT Scores	2002 & 2003 Math, English, Social Studies, and Science (both years averaged for each subject and each grade)

This re-averaging shall result in a re-calculated baseline to include science and social studies for K-8 schools in 2001.

#### Norm-Referenced Tests (NRT) Index Calculations [K-8]

For the NRT Index, standard scores shall be used for computing the SPS. Index scores for each student shall be calculated, scores totaled, and then averaged together to get a school's NRT Index score.



NRT Goals and Equivalent Standard Scores					
Composite Standard Scores Equivalent to Louisiana's 10- and 20- Year goals, by Grade Level*					
Grade					
Goals	Percentile Rank	3	5	6	7
10-Year Goal	55th	187	219	231	243
20-Year Goal	75th	199	236	251	266

NRT Formulas Relating Student Standard Scores to NRT Index [K-8]	
Where the 10-year and 20-year goals are the 55th and 75th percentile ranks respectively and where SS = a student's standard score, then the index for that student is calculated as follows:	
Grade 3:	Index 3rd grade = $(4.167 * SS) - 679.2$ SS = $(\text{Index 3rd grade} + 679.2)/4.167$
Grade 5:	Index 5th grade = $(2.941 * SS) - 544.1$ SS = $(\text{Index 5th grade} + 544.1)/2.941$
Grade 6:	Index 6th grade = $(2.500 * SS) - 477.5$ SS = $(\text{Index 6th grade} + 477.5)/2.500$
Grade 7:	Index 7th grade = $(2.174 * SS) - 428.3$ SS = $(\text{Index 7th grade} + 428.3)/2.174$

Formula for Calculating a School's NRT Index [K-8]	
<ol style="list-style-type: none"> <li>Calculate the index for each student, using the grade-appropriate formula relating standard score to NRT Index.</li> <li>Zero shall be the lowest NRT Index score reported for accountability calculations.</li> <li>Compute the total number of index points in all grades in the school.</li> <li>Divide the sum of NRT Index points by the total number of students eligible to be tested.</li> </ol>	

Attendance Index Calculations [K-8]	
An Attendance Index score for each school shall be calculated. The initial year's index shall be calculated from the prior year's attendance rates. Subsequent years indexes shall be calculated using the prior two year's average attendance rates as compared to the state goals.	

Attendance Goals		
	10-Year Goal	20-Year Goal
Grades K-8	95%	98%

Attendance Index Formulas

Grades K-8  
Indicator (ATT K-8) =  $(16.667 * ATT) - 1483.4$

Where ATT is the attendance percentage, using the definition of attendance established by the Louisiana Department of Education

Lowest Attendance Index Score	
Zero shall be the lowest Attendance Index score reported for accountability calculations.	

Dropout Index Calculations [7-8]	
A Dropout Index score for each school shall be calculated. The initial year's index shall be calculated from the prior year's dropout rates. Subsequent years' indexes shall be calculated using the prior two year's average dropout rates as compared to the state goals.	

Dropout Goals		
	10-Year Goal	20-Year Goal
Grades 7 & 8	4%	2%

The national definition of dropout shall be adhered to, but in certain instances the Louisiana Department of Education shall calculate an "Adjusted Dropout Rate" for accountability purposes.
--

Dropout Index Formulas	
Non-Dropout Rate (NDO) = $100 - \text{Dropout Rate (DO)}$ (expressed as a percentage)	
Grades 7 & 8	Dropout Index (7-8) = Indicator (DO Gr 7-8) = $(25 * NDO) - 2300.0$ NDO = $(\text{Indicator DO Gr 7-8} + 2300.0) / 25$

Lowest Dropout Index Score	
Zero shall be the lowest Dropout Index score reported for accountability calculations.	

### School Performance Scores for 9-12

A School Performance Score (SPS) shall be calculated for each high school. This score shall range from 0 - 100 and beyond, with a score of 100 indicating that a school has reached the 10-Year Goal and a score of 150 indicating that a school has reached the 20-Year Goal. The lowest score that a given high school can receive for each individual indicator index and/or for the SPS as a whole is "0."

Every year of student data shall be used as part of a high school's SPS. The school's initial SPS shall be calculated using the most recent year's NRT and CRT test data and the prior year's attendance and dropout rates.

Transition Years [9-12]							
To accommodate the phase-in of the grades 10 and 11 GEE 21 criterion-referenced, the following indicators shall be used for each year:							
Timelines/School Years			Indicators Included				
Cycle	Baseline SPS Data	Growth SPS Data	Grade 9 NRT	Grade 10 CRT	Grade 11 CRT	Attendance	Drop-out
1	2000-01	2002-03	✓	✓		✓*	✓*
2	2001-02 & 2002-03 (avg.)	2003-04 & 2004-05 (avg.)	✓	✓	✓	✓*	✓*

\*Indicates use of prior year data for these indexes.

Formula for Calculating an SPS – Accountability Cycle 1 [9-12]	
During the first accountability cycle, the SPS for a sample school shall be calculated by multiplying the index values for each indicator by the weight given to the indicator and adding the total scores. The formula is: SPS = $(.60 * \text{Grade 10 CRT Index}) + (.30 * \text{NRT Index}) + (.05 * \text{Dropout Index}) + (.05 * \text{Attendance Index})$	
All intermediate results and the final result shall be rounded to the nearest tenth.	
The following is an example of how this shall be done: $[(.60 * 66.0) + (.30 * 75.0) + (.05 * 50.0) + (.05 * 87.5)] = 69.0$	

Indicator	Index Value	Weight	Indicator Score
CRT—Grade 10	66.0	60%	39.6
NRT	75.0	30%	22.5
Attendance Index	50.0	5%	2.5
Dropout Index	87.5	5%	4.4
<b>SPS</b>			69.0

**Formula for Calculating an SPS – Accountability Cycle 2 [9-12]**

During the second accountability cycle, the SPS for a sample school shall be calculated by multiplying the index values for each indicator by the weight given to the indicator and adding the total scores. The formula is:

$$\text{SPS} = (.30 * \text{Grade 10 CRT Index}) + (.30 * \text{Grade 11 CRT Index}) + (.30 * \text{NRT Index}) + (.05 * \text{Dropout Index}) + (.05 * \text{Attendance Index})$$

In this example,

$$[(.30 * 66.0) + (.30 * 60.0) + (.30 * 75.0) + (.05 * 50.0) + (.05 * 87.5)] = 67.2$$

Indicator	Index Value	Weight	Indicator Score
CRT—Grade 10	66.0	30%	19.8
CRT—Grade 11	60.0	30%	18.0
NRT	75.0	30%	22.5
Attendance Index	50.0	5%	2.5
Dropout Index	87.5	5%	4.4
<b>SPS</b>			67.2

**Norm-Referenced Tests (NRT) Index Calculations [9-12]**

For the NRT Index, standard scores shall be used for computing the SPS. Index scores for each student shall be calculated, scores totaled, and then averaged together to get a high school's NRT Index score.

**NRT Goals and Equivalent Standard Scores for Grade 9**

Goal	Percentile Rank	Grade 9 Composite Standard Score
10-Year Goal	55 <sup>th</sup>	264
20-Year Goal	75 <sup>th</sup>	288

**NRT Formulas Relating Student Standard Scores to NRT Index [9-12]**

Where the 10-Year and 20-Year Goals are the 55<sup>th</sup> and 75<sup>th</sup> percentile ranks respectively and where SS = a student's standard score, the index for a grade 9 student is calculated as follows:

$$\text{Index } 9^{\text{th}} \text{ grade} = (2.083 * \text{SS}) - 449.9$$

$$\text{SS} = (\text{Index } 9^{\text{th}} \text{ grade} + 449.9) / 2.083$$

**Option II students:** those students failing the 8<sup>th</sup> grade LEAP 21 that have been

- retained and placed on the high school campus
- must take the 9<sup>th</sup> grade NRT
- must retake only the parts of the 8<sup>th</sup> grade LEAP 21 they originally failed (English language arts and/or mathematics)

If, during spring testing, a student receives a score of Approaching Basic or above on a LEAP 21 test of mathematics or English language arts for which he/she received a score of Unsatisfactory the previous spring; the high school shall receive 50 bonus points per subject in its accountability index. A student may earn a maximum of 100 bonus points for his/her school.

**Criterion-Referenced Tests (CRT) Index Calculations [9-12]**

A high school's CRT Index score at each grade equals the sum of the eligible student totals divided by the number of students eligible to participate in state assessments. For the CRT Index, each student who scores within one of the following five levels shall receive the number of points indicated.

Advanced	200 points
Proficient	150 points
Basic	100 points
Approaching Basic	50 points
Unsatisfactory	0 points

**Formula for Calculating the NRT and CRT Adjusted Achievement Index for a High School**

1. Sum the number of points earned by all students. For the NRT, there shall be one score for each student—the NRT Index calculated from the student's composite standard score. For the CRT, students shall be taking two tests at each grade.

2. Divide by the total number of students eligible to be tested times the

number of content area tests. This provides the raw achievement index for the grade.

3. Multiply the raw index by the product of the non-dropout rates from the previous year for that grade and all the previous grades. This means that the grade 9 NRT Index shall be multiplied by the grade 9 non-dropout rate, the grade 10 CRT Index shall be multiplied by the grade 9 and grade 10 non-dropout rates, and the grade 11 CRT Index shall be multiplied by the grade 9, grade 10 and grade 11 non-dropout rates. This shall yield the Adjusted Achievement Index.

4. Zero shall be the lowest NRT or CRT Adjusted Achievement Index score reported for accountability calculations.

Example 1 – Grade 9:

- Before beginning grade 9, a class has 50 students; by the end of September, 45 remain in the class. The grade 9 dropout rate is:

$$(5/50) = .100$$

- The number of points earned on the NRT is 5000.

- The raw achievement index is:

$$5000/45 = 111.1$$

- The adjusted achievement index is:

$$111.1 * (1 - .100) = 100.0$$

Example 2 – Grade 10:

- Another 5 students drop before October of grade 10. The grade 10 dropout rate is:

$$5/45 = .111$$

- The 40 students remaining in the class earn 10000 points on the two CRT tests. The raw achievement index is:

$$10000/(40 * 2) = 125.0$$

- The adjusted achievement index is:

$$125.0 * (1 - .100) * (1 - .111) = 100.0$$

**Attendance Index Calculations for Grades 9-12**

An Attendance Index score for each high school shall be calculated. The initial year's index shall be calculated from the prior year's attendance rates. Subsequent years' indexes shall be calculated using the prior two year' average attendance rates as compared to the state goals.

**Attendance Goals**

	10-Year Goal	20-Year Goal
Grades 9-12	93%	96%

**Attendance Index Formula for Grades 9-12**

Where the 10-Year and 20-Year Goals are 93% and 96% average attendance respectively and where ATT = attendance percentage using the definition of attendance established by the Department of Education, the attendance index is calculated as follows:

$$\text{Indicator (ATT 9-12)} = (16.667 * \text{ATT}) - 1450.0$$

Example:

- If the average attendance percentage is 94.3%, the Attendance Index would be

$$(16.667 * 94.3) - 1450.0 = 121.7$$

Zero shall be the lowest Attendance Index score reported for accountability calculations.

**Dropout Index Calculations for Grades 9-12**

A Dropout Index score for each high school shall be calculated. The initial year's index shall be calculated from the prior year's dropout rates. Subsequent years' indexes shall be calculated using the prior two years' average dropout rates as compared to the state goals.

**Dropout Goals**

	10-Year Goal	20-Year Goal
Grades 9-12	7%	3%

**Dropout Index Formula for Grades 9-12**

$$\text{Dropout Index} = 187.5 - (12.5 * \text{dropout rate})$$

Example:

- If the dropout rate is 4.5%, the Dropout Index would be

$$187.5 - (12.5 * 4.5) = 131.3$$

Zero shall be the lowest Dropout Index score reported for accountability calculations.

The national definition of dropout shall be adhered to, but in certain instances the Louisiana Department of Education shall calculate an "Adjusted Dropout Rate" for accountability purposes.

## Rewards/Recognition

2.006.08 A school shall receive recognition and possible monetary awards when it meets or surpasses its Growth Targets and when it shows growth in the performance of students who are classified as high poverty and special education students.

School personnel shall decide how any monetary awards shall be spent; however, possible monetary rewards shall not be used for salary or stipends. Other forms of recognition shall also be provided for a school that meets or exceeds its Growth Targets.

### Pairing/Sharing of Schools with Insufficient Test Data

2.006.15 In order to receive an SPS, a given school must have at least one grade level of CRT testing and at least one grade level of NRT testing. A school that does not meet this requirement must either be paired or shared with another school in the district as described below. For the purpose of the Louisiana Accountability System, such a school shall be defined as a non-standard school.

A school with a grade-level configuration such that it participates in neither the CRT nor in the NRT (e.g., a K, K-1, K-2 school) must be paired with another school that has at least one grade level of CRT testing and one grade level of NRT testing. This pairing means that a single SPS shall be calculated for both schools by averaging both schools attendance and/or dropout data and using the test score data derived from the school that has at least two grade levels of testing.

A school with a grade-level configuration where students participate in either CRT or NRT testing, but not both (e.g., a K-3, 5-6 school), must share with another school that has at least one grade level of the type of testing missing. Both schools shall share the missing grade level of test data. This shared test data must come from the grade level closest to the last grade level in the non-standard school. The non-standard school's SPS shall be calculated by using the school's own attendance, dropout, and testing data AND the test scores for just one grade from the other school.

A district must identify the school where each of its non-standard schools shall be either paired or shared. The paired or shared school must be the one that receives by promotion the largest percentage of students from the non-standard school. In other words, the paired or shared school must be the school into which the largest percentage of students feed. If two schools receive an identical percentage of students from a non-standard school, the district shall select the paired or shared school.

If a school is not paired/shared at the beginning of Cycle 1, it shall not be paired/shared at the end of Cycle 1.

Beginning with Cycle 2, requirements for the number of test units shall be the sum of the test units over a two-year period (not the number of test units in one year). Beginning with Cycle 2, a school's sharing/pairing status at the beginning of the cycle shall be its status at the end of the cycle.

If a school has too few test units to be a standalone school, it may request to be considered standalone.

- It shall receive an SPS that is calculated solely on that school's data, despite the small number of test units.
- The request shall be in writing to the Department from the LEA superintendent.

The school forfeits any right to appeal its growth status based on minimum test unit counts.

Once the identification of paired or shared schools has been made, this decision is binding for 10 years. An appeal to SBESE may be made to change this decision prior to the end of 10 years, when redistricting or other grade configuration and/or membership changes occur.

### Inclusion of Alternative Education Students

2.006.17 Each superintendent, in conjunction with the alternative school director, shall choose from one of two options for including alternative education students in the

## Louisiana Accountability System for the systems alternative education schools.

*Option I* The score for every alternative education student at a given alternative school shall be returned to sent back and included in the home-based school's SPS. The alternative school itself shall receive a diagnostic SPS, not to be used for rewards or Corrective Actions, if a statistically valid number of students were enrolled in the school at the time of testing.

Students included in the GED/Skills Option program will be included in School Accountability. They will be required to take the 9<sup>th</sup> grade Iowa Test or participate in out-of-level testing while enrolled. All programs will be considered Option I for alternative education purposes and student data will be sent back to the sending high schools for attendance, drop out and Iowa Test scores.

*Option II* The score for every alternative education student shall remain at the alternative school. The alternative school shall be given its own SPS and Growth Target, which makes the alternative school eligible for rewards and Corrective Actions.

In order to be eligible for Option II, an alternative school shall meet all of the following requirements:

- ! The alternative school must have its own site code and operate as a school;
- ! The alternative school must have a required minimum number of students in the tested grade levels. The definition of A required minimum is stated in section 2.006.19, and
- ! At least fifty percent (50%) of the total school population must have been enrolled in the school for the entire school year, October 1 - May 1.

Once an option is selected for an alternative school, it shall remain in that option for at least 10 years. An appeal to SBESE may be made to change the option status prior to the end of 10 years if a school's purpose and/or student eligibility changes.

An alternative school that chooses Option II shall receive an initial baseline SPS during summer of 1999 if the majority of its students are in grades K-8. If the majority of its students are in grades 9-12, an alternative school shall receive its baseline SPS during the summer of 2001.

All students pursuing a regular high school diploma, working in curriculum developed from Louisiana Content Standards, shall be included in the state-testing program, with those scores included in an SPS.

Information on these students, e.g., number receiving a GED, shall be reported in the school's report card as a sub-report.

An alternative school in Corrective Actions II may request some flexibility in obtaining assistance from either a Distinguished Educator (DE) or a team designed to address the special needs of the alternative school population, as long as the total costs for the team do not exceed that for the DE. Sample team members could include the following: social workers, psychologists, educational diagnosticians, and counselors, etc.

### Inclusion of Lab Schools and Charter Schools

Such schools shall be included in the Louisiana Accountability System following the same rules that apply to traditional and/or alternative schools. The only exceptions are that Lab Schools and Type 1, 2, and 3 Charter Schools are independent schools and cannot be paired or shared with another school if they do not have at least one CRT and one NRT grade level, and/or if there is no home-based district school to which a given student's scores can be returned if all three conditions for Option II cannot be met. Therefore, if they do not have the required grade levels and/or required minimum number of students, such schools cannot receive an SPS. Instead, the state shall publish the results from pre- and post-test student achievement results, as well as other relevant accountability data, as part of that school's report card. This policy is to be revisited during the year 2001.

For the 1999-2000 academic school year, detention and Department of Corrections facilities shall not receive an SPS.

Interested persons may submit written comments until 4:30 p.m., April 11, 2001, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 741C Louisiana Handbook for  
School AdministratorsC Policy for Louisiana's Public  
Education Accountability System**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no estimated implementation costs to state governmental units. The proposed changes more clearly explain and refines the existing policy as it pertains to the paired/shared status of schools, the inclusion of alternative education students enrolled in a GED/Skill Option program in school accountability, the awarding of bonus points for all 4 students for schools with grade 4 and Option I 18th grade students, growth in subgroups for rewards, and the removal of rewards, and the removal of references to the Graduation index from policy.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on revenue collections by state/local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

There will be no estimated costs and/or economic benefits to persons or non-governmental groups directly affected.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

There will be no effect on competition and employment.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0102#049

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 746C Louisiana Standards for State  
Certification of School PersonnelC Educational  
Technology Facilitation and Educational  
Technology Leadership (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 746, Louisiana Standards for State Certification of School Personnel, referenced in LAC 28:I.903.A. The proposed amendment establishes certification requirements for teachers who serve as building level technology facilitators and as technology coordinators at the district, state, or regional levels. Additionally, a "grandfather clause" is included, enabling those who have served in these capacities to receive the certification by meeting certain qualifications by August 31, 2002.

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 9. Bulletins, Regulations, and State Plans  
Subchapter A. Bulletins and Regulations  
§903. Teacher Certification Standards and  
RegulationsC Bulletin 746**

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411, LR 27:

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 26:459 (March 2000), LR 26:635-638 (April 2000); LR 26:638-639 (April 2000), LR 27:

**Bulletin 746C Louisiana Standards for State Certification of  
School PersonnelC Educational Technology Facilitation and  
Educational Technology Leadership  
Educational Technology Facilitation**

1. A valid Type B Louisiana Teaching Certificate\*
2. A minimum of 9 semester hours of graduate credit in educational technology including:
 

A. Educational technology coursework	9 semester hours
1. Design and Development of Multimedia Instructional Units	3 semester hours
2. Educational Telecommunications, Networks, and the Internet	3 semester hours
3. Technology Leadership in Schools	3 semester hours
3. Persons who have met requirements 1 and 2 may be issued an Educational Technology Facilitation certification endorsement.

4. Certified teachers who have served as a facilitator of educational technology at the state, regional, district, or building level may petition Certification and Higher Education, Division of Teacher Standards, Assessment, and Certification to be "grandfathered" in with an Educational Technology Facilitation certification endorsement if they meet the following qualifications by August 31, 2002:

A. hold certification in computer literacy and have earned an additional six semester hours in educational technology, and have served as a facilitator of educational technology at the school, district, regional, or state level successfully for the past three years as verified by the employing authority; or

B. have served as a facilitator of educational technology at the school, district, regional, or state level successfully for the past five years as verified by the employing authority.

\*Requires three years of teaching experience.

**Educational Technology Leadership**

1. A valid Type A Louisiana Teaching Certificate\*
2. An earned master's degree from a regionally accredited institution of higher education.

- 3. A minimum of 21 semester hours of graduate credit.
  - A. Education Technology coursework 9 semester hours
    - 1. Design and Development of Multimedia Instructional Units 3 semester hours
    - 2. Educational Telecommunications, Networks, and the Internet 3 semester hours
    - 3. Technology Leadership in Schools 3 semester hours
  - B. Educational Technology Leadership coursework 12 semester hours
    - 1. Technology Planning and Administration 3 semester hours
    - 2. Professional Development for K-12 Technology Integration 3 semester hours
    - 3. Educational Technology Research, Evaluation, and Assessment 3 semester hours
    - 4. Advanced Telecommunications and Distance Education 3 semester hours

4. Persons who have met the requirements of 1 and 3-A may be issued a nonrenewable, nonextendable Educational Technology Leadership provisional certificate valid for three years.

5. Persons who have met the requirements of 1 through 3-B may be endorsed for Educational Technology Leadership.

6. Certified teachers who have served as coordinators of educational technology at the district, regional, and/or state levels may petition Certification and Higher Education, Division of Teacher Standards, Assessment, and Certification to be "grandfathered" in with an Educational Technology Leadership certification if they meet the following qualifications by August 31, 2002:

A. hold certification in computer literacy and have earned an additional nine semester hours in educational technology courses, and have served as a coordinator of educational technology above the building level (at the district, regional, or state level) for the past three years as verified by the employing authority; or

B. have served as a coordinator of educational technology above the building level (at the district, regional, or state level) successfully for the past five years as verified by the employing authority.

\*Requires five years of teaching experience.

Interested persons may submit comments until 4:30 p.m., April 11, 2001 to Nina Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Bulletin 746C Louisiana Standards for  
State Certification of School PersonnelC Educational  
Technology Facilitation and Educational Technology  
Leadership**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

This proposed action will have no effect on revenue collection.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

As a result of the proposed action, certification standards will be created for add-on endorsements for certified teachers who are building level technology facilitators or technology coordinators at the district, regional, or state level. Additionally, a "grandfather clause" is included, enabling those who have served in these capacities to receive the certification by meeting certain qualifications by 8/31/02.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

This policy will create a pool of certified personnel to provide leadership at the classroom, district, regional, and state levels in the area of educational technology.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0102#015

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 746C Louisiana Standards for State Certification of  
School PersonnelC Elimination of Ancillary Program  
Evaluator Certification (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 746, Louisiana Standards for State Certification of School Personnel, referenced in LAC 28:I.903.A. This amendment repeals ancillary program evaluator certification.

The proposed amendment eliminates the certification of program evaluators, which was established in 1981. Program evaluators are persons employed by state or local education agencies who design, approve, and/or direct program evaluations and research on educational programs, projects, and materials in the state of Louisiana. They are responsible for assuring that evaluation plans are executed and reported according to prescribed requirements and specifications.

The consensus of the members of the Board of Elementary and Secondary Education (SBESE) at the July 1999 meeting was that this certification should not be required for program evaluators, which provides more flexibility in the employment of persons who provide this service.

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 9. Bulletins, Regulations, and State Plans  
Subchapter A Bulletins and Regulations  
§903. Teacher Certification Standards and  
RegulationsC Bulletin 746**

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435,

541 (April, July, September, October, December 1975), amended LR 26:459 (March 2000), LR 26:635-638 (April 2000), LR 26:638-639 (April 2000), LR 27:

**Bulletin 746C Louisiana Standards for State Certification of School Personnel**

Elimination of Ancillary Program Evaluator Certification  
Interested persons may submit comments until 4:30 p.m., April 11, 2001 to Nina Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 746C Louisiana Standards for State Certification of School PersonnelC Elimination of Ancillary Program Evaluator Certification**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

This policy will have no effect on revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

As a result of the proposed action, certification as a Program Evaluator would no longer be required for employment in that area. Persons who seek employment as a Program Evaluator ad those who employ Program Evaluators would be directly affected by the proposed action since employers would establish their own criteria for employment.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This policy will result in an increase in the number of individuals available for employment as program evaluators in school districts.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0102#019

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Bulletin 746C Louisiana Standards for State Certification of School PersonnelCK-12 Certification Structure (LAC 28:I.903)**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 746, Louisiana Standards for State Certification of School Personnel, referenced in LAC 28:I.903.A. The new PS-12 teacher certification structure will allow teachers to develop greater in-depth content knowledge and instructional expertise in four targeted focus areas: PS-3, 1-6, 4-8, and 7-12. Particularly beneficial, the new structure allows for

enhanced preparation of teachers for middle school grades. The present teacher certification structure for the state has focus areas of nursery school, kindergarten, grades 1-8, and grades 7-12.

**Title 28**

**EDUCATION**

**Part I. Board of Elementary and Secondary Education**

**Chapter 9. Bulletins, Regulations, and State Plans**

**Subchapter A. Bulletins and Regulations**

**§903. Teacher Certification Standards and RegulationsC Bulletin 746**

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 26:459 (March 2000), LR 26:635-638 (April 2000), LR 26:638-639 (April 2000), LR 27:

**Bulletin 746C Louisiana Standards for State Certification of School PersonnelC K-12 Certification Structure**

**New Certification Structure**

**A. Recommended Changes**

1. Have the universities recommend that teachers be issued Level 1 Teaching Certificates when they have met state certification requirements and hold the universities accountable for the success of the teachers that they recommend for certification.

a. This would eliminate the need for the Department of Education to count hours on transcripts and allow the department to become more involved in providing support to universities to improve the quality of teacher preparation programs.

(Note: The Department of Education would still continue to review transcripts and issue certificates to out-of-state teachers.)

2. Change the certification structure to allow teachers to develop more content knowledge in the grade levels in which they are expected to teach and provide them with more flexible hours to add special education and other grade levels to their certification areas. This would allow new teachers to be certified in one or two areas when completing a 124 credit hour undergraduate degree program.

See B.New Certification Areas and Courses for the areas of certification that are more content specific.

See C.Additional Certifications for requirements to add additional areas of certification.

3. Require all new teachers to receive mentoring during their first year of the Louisiana Teacher Assistance and Assessment Program and have them undergo the assessment during the second year.

4. Require all teachers to pass the teacher assessment and teach for a total of three years before being issued a Level 2 teaching certificate.

5. Require all new teachers to undergo a predetermined amount of professional development during a five year time period in order to have their teaching certificates renewed for five years. Have the Blue Ribbon Commission on Teacher Quality develop the details for the professional development system during 2000-2001.

**B. New Certification Areas And Courses**

1. Common Elements of Basic Certification for All Grade Levels

a. General Education Coursework. Same general coursework areas and hours (e.g., 54 hours) for Grades 1-6 and 4-8.

b. Knowledge of the Learner and Learning Environment. Same general coursework areas and hours (e.g., 15 hours) for all PK-12 teachers.

c. Teaching Methodology. Varying requirements based upon focus areas.

d. Student Teaching. Same requirements and hours (e.g., 9 hours) for all PK-12 teachers.

2. Differing Elements of Basic Certification. Four new focus areas.

a. Focus Areas

(1) Preschool to Grade 3 (Focus: Greater Depth in Early Childhood, Reading/Language Arts, and Mathematics)

(2) Grades 1-6 (Focus: Greater Depth in Reading/Language Arts and Mathematics)

(3) Grades 4-8 (Focus: Greater Depth in Content/C Generic or Two In-depth Teaching Areas)

*Primary Teaching Area* Preservice teachers must complete at least 31 credit hours in a specific content area (e.g., English, Mathematics, etc.).

and

*Secondary Teaching Area* Preservice teachers must complete at least 19 credit hours in a second content area (e.g., Science, Social Studies, etc.).

b. Flexible University Hours. Flexible hours that may be used by the universities to create quality teacher preparation programs.

3. Additional Certifications. Additional grade level certifications that would require approximately 12-15 credit hours. Universities could create programs that would allow teachers to obtain more than one type of certification within the 124 total hours by using the flexible hours to add additional grade level or special education certifications.

Areas		Grades PK - 3 Basic Certification (Focus: Greater Depth In Early Childhood, Reading/Language Arts, And Mathematics)		Grades 1-6 Basic Certification (Focus: Greater Depth In Reading/Language Arts And Mathematics)		Grades 4-8 Basic Certification (Focus: Greater Depth In Content/C Generic Or Two In-Depth Teaching Areas)				Grades 7-12 Basic Certification (Focus: Greater Depth In Content/C Primary Teaching Area And Secondary Teaching Area)	
General Education Course- Work	English	12 Hours		12 hours		12 hours				6 hours	
	Mathematics	9 Hours		12 hours		12 hours				6 hours	
	Sciences	9 Hours		15 hours		15 hours				9 hours	
	Social Studies	6 Hours		12 hours		12 hours				6 hours	
	Arts	3 Hours		3 hours		3 hours				3 hours	
Focus Areas		Young Child		Reading/Language Arts and Mathematics		Generic or Two In-depth Teaching Areas				Primary Teaching Area and Secondary Teaching Area	
						Generic		Two In-depth Teaching Areas			
		Nursery School and Kindergarten	12 hours	Reading/ Language Arts (Additional Content and Teaching Methodology)	12 hours	Additional Content:		In-depth Teaching Area #1		Primary Teaching Area  General Education (if applicable) and Focus Area hours should equal 31 total hours.	22 or more hours if in Science or 25 or more hours if in English, Social Studies, or Math. or 31 or more hours if in other areas
		Reading/ Language Arts (Additional Content and Teaching Methodology)	12 Hours			English	3 hours	English/ Social Studies/ Mathematics or Science	7 or more hours		
Mathematics (Additional Content and Teaching Methodology)	9 hours	Mathematics	3 hours			General Education and Focus Area hours should equal 19 total hours.	4 or more hours				
		Social Studies	3 hours								

			Mathematics (Additional Content and Teaching Methodology)	9 hours			In-depth Teaching Area #2:  English/Social Studies/Mathematics or Science  General Education and Focus Area hours should equal 19 total hours.	7 or more hours  4 or more hours	Secondary Teaching Area  General Education (if applicable) and Focus Area hours should equal 19 total hours.	13 or more hours if in English, Social Studies, or Math or 10 or more hours if in Science or 19 or more hours if in other areas
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New Certification Areas and Courses

Areas		Grades PK - 3 Certification (Focus: Greater Depth In Early Childhood, Reading/Language Arts, And Mathematics)	Grades 1 -6 Certification (Focus: Greater Depth In Reading/Language Arts And Mathematics)	Grades 4 -8 Certification (Focus: Greater Depth In ContentC Generic Or Two In-Depth Teaching Areas)		Grades 7 -12 Certification (Focus: Greater Depth In ContentC Primary Teaching Area And Secondary Teaching Area)
Knowledge Of Learner And The Learning Environment  <i>(These hours may be integrated into other areas when developing new courses.)</i>	Child/Adolescent Development/Psychology, Educational Psychology, The Learner with Special Needs, Classroom Organization and Management, Multicultural Education  (Note: All of these areas should address the needs of the regular and exceptional child.)	15 hours  Emphasis Upon Early Childhood	15 hours  Emphasis Upon Elementary School Student	15 hours  Emphasis Upon Middle School Student		15 hours  Emphasis Upon Middle and High School Student
Methodology And Teaching	Reading			6 hours		3 hours
	Teaching Methodology	6 hours	6 hours	9 hours		6 hours
	Student Teaching**	9 hours	9 hours	9 hours		9 hours
Flexible Hours For The University's Use		22 hours***	19 hours	Generic	Two In-depth Teaching Areas	17-26 hours
				19 hours	17-20 hours	
Total Hours****		124 hours	124 hours	124 hours		124 hours

\* If students do not possess basic technology skills, they should be provided coursework or opportunities to develop those skills early in their program.

\*\*Students must spend a minimum of 270 clock hours in student teaching with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours of actual student teaching shall be on an all-day basis.

\*\*\* Three of the flexible hours must be in the "humanities." This must occur to meet General Education Requirements for the Board of Regents.

\*\*\* In addition to the student teaching experience, students should be provided actual teaching experience (in addition to observations) in classroom settings during their sophomore, junior, and senior years within schools with varied socioeconomic and cultural characteristics. It is recommended that preservice teachers be provided a minimum of 180 hours of direct teaching experience in field-based settings prior to student teaching.

Notes: Minimum credit hours have been listed. Programs may use the flexible hours to add more content hours to the various elements of the program.

The Board of Regents defines a "major" as being 25% of the total number of hours in a degree program; thus, 25% of 124 credit hours is 31 credit hours.

The Board of Regents defines a "minor" as being 15% of the total number of hours in a degree program; thus 15% of 124 credit hours is 19 credit hours.

C. Additional Certifications. It is recommended that universities consider using their flexible hours to provide preservice teachers opportunities to select additional areas to add to their certification, either special education or extended grade level certifications, when they obtain their

Bachelor degree. The additional hours would provide preservice teachers with the necessary core knowledge to teach the additional content necessary for the new certification areas.



Basic Certifications	Add-On Certifications		Total Hours
	New Certifications	Additional Courses And Hours	
Grades PK - 3	Grades 1-6	Content Emphasis: Sciences 6 Hours Social Studies 6 Hours Mathematics 3 Hours	15 Hours
Grades 1-6	Grades PK - 3	Content Emphasis: Nursery School and Kindergarten 12 Hours	12 Hours
Grades 1-6	Grades 4-8 (Generic)	Content Emphasis: English 3 Hours Mathematics 3 Hours Science 4 Hours Social Studies 3 Hours	13 Hours
Grades 4-8	Grades 1-6	Reading/Language Arts and Math Emphasis: Reading/Language Arts 9 Hours Mathematics 3 Hours	12 Hours
Grades 1-6, Grades 4-8, Or Grades 7-12	Mild/Moderate Special Education	Special Education Emphasis*: Methods and Materials for Mild/Moderate Exceptional Children, Assessment and Evaluation of Exceptional Learners, Behavioral Management of Mild/Moderate Exceptional Children, and Vocational and Transition Services for Students with Disabilities 12 Hours  Practicum in Assessment and Evaluation of Mild/Moderate Exceptional Children 3 Hours  (Note: This should not be required if students participate in student teaching that combines regular and special education teaching experiences.)  * General knowledge of exceptional students and classroom organization should be addressed in the curriculum for all teachers under "Knowledge of Learner and the Learning Environment."	12 Hours  (Additional 3 Hour Practicum if not Integrated Into Other Field-Based Experiences and Student Teaching)

Interested persons may submit comments until 4:30 p.m., April 11, 2001 to Nina Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Bulletin 746C Louisiana Standards for  
State Certification of School PersonnelC K-12  
Certification Structure**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This policy will have no effect on revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

There will be no added costs or economic benefits as a result of this policy revision.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This will have no impact on competition and employment in the public and private sector.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0102#017

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 746C Louisiana Standards for State Certification of School PersonnelC Practitioner Teacher Program  
(LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of

Elementary and Secondary Education approved for advertisement an amendment to Bulletin 746, Louisiana Standards for State Certification of School Personnel, referenced in LAC 28:I.903.A. This Practitioner Teacher policy provides for a streamlined alternate certification option that allows individuals to become certified with a Type B certificate after three years of full-time teaching and combined coursework, if they demonstrate required content knowledge, instructional expertise, and classroom management skills. Practitioner teachers who complete the required course requirements (or equivalent contact hours) and demonstrate proficiency during their first year of teaching can obtain a Level B Professional License after successfully completing all requirements of the Practitioner Teacher Program (which includes successful completion of the Louisiana Assistance and Assessment Program and passing scores on the PRAXIS) and completing a total of three years of teaching.

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 9. Bulletins, Regulations, and State Plans**

**Subchapter A. Bulletins and Regulations**

**§903. Teacher Certification Standards and Regulations C Bulletin 746**

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 26:459 (March 2000), LR 26:635-638 (April 2000), LR 26:638-639 (April 2000), LR 27:

**Bulletin 746C Louisiana Standards for  
State Certification of School Personnel C  
Practitioner Teacher Program**

**A. Major Components of the Practitioner Teacher Program**

1. Universities, school districts, or private providers (e.g., Teach for America) will be able to offer a Practitioner Teacher Program.

2. Individuals will be considered for admission to a Practitioner Teacher Program if they possess a baccalaureate degree from a regionally accredited university with a 2.5 or higher GPA\* and already possess the content knowledge to teach the subject area(s). To demonstrate knowledge of subject area(s), all individuals (with the exception of those who already possess a graduate degree) will be required to pass the Pre-Professional Skills Test (e.g., reading, writing, and mathematics) for the PRAXIS. Teachers of grades 1-6 (regular and special education) must pass the *Elementary School: Content Area* specialty examination on the PRAXIS, and teachers of grades 4-8 (regular and special education) must pass the *Middle School Content Area* specialty examination. Teachers of grades 7-12 (regular and special education) must pass the *specialty examination* on the PRAXIS in the content area(s) (e.g., English, Mathematics, Science, Social Studies, etc.) in which they intend to be certified. (\*Appropriate, successful work experience can be substituted for the required GPA, at the discretion of the program provider.)

3. All individuals admitted to the Practitioner Teacher Program, who intend to be certified to teach grades 1-6, 4-8, or 7-12, must successfully complete 9 credit hours (or 135 contact hours) of instruction during the summer prior to the first year of teaching. Practitioner teachers will be exposed to teaching experiences in field-based schools while involved in course work.

4. All practitioner teachers will teach during the regular school year in the area(s) in which they are pursuing certification and participate in 9 credit hours (or 135 contact hours) of seminars and supervised internship during the fall and spring that will address their immediate needs. Practitioner teachers will be observed and provided feedback about their teaching from the program provider. In addition, practitioner teachers will be supported by school-based mentors from the Louisiana Assistance and Assessment Program and principals.

5. Practitioner teachers who complete the required course requirements (or equivalent contact hours) with a 2.5 or higher GPA and demonstrate *proficiency* during their first year of teaching can obtain a Level B Professional License after successfully completing all requirements for the Practitioner Teacher Program (which includes successful completion of the Louisiana Assistance and Assessment Program and passing scores on the PRAXIS) and completing a total of three years of teaching.

Practitioner teachers who complete the required courses (or equivalent contact hours) and demonstrate *weaknesses* during their first year of teaching will be required to complete from 1 to 12 additional credit hours/equivalent contact hours. A team composed of the program provider, school principal, mentor teacher, and practitioner teacher will determine the types of courses and hours to be completed. Number of hours will be based upon the extent of the practitioner teachers' needs and must be completed within the next two years. The team will also determine when the practitioner teachers should be assessed for the Louisiana Assistance and Assessment Program during the next two year time period. The practitioner teachers must successfully complete all requirements for the Practitioner Teacher Program (which includes successful completion of the Louisiana Assistance and Assessment Program and passing scores on the PRAXIS in the specialty areas) and teach for a total of three years before receiving a Level B Professional License.

7. The state's new Teacher Preparation Accountability System will be used to evaluate the effectiveness of all Practitioner Teacher Programs.

**B. Structure for a Practitioner Teacher Program  
Program Providers**

Practitioner Teacher Programs may be developed and administered by:

- universities;
- school districts; and
- other agencies (e.g., Teach for America, Troops for Teachers, Regional Service Centers, etc.).

The same state Teacher Preparation Accountability System will be utilized to assess the effectiveness of the Practitioner Teacher Programs provided by universities, school districts, and other agencies.

## Program Process

Areas	Course/Contact Hours	Activities	Support
1. Admission to Program (Spring and Early Summer)		<p>Program providers will work with district personnel to identify Practitioner Teacher Program candidates who will be employed by districts during the fall and spring.</p> <p>To be admitted, individuals must:</p> <ol style="list-style-type: none"> <li>a. Possess a baccalaureate degree from a regionally accredited university.</li> <li>b. Have a 2.5 GPA on undergraduate work. (*Appropriate, successful work experience can be substituted for the required GPA, at the discretion of the program provider.)</li> <li>c. Pass the Pre-Professional Skills Test (e.g., reading, writing, and mathematics) on the PRAXIS. (Individuals who already possess a graduate degree will be exempted from this requirement.)</li> <li>d. Pass the content specific examinations for the PRAXIS:               <ol style="list-style-type: none"> <li>(1) Practitioner candidates for Grades 1-6 (regular and special education): Pass the Elementary School Content Knowledge examination;</li> <li>(2) Practitioner candidates for Grades 4-8 (regular and special education): Pass the Middle School Content Knowledge examination;</li> <li>(3) Practitioner candidates for Grades 7-12 (regular and special education): Pass the content specialty examination(s) (e.g., English, Mathematics, etc.) on the PRAXIS in the content area(s) in which they intend to teach.</li> </ol> </li> <li>e. Meet other non-course requirements established by the program providers.</li> </ol>	
2. Teaching Preparation (Summer)	9 credit hours or 135 equivalent contact hours (5-8 weeks)	<p>All teachers will participate in field-based experiences in school settings while completing the summer courses (or equivalent contact hours).</p> <p>Grades 1-6, 4-8 and 7-12 practitioner teachers will complete courses (or equivalent contact hours) pertaining to child/adolescent development/psychology, the diverse learner, classroom management/organization, assessment, instructional design, and instructional strategies before starting their teaching internships.</p> <p>Mild/moderate special education teachers will take courses (or equivalent contact hours) that focus upon the special needs of the mild/moderate exceptional child, classroom management, behavioral management, assessment and evaluation, methods/materials for mild/moderate exceptional children, and vocational and transition services for students with disabilities.</p>	Program Providers
3. Teaching Internship and First Year Support (Fall and Spring)	9 credit hours or 135 equivalent contact hours throughout the year. (Note: No fewer than 45 contact hours should occur during the fall.)	Practitioner teachers will assume full-time teaching positions in districts. During the school year, these individuals will participate in two seminars (one seminar during the fall and one seminar during the spring) that address immediate needs of the Practitioner Teacher Program teachers and receive one-on-one supervision through an internship provided by the program providers. The practitioner teacher will also receive support from school-based mentor teachers (provided by the Louisiana Teacher Assistance and Assessment Program) and principals.	Program Providers, Principals and Mentors
4. Teaching Performance Review (End of First Year)		<p>Program providers, principals, mentors, and practitioner teachers will form teams to review the first year teaching performance of practitioner teachers and determine the extent to which the practitioner teachers have demonstrated teaching proficiency. If practitioner teachers demonstrated proficiency, they will enter into the assessment portion of the Louisiana Teacher and Assessment Program during the next fall.</p> <p>If weaknesses are cited, the teams will identify additional types of instruction needed to address the areas of need. Prescriptive plans that require from 1 to 12 credit hours (or 1-180 equivalent contact hours) of instruction will be developed for practitioner teachers. In addition, the teams will determine if the practitioner teachers should participate in the new teacher assessment during the fall or if the practitioner teachers should receive additional mentor support and be assessed after the fall.</p>	
5. Prescriptive Plan Implementation (Second Year)	1-12 credit hours (or 15-180 equivalent hours)	Practitioner teachers who demonstrate areas of need will complete prescriptive plans.	Program Providers

6. Louisiana Assessment Program (Second Year)		Practitioner teachers will be assessed during the fall or later depending upon their teaching proficiencies.	Program Providers
7. Praxis Review (Second Year)		Program providers will offer review sessions to prepare practitioner teachers to pass remaining components of the PRAXIS.	Program Providers
8. Certification Requirements (Requirements must be met within a 3-year time period. A practitioner teacher's license will not be renewed if all course requirements are not met within these three years.)		<p>Program providers will submit signed statements to the Louisiana Department of Education which indicate that the practitioner teachers completed Practitioner Teacher Programs and met the following requirements within a three year time period:</p> <ol style="list-style-type: none"> <li>1. Passed the PPST components of the PRAXIS. (Note: This test was required for admission.)</li> <li>2. Completed the Teaching Preparation and Teaching Internship segments of the program with a 2.5 or higher GPA.</li> <li>3. Passed the Louisiana Teacher Assistance and Assessment Program.</li> <li>4. Completed prescriptive plans (if weaknesses were demonstrated).</li> <li>5. Passed the specialty examination (PRAXIS) for their area(s) of certification. <ol style="list-style-type: none"> <li>a. Grades 1-6: Elementary School Content Knowledge (Note: This test was required for admission)</li> <li>b. Grades 4-8: Middle School Content Knowledge (Note: This test was required for admission.)</li> <li>c. Grades 7-12: Specialty content test in areas to be certified. (Note: This test was required for admission.)</li> <li>d. Mild/Moderate Special Education: Special Education</li> </ol> </li> <li>6. Passed the Principals of Learning and Teaching examination (PRAXIS) <ol style="list-style-type: none"> <li>a. Grades 1-6: Principles of Learning and Teaching;</li> <li>b. Grades 4-8: Principles of Learning and Teaching;</li> <li>c. Grades 7-12: Principles of Learning and Teaching.</li> </ol> </li> </ol>	
9. Ongoing Support (Second and Third Year)		Program providers will provide support services to practitioner teachers during their second and third years of teaching. Types of support may include on-line support, Internet resources, special seminars, etc.	Program Providers
10. Practitioner Certificate to Type B Professional License		Practitioner teachers will be issued a Practitioner Certificate when they enter the program. They will be issued a Level B Professional License once they complete the Practitioner Teacher Program and have a total of 3 years of teaching.	

**Undergraduate/Graduate Courses and Graduate Programs**

Universities may offer the courses at undergraduate or graduate levels. Efforts should be made to allow students to use graduate hours as electives if pursuing a graduate degree.

Interested persons may submit comments until 4:30 p.m., April 11, 2001 to Nina Ford, State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 746C Louisiana Standards for State Certification of School Personnel Practitioner Teacher Program**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate this policy.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

This policy will have no effect on revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

This policy provides for a streamlined alternate certification option that allows individuals to become certified with a Type B certificate after three years of full-time teaching and combined coursework, if they demonstrated required content knowledge, instructional expertise, and classroom management skills.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This policy should result in an increase in the number of certified teachers available to teach grades K-12 in Louisiana.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0102#018

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 746C Louisiana Standards for State Certification of School Personnel School Social Worker Certification (LAC 28:1.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for

advertisement an amendment to Bulletin 746, Louisiana Standards for State Certification of School Personnel, referenced in LAC 28:I.903.A. The proposed amendment revises the certification requirements for School Social Workers to comply with Act 1309 of the 1999 Regular Session of the Legislature which amended the Louisiana Social Work Practice Act.

## **Title 28**

### **EDUCATION**

#### **Part I. Board of Elementary and Secondary Education**

#### **Chapter 9. Bulletins, Regulations, and State Plans**

#### **Subchapter A. Bulletins and Regulations**

#### **§903. Teacher Certification Standards and Regulations C Bulletin 746**

\* \* \*

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 26:459 (March 2000), LR 26:635-638 (April 2000), LR 26:638-639 (April 2000), LR 27:

#### **Bulletin 746C Louisiana Standards for State Certification of School Personnel C School Social Worker Certification**

##### **D. Social Worker**

Provisional Certificate in School Social Work C (Valid for three years, nonrenewable)

Individual holds a Provisional Graduate Social Work Certificate (GSW) issued under R.S. 37:2701 et. seq. and must work under the supervision of a Licensed Clinical Social Worker (LCSW), if providing clinical social work services. The supervision is for a minimum of one hour per week.

Qualified School Social Worker C (Valid provided the holder maintains current licensure as a Social Worker)

1. Individual holds a license as a Licensed Clinical Social Worker (LCSW) in accordance with R.S. 37:2701 et. seq.

or

2. Individual holds a certificate as a Graduate Social Worker (GSW) in accordance with R.S. 37:2701, et. seq. and receives a minimum of one hour per week supervision by a LCSW, if providing clinical social work services.

and

a. Work experience in one or more of the following social work practice settings within the past five years:

- (1) School setting
- (2) Mental Health setting
- (3) Corrections setting
- (4) Family/Child/Community Service Agency
- (5) Medical Social Services in which social services were delivered to families and children

(6) Private Clinical practice in which social work services were delivered to adults, children, and families

or

b. Graduate Social Worker field experience in the above social work practice settings plus two years of work experience is to be judged by the Board of Certified Social Work Examiners.

Interested persons may submit comments until 4:30 p.m., April 11, 2001 to Nina Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Bulletin 746C Louisiana Standards for State Certification of School Personnel C School Social Worker Certification**

##### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.

##### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

This policy will have no effect on revenue collections.

##### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

There are no additional costs or economic benefits for directly affected persons or nongovernmental groups anticipated as a result of this action.

##### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

No effect on competition and employment is anticipated as a result of this action.

Marlyn Langley  
Deputy Superintendent  
Management and Finance  
0102#016

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Board of Elementary and Secondary Education**

Bulletin 746C Louisiana Standards for State Certification of School Personnel C Temporary Employment Permit (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 746, Louisiana Standards for State Certification of School Personnel, referenced in LAC 28:I.903.A. A temporary employment permit, valid for one school year, will be granted to those candidates who meet all requirements for a Type C certificate except the NTE/PRAXIS and who have the appropriate scores on the NTE/PRAXIS in all but one of the tests required, with an aggregate score that is equal to or above the total qualifying score on all the tests required for standard certification.

To employ an individual on a temporary employment permit, a local superintendent must verify that no regularly certified teacher is available for employment. Names of the individuals employed on a temporary employment permit are to be listed on the addendum to the Annual School

Report with verification that no regularly certified teacher is available.

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 9. Bulletins, Regulations, and State Plans  
Subchapter A. Bulletins and Regulations  
§903. Teacher Certification Standards and  
Regulations C Bulletin 746**

\* \* \*

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975); amended LR 26:459 (March 2000); LR 26:635-638 (April 2000); LR 26:638-639 (April 2000), LR 27:

**Bulletin 746C Louisiana Standards for State  
Certification of School Personnel C Temporary  
Employment Permit**

A temporary employment permit, valid for one school year, will be granted to those candidates who meet all requirements for a Type C certificate except the NTE/PRAXIS and who have the appropriate scores on the NTE/PRAXIS in all but one of the tests required, with an aggregate score that is equal to or above the total qualifying score on all the tests required for standard certification.

To employ an individual on a temporary employment permit, a local superintendent must verify that no regularly certified teacher is available for employment. Names of the individuals employed on a temporary employment permit are to be listed on the addendum to the Annual School Report with verification that no regularly certified teacher is available.

An individual can be reissued a permit three times under the Board policy, only if evidence is presented to the Department of Education that the NTE/PRAXIS has been retaken within one year from the date the permit was last issued. Beginning with the fifth year, to receive a Temporary Employment Permit, an individual must present the following:

1. Evidence that the NTE/PRAXIS has been taken within one year from the date the permit was last issued.
2. Verification from the employing superintendent that the individual is applying for employment in a specific teaching position for which there is no regularly certified teacher available.
3. A recommendation from the employing superintendent.
4. Verification of successful local evaluations for the previous four years.

Temporary employment permits will be issued at the request of individuals who meet all requirements for regular certification with the exception of the NTE/PRAXIS scores. When applying for issuance of a temporary employment permit, an individual must submit to Teacher Certification and Higher Education all application materials required for issuance of a regular certificate.

Interested persons may submit comments until 4:30 p.m., April 11, 2001 to Nina Ford, Board of Elementary and

Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 746C Louisiana Standards for  
State Certification of School Personnel C Temporary  
Employment Permit**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

This policy will have no effect on revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

This policy provides individuals who have completed the PRAXIS exam an option to receive a Temporary Employment Permit if they have not achieved required scores on all but one of the exams.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

This policy should result in a decrease of individuals employed on the Interim Emergency Policy and increase the number of individuals available to teach K-12 in Louisiana school systems.

Marlyn J. Langley  
Deputy Superintendent  
Management and Finance  
0102#014

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Student Financial Assistance Commission  
Office of Student Financial Assistance**

Tuition Opportunity Program for Students  
(TOPS) (LAC 28:IV. 703)

The Louisiana Student Financial Assistance Commission (LASFAC) advertises its intention to revise the provisions of the Tuition Opportunity Program for Students (TOPS) (R.S. 17:3042.1 and R.S. 17:3048.1).

The full text of these proposed rules may be viewed in the Emergency Rule section of this issue of the *Louisiana Register*.

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Interested persons may submit written comments on the proposed changes until 4:30 p.m., March 20, 2001, to Jack L. Guinn, Executive Director, Office of the Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Mark S. Riley  
Assistant Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Tuition Opportunity Program for  
Students (TOPS)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
No charge in cost to the program is anticipated to result from these revisions.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
No impact on revenue collections is anticipated to result from these rule changes.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
TOPS applicants may take "Integrated Science" as an equivalent for "Physical Science" to complete requirements of the TOPS core curriculum.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
No impact on competition and employment is anticipated to result from this rule.

Mark S. Riley  
Assistant Executive Director  
0102#043

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Economic Development  
Auctioneers Licensing Board**

Licensing of Auction Businesses and Requirement of Bonds  
(LAC 46:III.Chapters 1, 11,12, 25, and 27)

Under the authority of the Louisiana Auctioneers Licensing Law, R.S. 37:3103 et seq., and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Auctioneers Licensing Board has initiated procedures to amend and add LAC 46:III, Auctioneers Licensing, Chapters 1, 11, 12, 25, and 27.

The amendments define and interpret to a more full and precise extent the licensing of auction businesses, and the requirement of bonds.

**Title 46  
PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part III. Auctioneers**

**Chapter 1. Description of Organization**

**§105. Election and Term of Office**

A. The chairman and vice-chairman shall hold office as board members so long as they hold their respective positions as elective officers of the board. Each appointed member shall serve at the pleasure of the governor for a term concurrent to the term of office of the governor appointing him except that each member shall serve until his successor has been appointed and begins serving. Each appointment by the governor shall be submitted to the Senate for confirmation. In the event of the death, resignation, or disability of a member of the board, the governor shall fill the vacancy by appointing a qualified person for the remainder of the unexpired term.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3111 and R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:335 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:782 (November 1988), LR 27:

**Chapter 11. License of Auctioneer  
§1101. Qualifications for Applicant**

A. The board shall base determination of satisfactory minimum qualifications for licensing as follows:  
1. be of good moral character;  
2. be a citizen, or a legal resident of the United States or legal a resident of the state of Louisiana;

A.3. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3111 and R.S. 37:3113.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:336 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:784 (November 1988), LR 27:

**§1103 Licensing Procedure**

A. - B.3. ...

4. voter's registration or other satisfactory proof of citizenship in this state or other reciprocal state; in the alternative, a proof of resident alien status;

5. a good and sufficient surety bond executed by the applicant as principal and by a surety company qualified to do business in the state of Louisiana as surety in the amount of \$10,000;

6. cashier's check, money order or cash (no checks will be accepted) in the sum of \$300 for all fees covered in the initial licensing procedure;

7. oath of office as a Louisiana Auctioneer;

8. irrevocable consent (if applicable);

9. current letter of good standing from other state, if applicable;

10. educational background;

11. three references, including their business addresses, who attest to the applicant's reputation and adherence to ethical standards;

12. previous occupational experience as an auctioneer;

13. copies of all current auctioneers licenses, if any;

14. Louisiana sales tax number;

15. tax identification number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112 and R.S. 37:3113.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:337 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:784 (November 1988), LR 27:

**§1107. Change of Address**

A. All licensees shall notify the board in writing of each change of address within 30 days of that change.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112 and R.S. 37:3113.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:337 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:784 (November 1988), LR 27:

**§1109. Examination Procedure**

A. - B. ...

C. The board shall give examinations for licensure at least six times per year.

D. - G ...

H. Examinations for persons with disabilities will be provided without discrimination based upon current law and upon the individual's disability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112 and R.S. 37:3113.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:337 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:784 (November 1988), LR 27:

### §1113. Fees

A. - A.3. ...

- |   |       |
|---|-------|
| 4. Initial license fee for an auctioneer  | \$150 |
| 5. Annual renewal license fee for an auctioneer   | \$150 |
| 6. Restoration fee of a license   | \$100 |
| 7. Replacement fee of a lost, destroyed, or mutilated license                                       | \$25  |
| 8. Delinquent renewal fee   | \$75  |
| 9. Apprentice fee   | \$100 |
| 10. Annual certification of a licensed auctioneer school or a school offering auctioneering courses | \$150 |
| 11. Initial license fee for an auction business   | \$300 |
| 12. Annual license renewal fee for an auction business  | \$300 |
| 13. Replacement fee of lost, destroyed or mutilated identification card                             | \$5   |

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3116.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:337 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:784 (November 1988), LR 27:

### §1117. Qualification for Licensing Apprentice Auctioneers

A. Must be at least 18 years of age.

B. Must submit the following:

1. application for licensing;
2. oath of office;
3. a good and sufficient surety bond executed by the applicant as principal and by a surety company qualified to do business in the state of Louisiana as surety in the amount of \$10,000, which shall be delivered to the board at the time of the initial license application (see Section 1201);
4. irrevocable consent form (out-of-state applicants only);
5. copy of voter registration;
6. a certified check, money order, or cash in the sum of \$100;
7. a form signed by the supervising Louisiana resident licensed auctioneer stating that the apprentice will be serving under him for the term of one year;
8. a copy of the rules and regulations signed by both the apprentice and the supervising auctioneer (see Subsection D).

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3118.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:338 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:786 (November 1988), LR 27:

### §1119. Apprentice Auctioneer Licensing

A. - G ...

H. Upon completion of the one-year apprentice program, the apprentice auctioneer may apply to take the Louisiana auctioneer's examination and become licensed in the state of Louisiana. He must submit the following in order to be considered for administration of the test:

1. a completed application for license as an auctioneer;
2. oath of office;
3. posting of a \$10,000 surety bond, made payable to the Louisiana Auctioneers Licensing Board (see Section 1201);
4. irrevocable consent form (out-of-state applicants only);
5. certified copy of voter registration showing present residence;
6. certified check, money order, or cash in the amount of \$300. (This includes the \$150 license fee, the \$75 application fee, and \$75 examination fee);
7. a form signed by the supervising Louisiana licensed auctioneer stating that the apprentice did serve under him for the term of one year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:338 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:786 (November 1988), LR 27:

### §1121. Causes for Nonissuance, Suspension, Revocation or Restriction; Fine, Reinstatement

A. The board may refuse to issue or may suspend, revoke or impose probationary or other restrictions of any license issued under this statute and rules for any of the following causes:

1. - 10. ...
11. false, deceptive or misleading advertising;
12. failure to notify the board within 30 days, of any administrative action taken by another licensing authority, board or commission;
13. failure to comply with all local, city, parish/county, or state laws.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3121.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:338 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:787 (November 1988), LR 27:

### §1201. Bonds

A. Each applicant for licensure as a resident auctioneer, apprentice auctioneer, or auction business shall deliver to and deposit with the board at the time of application either the sum of \$10,000 in cash or a surety bond in the amount of \$10,000. Such bond shall:



1. be executed by the applicant as principal and by a surety company qualified to do business in the state as a surety;
2. be in a form approved by the board;
3. be conditioned upon compliance by the applicant with the conditions of any written auctioneer's contract made by such applicant in connection with a sale or auction in which he is a party;
4. be conditioned upon the assurance that the applicant shall not violate any provision of this Chapter or state law in the conduct of the business for which he is licensed;
5. be made payable to the board for the use, benefit, and indemnity of any person who suffers any loss as a result of a violation of this Chapter and for the proper disposition of all funds, taxes and registration fees;
6. be for the period of licensure.

B. The bond shall be maintained throughout the period of licensure. If the bond is canceled for any reason, the license shall be revoked as of the date of cancellation unless a new bond is furnished prior to that date.

C. A new bond or proper continuation certificate shall be delivered to the board at the beginning of each period of licensure. However, the aggregate liability of the surety in any one year shall not exceed the sum of the bond.

D. A licensed resident auctioneer shall not be required to deposit with the board an additional cash amount or an additional surety bond upon application for licensure as an auction business.

E. The board may promulgate rules to require a cash deposit or surety bond not to exceed \$10,000 as a condition of reinstatement of a license revoked, canceled, suspended, or otherwise restricted pursuant to R.S. 37:3121.

F. The board may promulgate rules to require a cash deposit or surety bond not to exceed \$10,000 of a nonresident auctioneer either licensed in or conducting an auction in Louisiana under the reciprocity provisions of R.S. 37:3117 if a bond is required of a Louisiana auctioneer for licensure or the conduct of an auction in the licensing jurisdiction of such nonresident auctioneer.

G. An auction business which is owned by a nonresident auctioneer shall, prior to being licensed by the board, post a surety bond in the amount which shall be the greater or either:

1. \$10,000;
2. the amount of the bond required of an auction business owned by an auctioneer licensed in Louisiana in the licensing jurisdiction of such nonresident auctioneer.

H. Such bond shall name the board as beneficiary.

1. In the case of a cash deposit, the auctioneer or auction business making the cash deposit shall deposit funds in a recognized state depository with the account or certificate pledged to the Louisiana Auctioneer Licensing Board under the same requirements as a surety bond. The funds shall be maintained in this depository for a period of one calendar year past the expiration date of the license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 27:

### **§1203. Auctioneer Recovery Fund**

A. Funds remaining in the auctioneers recovery fund shall be deposited into the general fund of the Auctioneer Licensing Board with the following provisions.

1. A percentage of the funds shall be designated for a specified number of years to cover those incidents, which occurred while the fund was in existence. All civil judicial proceedings must be exhausted prior to filing a claim against the funds.

- a. Only those claims, which are filed within one year of the termination of the fund, will be considered to be filed in a timely manner against the fund.

2. A percentage of the funds shall be designated by the board for educational and administrative use, to cover the cost of continuing education for Louisiana residential auctioneers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 27:

## **Chapter 13. Cease and Desist; Injunctions**

### **§1301. Cease and Desist; Injunctions**

A. - C. ...

- D. Those who hold auction licenses who are found in violation of the statutes or regulations shall be responsible for reasonable attorney fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3122.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:338 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:787 (November 1988), LR 27:

## **Chapter 15. Violations and Penalties**

### **§1501. Violations and Penalties**

A. - B. ...

- C. Any person who fails to comply with any order issued by the board or its designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3123.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:338 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:786 (November 1988), LR 27:

## **Chapter 17. Responsibilities of Licensed Auctioneers**

### **§1703. Conduct in Professional Manner**

- A. A licensee shall conduct his professional activities in a professional manner that will reflect credit upon him, the auction profession and auctioneers.

B. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:338 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:787 (November 1988), LR 27:

## **Chapter 23. Transfer of Boards, Commissions, Departments and Agencies to the Department of Commerce**

### **§2301. Transferred as Provided in R.S. 36:803**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3120.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:339 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:788 (November 1988), repealed LR 27:

## **Chapter 25. Auctioneer Business**

### **§2501. Licensing of Auctioneer Business**

A. - D. ...

E. Application Information. Each applicant shall submit the following information on the designated application form:

1. the name of each owner of the entity and the length of time each such person has been an owner;
2. each business address of the entity;
3. each auctioneer licensed by the date of application who has been employed by the business for more than one auction in the previous calendar year;
4. the nature of the business and the product to be sold;
5. two references who shall be auctioneers currently licensed in this state in good standing with the board;
6. tax identification number;
7. Louisiana sales tax number;
8. all related business entities or individuals, such as co-owners, holding companies, sister companies, etc.;
9. a good and sufficient surety bond executed by the applicant as principal and by a surety company qualified to do business in the state of Louisiana as surety in the amount of \$10,000.

F. If, in the opinion of the board, the applicant provided inadequate information to allow the board to ascertain whether the applicant satisfies the qualifications for licensing, the applicant shall be required to provide additional information for purposes of the application or may be required to present himself for an interview for this purpose.

G. - N. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3119

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Auctioneers Licensing Board, LR 20:1367 (December 1994), LR 27:

## **Chapter 27. Continuing Education**

### **§2701. Continuing Education**

A. In an effort to improve the quality of the service provided by auctioneers in the state of Louisiana, the board has determined that continuing education shall be required of all auctioneers. Effective January 1, 2002, each auctioneer licensed in the state of Louisiana shall be required to have obtained six hours of continuing education, related to the business of auctioneering, in order to be eligible for renewal, and shall obtain six hours each year thereafter to maintain eligibility for renewal. Under the regulation, each credit hour shall consist of no less than 50 minutes of lecture or instruction time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 27:

### **§2703. Providers**

A. In order to be considered a provider of continuing education, the provider must satisfy one of the following criteria:

1. be a recognized school of auctioneering approved by the board;
2. be a state regulatory board or commission;
3. be a recognized national or state association;
4. be a certified instructor in a field related to auctioneering;
5. be a recognized expert in a field related to auctioneering either through accreditation or years of experience;
6. be a licensed professional in their field.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 27:

### **§2705. Application Process and Provider Responsibilities**

A. Effective (the date these rules become effective), the provider of any continuing education program shall apply to the board for approval of such program by supplying the board with the following information:

1. the name, address, and phone number of the provider seeking approval;
2. a listing of courses offered that pertain to the business of auctioneering;
3. an outline and brief description of each course to be approved including the number of credits for each course;
4. a list of instructors and their credentials;
5. the location and dates, if available, for courses to be approved.

B. Each approved provider shall submit, within 30 days of course completion, a list of all licensees completing the course. This list shall contain the following information:

1. the full name of the licensee;
2. the Louisiana auctioneer's license number;
3. the name of the course taken;
4. the provider course number;
5. the location of the course;
6. the number of credit hours;
7. the date the course was taken;
8. the name of the instructor for that course.

C. The provider shall be required to assure complete attendance of courses prior to issuing credit, through a system of signed attendance sheets showing each licensee's name and license number and the times of each attendee's presence at the course. No course credit shall be given to any attendee who fails to attend the full session. Certificates of attendance, if utilized, shall be issued at the end of the course.

D. Each credit hour shall consist of 50 minutes of instruction or lecture time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 27:

### **§2707. Revocation of Provider Status**

A. The board shall have the authority to suspend or revoke approval of any provider who fails to adhere to the rules set forth in this Chapter, or who knowingly falsifies or aids anyone in falsifying records pertaining to course credits received.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 27:

**§2709. Auctioneer Responsibilities**

A. It shall be the responsibility of the auctioneer to obtain six credit hours of continuing education each year, prior to the license renewal date, in order to maintain eligibility to renew a license. Each licensee shall be required to do the following:

1. attend and complete board approved continuing education seminars, totaling six hours, in courses approved by this board;
2. complete the required six hours of coursework prior to the renewal period of the upcoming year;
3. supply the provider of continuing education, their full name and Louisiana license number, on the providers form in order to receive credit for the course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 27:

Interested parties are invited to submit written comments on the proposed regulations through March 20, 2001 at 4:30 p.m., to Sherrie Wilks, Louisiana Auctioneers Licensing Board, 8017 Jefferson Hwy, Suite A-2, Baton Rouge, LA, 70809.

Sherri Wilks  
Executive Assistant

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Licensing of Auction Businesses and Requirement of Bonds**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no implementation costs or savings to local government units as a result of this rule. State government should experience no savings; however, costs to state government should be approximately \$10,400 to implement the Continuing Education Program. These funds are available from the Auctioneer Recovery Fund that is being eliminated.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no effect on revenue collections to local government units as a result of this rule. However, there will be an increase in revenue collections to the State. It has been estimated that there will be an increase in collection of approximately \$16,000. This is based on approximately 53 auctioneer licenses either being issued or renewed each year at a rate of \$300 per license. Additional revenue may also be collected in the form of delinquent renewal fees that may be imposed and also fees for replacement identification cards. However, an estimate of the amount of revenue that will be generated from these sources cannot be quantified.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The estimated costs to directly affected persons as a result of this rule is \$300 per year for a new or renewed license fee. There may also be additional costs of \$5 for a replacement identification card and \$75 for delinquent renewal fees if applicable.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no anticipated effect on competition or employment as a result of these rules.

Sherri Wilks  
Executive Assistant  
0102#012

Robert E. Hosse  
General Government Section Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Office of the Governor  
Division of Administration  
Board of the Trustees of the  
State Employees Group Benefits Program**

EPO Plan of Benefits C Emergency Room  
Deductible C Non-EPO Facility  
(LAC 32:V.701)

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the board finds that it is necessary to revise and amend provisions of the EPO Plan Document to increase the emergency room deductible applicable to services at a non-EPO facility. The reason for this action is to avoid adverse financial impact that would affect fiscal solvency of the State Employees Group Benefits Program and the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state.

Accordingly, the board hereby gives Notice of Intent to adopt the following Rule to become effective July 1, 2001.

**Title 32**

**EMPLOYEE BENEFITS**

**Part V. Exclusive Provider (EPO) Plan of Benefits  
Chapter 7. Schedule of Benefits C EPO  
§701. Comprehensive Medical Benefits**

A. Eligible expenses for professional medical services are reimbursed on a fee schedule of maximum allowable charges. All eligible expenses are determined in accordance with plan limitations and exclusions.

\*\*\*

**1. Deductibles**

	PPO/non-participating provider	EPO
	***	
Emergency room charges for each visit unless The Covered person is hospitalized immediately Following emergency room treatment (prior to And in addition to Calendar Year deductible)	\$150	0
	***	

**A.2. - G ...**

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1823 (October 1999), amended LR 27:

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Wednesday, March 28, 2001.

A public hearing will be held from 6:30 p.m. until 8 p.m. on Wednesday, March 28, 2001 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, LA 70802. Interested persons may appear and present their views at that time.

A. Kip Wall  
Chief Executive Officer

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: EPO Plan of Benefits C Emergency Room  
Deductible C Non-EPO Facility**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
It is estimated by SEGBP's consulting actuary of Milliman & Robertson that this benefit modification will save the Program approximately \$1,276,000 during FY 01-02; FY 02-03 and FY 03-04. It is anticipated there will be \$3,000 in printing and postage costs associated with the implementation of this rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Revenue collections of state and local governmental units will not be affected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
This rule will increase the emergency room deductible for all EPO participants from \$100 to \$150 per visit, if the emergency room visit is at a non-EPO facility. This deductible will be waived if the patient is admitted to the hospital.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Competition and employment will not be affected.

A. Kip Wall  
Chief Executive Officer  
0102#056

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Office of the Governor  
Division of Administration  
Board of the Trustees of the  
State Employees Group Benefits Program**

EPO Plan of Benefits C Glucometers  
(LAC 32.V:317 and 325)

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the board finds that it is necessary to revise and amend provisions of the EPO Plan Document to exclude coverage of glucometers.

The reason for this action is to avoid adverse financial impact that would affect fiscal solvency of the State Employees Group Benefits Program and the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state.

Accordingly, the board hereby gives Notice of Intent to adopt the following Rule to become effective July 1, 2001.

**Title 32**

**EMPLOYEE BENEFITS**

**Part V. Exclusive Provider (EPO) Plan of Benefits**

**Chapter 3. Medical Benefits**

**§317. Exceptions and Exclusions for All Medical Benefits**

A. No benefits are provided under this plan for:

1. - 40. ...

41. Glucometers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1813 (October 1999), amended LR 26:487 (March 2000), LR 27:

**§325. Prescription Drug Benefits**

A. ...

B. The following drugs, medicines, and related services are not covered:

1. - 11. ...

12. Glucometers.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1815 (October 1999), amended LR 27:

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Wednesday, March 28, 2001.

A public hearing will be held from 6:30 p.m. until 8 p.m. on Wednesday, March 28, 2001 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, LA 70802. Interested persons may appear and present their views at that time.

A. Kip Wall  
Chief Executive Officer

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: EPO Plan of Benefits C Glucometers**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is estimated by SEGBP's consulting actuary, Milliman & Robertson, this benefit modification will save the Program approximately \$751,000 during FY 01-02; \$803,600 during FY 02-03; and \$859,800 during FY 03-04. It is anticipated there will be \$3,000 in printing and postage costs associated with the implementation of this rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue collections of state and local governmental units will not be affected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This rule will exclude payment for glucometers for all EPO participants.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

A. Kip Wall  
Chief Executive Officer  
0102#058

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Office of the Governor  
Division of Administration  
Board of the Trustees of the  
State Employees Group Benefits Program**

EPO Plan of Benefits C New Employees C Pre-Existing  
Condition Limitation (LAC 32:V.101)

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the board finds that it is necessary to revise and amend provisions of the EPO Plan Document to implement a pre-existing condition limitation for new employees. The reason for this action is to avoid adverse financial impact that would affect fiscal solvency of the State Employees Group Benefits Program and the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state.

Accordingly, the board hereby gives Notice of Intent to adopt the following Rule to become effective July 1, 2001.

**Title 32**

**EMPLOYEE BENEFITS**

**Part V. Exclusive Provider (EPO) Plan of Benefits**

**Chapter 1. Eligibility**

**§101. Persons to be Covered**

Eligibility requirements apply to all participants in the Program, whether in the PPO Plan, the EPO Plan or an HMO plan.

A. Employee Coverage

1. - 7. ...

8. Pre-Existing Condition (PEC) C New Employees (on and after July 1, 2001)

a. The terms of the following paragraphs apply to all eligible employees whose employment with a participant employer commences on or after July 1, 2001, and to the dependents of such employees.

b. The program may require that such applicants complete a "Statement of Physical Condition" and an "Acknowledgement of Pre-existing Condition" form.

c. Medical expenses incurred during the first 12 months that coverage for the employee and/or dependent is in force under the plan will not be considered as covered medical expenses if they are in connection with a disease,

illness, accident or injury for which medical advice, diagnosis, care, or treatment was recommended or received during the six-month period immediately prior to the effective date of coverage. The provisions of this section do not apply to pregnancy.

d. If the covered person was previously covered under a Group Health Plan, Medicare, Medicaid or other creditable coverage as defined in the Health Insurance Portability and Accountability Act of 1996 (HIPAA), credit will be given for previous coverage that occurred without a break of 63 days or more for the duration of prior coverage against the initial 12-month period. Any coverage occurring prior to a break in coverage 63 days or more will not be credited against a pre-existing condition exclusion period.

B. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1804 (October 1999), amended LR 27:

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Wednesday, March 28, 2001.

A public hearing will be held from 6:30 p.m. until 8 p.m. on Wednesday, March 28, 2001 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, LA 70802. Interested persons may appear and present their views at that time.

A. Kip Wall  
Chief Executive Officer

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: EPO Plan of Benefits C New  
Employees C Pre-Existing Condition Limitation**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This benefit modification was reviewed by the Program's consulting actuary, Milliman & Robertson, and the fiscal impact was unknown. While it was agreed there would definitely be a savings associated with this rule change, there was insufficient data to perform a thorough actuarial review. It is anticipated there will be \$3,000 in printing and postage costs associated with the implementation of this rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue collections of state and local governmental units will not be affected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This rule change will impose a 12 month pre-existing condition period for all employees that enroll into the SEGBP and do not qualify for an exemption from this clause under provisions of Health Insurance Portability and Accountability Act (HIPAA). The total impact of this rule change is unknown.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

A. Kip Wall  
Chief Executive Officer  
0102#057

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**  
**Office of the Governor**  
**Division of Administration**  
**Board of the Trustees of the**  
**State Employees Group Benefits Program**

EPO Plan of Benefits C Prescription Drug Benefits  
(LAC 32:V.325, 601, and 701)

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the board finds that it is necessary to revise and amend provisions of the EPO Plan Document relative to prescription drug benefits. The reason for this action is to avoid adverse financial impact that would affect fiscal solvency of the State Employees Group Benefits Program and the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state.

Accordingly, the board hereby gives Notice of Intent to adopt the following Rule to become effective July 1, 2001.

**Title 32**

**EMPLOYEE BENEFITS**

**Part V. Exclusive Provider (EPO) Plan of Benefits**

**Chapter 3. Medical Benefits**

**§325. Prescription Drug Benefits**

A. This plan allows benefits for drugs and medicines approved by the Food and Drug Administration or its successor, requiring a prescription, and dispensed by a licensed pharmacist or pharmaceutical company, but which are not administered to a covered person as an inpatient hospital patient or an outpatient hospital patient, including insulin, Retin-A dispensed for covered persons under the age of 26, Vitamin B12 injections, prescription Potassium Chloride, and over-the-counter diabetic supplies including, but not limited to, strips, lancets and swabs.

B. The following drugs, medicines, and related services are not covered:

1. - 10. ...

11. Drugs for Treatment of impotence, except following surgical removal of the prostate gland; and

12. Glucometers.

C. ...

1. Upon presentation of the Group Benefits Program Health Benefits Identification Card at a network pharmacy, the Plan Member will be responsible for payment of 50 percent of the cost of the drug, up to a maximum of \$50 per prescription dispensed. The plan will pay the balance of the eligible expense for prescription drugs dispensed at a network pharmacy.

2. ...

3. If the plan member obtains a prescription drug from a non-network pharmacy in state, reimbursement will be limited to 50 percent of the amount that would have been paid if the drug had been dispensed at a network pharmacy. If the plan member obtains a prescription drug from a non-network pharmacy out of state, benefits will be limited to 80

percent of the amount that would have been paid if the drug had been dispensed at a network pharmacy.

4. Regardless of where the prescription drug is obtained, eligible expenses for brand name drugs will be limited to the prescription benefits manager's maximum allowable charge for the drug dispensed.

5. Prescription drug dispensing and refills will be limited in accordance with protocols established by the prescription benefits manager, including the following limitations:

a. up to a 34-day supply of drugs may be dispensed at one time; and

b. refills will be available only after 75 percent of drugs previously dispensed should have been consumed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1815 (October 1999), amended LR 27:

**Chapter 7. Schedule of Benefits C EPO**  
**§701. Comprehensive Medical Benefits**

A. ...

1. - 3. ...

4. Prescription Drugs (Not subject to deductible)

Network Pharmacy	Member pays 50% of drug costs at point of purchase
Maximum co-payment	\$50 per prescription dispensed
Non-network pharmacy	Plan pays balance of Eligible Expense
In-state	Member pays full drug costs at point of purchase
Out-of-state	Reimbursement limited to 50% of amount payable by Plan at Network Pharmacy
	Reimbursement limited to 80% of amount payable by Plan at Network Pharmacy

B. - G ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1823 (October 1999), amended LR 26:487 (March 2000), LR 27:

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Wednesday, March 28, 2001.

A public hearing will be held from 6:30 p.m. until 8 p.m. on Wednesday, March 28, 2001 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, LA 70802. Interested persons may appear and present their views at that time.

A. Kip Wall  
Chief Executive Officer

**FISCAL AND ECONOMIC IMPACT STATEMENT**  
**FOR ADMINISTRATIVE RULES**

**RULE TITLE: EPO Plan of Benefits C**  
**Prescription Drug Benefits**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is estimated by SEGBP's consulting actuary, Milliman & Robertson, that this benefits modification will save the Program \$10.6 million during FY 01-02; FY 02-03 and FY 03-04. It is

anticipated there will be \$3,000 in printing and postage costs associated with the implementation of this rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue collections of state and local governmental units will not be affected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This rule change will change the current 3-tier co-payment structure for prescription drugs into a 50% coinsurance plan with the member paying for 50% of any given drug up to a maximum of \$50/prescription.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

A. Kip Wall  
Chief Executive Officer  
0102#059

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Office of the Governor  
Division of Administration  
Board of the Trustees of the  
State Employees Group Benefits Program**

A. Kip Wall  
Chief Executive Officer

PPO Plan of Benefits C Annual Deductible (LAC 32:III.701)

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the board finds that it is necessary to revise and amend provisions of the PPO Plan Document to increase the annual deductible for employees and dependents of employees. The reason for this action is to avoid adverse financial impact that would affect fiscal solvency of the State Employees Group Benefits Program and the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state.

Accordingly, the board hereby gives Notice of Intent to adopt the following Rule to become effective July 1, 2001.

**Title 32**

**EMPLOYEE BENEFITS**

**Part III. Preferred Provider (PPO) Plan of Benefits**

**Chapter 7. Schedule of Benefits C PPO**

**§701. Comprehensive Medical Benefits**

A. ...

1. Deductibles

Inpatient deductible per day, maximum of 5 days per admission (waived for admissions at PPO Hospitals) ...

Emergency room charges for each visit unless the Covered Person is hospitalized immediately following emergency room Treatment (prior to and in addition to Calendar Year deductible) ...

Professional and other eligible expenses,  
Employees and Dependents of Employees, \$ 500  
Per person, per Calendar Year

Professional and other eligible expenses, Retirees and Dependents of Retirees, Per person, per Calendar Year \$ 300

Family Unit maximum (3 individual deductibles)

A.2. - G ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1843 (October 1999), amended LR 26:488 (March 2000), LR 27:

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Wednesday, March 28, 2001.

A public hearing will be held from 6:30 p.m. until 8 p.m. on Wednesday, March 28, 2001 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, LA 70802. Interested persons may appear and present their views at that time.

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: PPO Plan of Benefits C  
Annual Deductible**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated by SEGBP's consulting actuary of Milliman & Robertson that this benefit modification will save the Program approximately \$6.5 million during FY 01-02; FY 02-03 and FY 03-04. It is anticipated there will be \$3,000 in printing and postage costs associated with the implementation of this rule change..

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue collections of state and local governmental units will not be affected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This rule will increase the annual deductible for all PPO participants that are still actively employed from \$300 to \$500 annually. This will require these participants to pay for the first \$500 in allowable medical charges before the Program starts paying a benefit. This will affect all actively employed PPO participants that incur greater than \$300 in medical costs annually.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

A. Kip Wall  
Chief Executive Officer  
0102#060

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**  
**Office of the Governor**  
**Division of Administration**  
**Board of the Trustees of the**  
**State Employees Group Benefits Program**

PPO Plan of Benefits C Emergency Room Deductible  
(LAC 32:III.701)

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the board finds that it is necessary to revise and amend provisions of the PPO Plan Document to increase the emergency room deductible. The reason for this action is to avoid adverse financial impact that would affect fiscal solvency of the State Employees Group Benefits Program and the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state.

Accordingly, the board hereby gives Notice of Intent to adopt the following Rule to become effective July 1, 2001.

**Title 32**

**EMPLOYEE BENEFITS**

**Part III. Preferred Provider (PPO) Plan of Benefits**

**Chapter 7. Schedule of Benefits C PPO**

**§701. Comprehensive Medical Benefits**

A. ...

1. Deductibles

Inpatient deductible per day, maximum of 5 days per admission (waived for admissions at PPO Hospitals)	...
Emergency room charges for each visit unless the Covered Person is hospitalized immediately following emergency room treatment (prior to and in addition to Calendar Year deductible)	\$150
Professional and other eligible expenses, Employees and Dependents of Employees, per person, per Calendar Year	...
Professional and other eligible expenses, Retirees and Dependents of Retirees, per person, per Calendar Year	...
Family Unit maximum (3 individual deductibles)	

A.2. - G ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1843 (October 1999), amended LR 26:488 (March 2000), LR 27:

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 on Wednesday, March 28, 2001.

A public hearing will be held from 6:30 p.m. until 8 p.m. on Wednesday, March 28, 2001 at the Louisiana Department of Transportation and Development (DOTD) Auditorium,

1201 Capitol Access Road, Baton Rouge, LA 70802. Interested persons may appear and present their views at that time.

A. Kip Wall  
Chief Executive Officer

**FISCAL AND ECONOMIC IMPACT STATEMENT**  
**FOR ADMINISTRATIVE RULES**  
**RULE TITLE: PPO Plan of Benefits C**  
**Emergency Room Deductible**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is estimated by SEGBP's consulting actuary of Milliman & Robertson, that this benefit modification will save the program approximately \$424,000 during FY 01/02; FY 02/03; and FY 03/04. It is anticipated there will be approximately \$3,000 in printing and postage costs associated with the implementation of this rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue collections of state and local governmental units will not be affected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This rule change will increase the emergency room deductible for all PPO participants from \$100 to \$150 per visit. This deductible will be waived if the patient is admitted to the hospital.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

A. Kip Wall  
Chief Executive Officer  
0102#052

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Office of the Governor**  
**Division of Administration**  
**Board of the Trustees of the**  
**State Employees Group Benefits Program**

PPO Plan of Benefits C Glucometers  
(LAC 32:III.317 and 323)

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the board finds that it is necessary to revise and amend provisions of the PPO Plan Document to exclude coverage for glucometers. The reason for this action is to avoid adverse financial impact that would affect fiscal solvency of the State Employees Group Benefits Program and the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state.

Accordingly, the board hereby gives Notice of Intent to adopt the following Rule to become effective July 1, 2001.



**Title 32  
EMPLOYEE BENEFITS**

**Part III. Preferred Provider (PPO) Plan of Benefits**

**Chapter 3. Medical Benefits**

**§317. Exceptions and Exclusions for All Medical Benefits**

A. No benefits are provided under this Plan for:

1. - 40. ...

41. Glucometers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1834 (October 1999), amended LR 26:488 (March 2000), LR 27:

**§323. Prescription Drug Benefits**

A. ...

B. The following drugs, medicines, and related services are not covered:

1. - 11. ...

12. Glucometers.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1835 (October 1999), amended LR 27:

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Wednesday, March 28, 2001.

A public hearing will be held from 6:30 p.m. until 8 p.m. on Wednesday, March 28, 2001 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, LA 70802. Interested persons may appear and present their views at that time.

A. Kip Wall  
Chief Executive Officer

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: PPO Plan of Benefits C Glucometers**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is estimated by SEGBP's consulting actuary of Milliman & Robertson, this benefit modification will save the program approximately \$249,000 during FY 01/02; \$266,000 during FY 02/03; and \$285,000 during FY 03/04. It is anticipated there will be \$3,000 in printing and postage costs associated with the implementation of this rule change.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Revenue collections of state and local governmental units will not be affected.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

This rule change will result in a savings to SEGBP by excluding payment for glucometers for all PPO participants.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Competition and employment will not be affected.

A. Kip Wall  
Chief Executive Officer  
0102#054

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Office of the Governor  
Division of Administration  
Board of the Trustees of the  
State Employees Group Benefits Program**

**PPO Plan of Benefits C New Employees C Pre-Existing  
Condition Limitation (LAC 32.III:101)**

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the board finds that it is necessary to revise and amend provisions of the PPO Plan Document to implement a pre-existing condition limitation for new employees. The reason for this action is to avoid adverse financial impact that would affect fiscal solvency of the State Employees Group Benefits Program and the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state.

Accordingly, the board hereby gives Notice of Intent to adopt the following Rule to become effective July 1, 2001.

**Title 32**

**EMPLOYEE BENEFITS**

**Part III. Preferred Provider (PPO) Plan of Benefits**

**Chapter 1. Eligibility**

**§101. Persons to be Covered**

Eligibility requirements apply to all participants in the program, whether in the PPO Plan, the EPO Plan or an HMO plan.

A. Employee Coverage

1. - 7. ...

8. Pre-Existing Condition (PEC) C New Employees (on and after July 1, 2001)

a. The terms of the following paragraphs apply to all eligible employees whose employment with a participant employer commences on or after July 1, 2001, and to the dependents of such employees.

b. The program may require that such applicants complete a "Statement of Physical Condition" and an "Acknowledgement of Pre-existing Condition" form.

c. Medical expenses incurred during the first 12 months that coverage for the employee and/or dependent is in force under the plan will not be considered as covered medical expenses if they are in connection with a disease, illness, accident or injury for which medical advice, diagnosis, care, or treatment was recommended or received during the six-month period immediately prior to the effective date of coverage. The provisions of this section do not apply to pregnancy.

d. If the covered person was previously covered under a Group Health Plan, Medicare, Medicaid or other creditable coverage as defined in the Health Insurance

Portability and Accountability Act of 1996 (HIPAA), credit will be given for previous coverage that occurred without a break of 63 days or more for the duration of prior coverage against the initial 12-month period. Any coverage occurring prior to a break in coverage 63 days or more will not be credited against a pre-existing condition exclusion period.

B. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1825 (October 1999), amended LR 27:

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Wednesday, March 28, 2001.

A public hearing will be held from 6:30 p.m. until 8 p.m. on Wednesday, March 28, 2001 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, LA 70802. Interested persons may appear and present their views at that time.

A. Kip Wall  
Chief Executive Officer

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

##### **RULE TITLE: PPO Plan of Benefits C New Employees C Pre-Existing Condition Limitation**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

This benefit modification was reviewed by the program's consulting actuary, Milliman & Robertson, and the fiscal impact was unknown. While it was agreed there would definitely be a savings associated with this rule change, there was insufficient data to perform a thorough actuarial review. It is anticipated there will be \$3,000 in printing and postage costs associated with the implementation of this rule.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Revenue collections of state and local governmental units will not be affected.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

This rule change will impose a 12-month pre-existing condition period for all employees that enroll into the SEGBP and do not qualify for an exemption from this clause under provisions of Health Insurance Portability and Accountability Act (HIPAA). The total impact of this rule change is unknown.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Competition and employment will not be affected.

A. Kip Wall  
Chief Executive Officer  
0102#053

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

## **NOTICE OF INTENT**

### **Office of the Governor Division of Administration Board of the Trustees of the State Employees Group Benefits Program**

#### **PPO Plan of Benefits C Prescription Drug Benefits (LAC 32:III.323, 601, and 701)**

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the board finds that it is necessary to revise and amend provisions of the PPO Plan Document relative to prescription drug benefits. The reason for this action is to avoid adverse financial impact that would affect fiscal solvency of the State Employees Group Benefits Program and the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state.

Accordingly, the board hereby gives Notice of Intent to adopt the following Rule to become effective July 1, 2001.

#### **Title 32**

#### **EMPLOYEE BENEFITS**

#### **Part III. Preferred Provider (PPO) Plan of Benefits**

#### **Chapter 3. Medical Benefits**

#### **§323. Prescription Drug Benefits**

A. This plan allows benefits for drugs and medicines approved by the Food and Drug Administration or its successor, requiring a prescription, and dispensed by a licensed pharmacist or pharmaceutical company, but which are not administered to a covered person as an inpatient hospital patient or an outpatient hospital patient, including insulin, Retin-A dispensed for covered persons under the age of 26, Vitamin B12 injections, prescription Potassium Chloride, and over-the-counter diabetic supplies including, but not limited to, strips, lancets and swabs.

B. The following drugs, medicines, and related services are not covered:

1. - 10. ...

11. drugs for treatment of impotence, except following surgical removal of the prostate gland; and

12. glucometers.

C. ...

1. Upon presentation of the Group Benefits Program Health Benefits Identification Card at a network pharmacy, the Plan Member will be responsible for payment of 50 percent of the cost of the drug, up to a maximum of \$50 per prescription dispensed. The plan will pay the balance of the eligible expense for prescription drugs dispensed at a network pharmacy.

2. ...

3. If the plan member obtains a prescription drug from a non-network pharmacy in state, reimbursement will be limited to 50 percent of the amount that would have been paid if the drug had been dispensed at a network pharmacy. If the plan member obtains a prescription drug from a non-network pharmacy out of state, benefits will be limited to 80

percent of the amount that would have been paid if the drug had been dispensed at a network pharmacy.

4. Regardless of where the prescription drug is obtained, eligible expenses for brand name drugs will be limited to the prescription benefits manager's maximum allowable charge for the drug dispensed.

5. Prescription drug dispensing and refills will be limited in accordance with protocols established by the prescription benefits manager, including the following limitations:

a. up to a 34-day supply of drugs may be dispensed at one time; and

b. refills will be available only after 75 percent of drugs previously dispensed should have been consumed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1835 (October 1999), amended LR 27:

**Chapter 7. Schedule of Benefits C PPO**

**§701. Comprehensive Medical Benefits**

A. ...

1. - 3. ...

4. Prescription Drugs (Not subject to deductible)

Network Pharmacy	Member pays 50% of drug costs at point of purchase
Maximum co-payment	\$50 per prescription dispensed
Non-network pharmacy	Plan pays balance of Eligible Expense
In-state	Member pays full drug costs at point of purchase
Out-of-state	Reimbursement limited to 50% of amount payable by Plan at Network Pharmacy
	Reimbursement limited to 80% of amount payable by Plan at Network Pharmacy

B. - G ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1843 (October 1999), amended LR 26:488 (March 2000), LR 27:

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Wednesday, March 28, 2001.

A public hearing will be held from 6:30 p.m. until 8 p.m. on Wednesday, March 28, 2001 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 201 Capitol Access Road, Baton Rouge, LA 70802. Interested persons may appear and present their views at that time.

A. Kip Wall  
Chief Executive Officer

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: PPO Plan of Benefits C Prescription Drug Benefits**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is estimated by SEGBP's consulting actuary of Milliman & Robertson, this benefit modification will save the program \$19.2 million during FY 01-02; FY 02-03 and FY 03-04. It is anticipated there will be \$3,000 in printing and postage costs associated with the implementation of this rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue collections of state and local governmental units will not be affected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This rule change will change the current 3-tier co-payment structure for prescription drugs into a 50% coinsurance plan with the member paying for 50% of any given drug to a maximum of 50% prescription.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

A. Kip Wall  
Chief Executive Officer  
0102#055

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Office of the Governor  
Division of Administration  
Board of the Trustees of the  
State Employees Group Benefits Program**

**PPO Plan of Benefits C Stop Loss Threshold  
(LAC 32:III.321 and 701)**

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the board finds that it is necessary to revise and amend provisions of the PPO Plan Document relative to the stop loss threshold. The reason for this action is to avoid adverse financial impact that would affect fiscal solvency of the State Employees Group Benefits Program and the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state.

Accordingly, the board hereby gives Notice of Intent to adopt the following Rule to become effective July 1, 2001.

**Title 32**

**EMPLOYEE BENEFITS**

**Part III. Preferred Provider (PPO) Plan of Benefits  
Chapter 3. Medical Benefits**

**§321. Preferred Provider Program**

A. ...

1. If a Covered Person obtains medical services or Hospital services from an eligible provider who has agreed to provide the services at a mutually agreed upon discount from the maximum medical Fee Schedule or at a per diem or discounted rate from a Hospital, the Program will pay, following satisfaction of all applicable deductibles, 90 percent of the first \$10,000 of eligible expenses and 100 percent of eligible expenses, except prescription drugs, in

excess of \$10,000 for the remainder of the Calendar Year subject to the maximum amount as specified in the Schedule of Benefits.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1835 (October 1999), amended LR 27:

**Chapter 7. Schedule of Benefits C PPO**

**§701. Comprehensive Medical Benefits**

A. ...

1. ...

2. Percentage Payable after Satisfaction of Applicable Deductibles

Eligible expenses incurred at a PPO	90% of negotiated rate
Eligible expenses incurred at a non-PPO when one is available in the PPO Region	50%
Eligible expenses incurred at a non-PPO when not available at a PPO or out of state	80%
Eligible expenses incurred when Medicare or other group health plan is primary, and after Medicare reduction	80%
Eligible expenses in excess of \$10,000 per Calendar Year per person	100%

A.3. - G ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1843 (October 1999), amended LR 26:488 (March 2000), LR 27:

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Wednesday, March 28, 2001.

A public hearing will be held from 6:30 p.m. until 8 p.m. on Wednesday, March 28, 2001 at the Department of Transportation and Development (DOTD) Auditorium, 1201Capitol Access Road, Baton Rouge, LA 70802. Interested persons may appear and present their views at that time.

A. Kip Wall  
Chief Executive Officer

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: PPO Plan of Benefits C Stop Loss Threshold**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is estimated by SEGBP's consulting actuary, Milliman & Robertson, this benefit modification will save the program approximately \$3.5 million during FY 01/02; FY 02/03; and FY 03/04. It is anticipated there will be \$3,000 in printing and postage costs associated with the implementation of this rule change.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Revenue collections of state and local governmental units will not be affected.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

This rule change will increase the stop loss threshold from \$500 to \$1,000. The program will pay, following the satisfaction of all applicable deductibles, 90 per cent of the first \$10,000 of eligible expenses and 100 per cent of eligible expenses, except prescription drugs, in excess of \$10,000 for the remainder of the calendar year to the maximum amount specified in the Schedule of Benefits.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Competition and employment will not be affected.

A. Kip Wall  
Chief Executive Officer  
0102#051

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Board of Examiners of Psychologists**

Reciprocity (LAC 46:LXIII.201)

Notice is hereby given in accordance with R.S. 49:950 et seq., that the Board of Examiners of Psychologists intends to amend the following rule related to the licensure of psychologists through reciprocity.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS**

**Part LXIII. Psychologists**

**Chapter 2. Reciprocity**

**§201. Licensure of Psychologists through Reciprocity**

A. Upon application thereof, accompanied by such fee as determined by the board, the board shall issue a license to any person who furnishes, upon a form and in such manner as the board prescribes, evidence satisfactory to the board that:

1. he/she meets all of the following:

a. is licensed as a psychologist by another member jurisdiction of the Association of State and Provincial Psychology Boards (ASPPB) if the requirements for such licensure in that jurisdiction are the substantial equivalent of those required by Chapter 3 of the LAC, and if that jurisdiction has entered into a similar agreement with this board providing for the licensure of Louisiana psychologists in that jurisdiction by reciprocity; and

b. has met the requirements of such board including five years of satisfactory professional licensed experience in psychology; and

c. has successfully passed written and oral examinations administered by such board; and

d. his/her doctoral program involved at least one continuous academic year of full-time residency on the campus of the institution at which the degree was granted; and

e. he/she has not been subject to any disciplinary action by a professional board, and does not have any pending complaints against him/her; or

2. that he/she is a psychologist licensed in another state or territory of the U.S. or a Canadian province who has met the requirements for and holds a current Certificate of

Professional Qualification in Psychology (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB).

B. Applicants for reciprocal licensing must pass the Louisiana Jurisprudence Examination prior to the issuance of a Louisiana license, and the Louisiana board may require a meeting with the applicant to review and verify his/her satisfactory character, current fitness, plans to practice, and specialty declaration.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:2353.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 27:

Interested persons may submit data, views, arguments, information or comments on the proposed Rule, in writing, to Brenda Ward, Executive Director, Board of Examiners of Psychologists, 8280 YMCA Plaza Drive, Building 8-B, Baton Rouge, LA 70810, within 20 days of the date of this notice.

John A. Brun, Ph.D.  
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Reciprocity**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The only cost anticipated to implement this rule is the \$80 cost of publishing in the Louisiana Register. The Louisiana State Board of Examiners of Psychologists (LSBEP) publishes a newsletter which is distributed to all Louisiana licensed psychologists. This proposed rule change has been published in the current edition of that newsletter. No adjustment is necessary in the workload or printing of this rule in that publication.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

This proposed rule will have no financial effect upon state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

It is anticipated that the proposed rule will have no significant effect on costs and/or economic benefits to directly affected persons, or nongovernmental groups.

Applicants for licensure as psychologists in Louisiana who hold a current CPQ in psychology issued by the ASPPB may be licensed in Louisiana based upon verification of the CPQ. Candidates would still be required to pay the licensure fee, but may or may not be required to sit for an oral.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

It is anticipated that the proposed rule will have no effect on competition and employment in the public and/or private sectors.

Brenda C. Ward  
Executive Director  
0102#086

H. Gordon Monk  
Staff Director  
Legislative fiscal Office

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

**Adult Denture Program Service Locations**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This proposed Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing provides coverage under the Medicaid Program for dentures and denture related services rendered to recipients age 21 years and older. The Board of Dentistry adopted a rule that addressed the provision of dental services in locations other than the dentists office. The Rule requires certification of written agreements for emergency follow-up care for patients treated at these locations, including identification of and arrangements for treatment in a dental facility which is permanently established in the immediate area [LR 25:514 (March 1999)]. Adult Denture Program providers frequently provide services to recipients in locations other than their offices, especially recipients who live in long term care facilities. The bureau now proposes to establish additional requirements for Medicaid reimbursement paid to Adult Denture Program providers who conduct business at locations other than their principal place of practice. Adult Denture Program providers will be required to provide the physical address and business telephone number of their principal place of practice to the Provider Enrollment Unit and DHH dental consultants (LSU School of Dentistry). This location must consist of a dental office suitable for treating dental patients. Records documenting the services provided shall be maintained at this location. To be eligible for reimbursement under the Adult Denture Program, the service must be performed in either the parish where the providers principal place of practice is located, any surrounding parish with a contiguous land border of at least one mile, or any parish with a land border of at least one mile contiguous with those parishes.

**Proposed Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing establishes requirements for Adult Denture Program providers reimbursed under the Medicaid Program and conducting business at locations other than their principal place of practice. Adult Denture Program providers shall provide the physical address and business telephone number of their principal place of practice to the Provider Enrollment Unit and DHH dental consultants (LSU School of Dentistry). This location must consist of a dental office suitable for treating dental patients. Records documenting the services provided shall be maintained at this location. To be eligible for reimbursement under the Adult Denture Program, the service must be performed in either the parish where the providers principal place of practice is located, any surrounding parish with a contiguous land border of at least one mile, or any

parish with a land border of at least one mile contiguous with those parishes.

Interested persons may submit written comments Ben A. Bearden, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Thursday, March 29, 2001 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

#### **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. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

David W. Hood  
Secretary

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Adult Denture Program Service Locations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
It is anticipated that the implementation of this proposed rule will have no programmatic fiscal impact for SFY 2000-01, 2001-02, and 2002-03. It is anticipated that \$160 (\$80 SGF and \$80 FED) will be expended in SFY 2000-01 for the states 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 impact federal revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
Providers wishing to participate in the Adult Denture Program would have to meet the new requirements in order to receive reimbursement under the Medicaid Program.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no known effect on competition and employment.

Ben A. Bearden  
Director  
0102#075

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

#### **NOTICE OF INTENT**

#### **Department of Health and Hospitals Bureau of Health Services Financing**

Home Health Program Rehabilitation Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title

XIX of the Social Security Act. This proposed Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing currently provides coverage under the Medicaid Program for skilled nursing visits, home health aide visits and physical therapy services provided by home health agencies. Reimbursement for these services is made at a prospective rate established by the bureau (*Louisiana Register*, Volume 22, Number 3). As a result of a court order, the bureau expanded the Home Health Program to include coverage of occupational therapy and speech therapy. In addition, the bureau amended the March 20, 1996 Rule to establish new rates for home health rehabilitation services that are the same as the rates paid for outpatient hospital rehabilitation services (*Louisiana Register*, Volume 26, Number 9). Home health rehabilitation services include physical, occupational and speech therapies. All home health rehabilitation services must be prior authorized through the fiscal intermediary's Prior Authorization Unit in order to receive payment. The bureau now proposes to adopt a rule to continue the provisions contained in the September 21, 2000 Emergency Rule.

#### **Proposed Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing expands home health services under the Medicaid Program to include coverage of occupational therapy and speech therapy. In addition, the bureau amends the March 20, 1996 rule governing reimbursement for home health services to establish new reduced rates for home health rehabilitation services that are the same as the rates paid for outpatient hospital rehabilitation services. Home health rehabilitation services include physical, occupational and speech therapies. All home health rehabilitation services must be prior authorized through the fiscal intermediary's Prior Authorization Unit in order to receive payment.

#### **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. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to all inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Thursday, March 29, 2001 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Home Health ProgramC  
Rehabilitation Services**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will increase state program costs by approximately \$29,911 for SFY 2000-01, \$39,860 for SFY 2001-02, and \$41,057 for SFY 2002-03. It is anticipated that \$80 (\$40 SGF and \$40 FED) will be expended in SFY 2000-2001 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 increase federal revenue collections by approximately \$71,357 for SFY 2000-01, \$94,622 for SFY 2001-02, and \$97,460 for SFY 2002-03.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

Implementation of this proposed rule will increase Medicaid payments to Home Health providers for rehabilitation services by approximately \$101,188 for SFY 2000-01, \$134,482 for SFY 2001-02, and \$138,517 for SFY 2002-03.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

There is no known effect on competition and employment.

Ben A. Bearden  
Director  
0102#076

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

**Public Nursing Facilities  
Reimbursement Methodology**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This proposed Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing provides coverage under the Medicaid Program for nursing facility services. Payments for nursing facility services are made in accordance with the prospective reimbursement methodology adopted effective August 1, 1984 (*Louisiana Register*, Volume 10, Number 6). This Rule was subsequently amended by a Rule adopted to discontinue the practice of automatically applying an inflation adjustment to the reimbursement rates in those years when the rates are not rebased (*Louisiana Register*, Volume 25, Number 6). As a result of a budgetary shortfall, an Emergency Rule was adopted to reduce the prospective per diem rates for private nursing facilities by 7 percent (*Louisiana Register*, Volume 26, Number 2). The March 1, 2000 Emergency Rule was later replaced by an Emergency Rule to restore the 7 percent reduction previously made to

the prospective per diem rates for private nursing facilities (*Louisiana Register*, Volume 26, Number 8).

In compliance with the provisions of Act 143 of 2000 First Extraordinary Session of the Louisiana Legislature, the bureau amended the reimbursement methodology for parish-owned nursing facilities in order to increase reimbursement to these facilities in proportion to their share of Medicaid days provided during the reporting period used to set rates. The bureau now proposes to adopt a rule to continue the provisions contained in the October 13, 2000 Emergency Rule.

**Proposed Rule**

The Department of Health and Hospitals, Bureau of Health Services Financing creates an enhanced payment pool for qualifying nursing facilities, subject to the availability of funds and to the payment limits as set forth in 42 CFR 447.272.

Qualifying nursing facilities are parish-owned nursing facilities that meet the following criteria: 1) have an annual Medicaid occupancy level at or above 60 percent; 2) provide 12,000 or more Medicaid days of care annually; and 3) have entered into, or be part of a parish government that has entered into, a transfer agreement with the department to provide for an intergovernmental transfer of funds.

The nursing facility payment differential for any year shall be the difference between the upper limit of aggregate payments to nursing facilities as defined in 42 CFR §447.272 and the aggregate Medicaid per diem reimbursement paid to nursing facilities for the year. This is determined for all nursing facilities participating in the state's Medicaid Program, or for a subset of these facilities that includes parish-owned nursing facilities for which a separate upper payment limit calculation is in effect in that year as required by 42 CFR §447.272.

Total payments from the pool in any year shall not exceed a percentage of the nursing facility payment differential that will be determined by the department for each payment year. The enhancement pool payment amount shall be distributed to qualifying parish-owned nursing facilities based on their pro-rata share of the total annual Medicaid days of care of all qualifying parish-owned nursing facilities. Determination of annual Medicaid occupancy level and Medicaid days of care shall be based on the most recently filed cost reports on file with the department. Implementation of this Rule is subject to approval by the United States Department of Health and Human Services, Health Care Financing Administration.

**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. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to all inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Thursday, March 29, 2001 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Public Nursing Facilities  
Reimbursement Methodology**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will increase state program costs by approximately \$149,502,169 for SFY 2000-01 and \$208,467,234 for SFY 2001-02 and \$53,680,313 for SFY 2002-03. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 2000-2001 for the States 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 increase federal revenue collections by approximately \$356,941,493 for SFY 2000-01, \$494,863,515 for SFY 2001-02 and \$127,427,355 for SFY 2002-03.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

It is anticipated that implementation of this proposed rule will increase Medicaid payments to public nursing facilities by approximately \$506,408,542 for SFY 2000-01, \$703,260,749 for SFY 2001-02 and \$181,072,668 for SFY 2002-03 (Recent changes in federal regulations will significantly reduce FFP available for intergovernmental transfers in FY 2002-03). All funds, except for an administrative fee (2 of 1%), as approved by the Joint Legislative Committee on the Budget, will be returned to the State Treasury for deposit in the Medicaid Trust Fund for the Elderly. This estimate is based on actual costs for services utilized in these facilities and is subject to change upon completion of the final calculation of the Medicare upper payment limit.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no known effect on competition and employment.

Ben A. Bearden  
Director  
0102#079

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

**Private Hospitals COutlier Payments**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This proposed Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reimburses disproportionate share hospitals for catastrophic costs

associated with providing medically necessary services to children under six years of age. The bureau also reimburses all acute care hospitals for catastrophic costs associated with providing medically necessary services to infants one year of age or under. To qualify for an outlier payment, the covered charges for the case must exceed both \$150,000 and 200 percent of the prospective payment. Outlier cases qualifying under these criteria are reimbursed the marginal cost associated with the excess cost above the prospective payment amount. Marginal cost is considered to be 55 percent of cost (*Louisiana Register*, Volume 22, Number 2). The bureau now proposes to amend the outlier reimbursement qualifications contained in the February 20, 1996 Rule by increasing the qualifying charges threshold per case from \$150,000 to \$300,000. In addition, the bureau proposes to establish a deadline of one year subsequent to the date of service for filing for outlier payments.

**Proposed Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the February 20, 1996 Rule which governs the reimbursement methodology and qualifications for outlier payments to disproportionate share hospitals for catastrophic costs associated with medically necessary services provided to children under six years of age and to acute care general hospitals for the catastrophic costs for medically necessary services provided to infants one year of age or under. To qualify for an outlier payment, the covered charges per case must exceed \$300,000. In addition, a deadline of one year subsequent to the date of service is established for filing for outlier payments.

**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. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, March 29, 2001 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Private Hospitals C Outlier Payments**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will decrease state program costs by approximately (\$157,380) for SFY 2000-01, (\$976,934) for SFY 2001-02, and (\$1,006,242) for SFY 2002-03. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 2000-01 for the



states 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 decrease federal revenue collections by approximately (\$375,833) for SFY 2000-01, (\$2,319,064) for SFY 2001-02, and (\$2,388,636) for SFY 2002-03.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will reduce the outlier payments to private hospitals. This proposed rule will decrease reimbursement by approximately (\$533,333) for SFY 2000-01, (\$3,295,998) for SFY 2001-02, and (\$3,394,878) for SFY 2002-03.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Ben A. Bearden  
Director  
0102#078

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals  
Bureau of Health Services Financing

Professional Services Program  
Physician Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following Rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This proposed Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing reimburses professional services in accordance with an established fee schedule for Physicians= Current Procedural Terminology (CPT) codes, locally assigned codes and Health Care Financing Administration Common Procedure Codes (HCPCs). Reimbursement for these services is a flat fee established by the bureau minus the amount which any third party coverage would pay. As a result of a budgetary shortfall, the bureau determined it was necessary to reduce the reimbursement paid to physicians for specific procedure codes by 7 percent (*Louisiana Register*, Volume 26, Number 2). Reimbursement was reduced for selected locally-assigned HCPCs and the following CPT procedure codes: surgery codes (10040-69979), medicine codes (90281-99199), evaluation and management codes (99201-99499), radiology codes (70010-79999) and pathology and laboratory codes (80048-89399).

As a result of the allocation of additional funds by the Legislature during the 2000 Second Extraordinary Session, the bureau determined it was necessary to restore the 7 percent reduction that was previously made to the fees paid to physicians for specific procedure codes. In addition, the reimbursement fees for certain designated procedure codes were increased (*Louisiana Register*, Volume 26, Number 7).

The bureau now proposes to adopt a Rule to continue the provisions contained in the July 1, 2000 Emergency Rule.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing restores the 7 percent reduction that was previously made to the reimbursement fees paid to physicians for selected locally-assigned HCPCs and the following CPT procedure codes: surgery codes(10040-69979), medicine codes (90281-99199), evaluation and management codes (99201-99499), radiology codes (70010-79999) and pathology and laboratory codes (80048-89399). In addition, the reimbursement fees for certain designated procedure codes is increased to the following rates:

	<b>Evaluation and Management</b>		
99212C	\$30.13	99213C	\$36.13
99215C	\$49.63	99283C	\$35.23
		99214C	\$41.13

	<b>Follow-up Prenatal Visit</b>	
Z9005C	\$33.43 (03*)	\$36.13 (09*)

\* type of service

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to all inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, March 29, 2001 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood  
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

RULE TITLE: Professional Services Program  
Physician Services

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will increase state program costs by approximately \$9,664,736 for SFY 2000-01, \$9,995,083 for SFY 2001-02, and \$10,294,936 for SFY 2002-03. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 2000-2001 for the states 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 increase federal revenue collections by approximately \$23,074,803 for SFY 2000-01, \$23,726,519 for SFY 2001-02, and \$24,438,314 for SFY 2002-03.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will increase Medicaid payments to physicians by approximately \$32,739,419 for SFY 2000-01, \$33,721,602 for SFY 2001-02, and \$34,733,250 for SFY 2002-03.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)

There is no known effect on competition and employment.

Ben A. Bearden  
Director  
0102#077

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Revenue  
Office of the Secretary**

Payment of Taxes by Electronic Funds Transfer;  
Credit or Debit Cards; Other  
(LAC 61:III.7501)

Under the authority of R.S. 47:1519(C) and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Office of the Secretary, proposes to adopt LAC 61:III.7501 to provide for the payment of taxes by electronic funds transfer, credit or debit cards, or bank drafts.

The secretary of revenue is mandated by R.S. 47:1519(C) to adopt rules and regulations necessary to allow for the payment of all taxes, penalties, interest, fees, and payments due under any state law for which the authority to collect has been delegated to the secretary, by electronic funds transfer, credit or debit cards, or bank drafts. LAC 61:III.7501 is proposed to address the payment alternatives and the procedures for returning erroneous payments and duplicate payments.

**Title 61**

**REVENUE AND TAXATION**

**Part III. Department of Revenue; Administrative  
Provisions and Miscellaneous**

**Chapter 75. Return of Funds**

**§7501. Payment of Taxes by Electronic Funds Transfer;  
Credit or Debit Cards; Other**

A. Payments Accepted. As authorized by R.S. 47:1519, the secretary will accept cash, bank draft, cashier's check, teller's check, certified check, personal check, money order, electronic funds transfer, or credit or debit card from a nationally recognized institution for the payment of taxes, penalties, interest, fees, and payments due under any state law which the authority to collect has been delegated to the secretary.

B. Definitions. For the purposes of this Section, the following terms are defined.

*Duplicate Payments*—payments remitted by cash, bank draft, cashier's check, teller's check, certified check, personal check, money order, electronic funds transfer, or credit or debit card from a nationally recognized institution for the same liability.

*Erroneous Payment*—a payment remitted by cash, bank draft, cashier's check, teller's check, certified check, personal check, money order, electronic funds transfer, or credit or debit card from a nationally recognized institution, in which the amount remitted differs from the amount shown to be due on the face of the tax return, voucher, report, bill, or assessment submitted at the time of payment; or any error made in the act of making an electronic funds transfer.

*Payment*—any amount paid to the Department of Revenue representing a tax, fee, interest, penalty, or other amount.

C. Return of Funds. The secretary is authorized to return funds to a taxpayer when the taxpayer has remitted an erroneous payment or duplicate payments.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 47:1519.

**HISTORICAL NOTE:** Promulgated by the Department of Revenue, Office of the Secretary, LR 27:

**Family Impact Statement**

As required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature the following Family Impact Statement is submitted to be published with the notice of intent in the Louisiana Register. A copy of this statement will also be provided to our legislative oversight committees.

1. The effect of these rules on the stability of the family. Implementation of this proposed rule will have no effect on the stability of the family.

2. The effect on the authority and rights of parents regarding the education and supervision of their children. Implementation of this proposed rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect on the functioning of the family. Implementation of this proposed rule will have no effect on the functioning of the family.

4. The effect on family earnings and family budget. Implementation of this proposed rule will have no effect on family earnings and family budget.

5. The effect on the behavior and personal responsibility of children. Implementation of this proposed rule will have no effect on 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. Implementation of this proposed rule will have no effect on the ability of the family or a local government to perform this function.

Interested persons may submit data, views, or arguments, in writing to Susan Dunham, Assistant Secretary, Office of Legal Affairs, 330 North Ardenwood Drive, Baton Rouge, LA 70806 or by fax to (225) 925-6612. All comments must be submitted by 4:30 p.m., March 28, 2001. A public hearing will be held on March 29, 2001, at 9:30 a.m. in the Secretary's Conference on the second floor of 330 North Ardenwood Drive, Baton Rouge, LA 70806.

Cynthia Bridges  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Payment of Taxes by  
Electronic Funds Transfer;  
Credit or Debit Cards; Other**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)

Implementation of this proposed regulation, which allows the Department of Revenue to return duplicate payments and erroneous payments to taxpayers, will have no impact on the agency's costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Although the implementation of this rule will allow the department to return additional funds of approximately \$2,000,000 annually from current collections, existing procedures already provide for this money to be returned to taxpayers through legislative appropriation. To the extent these payments are eventually returned to taxpayers through the existing procedures, there is no overall fiscal impact on the state from a multi-year perspective.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed regulation will allow taxpayers to have monies paid to Department of Revenue in error returned to them sooner and without the expense of filing with the Board of Tax Appeals. The actual financial benefit to the taxpayer in terms of cash flow and legal expenses is unknown.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed regulation should have no effect on competition or employment.

Cynthia Bridges  
Secretary  
0102#045

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Social Services  
Office of Community Services**

**Reimbursement Rates for Residential Facilities  
(LAC 67:V.3503)**

The Department of Social Services, Office of Community Services, proposes to amend the rule LAC 67:V.3503.A - D. This Notice of Intent supersedes the notice published in the *Louisiana Register*, Vol. 26, No. 11, November 20, 2000. An Emergency Rule was published January 20, 2001. It became effective February 1, 2001.

**Title 67  
SOCIAL SERVICES**

**Part V. Office of Community Services**

**Subpart 5. Foster Care**

**Chapter 35. Payments, Reimbursables and Expenditures**

**§3503. Reimbursement Rates for Residential Facilities**

A. Office of Community Services (OCS) will implement a competitive solicitation process as a means to select all private residential facility-based programs to serve foster children and to establish per diem rates for that residential service. The department's published Prospective Provider Procedure will be followed.

B. Individuals and/or agencies currently providing residential services to OCS foster children and those that contact the Department of Social Services, Office of Community Services (OCS) wishing to provide residential services to foster children funded by OCS are placed on a prospective provider list. All persons and agencies on the list will be notified at the time that the office seeks to develop residential services for foster children in a specific geographic area. The current and prospective residential providers will be mailed a full description of the type and

scope of programs sought in geographic areas along with an invitation to submit to OCS a proposal for that service. The notification will include a list of other materials that providers may request/need to assist proposers in preparation of their proposals. The name and telephone number of an OCS representative will be given to prospective providers to contact for more information.

1. A committee of professionals from OCS will evaluate the proposals according to criteria included in the packet of materials. The committee will select the program(s) most fitting the needs of the foster care program.

C. Each proposal will include a submitted per diem cost bid with a budget in accordance with the instructions for the solicitation. This competitive process, resulting selections and final negotiations constitutes OCS= rate setting process as rates will be based on market economy and proposers' fiscal projections for programs. The final rate for each provider can be negotiated down from the bid rate, but in no case will be higher than the bid rate. The use of the residential beds at the rate set through this process will be done on a case-by-case basis by the OCS case worker(s) as the need arises. There are no guarantees of specific sums of monthly or annual payments or referrals of clientele.

D. The department reserves the right to cancel the solicitation if the expenditures for the aggregatedly selected proposals would result in OCS exceeding available funds. In the event the department cancels the solicitation process, the department will freeze the rates for the current programs at the current amount. For rates issued for the 2000/2001 rate year, the department continues freezing the rates at the 1999/2000 amount.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1084.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 14:542 (August 1988), amended LR 20:898 (August 1994), LR 25:1144 (June 1999), LR 25:1609 (September 1999), LR 26:24 (January 2000), LR 26:1342 (June 2000), LR 26:2665 (November 2000), LR 27:

J. Renea Austin-Duffin  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Reimbursement Rates for Residential Facilities**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is estimated that the costs to publish this rule will be \$80 which will be paid out of current year funds in the Office of Community Services (OCS). There will be no increased cost as a result of implementation of the proposed rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections as a result of implementation of the proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The use of a competitive solicitation process for selection of residential providers may result in losing some current and adding some new residential providers. Current residential facilities selected through the solicitation process and reimbursed under the rate setting system will experience

changes in their currently frozen rates as a result of the implementation of this rule. Their new per diem rates will be set through a solicitation for services process. New providers selected through the solicitation process also will have rates set by the solicitation process. Current providers not selected through the solicitation process will cease providing residential services to foster children for the department. Their income from residential care of foster children will essentially cease.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on employment is expected from the proposed rule. The proposed rule will increase the competition for selection of and per diem rates for residential services providers.

Debra Johnson  
Budget Manager  
0102#042

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Social Services  
Office of Family Support**

**FITAPC Income-Producing Property  
(LAC 67:III.1235)**

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III, Subpart 2, the Family Independence Temporary Assistance Program (FITAP).

Pursuant to the authority granted to the Department by the Louisiana Temporary Assistance to Needy Families (TANF) Block Grant, the agency proposes to amend §1235 to add real property which annually produces income consistent with its fair market value as an exclusion from resources for purposes of determining eligibility. The income from the property will continue to be counted in determining eligibility. This action is being taken to align the FITAP regulation with the federal Food Stamp Program regulation. Under the federal TANF Block Grant, the state is allowed to take such action without loss of grant funding.

**Title 67**

**SOCIAL SERVICES**

**Part III. Office of Family Support**

**Subpart 2. Family Independence Temporary Assistance Program (FITAP)**

**Chapter 12. Application, Eligibility, and Furnishing Assistance**

**Subchapter B. Conditions of Eligibility**

**§1235. Resources**

A. Assets are possessions which a household can convert to cash to meet needs. The maximum resource allowable for an assistance unit is \$2,000. All resources are considered except:

1. - 21. ...

22. real property which annually produces income consistent with its fair market value, even if only used on a seasonal basis. Such property includes rental homes and vacation homes.

B. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B, R.S. 46:231.2.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2451 (December 1999), amended LR 27:

Interested persons may submit written comments by March 30, 2001, to Vera W. Blakes, Assistant Secretary, Office of Family Support, Box 94065, Baton Rouge, LA, 70804-9065. She is responsible for responding to inquiries regarding this proposed Rule.

**Family Impact Statement**

This rule will have no impact on the stability and functioning of the family or on parental rights. It could have a positive impact on a small number of families' eligibility for FITAP assistance which would improve the budget of the affected family.

J. Renea Austin-Duffin  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: FITAPC Income-Producing Property**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The additional resource exclusion at '1235 may increase state costs by making more applicants eligible. However, the number would be expected to be very low and any associated Family Independence Temporary Assistance Program (FITAP) benefits would be paid from the Louisiana Temporary Assistance for Needy Families (TANF) Block Grant which is federally funded. The minimal cost of publishing the rule and printing policy changes is routinely included in the agency's budget.

There will be no costs to local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no impact on revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

A small number of applicants may be eligible for FITAP benefits as a result of the exclusion at '1235. Since this is a new resource exclusion, neither the number nor the economic benefit can be estimated. There are no costs to any persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no impact on competition and employment.

Vera W. Blakes  
Assistant Secretary  
0102#040

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Treasury  
Teachers' Retirement System**

**Optional Retirement Plan (ORP)  
(LAC 58:III.1501)**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Trustees of Teachers' Retirement System of Louisiana

approved a policy governing the marketing of the Optional Retirement Plan (ORP) to eligible members.

## **Title 58**

### **RETIREMENT**

#### **Part III. Teachers' Retirement System of Louisiana**

#### **Chapter 15. Optional Retirement Plan (ORP)**

#### **§1501. Marketing Guidelines**

A. The objective of these guidelines is to provide eligible employees a clear understanding of the ORP and TRSL retirement plans through a fair and balanced presentation.

B. In order to assure that eligible employees have all the information needed to make informed and unbiased decisions, they should be encouraged by their employers to talk to all three ORP carriers.

C. Each carrier should be provided the names of all newly eligible employees and their addresses at least once every semester. After these new employees have been counseled by the employer's personnel office staff on TRSL and other benefits, each carrier will then be permitted to initially contact the eligible employee at work, by phone, or by mail, to request a mutually agreed upon time for a personal presentation, if the eligible employee desires such a meeting. No high-pressure sales methods or multiple contacts may be used by the ORP sales representatives. All presentation materials presented to eligible employees by the ORP carriers will have to be reviewed and approved by TRSL prior to their distribution. This is to include all sales material and video presentations.

D. During any individual presentations, the carriers may provide the eligible employee with written comparative material from the carrier as well as a computer comparison of the ORP and TRSL retirement plans. This computer comparison will project the value of the ORP at retirement assuming realistic returns based on input variables agreed upon by the employee and the representative from the ORP carrier. The projection of ORP value can then be compared to the retirement value of TRSL for the same employment period.

E. All NASD required disclosures for the various investment vehicles shall be made by the ORP providers.

F. The registered ORP representatives will work within the following marketing guidelines set forth by TRSL.

1. TRSL has authority over ORP marketing effort of the approved companies.

2. Each eligible employer will provide the ORP carriers with the name(s) of an employer contact person(s). In turn, the carriers will provide the employer contacts with the name of their respective ORP representative(s). At least once a semester, each participating institution shall provide the ORP carriers with the names, addresses, and phone numbers of newly eligible employees.

3. Once new employees have received TRSL/benefit orientation by their employer, authorized ORP carrier representatives may contact newly eligible employees through brochure distribution in personnel offices, at employer-sponsored new employee orientation meetings, or through one introductory mailing or telephone call to request an appointment to illustrate and explain both TRSL and ORP benefits. There is otherwise to be no solicitation (including phone calls) on or off campus.

4. No gifts, other monetary awards or gratuities may be paid to any ORP member or any third party because of the ORP enrollment of any person.

5. No products other than TRSL-authorized ORP products may be sold by company representatives to eligible ORP participants, unless the ORP provider has a separate contract with that employer to sell other products, such as 403(b) annuities, life insurance, etc.

6. TRSL must approve all ORP sales literature and explanatory materials before any such materials may be distributed to employees in any way.

7. Each employer will make available to eligible employees the approved ORP information and the names and telephone numbers of the contact representative(s) for each ORP carrier.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:921-929.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Teachers' Retirement System of Louisiana, LR 27:

Interested persons may comment on the proposed rule in writing until 4:30 p.m., April 25, 2001, to Bonita B. Brown, Assistant Director, Teachers' Retirement System of Louisiana, Box 94123, Baton Rouge, LA 70804-9123.

James P. Hadley, Jr.  
Director

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Optional Retirement Plan (ORP)**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no costs or savings to state or local governmental units. Contacts with new eligible employees by ORP carriers will be governed by this rule.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Employees eligible for the ORP will be assured of receiving balanced, reasonable information to help them make a decision about entering ORP.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

All ORP carriers will operate under the same marketing guidelines at all institutions of public higher education in Louisiana.

James P. Hadley, Jr.  
Director  
0102#033

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

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

St. Martin-Lafayette Fish and Game Preserve  
(LAC 76:III.333)

The Wildlife and Fisheries Commission and Department of Wildlife and Fisheries hereby gives notice of intent to establish a rule for Lake Martin, St. Martin Parish.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part III. State Game and Fish Preserves and Sanctuaries Chapter 3. Particular Game and Fish Preserves and Commissions

#### §333. St. Martin-Lafayette Fish and Game Preserve

A. That portion of the St. Martin-Lafayette Fish and Game Preserve, particularly the following described portion of Lake Martin, St. Martin Parish is hereby closed to all boating traffic, both motorized and non-motorized, said closure to remain in effect each year from February 15 through July 31 inclusive. The closed zone is described as follows:

1. All that certain property containing 131.94 acres more or less located in Section 31, Township 9 South, Range 6 East and Section 6, Township 10 South, Range 6 East, St. Martin Parish, Louisiana described as follows: Beginning at a point on the lake's edge located N 1 degree 59 minutes E a distance of 330 ft from a 4" x 4" concrete post, the post having State Plane Coordinates Louisiana South of X=1819303.09 ft, Y=561651.02 ft; thence N 1 degree 59 minutes E a distance of 1100 ft; thence S 88 degrees 1 minute E a distance of 2320 ft; thence S 36 degrees 54 minutes 58 seconds E a distance of 500 ft; thence S 1 degree 59 minutes W a distance of 2350 ft; thence N 88 degrees 1 minute W a distance of 660 ft; thence S 1 degree 59 minutes W a distance of 1320 ft; thence N 88 degrees 1 minute W a distance of 660 ft; thence N 1 degree 59 minutes E a distance of 2970 ft; thence N 88 degrees 1 minute W a distance of 1320 ft to the point of beginning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:610C and R.S. 56:1861 et seq.

HISTORICAL NOTE: Promulgated by Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 27:

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to Gary Lester, Natural Heritage Section, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to Thursday, April 5, 2001.

## Family Impact Statement

In accordance with Act#1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Dr. H. Jerry Stone  
Chairman

James H. Jenkins, Jr.  
Secretary

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE:

### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Implementation of the proposed rule will be carried out using existing staff and funding levels. Local governmental units will not be impacted.

### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenues to state or local governmental units from the proposed rule.

### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule will affect a few local commercial entrepreneurs who provide and anglers who participate in recreational related activities at this location during the birds' nesting season. The overall impact to these individuals or groups is expected to be minimal.

In the short run, the magnitude of impact on receipts and/or income to local entrepreneurs resulting from this rule will depend upon the types of recreational activities provided to the public for revenue and the importance of those activities to their businesses. For example, income from fishing activities may not be impacted since Lake Martin is a large body of water and there are many areas to fish. However, tour boat operators that provide bird watching activities during the birds' nesting season could be affected and may have to provide alternative means of transportation for observing this rookery.

In the long run, protection of this resource will ensure a sustained, if not increased, source of revenue to the entire community of Breaux Bridge and other entities in Acadiana involved in tourism activities. If the rookery is not protected through this rule, it is highly likely that it will soon be severely diminished, thus having a significant negative impact on local tourism dollars.

No additional costs, workload or paperwork will be incurred from the proposed rule change.

### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be little or no effect on competition or employment in the public or private sector.

James L. Patton  
Undersecretary  
0102#063

Robert E. Hosse  
General Government Section Director  
Legislative Fiscal Office

# Committee Reports

## COMMITTEE REPORT

### House of Representatives Subcommittee on Oversight of the House Committee on Insurance

Office of the Commissioner  
Regulation 76  
Privacy of Consumer Financial Information  
(LAC 37:XIII.Chapter 99)

Pursuant to the authority of R.S. 49:953(B) the Subcommittee on Oversight of the House Committee on Insurance conducted a hearing on January 26, 2001 to review Emergency Rule No. 76, relative to the regulation of the use of consumers nonpublic personal information by insurers and financial institutions, adopted by the acting commissioner of the Department on Insurance on December 10, 2000. The subcommittee received testimony from the department, representatives of the regulated community, and others regarding the Emergency Rules.

The members of the subcommittee expressed concern as to whether there exist sufficient facts to constitute an emergency. Some members felt that since the same Rules were being considered in the ordinary Rule making process, there was no need to have Emergency Rules. Pursuant to these concerns the subcommittee by a unanimous vote (13-0) found Emergency Rule No. 76 to be unacceptable.

James Donelon  
Chairman

0102#038

## COMMITTEE REPORT

### House Committee on Transportation, Highways and Public Works and Senate Committee on Transportation, Highways and Public Works

Highways/Engineering  
Fiber Optic Permits  
(LAC 70:III.Chapter 25)

Pursuant to the authority of R.S. 49:968, the House and Senate Committees on Transportation, Highways and Public Works met jointly on February 6, 2001 to receive comments

and testimony regarding changes to administrative rules proposed by the Department of Transportation and Development (DOTD) for fiber optic permits. The committees received testimony from the department and representatives of the telecommunications industry regarding the rule.

These proposed changes are in response to DOTD's concerns that have arisen as a result of a current permittee's actions. This permittee paid the current permit fee and installed twelve empty conduits in the department's right-of-way. By doing this, the permittee filled the available space in the right-of-way with empty conduits thereby limiting other provider's access to the right-of-way. DOTD is concerned that if the permittee leases the empty conduit space to third parties, DOTD could be exposed to additional liability since they have no contractual relationship with these third parties.

Members of the joint committee expressed concern that the department failed to present written comparative data regarding other southern states' fees for the installation of multiple fiber optic conduits.

In addition, committee members noted that R.S. 48:381.2(C) provides:

"The secretary may promulgate rules and regulations in accordance with the Administrative Procedure Act and with the involvement of industry members . . ."

However, telecommunications industry representatives stated that the department had not included them in the promulgation of the rules beyond what is statutorily required in the Administrative Procedure Act.

Lastly, the industry was concerned that the proposed fee change regarding the fiber optic permits exceeded the actual cost of the administration of the rights-of-way program as provided in R.S. 48:381.2(F).

Pursuant to these concerns the House and Senate Committees, by unanimous votes of (10-0) and (7-0) respectively, found the rule unacceptable.

John C. Juba Diez  
Chairman, House Committee

Francis Heitmeier  
Chairman, Senate Committee

0102#089

# Potpourri

## POTPOURRI

### Department of Agriculture and Forestry Horticulture Commission

#### Landscape Architect Registration Exam

The next landscape architect registration examination will be given June 11-13, 2001, beginning at 7:45 a.m. at the College of Design Building, Louisiana State University Campus, Baton Rouge, Louisiana. The deadline for sending the application and fee is as follows.

New Candidates	February 23, 2001
Re-Take Candidates	March 9, 2001
Reciprocity Candidates	May 4, 2001

Further information pertaining to the examinations may be obtained from Craig Roussel, Director, Horticulture Commission, Box 3596, Baton Rouge, LA 70821-3596, phone (225) 925-7772.

Any individual requesting special accommodations due to a disability should notify the office prior to February 23, 2001. Questions may be directed to (225) 925-7772.

Bob Odom  
Commissioner

0102#006

## POTPOURRI

### Department of Agriculture and Forestry Horticulture Commission

#### Retail Floristry Examination

The next retail floristry examinations will be given April 30 - May 4, 2001, 9:30 a.m. at the 4-H Mini Farm Building, Louisiana State University Campus, Baton Rouge, LA. The deadline for sending in application and fee is March 16, 2001. No applications will be accepted after March 16, 2001.

Further information pertaining to the examinations may be obtained from Craig Roussel, Director, Horticulture Commission, Box 3596, Baton Rouge, LA 70821-3596, phone (225) 925-7772.

Any individual requesting special accommodations due to a disability should notify the office prior to March 16, 2001. Questions may be directed to (225) 925-7772.

Bob Odom  
Commissioner

0102#036

## POTPOURRI

### Department of Agriculture and Environmental Sciences Office of Agriculture and Environmental Sciences Boll Weevil Eradication Commission

#### March 2001 Adjudicatory Hearing Establishment of 2001 Assessments

The Boll Weevil Eradication Commission will hold an adjudicatory hearing beginning at 10 a.m., March 7, 2001 at the Department of Agriculture and Forestry, First Floor Auditorium, located at 5825 Florida Boulevard, Baton Rouge, Louisiana, relative to the setting of the assessments levied upon cotton producers for each acre of cotton planted for the 2001 crop year pursuant to R.S. 3:1613 and LAC 7:XV.321. Said assessment shall not exceed \$35 per acre of cotton planted for 2001 in the Red River Eradication Zone and \$15 per acre of cotton planted for 2001 in the Louisiana Eradication Zone. Calculations made to date indicate that the assessments should not, in actuality, exceed \$10 per acre for the Red River Eradication Zone and \$15 per acre for the Louisiana Eradication Zone.

All interested persons are invited to attend and will be afforded an opportunity to participate in the adjudicatory hearing. Written comments will be accepted if received prior to March 7, 2001, Box 3596, Baton Rouge, LA 70821-3596.

Dan P. Logan, Jr.  
Chairman

0102#026

## POTPOURRI

### Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

#### Collection of Emissions Inventory Data for Ozone Control

Louisiana has experienced many days of elevated ozone levels in recent years throughout the state and especially in the Calcasieu Parish area as several of the monitored readings have exceeded the one-hour National Ambient Air Quality Standard (NAAQS). On February 6, 1997, EPA published a notice of proposed rulemaking to approve a revision to the Louisiana State Implementation Plan (SIP) to redesignate Calcasieu Parish to attainment for ozone. This action became effective on June 2, 1997. According to the approved SIP for Calcasieu Parish, contingency measures



must be implemented when a violation of the Ozone NAAQS has occurred. A Violation of the Standard constitutes four or more exceedances during any consecutive 3-year period. Calcasieu experienced six ozone exceedance days during the years 1998, 1999, and 2000.

As a part of the activated Contingency Plan, data must be gathered in order to determine the strategy required to maintain Calcasieu's designation as attainment and prevent redesignation to ozone non-attainment status. As a part of this effort, comprehensive emissions inventory data is needed for Calcasieu Parish and the adjoining parishes of Beauregard, Cameron, and Jefferson Davis. Under LAC 33:III.919, the LDEQ is therefore requiring the submittal of criteria pollutant emissions inventory data at the lower reporting thresholds for a non-attainment and adjoining parish.\* The non-attainment threshold will apply to Calcasieu Parish and the adjoining parish threshold will apply to Beauregard, Cameron, and Jefferson Davis for 1999, 2000, and subsequent years until further notice.

The LDEQ is requiring this information to comprehensively evaluate the effects of any proposed emissions control strategies to demonstrate attainment with the NAAQS ozone standard. Deficient data could lead to inaccurate modeling and subsequently more restrictive control limits than are necessary to uphold attainment status.

\* Reporting Thresholds (LAC 33:III.919)

Non-Attainment: any facility that emits or has the potential to emit 10 tons per year (tpy) VOC, 25 tpy NOx, or 100 tpy CO, SO<sub>2</sub>, PM10 or Pb

Adjoining: any facility that emits or has the potential to emit 50 tpy VOC, or 100 tpy NOx, CO, SO<sub>2</sub>, PM10, or Pb

James H. Brent, Ph.D.  
Assistant Secretary

0102#067

**POTPOURRI**

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

Chapter XIV (Plumbing)CSanitary Code

Chapter XIV (Plumbing)CSanitary Code, State of Louisiana, was promulgated as a Rule on July 20, 2000 [see LR 26:1481(July 2000)]. However, the Rule itself postponed the effective date until October 20, 2000 to allow time for the Southern Building Code Congress International, Inc. (SBCCI) in Birmingham, Alabama to incorporate the Rule, which consisted of the Office of Public Health's 1999 Louisiana Amendments, into their 1994 Standard Plumbing Code<sup>8</sup>. SBCCI was unable to complete the incorporation by the October 20, 2000 effective date. However, as of December 27, 2000, the incorporated document, called the *Louisiana State Plumbing Code, 2000 Edition*, has been available for purchase from SBCCI.

Persons interested in purchasing a copy of the *Louisiana State Plumbing Code, 2000 Edition* should send their order directly to SBCCI, Attn: Publications Dept., 900 Montclair Road, Birmingham, Alabama 35213-1206; Tel. 1-800-877-2224 or (205) 591-1853.

Any questions concerning this notice may be directed to Mr. Bobby Savoie, Director, Division of Environmental Health, OPH, at (225) 763-3590.

David W. Hood  
Secretary

0102#070

**POTPOURRI**

**Department of Natural Resources  
Office of Conservation**

Orphaned Oilfield Site

Office of Conservation records indicate that the Oilfield Site (abandoned commercial facility) listed below has met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such is hereby declared an Orphaned Oilfield Site.

Operator	Operator Code Number	Facility Site Code	Parish	Well Name and Number	Well Serial Number
Oilfield Brine Disposal, Inc.	4916	5701	Vermilion	E LeBlanc SWD No. 2	970992

Carroll Wascom  
Director

0102#044

**POTPOURRI**

**Department of Natural Resources  
Office of Conservation**

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
Assoc Oil & Gas Expl Inc et al	Kings Ridge	L	W J Harrison	002	106905
Cajun Minerals Inc.	Pine Bluff	L	John I Pousson	001	153251 (30)
Dal-Long Oil Company	East Haynesville	S	Delaney et al 20-7	001	175576
Dal-Long Oil Company	Carterville	S	Albritton	001	207086
Dal-Long Oil Company	East Haynesville	S	Braselton	001	187486

**POTPOURRI**

**Department of Natural Resources  
Office of Conservation  
Injection and Mining Division**

Legal NoticeC Docket No. IMD 2001-02

Pursuant to the provisions of the laws of the State of Louisiana and particularly Title 30 of the Louisiana Revised Statutes of 1950 as amended, and the provisions of the Statewide Order No. 29-B, notice is hereby given that the Commissioner of Conservation has rescheduled the hearing regarding the application of Thermo-Cuttings, L.L.C. to operate a commercial nonhazardous oilfield (exploration and production) waste (E&P waste) treatment facility in Vermilion Parish, Louisiana originally scheduled for Wednesday, January 31, 2001 in the Vermilion Parish Courthouse Building. The Commissioner of Conservation will conduct the Thermo-Cuttings, L.L.C. application hearing at 6 p.m., Wednesday, March 28, 2001, in Courtroom #1 on the Second Floor of the Vermilion Parish Courthouse Building located at 100 North State Street in Abbeville, Louisiana.

At such hearing, the commissioner, or his designated representative, will hear testimony relative to the application of Thermo-Cuttings, L.L.C., 13801 Veterans Memorial Drive, Kaplan, LA 70548. The applicant requests authorization to operate a commercial nonhazardous oilfield (exploration and production) waste (E&P waste) treatment facility in Vermilion Parish, Louisiana. Applicant requests authorization to receive, store, treat, reclaim and recycle RCRA-exempt E&P waste generated from the drilling and production of oil and gas wells. Applicant intends to reclaim and recycle RCRA-exempt exploration and production waste by means of thermal treatment. The proposed facility will be located in Section 91, Township 14 South, Range 3 East near Intracoastal City in Vermilion Parish, Louisiana.

The application is available for inspection by contacting Gary Snellgrove, Office of Conservation, Injection and Mining Division, Room 225 of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana, or by visiting the Vermilion Parish Police Jury Office in Abbeville, Louisiana. Verbal information may be received by calling Mr. Snellgrove at (225) 342-5515.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 4:30 p.m., Wednesday, April 4, 2001, at the Baton Rouge Office.

Denovo Oil & Gas, Inc.	Kings Ridge	L	11060 RA SUA; Ruttlely	001	188179 (30)
Gamble-Daniel Operating Co.	Kings Ridge	L	Grandison Trust	001	141836
Petro-Lewis Corp.	Kings Ridge	L	10000 RB VUA; Grandison	014	096453 (30)
Petro-Lewis Corp.	Coffee Bay	L	Grandison 'C'	001	68323 (30)
Petro-Lewis Corp.	Coffee Bay	L	CB SUE; Grandison 'D'	001	69194 (30)
S. W. Richardson	Wildcat	L	Magnolia Orange Grove	001	030374
Sinclair Oil & Gas Co.	Gueydan	L	Mulvey Irrigation Company	002	025064
Union Texas Petroleum Comp.	Manchac Point	L	SL 4746	004	211191
Carnes W. Weaver	Jennings	L	Homer P Haber et al	003	185129
Carnes W. Weaver	Jennings	L	Haber-Stagg	001	157778
Carnes W. Weaver	Jennings	L	Conover Community SWD	007	022532
Carnes W. Weaver	Jennings	L	Conover Community	019	026913
Carnes W. Weaver	Jennings	L	Conover Community	023	050257
Carnes W. Weaver	Jennings	L	Stagg-Haber	001D	074734
Carnes W. Weaver	Wildcat	L	Walton Jones et al	001	073080
Carnes W. Weaver	Jennings	L	Stagg-Haber	001	073680

Philip N. Asprodites  
Commissioner of Conservation

0102#085

Comments should be directed to the Office of Conservation, Injection and Mining Division, Box 94275, Baton Rouge, LA 70804; Re: Docket No. IMD 2001-02; Commercial Facility, Vermilion Parish.

Philip N. Asprodites  
Commissioner of Conservation

0102#037

**POTPOURRI**

**Department of Natural Resources  
Office of the Secretary  
Fisherman's Gear Compensation Fund**

Loran Coordinates and Latitude/Longitude Coordinates

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 14 claims in the amount of \$39,318.38 were received for payment during the period January 1, 2001 - January 31, 2001. There were 14 claims paid and 0 claims denied.

Loran Coordinates of reported underwater obstructions are:

26536	46979	Cameron
26714	46997	Cameron
27925	46856	Terrebonne
28577	46923	Jefferson
28601	46900	Jefferson

Latitude/Longitude Coordinates of reported underwater obstructions are:

2905.155	9014.864	Lafourche
2913.150	8959.476	Jefferson
2914.420	9055.430	Terrebonne
2918.420	8946.910	Jefferson
2922.898	8916.465	Plaquemines
2927.800	9002.685	Jefferson
2933.730	8931.220	Plaquemines
2950.310	8936.230	St Bernard

A list of claimants and amounts paid can be obtained from Verlie Wims, Administrator, Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804 or you can call (225) 342-0122.

Jack C. Caldwell  
Secretary

0102#071

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