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This public document is published in accordance with R.S. 49:954.1. The publication date for this issue of the *Louisiana Register* is January 20, 2023. The Office of the State Register is the official state entity for all certified copies of the *Louisiana Register* and the content contained herein.

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Executive Orders

EXECUTIVE ORDER JBE 23-01

Flags at Half-Staff
Representative Kenneth Louis Odinet, Sr.

WHEREAS, Kenneth “Ken” Louis Odinet, Sr., a former distinguished member of the Senate of the Legislature of Louisiana, died on December 30, 2022, at the age of 92;

WHEREAS, he is survived by his wife of 68 years, Rosemary “Rosie” Odinet, and their thirteen children; their seven sons, Kenneth, Jr., Nicholas, John, Bertrand, Robert, Christopher, and Michael; and six daughters, Mary Lynn, Jude, Amy, Veronica, Rebecca, and Rosemary (“Rodi”); many adoring grandchildren, as well as numerous nieces, nephews, and countless friends;

WHEREAS, born the son of Bertrand Louis Odinet and Mary Veronica Hammel Odinet in Arabi, Louisiana, in 1930; he went on to earn his Bachelor of Science in Petroleum Engineering from Louisiana State University;

WHEREAS, he honorably served his nation overseas in the United States Army during the Korean Conflict, receiving a Bronze Star and a Korean Presidential Citation for his bravery and valor; he returned home to build a renowned and thriving engineering business;

WHEREAS, he served his state and his home of southeastern Louisiana in the Louisiana House of Representatives for twenty years, first taking office in 1988;

WHEREAS, perhaps no one more fully embodied the LSU Tiger spirit than Odinet, and he and Rosie received recognition from LSU in 1996 for having the greatest number of LSU graduates in one family when their thirteenth child graduated; and

WHEREAS, Kenneth Louis Odinet, Sr., lived a life of great faith, integrity, and honor, and his service as a public servant and lawmaker to the State of Louisiana will long be remembered.

NOW THEREFORE, I, JOHN BEL EDWARDS, 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: As an expression of respect and to honor Kenneth Louis Odinet, Sr., the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise until sunset on Friday, January 6, 2023.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset, January 6, 2023.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of

Louisiana in the City of Baton Rouge, on this 5th day of January, 2023.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
2301#085

EXECUTIVE ORDER JBE 23-02

Flags at Half-Staff
Representative Joseph Raymond Lalonde, Sr.

WHEREAS, Joseph Raymond “Lala” Lalonde, Sr., a former distinguished member of the House of Representatives of the Louisiana Legislature, died on December 30, 2022, at the age of 82;

WHEREAS, he was preceded in death by his loving wife of 57 years, Evelyn Mae Cathey Lalonde, son Joey, and grandson Patrick; he is survived by three children and their spouses: Julie, Cindy, and Marcel; six grandchildren, Bryce, David, Ellen, Emma, Ella, and Elyse; and one great-grandson, Erik; as well as his sisters Norma and Grace;

WHEREAS, born in 1940 in a two-room wooden house in Pecanière, Louisiana, in St. Landry Parish, Lalonde grew up in a primarily francophone farming community; after graduating from high school, he honorably served his nation for four years in the United States Air Force;

WHEREAS, Lalonde earned a Bachelor’s of Science in mathematics from the University of Texas at Arlington; and he later earned a Master’s of Science in Industrial Education from LSU; after he started his career in Texas, his love of Louisiana and Cajun French culture compelled him to return home to embark on a long and storied 29-year career as an educator;

WHEREAS, he served his state and his home of Acadiana in the Louisiana House of Representatives for sixteen years, first taking office in 1980; chief among his priorities throughout his career of public service was the preservation and support of Cajun French culture; and

WHEREAS, Joseph Raymond “Lala” Lalonde, Sr., lived a life of faith, integrity, and honor, and his service as a public servant and lawmaker to the State of Louisiana will long be remembered.

NOW THEREFORE, I, JOHN BEL EDWARDS, 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: As an expression of respect and to honor Joseph Raymond “Lala” Lalonde, Sr., the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise until sunset on Saturday, January 7, 2023.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset, January 7, 2023.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 5th day of January, 2023.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
2301#086

EXECUTIVE ORDER JBE 23-03

Flags at Half-Staff—Representative Kay Iles

WHEREAS, Carol Kay Iles, a former distinguished member of the House of Representatives of the Louisiana Legislature, died on Sunday, January 8, 2023, at the age of 80;

WHEREAS, she was preceded in death by her husband of nearly fifty-four years, Robert Lee “Bobby” Iles, Jr.; daughter, Renee Iles; and her brother, Sheldon Caillouet, Jr.; she is survived by her sons, Trey and Scott; daughter, Michelle; and grandchildren, Robbie, Julie, Jannah, Molly, Randee, John, Sydney, Elizabeth, Edward; ten great-grandchildren; a host of cousins, nieces, and nephews; and countless friends;

WHEREAS, born in 1942, she was raised in Alexandria by her loving parents, George Sheldon Caillouet, Sr., and Eloise Caillouet;

WHEREAS, in the early 1960s, she attended the University of Southwestern Louisiana (now ULL), where she met the love of her life, Bobby Iles; the two of them moved to DeRidder, where they built a home and became cherished members of the community;

WHEREAS, she served her state and her home of DeRidder representing a district which included the Parishes of Beauregard and Vernon in the Louisiana House of Representatives for eight years, first taking office in 1996; at the Capitol she was an ardent advocate for the protection of Louisiana’s children and fought tirelessly for the interests of the people of her district; and

WHEREAS, Carol Kay Iles lived a life of tremendous faith, integrity, and honor, and her service as a public servant and lawmaker to the State of Louisiana will long be remembered.

NOW THEREFORE, I, JOHN BEL EDWARDS, 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: As an expression of respect and to honor Carol Kay Iles, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise until sunset on Wednesday, January 11, 2023.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset, January 11, 2023.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 10th day of January, 2023.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
2301#087

Emergency Rules

DECLARATION OF EMERGENCY

Department of Children and Family Services Division of Child Welfare

State Central Registry
(LAC 67.V.1103)

The Department of Children and Family Services (DCFS) has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953.1 to amend LAC 67:V, Subpart 3, Chapter 11, Section 1103 State Central Registry. This emergency rule shall be effective January 5, 2023, and shall remain in effect for a period of 180 days unless renewed by DCFS, or until promulgation of the final rule.

Section 1103 is being amended to allow DCFS to disclose information regarding perpetrators of child abuse and/or neglect listed on the SCR for any current or prospective employee or volunteer of a service provider who is obligated by contract with DCFS to conduct SCR checks prior to performing contracted duties in the Child Protective Services, Family Services, or Foster Care programs within the department. Section 1103 is also being amended to allow DCFS to disclose information on the SCR for any current or prospective employee or volunteer of a service provider who contracts with DCFS to provide Human Trafficking Advocacy services and the current or prospective employees or volunteers' duties will require them to be alone with children.

The department considers emergency action necessary to ensure safety of children and/or families receiving services from the department.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 3. Child Protective Services

Chapter 11. Administration and Authority

§1103. State Central Registry

A. - F.2. ...

G. DCFS is authorized to release information maintained on the SCR in limited circumstances. This information will be released according to the following provisions.

1. - 13. ...

14. DCFS will disclose information regarding perpetrators of child abuse and/or neglect listed on the SCR for any current or prospective employee or volunteer of a service provider who is obligated by contract with DCFS to conduct SCR checks prior to performing contracted duties in the Child Protective Services, Family Services or Foster Care programs within the department.

15. DCFS will disclose information regarding perpetrators of child abuse and/or neglect listed on the SCR for any current or prospective employee or volunteer of a service provider who contracts with DCFS to provide

Human Trafficking Advocacy services. The SCR checks shall be limited to those current or prospective employees or volunteers whose duties will require them to be alone with children.

AUTHORITY NOTE: Promulgated in accordance with the Children's Code, title VI, articles 615 and 616 and title XII, article 1173, R.S. 14:403(H), R.S. 46:51.2(A), R.S. 46:56, R.S. 46:1414.1, 42 USC 15601 et seq., 28 CFR 115.6., 42 USC 9858f and R.S. 40:2008.10.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 18:79 (January 1992), amended LR 20:198 (February 1994), LR 21:583 (June 1995), LR 23:590 (May 1997), LR 26:790 (April 2000), LR 31:1609 (July 2005), LR 36:838 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Child Welfare Section, LR 42:862 (June 2016), amended by the Department of Children and Family Services, Division of Child Welfare, LR 44:998 (June 2018), effective July 1, 2018, amended LR 45:217 (February 2019), amended LR 45:1053 (August 2019), LR 46:14 (January 2020), effective February 1, 2020, LR 49:

Terri Ricks
Secretary

2301#030

DECLARATION OF EMERGENCY

Department of Children and Family Services Family Support Section

TANF Star Academy Program (LAC 67:III.5532)

The Department of Children and Family Services (DCFS), Family Support, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953.1 to adopt LAC 67:III, Subpart 15 Temporary Assistance for Needy Families (TANF) Initiatives, Chapter 55 TANF Initiatives, Section 5532 Star Academy Program. This emergency rule shall be effective January 1, 2023, and shall remain in effect for a period of 180 days.

Pursuant to Louisiana's Temporary Assistance for Needy Families (TANF) Block Grant, adoption of Section 5532 is required to fund the TANF Star Academy Program which provides core curriculum through project based learning grounded in a positive classroom culture, social-emotional learning strategies, and safe spaces to build relationships with fellow students and educators. The program promotes student-led decision making, accountability, and leadership skills. The program has a strong potential for fostering a new generation of self-sufficient individuals that choose to experience a new and better economic future.

The department considers emergency action necessary to facilitate the expenditure of TANF funds. The authorization to promulgate emergency rules to facilitate the expenditure of TANF funds is contained in Act 199 of the 2022 Regular Session of the Louisiana Legislature.

Title 67
SOCIAL SERVICES
Part III. Family Support

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

Chapter 55. TANF Initiatives

§5532. Star Academy Program

A. The department shall enter into an agreement with the Office of the Governor to fund the Star Academy Program which provides core curriculum through project based learning grounded in a positive classroom culture, social-emotional learning strategies, and safe spaces to build relationships with fellow students and educators. The program promotes student-led decision making, accountability, and leadership skills.

B. These services meet TANF Goal 3, to prevent and reduce the incidence of out-of-wedlock pregnancies, by helping teachers better understand the gaps in executive functioning and the effect of poverty on students, establishing community service-based learning for students so that they can accept the perspectives of others, and workforce development alignment to assist students in gaining employability skills to begin their career pathway.

C. Eligibility includes any student selected by the school to participate in the program regardless of income.

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

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq. and R.S. 36:474.

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

Terri Ricks
Secretary

2301#021

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 130—Regulations for the Evaluation and
Assessment of School Personnel—Teacher Observations
(LAC28:CXLVII.105 and 301)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CXLVII in Bulletin 130—*Regulations for the Evaluation and Assessment of School Personnel*. During the 2020-2021 and 2021-2022 school years, one observation was waived in BESE policy for educators who earned a rating of Highly Effective or Effective: Proficient on the first formal observation. The aforementioned revisions extend the requirement for educators to receive one observation, rather than two, for those educators who earn a rating of Highly Effective or Effective: Proficient during the 2022-2023 school year. This Declaration of Emergency, effective December 20, 2022, is for a period of 180 days from adoption, or until finally adopted as Rule.

Title 28
EDUCATION

**Part CXLVII. Bulletin 130—Regulations for the
Evaluation and Assessment of School Personnel**

Chapter 1. Overview

**§105. Framework for LEA Personnel Evaluation
Programs**

A. - B.2. ...

3. Observation/Data Collection Process. The evaluator or evaluators of each teacher and administrator shall conduct observations of teacher and administrator practice sufficient to gain a complete picture of performance and impart individualized feedback each year.

a. For the 2020-2021, 2021-2022, and 2022-2023 academic years only, this shall include one announced observation for teachers and administrators. A second observation shall be conducted upon the request of the evaluatee.

b. Any teacher or administrator who earns an observation rating of Ineffective or Effective: Emerging shall be observed a second time.

c. Following the 2022-2023 academic year, this shall include a minimum of two observations per academic year and may include more observations, particularly for teachers or administrators that are not meeting expectations. At least one of these observations shall be announced and shall include a pre- and post-observation conference. One of the observations may be waived for teachers who have earned a rating of highly effective according to the value-added model in the previous year. Following all observations, evaluators shall provide evaluatees with feedback, including areas for commendation as well as areas for improvement. Additional evidence, such as data from periodic visits to the school and/or classroom as well as written materials or artifacts, may be used to inform evaluation. The announced observation shall include a pre- and post-observation conference. Following all observations, evaluators shall provide evaluatees with feedback, including areas for commendation as well as areas for improvement. Additional evidence, such as data from periodic visits to the school and/or classroom as well as written materials or artifacts, may be used to inform evaluation.

B.4. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2251 (October 2010), amended LR 38:1215 (May 2012), LR 38:2359 (September 2012), LR 39:1273 (May 2013), LR 47:354 (March 2021), LR 48:413 (March 2022); LR 49:

Chapter 3. Personnel Evaluation

§301. Overview of Personnel Evaluation

A. - A.1. ...

2. For the 2020-2021, 2021-2022, and 2022-2023 academic years only, the 50 percent of the evaluation that is based on a qualitative measure of teacher and administrator performance shall include one announced observation for teachers and administrators unless a second observation is

requested by the evaluatee. This portion of the evaluation may include additional evaluative evidence, such as walk-through observation data and evaluation of written work products.

a. Any teacher or administrator who earns an observation rating of Ineffective or Effective: Emerging shall be observed a second time.

b. Following the 2022-2023 academic year, the 50 percent of the evaluation that is based on a qualitative measure of teacher and administrator performance shall include a minimum of two observations or site visits. This portion of the evaluation may include additional evaluative evidence, such as walk-through observation data and evaluation of written work products.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1215 (May 2012), amended LR 38:2359 (September 2012), LR 39:1273 (May 2013), LR 41:1266 (July 2015), LR 43:2480 (December 2017), LR 47:354 (March 2021), LR 48:413 (March 2022); LR 49:

James Garvey
President

2301#012

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing and Office of Aging and Adult Services

Home and Community-Based Services Waivers
Adult Day Health Care Waiver
Direct Support Worker Wages and Bonus Payments
(LAC 50:XXI.Chapter 29)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services adopt LAC 50:XXI.Chapter 29 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever comes first.

House Concurrent Resolution 127 (HCR 127) of the 2021 Regular Session of the Louisiana Legislature requested the department make adjustments in the state Medicaid budget for the purpose of increasing funding more equitably to providers throughout the disabilities services system. The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the use of bonus payments for agencies providing adult day health care (ADHC) services to home and community-based services (HCBS) waiver participants under section 9817 of the American Rescue Plan Act of 2021 (ARPA).

In compliance with HCR 127, the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services promulgated an Emergency Rule which adopted provisions governing reimbursement in the

Adult Day Health Care (ADHC) Waiver in order to establish a direct wage floor and workforce bonus payments for direct support workers at ADHC centers along with audit procedures and sanctions (*Louisiana Register*, Volume 48, Number 8). Upon further discussion with various stakeholders, the department has determined that it is necessary to amend the provisions governing the bonus payments approved by CMS under section 9817 of ARPA.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid Program.

Effective December 20, 2022, the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services amend the July 31, 2022 Emergency Rule which adopted provisions governing reimbursement in the ADHC Waiver to establish a wage floor and workforce bonus payments for direct support workers.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE Part XXI. Home and Community-Based Services Waivers

Subpart 3. Adult Day Health Care Waiver

Chapter 29. Reimbursement

§2901. Adult Day Health Care (ADHC) Direct Support Worker Wages, Other Benefits, and Workforce Bonus Payments

A. Establishment of ADHC Direct Support Worker Wage Floor and Other Benefits

1. ADHC providers that were providing ADHC services on or after October 1, 2021 and employing ADHC direct support workers will receive a rate increase. The ADHC reimbursement rates shall be rebased resulting in an average increase of \$4.31 per hour (rates differ based on facility specific transportation rate).

2. For direct support workers employed at the ADHC centers on or after October 1, 2021, 70 percent of the ADHC provider rate increases shall be passed directly to the ADHC direct support workers in the form of a minimum wage floor of \$9 per hour and in other wage and non-wage benefits.

3. All ADHC providers affected by this rate increase shall be subject to passing 70 percent of their rate increases directly to the ADHC direct support worker in various forms. These forms include a minimum wage floor of \$9 per hour and wage and non-wage benefits. This wage floor and wage and non-wage benefits are effective for all affected ADHC direct support workers of any working status, whether full-time or part-time.

4. The ADHC provider rate increases, wage floor, and/or wage and non-wage benefits will end March 31, 2025 or when the state's funding authorized under section 9817 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-002) is exhausted.

5. The Department of Health (LDH) reserves the right to adjust the ADHC direct support worker wage floor and/or wage and non-wage benefits as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

B. Establishment of Direct Support Worker Workforce Bonus Payments

1. ADHC providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of

\$300 per month for each ADHC direct support worker that worked with participants for those months.

2. The ADHC direct support worker who provided services from April 1, 2021 to October 31, 2022 to participants must receive at least \$250 of this \$300 monthly bonus payment paid to the provider. This bonus payment is effective for all affected ADHC direct support workers of any working status, whether full-time or part-time.

3. – 4. Repealed

C. Audit Procedures for ADHC Direct Support Worker Wage Floor, Other Benefits, and Workforce Bonus Payments

1. The wage enhancements, wage and non-wage benefits and bonus payments reimbursed to ADHC providers shall be subject to audit by LDH.

2. ADHC providers shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the ADHC direct support worker wage floor, wage and non-wage benefits and/or bonus payments.

3. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, copies of unemployment insurance files, etc.

4. ADHC providers shall produce the requested documentation upon request and within the timeframe provided by LDH.

5. Non-compliance or failure to demonstrate that the wage enhancement, wage and non-wage benefits and bonus payments were paid directly to ADHC direct support workers may result in the following:

- a. sanctions; or
- b. disenrollment from the Medicaid Program.

D. Sanctions for ADHC Direct Support Worker Wage Floor, Other Benefits and Workforce Bonus Payments

1. The ADHC provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend on the following factors:

a. failure to pass 70 percent of the ADHC provider rate increases directly to the ADHC direct support workers in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments;

b. the number of employees identified that the ADHC provider has not passed 70 percent of the ADHC provider rate increases directly to the ADHC direct support workers in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments;

c. the persistent failure to not pass 70 percent of the ADHC provider rate increases directly to the ADHC direct support workers in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments; or

d. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of

Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

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

Dr. Courtney N. Phillips
Secretary

2301#003

DECLARATION OF EMERGENCY

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

Home and Community-Based Services Waivers
New Opportunities Waiver—Direct Service
Worker Wages and Bonus Payments
(LAC 50:XXI.14301)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend LAC 50:XXI.14301 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953.1., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the use of bonus payments for agencies providing New Opportunities Waiver (NOW) services to home and community-based services (HCBS) waiver participants under section 9817 of the American Rescue Plan Act of 2021 (ARPA). The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities promulgated an Emergency Rule which amended the provisions governing reimbursement in the NOW in order to establish workforce bonus payments for direct service workers along with audit procedures and sanctions (*Louisiana Register*, Volume 48, Number 8). Upon further discussion with various stakeholders, the department has determined that it is necessary to amend the provisions governing the bonus payments approved by CMS under section 9817 of ARPA.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid Program.

Effective December 20, 2022, the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend the July 31, 2022 Emergency Rule which amended the provisions governing reimbursement in the NOW in order to establish workforce bonus payments for direct service workers along with audit procedures and sanctions.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community-Based Services
Waivers

Subpart 11. New Opportunities Waiver

Chapter 143. Reimbursement

§14301. Unit of Reimbursement

A. – E. ...

F. Direct Service Worker Wages and Bonus Payments

1. Establishment of Direct Service Worker Wage Floor for Medicaid Home and Community-Based Services for Intellectual and Developmental Disabilities

a. Effective October 1, 2021, providers of Medicaid home and community-based waiver services operated through the Office for Citizens with Developmental Disabilities employing direct service workers will receive the equivalent of a \$2.50 per hour rate increase.

b. Effective October 1, 2021, this increase or its equivalent will be applied to all service units provided by direct service workers with an effective date of service for the identified home and community based waiver services provided beginning October 1, 2021.

c. The minimum hourly wage floor paid to direct service workers shall be \$9 per hour.

d. All providers of services affected by this rate increase shall be subject to a direct service worker wage floor of \$9 per hour. This wage floor is effective for all affected direct service workers of any work status, whether full-time, or part-time.

e. The Department of Health reserves the right to adjust the direct service worker wage floor as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

2. Establishment of Direct Service Worker Workforce Bonus Payments

a. Providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each direct service worker that worked with participants for those months.

b. The direct service worker who provided services to participants from April 1, 2021 to October 31, 2022 must receive at least \$250 of this \$300 bonus payment paid to the provider. This bonus payment is effective for all affected direct service workers of any working status, whether full-time or part-time.

c. Bonus payments will end October 31, 2022.

d. LDH reserves the right to adjust the amount of the bonus payments paid to the direct service worker as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

e. - e.ii. Repealed.

3. Audit Procedures for Direct Service Worker Wage Floor and Workforce Bonus Payments

a. The wage enhancement and bonus payments reimbursed to providers shall be subject to audit by LDH.

i. - iv. Repealed.

b. Providers shall provide to the LDH or its representative all requested documentation to verify that they are in compliance with the direct service worker wage floor and bonus payments.

c. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

d. Providers shall produce the requested documentation upon request and within the timeframe provided by LDH.

e. Non-compliance or failure to demonstrate that the wage enhancement and/or bonus payments were paid directly to direct service workers may result in:

i. sanctions; or

ii. disenrollment from the Medicaid Program.

4. Sanctions for Direct Service Worker Wage Floor and Workforce Bonus Payments

a. The provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

i. failure to pay I/DD HCBS direct service workers the floor minimum of \$9 per hour and/or the \$250 monthly bonus payments;

ii. the number of employees identified as having been paid less than the floor minimum of \$9 per hour and/or the \$250 monthly bonus payments;

iii. the persistent failure to pay the floor minimum of \$9 per hour and/or the \$250 monthly bonus payments; or

iv. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

G. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 30:1209 (June 2004), amended by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 34:252 (February 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 35:1851 (September 2009), LR 36:1247 (June 2010), LR 37:2158 (July 2011), LR 39:1049 (April 2013), LR 40:80 (January 2014), LR 42:898 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:58 (January 2018), LR 45:44 (January 2019), LR 46:1682 (December 2020), LR 48:41 (January 2022), LR 48:1558 (June 2022), LR 49:

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

Public Comments

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

Dr. Courtney N. Phillips
Secretary

2301#004

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing and

Office for Citizens with Developmental Disabilities

Home and Community-Based Services Waivers
Children's Choice Waiver—Direct Service
Worker Wages and Bonus Payments
(LAC 50:XXI.12101)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend LAC 50:XXI.12101 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever comes first. The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the use of bonus payments for agencies providing Children's Choice Waiver Services to home and community-based services (HCBS) waiver participants under section 9817 of the American Rescue Plan Act of 2021 (ARPA).

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities promulgated an Emergency Rule which amended the provisions governing reimbursement in the Children's Choice Waiver in order to establish workforce bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions (*Louisiana Register*, Volume 48, Number 8). Upon further discussion with various stakeholders, the department has determined that it is necessary to amend the provisions governing the bonus payments approved by CMS under section 9817 of ARPA.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid Program.

Effective December 20, 2022, the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend the July 31, 2022 Emergency Rule which amended the provisions governing reimbursement in the Children's Choice Waiver to establish workforce bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXI. Home and Community-Based Services Waivers

Subpart 9. Children's Choice Waiver

Chapter 121. Reimbursement Methodology

§12101. Unit of Reimbursement

A. ...

1. Establishment of Support Coordination Workforce Bonus Payments

a. Support coordination providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each support coordination worker that worked with participants for those months.

b. The support coordination worker who provided services to participants from April 1, 2021 to October 31, 2022 must receive at least \$250 of this \$300 bonus payment paid to the provider. This bonus payment is effective for all affected support coordination workers of any working status, whether full-time or part-time.

c. - d. Repealed

2. Audit Procedures for Support Coordination Workforce Bonus Payments

a. The bonus payments reimbursed to support coordination providers shall be subject to audit by LDH.

b. Support coordination providers shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the support coordination bonus payments.

c. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

d. Support coordination providers shall produce the requested documentation upon request and within the time frame provided by LDH.

e. Noncompliance or failure to demonstrate that the bonus payments were paid directly to support coordination workers may result in the following:

i. sanctions; or

ii. disenrollment from the Medicaid Program.

3. Sanctions for Support Coordination Workforce Bonus Payments

a. The support coordination provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

i. failure to pay support coordination workers the \$250 monthly bonus payments;

ii. the number of employees identified as having been paid less than the \$250 monthly workforce bonus payments;

iii. the persistent failure to pay the \$250 monthly bonus payments; or

iv. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

B. - B.3. ...

4. Direct Service Worker Wages and Workforce Bonus Payments

a. Establishment of Direct Service Worker Wage Floor for Medicaid Home and Community-Based Services for Intellectual and Developmental Disabilities

i. Effective October 1, 2021, providers of Medicaid home and community-based waiver services operated through the Office for Citizens with Developmental Disabilities employing direct service workers will receive the equivalent of a \$2.50 per hour rate increase.

ii. Effective October 1, 2021, this increase or its equivalent will be applied to all service units provided by direct service workers with an effective date of service for the identified home and community-based waiver services provided beginning October 1, 2021.

iii. The minimum hourly wage floor paid to direct service workers shall be \$9 per hour.

iv. All providers of services affected by this rate increase shall be subject to a direct service worker wage floor of \$9 per hour. This wage floor is effective for all affected direct service workers of any work status, whether full-time or part-time.

v. The Department of Health reserves the right to adjust the direct service worker wage floor as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

b. Establishment of Direct Service Worker Workforce Bonus Payments.

i. Providers providing services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each direct service worker that worked with participants for that month.

ii. The direct service worker providing services from April 1, 2021 to October 31, 2022 that worked with participants must receive at least \$250 of this \$300 bonus payment paid to providers. This bonus payment is effective for all affected direct service workers of any working status, whether full-time or part-time.

iii. Bonus payments will end October 31, 2022.

iv. LDH reserves the right to adjust the amount of the bonus payments paid to the direct service worker as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

v. – v.(b). Repealed.

c. Audit Procedures for Direct Service Worker Wage Floor and Workforce Bonus Payments

i. The wage enhancement and bonus payments reimbursed to providers shall be subject to audit by LDH.

(a). – (d). Repealed.

ii. Providers shall provide to the LDH or its representative all requested documentation to verify that they are in compliance with the direct service wage floor and bonus payments.

iii. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

iv. Providers shall produce the requested documentation upon request and within the time frame provided by the LDH.

v. Non-compliance or failure to demonstrate that the wage enhancement and/or bonus payments were paid directly to the direct service workers may result in the following:

(a). sanctions; or

(b). disenrollment from the Medicaid Program.

d. Sanctions for Direct Service Worker Wage Floor and Workforce Bonus Payments

i. The provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

(a). failure to pay I/DD HCBS direct service workers the floor minimum of \$9 per hour and/or the \$250 monthly bonus payments;

(b). the number of employees identified as having been paid less than the floor minimum of \$9 per hour and/or the \$250 monthly bonus;

(c). the persistent failure to pay the floor minimum go \$9 per hour and/or the \$250 monthly bonus payments; or

(d). failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1987 (September 2002), LR 33:1872 (September 2007), amended by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 34:250 (February 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 36:324 (February 2010), LR 36:2280 (October 2010), LR 37:2157 (July 2011), LR 39:2504 (September 2013), LR 40:68 (January 2014), LR 41:128 (January 2015), LR 42:896 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:40 (January 2022), LR 48:1544 (June 2022), LR 49:

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

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

Dr. Courtney N. Phillips
Secretary

2301#005

DECLARATION OF EMERGENCY

**Department of Health
Bureau of Health Services Financing
and
Office of Aging and Adult Services**

Home and Community-Based Services Waivers
Community Choices Waiver
Direct Support/Service Worker Wages and Bonus Payments
(LAC 50:XXI.Chapter 95)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services adopt LAC 50:XXI.Chapter 95 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in

effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever comes first.

House Concurrent Resolution 127 (HCR 127) of the 2021 Regular Session of the Louisiana Legislature requested the department make adjustments in the state Medicaid budget for the purpose of increasing funding more equitably to providers throughout the disabilities services system. The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the use of bonus payments for agencies providing personal assistance services to home and community-based services (HCBS) waiver participants under section 9817 of the American Rescue Plan Act of 2021 (ARPA).

In compliance with HCR 127, the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services promulgated an Emergency Rule which adopted provisions governing reimbursement in the Community Choices Waiver (CCW) in order to establish a wage floor and workforce bonus payments for direct support workers and personal assistance service providers along with audit procedures and sanctions (*Louisiana Register*, Volume 48, Number 8). Upon further discussion with various stakeholders, the department has determined that it is necessary to amend the provisions governing the bonus payments approved by CMS under section 9817 of ARPA.

This action is being taken to promote health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid Program.

Effective December 20, 2022 the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services amend the July 31, 2022 Emergency Rule which adopted provisions governing reimbursement in the CCW to establish a wage floor and workforce bonus payments for direct support workers.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXI. Home and Community-Based Services Waivers

Subpart 7. Community Choices Waiver

Chapter 95. Reimbursement

§9503. Direct Support/Service Worker Wages, Other Benefits, and Workforce Bonus Payments

A. Establishment of Direct Support/Service Worker Wage Floor and Other Benefits

1. Personal assistance service (PAS) providers that were providing services on or after October 1, 2021 and employing direct service workers (DSWs) will receive the equivalent of a \$5.50 per hour rate increase.

2. DSWs providing self-direction PAS on or after July 31, 2022 shall be paid a minimum wage floor of \$9 per hour.

3. Adult day health care (ADHC) providers that were providing ADHC services on or after October 1, 2021 and employing ADHC direct support workers will receive a rate increase. The ADHC reimbursement rates shall be rebased resulting in an average increase of \$4.31 per hour (rates differ based on facility specific transportation rate).

4. All PAS and ADHC providers affected by this rate increase shall be subject to passing 70 percent of their rate increases directly to the direct support/service worker in various forms. These forms include a minimum wage floor of \$9 per hour and other wage and non-wage benefits. This

wage floor and wage and non-wage benefits are effective for all affected direct support/service workers of any working status, whether full-time or part-time.

5. The rate increase, wage floor and/or wage and non-wage benefits will end March 31, 2025 or when the state's funding authorized under section 9817 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-002) is exhausted.

6. The Department of Health (LDH) reserves the right to adjust the direct support/service worker wage floor and/or wage and non-wage benefits as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

B. Establishment of Direct Support/Service Worker Workforce Bonus Payments

1. PAS and ADHC providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each direct support/service worker that worked with participants for those months.

2. The PAS and ADHC direct support/service worker who provided services from April 1, 2021 to October 31, 2022 to participants must receive at least \$250 of this \$300 monthly bonus payment paid to the provider. This bonus payment is effective for all affected direct support/service workers of any working status, whether full-time or part-time.

3. - 4. Repealed.

C. Audit Procedures for Direct Support/Service Worker Wage Floor, Other Benefits, and Workforce Bonus Payments

1. The wage enhancements, wage and non-wage benefits and bonus payments reimbursed to providers shall be subject to audit by LDH.

2. Providers shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the direct support/service worker wage floor, wage and non-wage benefits and/or bonus payments.

3. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, copies of unemployment insurance files, etc.

4. Providers shall produce the requested documentation upon request and within the timeframe provided by LDH.

5. Non-compliance or failure to demonstrate that the wage enhancements, wage and non-wage benefits and/or bonus payments were paid directly to direct support/service workers may result in the following:

- a. sanctions; or
- b. disenrollment from the Medicaid Program.

D. Sanctions for Direct Support/Service Worker Wages, Other Benefits, and Workforce Payments

1. Providers will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend on the following factors:

a. failure to pass 70 percent of the PAS and ADHC provider rate increases directly to the direct support/service workers in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments;

b. the number of employees identified that the PAS and ADHC provider has not passed 70 percent of the provider rate increases directly to the direct support/service

workers in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments;

c. the persistent failure to not pass 70 percent of the PAS and ADHC provider rate increases directly to the direct support/service workers in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments; or

d. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 49:

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

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

Dr. Courtney N. Phillips
Secretary

2301#006

DECLARATION OF EMERGENCY

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

Home and Community-Based Services Waivers
Residential Options Waiver—Direct Service Worker Wages
and Bonus Payments (LAC 50:XXI.16903 and 16905)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend LAC 50:XXI.16903 and adopt §16905 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the use of bonus payments for agencies providing Residential Options Waiver (ROW) services to home and community-based services (HCBS) waiver participants under section 9817 of the American Rescue Plan Act of 2021 (ARPA). The Department of Health, Bureau of Health Services Financing and the Office for Citizens with

Developmental Disabilities promulgated an Emergency Rule which amended and adopted provisions governing reimbursement in the ROW in order to establish workforce bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions (*Louisiana Register*, Volume 48, Number 8). Upon further discussion with various stakeholders, the department has determined that it is necessary to amend the provisions governing the bonus payments approved by CMS under section 9817 of ARPA.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid Program.

Effective December 20, 2022, the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend the July 31, 2022 Emergency Rule which amended and adopted provisions governing reimbursement in the ROW in order to establish workforce bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE Part XXI. Home and Community-Based Services Waivers

Subpart 13. Residential Options Waiver Chapter 169. Reimbursement §16903. Direct Service Worker Wages and Bonus Payments

A. Establishment of Direct Service Worker Wage Floor for Medicaid Home and Community Based Services for Intellectual and Developmental Disabilities

1. Effective October 1, 2021, providers of Medicaid home and community-based waiver services operated through the Office for Citizens with Developmental Disabilities employing direct service workers will receive the equivalent of a \$2.50 per hour rate increase.

2. Effective October 1, 2021, this increase or its equivalent will be applied to all service units provided by direct service workers with an effective date of service for the identified home and community based waiver services provided beginning October 1, 2021.

3. The minimum hourly wage floor paid to direct service workers shall be \$9 per hour.

4. All providers of services affected by this rate increase shall be subject to a direct service worker wage floor of \$9 per hour. This wage floor is effective for all affected direct service workers of any work status, whether full-time or part-time.

5. The Department of Health reserves the right to adjust the direct service worker wage floor as needed through appropriate rulemaking promulgation consistent with the Louisiana Administrative Procedure Act.

B. Establishment of Direct Service Worker Workforce Bonus Payments

1. Providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each direct service worker that worked with participants for those months.

2. The direct service worker who provided services to participants from April 1, 2021 to October 31, 2022 must receive at least \$250 of this \$300 bonus payment paid to the provider. This bonus payment is effective for all affected direct service workers of any working status, whether full-time or part-time.

3. Bonus payments will end October 31, 2022.

4. LDH reserves the right to adjust the amount of the bonus payments paid to the direct service worker as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

5 - 5.b. Repealed.

C. Audit Procedures for Direct Service Worker Wage Floor and Workforce Bonus Payments

1. The wage enhancement and bonus payments reimbursed to providers shall be subject to audit by LDH.

a. - d. Repealed.

2. Providers shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the direct service worker wage floor and bonus payments.

3. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

4. Providers shall produce the requested documentation upon request and within the timeframe provided by LDH.

5. Non-compliance or failure to demonstrate that the wage enhancement and/or bonus payments were paid directly to direct service workers may result in the following:

a. sanctions; or

b. disenrollment from the Medicaid Program.

D. Sanctions for Direct Service Worker Wage Floor and Workforce Bonus Payments

1. The provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

a. failure to pay I/DD HCBS direct service workers the floor minimum of \$9 per hour and/or the \$250 monthly bonus payments;

b. the number of employees identified as having been paid less than the floor minimum of \$9 per hour and/or the 250 monthly bonus payments;

c. the persistent failure to pay the floor minimum of \$9 per hour and/or the \$250 monthly bonus payments; or

d. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2456 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2169 (October 2015), LR 42:900 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:42 (January 2022), LR 49:

§16905. Support Coordination

A. Establishment of Support Coordination Workforce Bonus Payments

1. Support coordination providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each support coordination worker that worked with participants for those months.

2. The support coordination worker who provided services to participants from April 1, 2021 to October 31, 2022 must receive at least \$250 of this \$300 bonus payment paid to the provider. This bonus payment is effective for all affected support coordination workers of any working status, whether full-time or part-time.

3. - 4. Repealed.

B. Audit Procedures for Support Coordination Workforce Bonus Payments

1. The bonus payments reimbursed to support coordination providers shall be subject to audit by LDH.

2. Support coordination providers shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the support coordination bonus payments.

3. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

4. Support coordination providers shall produce the requested documentation upon request and within the timeframe provided by the LDH.

5. Noncompliance or failure to demonstrate that the bonus payments were paid directly to support coordination workers may result in the following:

a. sanctions; or

b. disenrollment from the Medicaid Program.

C. Sanctions for Support Coordination Workforce Bonus Payments

1. The support coordination provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

a. failure to pay support coordination workers the \$250 monthly bonus payments;

b. the number of employees identified as having been paid less than the \$250 monthly bonus payments;

c. the persistent failure to pay the \$250 monthly bonus payments; or

d. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 49:

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

Public Comments

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

Dr. Courtney N. Phillips
Secretary

2212#007

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing and Office of Aging and Adult Services

Home and Community-Based Services Waivers Support Coordination Workforce Bonus Payments (LAC 50:XXI.553)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services adopt LAC 50:XXI.553 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953.1, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the use of bonus payments for agencies providing support coordination services to home and community-based services (HCBS) waiver participants under section 9817 of the American Rescue Plan Act of 2021 (ARPA). The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services promulgated an Emergency Rule which adopted provisions in order to establish workforce bonus payments for support coordination agencies along with audit procedures and sanctions (*Louisiana Register*, Volume 48, Number 8). Upon further discussion with various stakeholders, the department has determined that it is necessary to amend the provisions governing the bonus payments approved by CMS under section 9817 of ARPA.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring continued provider participation in the Medicaid Program.

Effective December 20, 2022, the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services amend the July 31, 2022 Emergency Rule which adopted provisions governing workforce bonus payments for agencies providing support coordination services to HCBS waiver participants.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE Part XXI. Home and Community-Based Services Waivers

Subpart 1. General Provisions

Chapter 5. Support Coordination Standards for Participation for Office of Aging and Adult Services Waiver Programs

Subchapter C. Provider Responsibilities

§553. Workforce Bonus Payments

A. Establishment of Support Coordination Workforce Bonus Payments

1. Support coordination agencies (SCAs) who provided services April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each SCA staff member that worked directly with participants for those months.

2. The SCA staff member who worked directly with participants from April 1, 2021 to October 31, 2022 must receive at least \$250 of this \$300 bonus payment paid to the agency. This bonus payment is effective for all affected SCA staff member of any working status, whether full-time or part-time.

3. – 4. Repealed.

B. Audit Procedures for Support Coordination Workforce Bonus Payments

1. The bonus payments reimbursed to support coordination agencies shall be subject to audit by LDH.

2. Support coordination agencies shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the support coordinator bonus payments.

3. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

4. Support coordination agencies shall produce the requested documentation upon request and within the timeframe provided by LDH.

5. Non-compliance or failure to demonstrate that the bonus payments were paid directly to support coordinators may result in the following:

- a. sanctions; or
- b. disenrollment from the Medicaid program.

C. Sanctions for Support Coordination Workforce Bonus Payments

1. The support coordination agencies will be subject to sanctions or penalties for failure to comply with this Rule. The severity of such action shall depend upon the following:

- a. failure to pay support coordinators the \$250 monthly bonus payments;
- b. the number of employees identified as having been paid less than the \$250 monthly bonus payments; or
- c. the persistent failure to pay the \$250 monthly bonus payments; or
- d. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 49:

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

Public Comments

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

Dr. Courtney N. Phillips
Secretary

2301#008

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing and

Office for Citizens with Developmental Disabilities

Home and Community-Based Services Waivers Supports Waiver—Direct Service Worker Wages and Bonus Payments (LAC 50:XXI.6101)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend LAC 50:XXI.6101 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the uses of bonus payments for agencies providing Supports Waiver services to home and community-based services (HCBS) waiver participants under section 9817 of the American Rescue Plan Act of 2021 (ARPA). The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disorders promulgated an Emergency Rule which amended the provisions governing reimbursement in the Supports Waiver in order to establish workforce bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions (*Louisiana Register*, Volume 48, Number 8). Upon further discussion with various stakeholders, the department has determined that it is necessary to amend the provisions governing the bonus payments approved by CMS under section 9817 of ARPA.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by providing increased pay to direct service workers.

Effective December 20, 2022, the Department of Health, Bureau of Health Services Financing and Office for Citizens with Developmental Disabilities amend the July 31, 2022 Emergency Rule which amended provisions governing reimbursement in the Supports Waiver in order to establish workforce bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXI. Home and Community-Based Services Waivers

Subpart 5. Supports Waiver

Chapter 61. Reimbursement

§6101. Unit of Reimbursement

A. – G. ...

H. Direct Service Worker Wages and Bonus Payments

1. Establishment of Direct Service Worker Wage Floor for Medicaid Home and Community-Based Services for Intellectual and Developmental Disabilities

a. Effective October 1, 2021, providers of Medicaid home and community-based waiver services operated through the Office for Citizens with Developmental Disabilities employing direct service workers will receive the equivalent of a \$2.50 per hour rate increase.

b. Effective October 1, 2021, this increase or its equivalent will be applied to all service units provided by direct service workers with an effective date of service for the identified home and community-based waiver services provided beginning October 1, 2021.

c. The minimum hourly wage floor paid to direct service workers shall be \$9 per hour.

d. All providers of services affected by this rate increase shall be subject to a direct service worker wage floor of \$9 per hour. This wage floor is effective for all affected direct service workers of any work status whether full-time or part-time.

e. The Department of Health (LDH) reserves the right to adjust the direct service worker wage floor as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

2. Establishment of Direct Support Worker Workforce Bonus Payments

a. Providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each direct service worker that worked with participants for those months.

b. The direct service worker who provided services to participants from April 1, 2021 to October 31, 2022 must receive at least \$250 of this \$300 bonus payment paid to the provider. This bonus payment is effective for all affected direct service workers of any working status, whether full-time or part-time.

c. Bonus payments will end October 31, 2022.

d. LDH reserves the right to adjust the amount of the bonus payments paid to the direct service worker as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

e. - e.ii. Repealed.

3. Audit Procedures for Direct Service Worker Wage Floor and Workforce Bonus Payments

a. The wage enhancement and bonus payments reimbursed to providers shall be subject to audit by LDH.

i. - iv. Repealed.

b. Providers shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the direct service worker wage floor and bonus payments.

c. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

d. Providers shall produce the requested documentation upon request and within the timeframe provided by LDH.

e. Non-compliance or failure to demonstrate that the wage enhancement and/or bonus payment were paid directly to direct service workers may result in the following:

- i. sanctions; or
- ii. disenrollment from the Medicaid program.

4. Sanctions for Direct Service Worker Wage Floor and Workforce Bonus Payments

a. The provider will be subject to sanctions or penalties for failures to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such an action will depend upon the following factors:

- i. failure to pay I/DD HCBS direct service workers the floor minimum of \$9 per hour and/or the \$250 monthly bonus payments;
- ii. the number of employees identified as having been paid less than the floor minimum of \$9 per hour and/or the \$250 monthly bonus payments;
- iii. the persistent failure to pay the floor minimum of \$9 per hour and/or the \$250 monthly bonus payments; or
- iv. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

I. ...

1. Establishment of Support Coordination Workforce Bonus Payments

a. Support coordination providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each support coordination worker that worked with participants for those months.

b. The support coordination worker who provided services to participants from April 1, 2021 to October 31, 2022 must receive at least \$250 of this \$300 bonus payment paid to the provider. This bonus payment is effective for all affected support coordination workers of any working status, whether full-time or part-time.

c. - d. Repealed.

2. Audit Procedures for Support Coordination Workforce Bonus Payments

a. The bonus payments reimbursed to support coordination providers shall be subject to audit by LDH.

b. Support coordination providers shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the support coordination bonus payments.

c. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

d. Support coordination providers shall produce the requested documentation upon request and within the timeframe provided by LDH.

e. Noncompliance or failure to demonstrate that the bonus payments were paid directly to support coordination workers may result in the following:

- i. sanctions; or
- ii. disenrollment from the Medicaid Program.

3. Sanctions for Support Coordination Workforce Bonus Payments

a. The support coordination provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

- i. failure to pay support coordination workers the \$250 monthly bonus payments;
- ii. the number of employees identified as having been paid less than the \$250 monthly bonus payments;
- iii. the persistent failure to pay the \$250 monthly bonus payments; or
- iv. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

J. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 32:1607 (September 2006), amended LR 34:662 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 36:2281(October 2010), LR 37:2158 (July 2011), LR 39:1050 (April 2013), LR 40:82 (January 2014), LR 40:2587 (December 2014), LR 42:900 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:43 (January 2022), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:43(January 2022), LR 48:1579 (June 2022), LR 49:

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

Public Comments

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

Dr. Courtney N. Phillips
Secretary

2301#009

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Home Health Program
American Rescue Plan Act Funding
(LAC 50:XIII.Chapter 8)

The Department of Health, Bureau of Health Services Financing adopts LAC 50:XIII.Chapter 8 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever comes first.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the Department of Health's administration and payment model for funds provided under section 9817 of the American Rescue Plan Act of 2021 (ARPA) to agencies that provide home health care services. In compliance with the CMS-approved model for administering ARPA funds, the Department of Health, Bureau of Health Services Financing adopts provisions in the Home Health program in order to establish recruitment and retention payments for nurses that provide extended home health (EHH) services to beneficiaries under the age of 21 who are in a Medicaid waiver program.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid program. It is estimated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by approximately \$1,921,500 for state fiscal year 2022-2023.

Effective January 10, 2023, the Department of Health, Bureau of Health Services Financing adopts provisions governing ARPA funding in the Home Health Program in order to establish recruitment and retention payments for nurses that provide EHH services to beneficiaries under the age of 21 who are in a Medicaid waiver program.

Title 50

PUBLIC HEALTH—GENERAL

Part XIII. Home Health Program

Subpart 1. Home Health Services

Chapter 8. American Rescue Plan Act Funding

§801. Nursing Recruitment and Retention Payments

A. General Provisions

1. Nurses that provide extended home health (EHH) services may be eligible to receive recruitment and retention bonuses through April 2024.

2. A nurse is defined as an individual who possesses and maintains a valid license as a licensed practical nurse (LPN) or registered nurse (RN).

3. All payments shall be administered by the home health agency (HHA) that employs the nurse. If a nurse is

employed at multiple agencies, only one HHA may pay the recruitment and retention payment.

4. HHAs shall submit an invoice and supporting documentation for each nurse that meets the requirements outlined in this Chapter on a monthly basis and shall comply with all other requirements established by LDH to receive a payment.

5. HHAs shall disburse the entire payment to the nurse and are prohibited from reducing the payment in any way.

6. HHAs that provide the required documentation, comply with all applicable requirements, and have at least one nurse a month receiving a bonus payment will be eligible to invoice LDH for an administrative fee of \$2,500 each month.

B. Recruitment

1. Recruitment is the hiring of a new nurse who commits to providing a minimum of 120 hours of EHH services to beneficiaries under the age of 21 who are in a Medicaid waiver program in each calendar month.

2. A one-time, lump sum payment of \$5,000 may be paid to any nurse who is hired by the HHA and commits to providing a minimum of 120 hours of EHH services to beneficiaries in a waiver program and has not received the retention lump sum bonus payment outlined in this Chapter.

3. Each nurse may only receive the lump sum recruitment bonus payment once.

C. Retention

1. Existing nurses who commit to providing a minimum of 120 hours of EHH services to eligible waiver beneficiaries in a calendar month and have not received the recruitment or retention lump sum bonus payment will receive a \$5,000 retention bonus.

2. Nurses who receive the recruitment or retention lump sum bonus payment shall be eligible to receive a monthly payment of \$200 if they provided at least 120 hours of EHH services to eligible waiver beneficiaries during the previous calendar month.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

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

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

Dr. Courtney N. Phillips
Secretary

2301#051

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Medicaid Eligibility—Resource Disregards (LAC 50:III.10705)

The Department of Health, Bureau of Health Services Financing amends LAC 50:III.10705 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Section 1902(r)(2) of the Social Security Act (SSA) grants states the authority to adopt resource disregards for the purposes of determining eligibility in the Medical Assistance Program (Medicaid). The Department of Health, Bureau of Health Services Financing has determined that it is necessary to disregard unspent funds received as a class member pursuant to a class settlement in the case of *Nancy Anderson, et al. v. Bob Dean Jr., et al.*, 24th Judicial District Court, Parish of Jefferson, No. 820-839 from resources when determining Medicaid eligibility. Under the authority granted by section 1902(r)(2) of the SSA, the department hereby amends the provisions governing financial eligibility in the Medical Assistance Program in order to disregard unspent funds received by settlement class members in the case of *Nancy Anderson, et al. v. Bob Dean Jr. et al.*, 24th Judicial District Court, Parish of Jefferson, No. 820-839 from resources.

This action is being taken to promote the health and well-being of settlement class members by ensuring access to Medicaid services. It is estimated that implementation of this Emergency Rule will have an impact on the Medicaid budget of approximately \$5,081,087 for state fiscal year 2022-2023.

Effective January 1, 2023, the Department of Health, Bureau of Health Services Financing amends the provisions governing financial eligibility in the Medical Assistance Program in order to disregard unspent funds received by settlement class members in the case of *Nancy Anderson, et al. v. Bob Dean Jr., et al.*, 24th Judicial District Court, Parish of Jefferson, No. 820-839 from resources.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part III. Eligibility

Subpart 5. Financial Eligibility

Chapter 107. Resources

§10705. Resource Disregards

A. - D. ...

E. Disregard from resources unspent funds received as a class member pursuant to a class settlement in the case of *Nancy Anderson, et al. v. Bob Dean Jr., et al.*, 24th Judicial District Court, Parish of Jefferson. No. 820-839.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:1899 (September 2009),

amended LR 36:2867 (December 2010), LR 41:949 (May 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 45:1772 (December 2019), LR 46:1393 (October 2020), LR 49:

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

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

Dr. Courtney N. Phillips
Secretary

2301#018

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing and Office of Aging and Adult Services

Personal Care Services—Long Term Direct Service Worker Wages and Bonus Payments (LAC 50:XV.12917 and 12921)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services amend LAC 50:XXI.12917 and adopt §12921 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953.1, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

House Concurrent Resolution 127 (HCR 127) of the 2021 Regular Session of the Louisiana Legislature requested the department make adjustments in the state Medicaid budget for the purpose of increasing funding more equitably to providers throughout the disabilities services system. The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the use of bonus payments for agencies providing long term-personal care services (LT-PCS) under section 9817 of the American Rescue Plan Act of 2021 (ARPA).

In compliance with HCR 127, the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services promulgated an Emergency Rule which adopted provisions governing LT-PCS in order to establish a direct wage floor and workforce bonus payments for direct service workers along with audit procedures and sanctions (*Louisiana Register*, Volume 48, Number 8). Upon further discussion with various stakeholders, the department has determined that it is necessary to amend the provisions governing the bonus payments approved by CMS under section 9817 of ARPA.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid Program.

Effective December 20, 2022, the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services amend the July 31, 2022 Emergency Rule which adopted provisions governing LT-PCS in order to establish a wage floor and workforce bonus payments for direct service workers along with audit procedures and sanctions.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 9. Personal Care Services

Chapter 129 Long Term Care

§12917. Reimbursement

A. Reimbursement for personal care services shall be a prospective flat rate for each approved unit of service that is provided to the participant. One quarter hour (15 minutes) is the standard unit of service for personal care services. Reimbursement shall not be paid for the provision of less than one quarter hour (15 minutes) of service. Additional reimbursement shall not be available for transportation furnished during the course of providing personal care services.

B. The state has the authority to set and change LT-PCS rates and/or provide lump sum payments to LT-PCS providers based upon funds allocated by the legislature.

C. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:913 (June 2003), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:253 (February 2008), LR 34:2581 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:1901 (September 2009), LR 36:1251 (June 2010), LR 37:3267 (November 2011), LR 39:1780 (July 2013), LR 42:904 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR:47:594 (May 2021), LR 49:

§12921. Direct Service Worker Wages, Other Benefits, and Workforce Bonus Payments

A. Establishment of Direct Service Worker Wage Floor and Other Benefits

1. Long term-personal care services (LT-PCS) providers that were providing LT-PCS on or after October 1, 2021 and employing direct service workers (DSWs) will receive the equivalent of a \$4.50 per hour rate increase.

2. This increase or its equivalent will be applied to all service units provided by DSWs with an effective date of service for the LT-PCS provided on or after October 1, 2021.

3. All LT-PCS providers affected by this rate increase shall be subject to passing 70 percent of their rate increases directly to the DSW in various forms. These forms include a minimum wage floor of \$9 per hour and wage and non-wage benefits. This wage floor and wage and non-wage benefits are effective for all affected DSWs of any working status, whether full-time or part-time.

4. The LT-PCS provider rate increases, wage floor and/or wage and non-wage benefits will end March 31, 2025 or when the state's funding authorized under section 9817 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-002) is exhausted.

5. The Department of Health (LDH) reserves the right to adjust the DSW wage floor and/or wage and non-wage benefits as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

B. Establishment of Direct Service Worker Workforce Bonus Payments

1. LT-PCS providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each DSW that worked with participants for those months.

2. The DSW who provided services from April 1, 2021 to October 31, 2022 to participants must receive at least \$250 of this \$300 bonus payment paid to the provider. This bonus payment is effective for all affected DSWs of any working status, whether full-time or part-time.

3. - 4. Repealed.

C. Audit Procedures for Direct Service Worker Wage Floor, Other Benefits, and Workforce Bonus Payments

1. The wage enhancements, wage and non-wage benefits and bonus payments reimbursed to LT-PCS providers shall be subject to audit by LDH.

2. LT-PCS providers shall provide the LDH or its representative all requested documentation to verify that they are in compliance with the DSW wage floor, wage and non-wage benefits and/or bonus payments.

3. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

4. LT-PCS providers shall produce the requested documentation upon request and within the timeframe provided by LDH.

5. Non-compliance or failure to demonstrate that the wage enhancement, wage and non-wage benefits and/or bonus payments were paid directly to DSWs may result in the following:

a. sanctions; or

b. disenrollment from the Medicaid program.

D. Sanctions for Direct Service Worker Wage Floor, Other Benefits, and Workforce Bonus Payments

1. The LT-PCS provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

a. failure to pass 70 percent of the LT-PCS provider rate increases directly to the DSWs in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments;

b. the number of employees identified that the LT-PCS provider has not passed 70 percent of the LT-PCS provider rate increases directly to the DSWs in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments;

c. the persistent failure to not pass 70 percent of the LT-PCS provider rate increases directly to the LT-PCS

DSWs in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments; or

d. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 49:

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

Public Comments

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

Dr. Courtney N. Phillips
Secretary

2301#010

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Targeted Case Management
Reimbursement Methodology
Workforce Bonus Payments
(LAC 50:XV.10704)

The Department of Health, Bureau of Health Services Financing adopts LAC 50:XV.10704 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the use of bonus payments for agencies providing case management services for the early and periodic screening, diagnosis and treatment targeted population and for participants in the New Opportunities Waiver under section 9817 of the American Rescue Plan Act of 2021 (ARPA). The Department of Health, Bureau of Health Services Financing promulgated an Emergency Rule which adopted provisions governing targeted case management services in order to establish workforce bonus payments along with audit procedures and sanctions (*Louisiana Register*, Volume 48, Number 8). Upon further discussion with various stakeholders, the department has determined that revisions are necessary to the provisions governing the bonus payments approved by CMS under section 9817 of ARPA.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid program.

Effective December 20, 2022, the Department of Health, Bureau of Health Services Financing amends the July 31, 2022 Emergency Rule which adopted provisions governing targeted case management in order to establish workforce bonus payments along with audit procedures and sanctions.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 7. Targeted Case Management

Chapter 101. General Provisions

§10704. Targeted Case Management Workforce Bonus Payments

A. Establishment of Targeted Case Management Workforce Bonus Payments

1. Case management agencies for the early and periodic screening, diagnosis and treatment (EPSDT) targeted population and for participants in the New Opportunities Waiver (NOW) who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for the case manager that worked with participants for those months.

2. The case manager who provided services to participants from April 1, 2021 to October 31, 2022 must receive at least \$250 of this \$300 bonus payment paid to the agency. This bonus payment is effective for all affected case managers of any working status, whether full-time or part-time.

3. – 4. Repealed.

B. Audit Procedures for Targeted Case Management Workforce Bonus Payments

1. The bonus payments reimbursed to case management agencies shall be subject to audit by LDH.

2. Case management agencies shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the targeted case management bonus payments.

3. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

4. Case management agencies shall produce the requested documentation upon request and within the time frame provided by LDH.

5. Non-compliance or failure to demonstrate that the bonus payments were paid directly to case managers may result in the following:

- a. sanctions; or
- b. disenrollment from the Medicaid Program.

C. Sanctions for Targeted Case Management Workforce Bonus Payments

1. The case management agency will be subject to sanctions or penalties for failure to comply with this Rule. The severity of such action will depend upon the following:

- a. failure to pay case managers the \$250 monthly bonus payments;
- b. the number of employees identified as having been paid less than the \$250 monthly bonus payments;
- c. the persistent failure to pay the \$250 monthly bonus payments; or

d. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 49:

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

Public Comments

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

Dr. Courtney N. Phillips
Secretary

2301#011

DECLARATION OF EMERGENCY

Department of Revenue Policy Services Division

Income Exemption for Digital Nomads (LAC 61:I.1357)

In accordance with the emergency provisions of the Administrative Procedures Act, La. R.S. 49:953.1 and Act 211 of the 2021 Regular Session of the Louisiana Legislature, and R.S. 47: 239(9)(a)(xxii), 297.18, and 1511, the Department of Revenue, Policy Services Division, (“the Department”) is, by emergency rule, adopting LAC 61:I.1357 relative to the Louisiana individual income tax exemption for individual taxpayers who qualify as digital nomads. Act 387 of the 2021 Regular Session enacted La. R.S. 47:239(9)(a)(xxii) and 47:297.18, created an individual income tax exemption for digital nomads, as defined therein. The exemption provides that an individual who qualifies as a digital nomad may exempt 50 percent of their gross wages from state income tax, limited to \$150,000, for a period of up to two taxable years during taxable years 2022, 2023, 2024, and 2025. This Emergency Rule clarifies which taxpayers are eligible for the digital nomads income exemption and further provides the administrative requirements for applying for and claiming such exemption.

This Emergency Rule is effective January 1, 2023, and will remain in effect for 180 days, unless renewed or revoked, or until the adoption of the final Rule, whichever comes first. The promulgation of this regulation on an emergency basis is necessary to expeditiously instruct taxpayers on the administrative requirements for claiming the digital nomads exemption for tax year 2022 and subsequent tax years. A delay in the adoption of this Rule

could hinder the effective administration of the digital nomads exemption for the 2022 tax year.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 13. Income: Individual

§1357. Income Exemption for Digital Nomads

A. General Description

1. The digital nomads exemption provides a state individual income tax exemption for digital nomads, as defined by R.S. 47:297.18, equal to 50 percent of their gross wages, limited to \$150,000, for a period of up to two taxable years during taxable years 2022, 2023, 2024, and 2025.

2. The exemption applies only to gross wages received for remote work performed as a digital nomad in Louisiana.

B. Definitions. For the purposes of this Section, the following terms shall have the meaning ascribed therein.

Coworking Space—a membership-based workspace where diverse groups of freelancers, remote workers, and other independent professionals work together in a shared, communal setting.

Department—the Louisiana Department of Revenue or its successor.

Employee—as defined in R.S. 47:111(A).

Employer—as defined in R.S. 47:111(B).

Full-Time Remote Worker—a remote worker employed on average for at least 30 hours of remote service per week.

Gross Wages—any amount that meets the definition of “wages” contained in R.S. 47:111(E) received as payment by an employee from an employer for remote work performed. Gross wages also includes wages used to pay benefits not taxed under an IRC Section 125 plan.

Nonresident Business—any business entity that has not filed nor is required to file any state or local tax return in Louisiana prior to its first approved digital nomad employee; has no employees other than those who qualify as digital nomads working remotely, agents, or independent contractors within the state; is not registered to do business in the state; and is not transacting business with residents of the state or otherwise availing itself of Louisiana’s economic market.

Remote Work Agreement—an agreement signed by the employer and the participating employee that defines the terms of a remote working arrangement, including the number of days per year the participating employee will work remotely and any restrictions on the place from which the participating employee will work remotely.

Remote Work—work performed within the ordinary course and scope of employment on a workday that ordinarily would be performed at the employer’s work location, from an approved worksite other than the employer’s work location.

C. Eligibility

1. To qualify as a digital nomad for the purposes of this exemption, an individual must meet the following criteria:

a. establish residency in Louisiana after December 31, 2021;

b. is a policyholder, subscriber, enrollee, or other individual enrolled in or insured by a health insurance issuer for major medical health insurance coverage;

c. work remotely full-time for a nonresident business;

d. file a Louisiana resident or part-year resident individual income tax return for the taxable year in which they are claiming the exemption;

e. must not have been a resident or domiciliary of Louisiana for any of the three years immediately preceding the establishment of residency or domicile after December 31, 2021;

f. must not have been required to file a Louisiana resident or part-year resident individual income tax return for any of the three years prior to claiming the exemption and;

g. performs the majority of employment duties in Louisiana either remotely or at a co-working space.

2. Any nonresident service member of the Armed Forces of the United States of America and any spouse of a nonresident service member of the Armed Forces of the United States of America who meets the eligibility requirements of Subsection B Paragraph 1 of this Section may qualify for the digital nomads exemption if:

a. The nonresident service member is present in Louisiana in compliance with the nonresident service member's military orders;

b. the spouse is not a resident or domiciliary of Louisiana; and

c. the spouse is present in Louisiana solely to be with the nonresident service member.

D. Limitations

1. For applications submitted on or after January 1, 2023, the department may approve no more than 500 taxpayers for the life of the program. A taxpayer may be approved for the exemption for a second year after receiving recertification.

2. No exemption is authorized for any wages earned by a digital nomad after December 31, 2025.

E. Application

1. Beginning January 1, 2023, taxpayers seeking to utilize the digital nomad income tax exemption for up to two taxable years between 2022 and 2025 must annually submit a Form R-90006, Digital Nomad Exemption Application and Certification of Exemption Amount, and be approved for the exemption for the dollar amount as calculated by the department. This annual application requirement applies to all taxpayers, including those who apply for recertification for the second year.

2. The application period for calendar year 2022 shall begin on February 1, 2023 and conclude on March 31, 2023. Thereafter, the application period shall begin on February 1 and conclude on March 31 of the subsequent calendar year. If the start or end date falls on a weekend or holiday, the date will be the next business day. Applications may not be submitted and will not be accepted prior, or subsequent to, the application period. Eligible applications shall be

approved by the department on a first-come, first-served basis as determined by the received date and time of a completed digital nomad exemption application. An application shall not be considered complete until all information requested by the department has been received.

3. Taxpayers must electronically submit Form R-90006, Digital Nomad Exemption Application and Certification of Exemption Amount to the Department for review by submitting their application to DigitalNomadExemption@La.gov. A taxpayer is approved upon satisfactorily demonstrating that they have met the requirements of Subsection C of this Section during the calendar year.

4. Only applications concerning eligibility of gross wages earned for remote work performed by a digital nomad in the prior calendar year may be submitted and considered for purposes of the exemption.

5. Each application must contain an applicant's home mailing address, applicant's Social Security number, a copy of the applicant's remote work agreement, a copy of applicant's W-2 for the year for which the application is submitted, a copy of the first and last pay stub from applicant's employer for the year for which application is submitted, a copy of the first and last pay stub from applicant's employer for the dates that applicant worked remotely for the year for which application is submitted, and a copy of the applicant's Louisiana driver's license and voter registration card.

F. Certification

1. After review and determination of qualification, the department shall provide a copy of Form R-90006 to the taxpayer no later than April 30 of each calendar year notifying them as to whether their application has been approved or denied. If approved, the form shall notify the taxpayer of the amount eligible for the exemption, not to exceed 50 percent of the taxpayer's gross wages earned as a digital nomad, limited to \$150,000. If denied, the form shall so provide the reasons for denial.

G. Claiming the Exemption

1. Resident individual taxpayers shall make a modification on Schedule E of their Louisiana Form IT-540, Louisiana Resident Income Tax Return, in accordance with R.S. 47:297.18. A part-year resident shall make the modification on the Nonresident and Part-Year Resident (NPR) Worksheet of the Louisiana Form IT-540B, Louisiana Nonresident and Part-Year Resident Income Tax Return.

2. The accrual of interest shall be suspended during any period of time that a delay in the issuance of a refund is attributable to the taxpayer's failure to provide information or documentation required herein, as provided by La. R.S. 47:1624(F).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:293(9)(a)(xxii), R.S. 47:297.18, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 49:

Kevin J. Richard, CPA
Secretary

2301#002

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Assignment of Hull Identification Numbers to Undocumented Vessels Manufactured in Louisiana (LAC 76:XI.309)

In accordance with the emergency provisions of R.S. 49:962 and under the authority of R.S. 34:852.13, the Department of Wildlife and Fisheries hereby amends LAC 76:XI.309 providing for regulations governing assignment of Hull Identification Numbers (HIN) to undocumented vessels manufactured for sale in Louisiana that do not qualify for the assignment of such numbers by the United States Coast Guard.

Federal regulations require recreational boats sold in the United States to have a Hull Identification Number (HIN) affixed by the manufacturer. Further, manufacturers of recreational vessels for sale in the United States are required to apply for a manufacturer identification code from the U.S. Coast Guard and to meet certain manufacturer specifications. However, there is an exemption from the federal flotation requirement applications for vessels used in shallow water/ marsh conditions. This exemption expires on July 31, 2024.

Louisiana law mandates the Department of Wildlife and Fisheries to develop regulations that allow for assignment of HINs to boat manufacturers in Louisiana for undocumented vessels manufactured in the state that do not qualify for the assignment of such number by the U.S. Coast Guard. As a result, the current regulations are in conflict with federal law and regulation and provide boat manufacturers an opportunity to circumvent certain federal regulatory requirements by applying for and purchasing blocks of ten HINs from the department that start with the "LAZ" manufacturer identification code. The state's "LAZ" designation is intended to be used to register and title homemade vessels built for personal use, or vessels with a missing, removed or obliterated HIN numbers, not for recreational boat manufacturers to avoid U.S. Coast Guard regulatory requirements.

Failure to adopt an Emergency Rule to address the conflict between the current regulations and federal law will potentially place consumers at risk of purchasing manufactured vessels that do not meet U.S. Coast Guard manufacturer standards and therefore result in imminent peril to the public welfare. Further, the U.S. Coast Guard has notified the Department of Wildlife and Fisheries that failure to take immediate action to bring vessel registration into compliance with the federal framework could result in loss of federal funding associated with enforcement and administration of recreational boating safety.

This Emergency Rule is effective December 29, 2022 and shall remain in effect for the maximum period allowed by law (180 days), unless rescinded or modified by the Secretary, or until promulgation of a final Rule regulation governing assignment of hull identification numbers to undocumented vessels manufactured in Louisiana, whichever occurs first.

Title 76

WILDLIFE AND FISHERIES

Part XI. Boating

Chapter 3. Boating Safety

§309. Assignment of Hull Identification Numbers to Vessels Manufactured in Louisiana

A. All vessels manufactured for sale in Louisiana shall conform to federal standards established in 46 USC 4301, et seq. or any federal regulation prescribed thereunder. Each vessel manufactured for sale in Louisiana shall have a hull identification number (HIN) assigned by the United States Coast Guard (USCG).

B. Notwithstanding the provisions of Subsection A, the following regulations shall provide for the assignment of hull identification numbers (HIN) to certain undocumented vessels manufactured in this state that do not qualify for the assignment of such numbers by the USCG.

1. Airboat and mudboat vessels that do not meet USCG level flotation regulations, but are manufactured principally to be used in shallow water/marsh conditions and do not travel far from shore are eligible for consideration for assignment of a Louisiana HIN, assuming the vessel meets the following criteria:

- a. The vessel model is designed for shallow water use;
- b. The vessel is only marketed and sold in typical shallow water and marsh areas;
- c. The vessel meets all other Federal Safety Standards for recreational boats manufactured in the United States;
- d. The manufacturer strictly adheres to all requirements of the Grant of Exemption;
- e. The vessel must be powered by a mud motor or fan blade.

2. The manufacturer(s) of such vessels shall submit an Application for Eligibility requesting approval from the department. The Application of Eligibility shall be submitted on company letterhead describing in detail the model(s) an exemption is sought for, photographs of the model(s), where the boats are typically sold including dealer network, marketing method for the model(s), and any flotation utilized on the model. The Application for Eligibility should include the following information for each model:

- a. Model name;
- b. Overall length;
- c. Vessel type;
- d. Hull material;
- e. Propulsion type;
- f. Engine drive type;
- g. Fuel

3. The manufacturer must be capable of producing a minimum of 10 vessels annually and must provide proof of security in one of the following forms to be eligible to receive the HIN's:

- a. pre-payment of a minimum of one block of 10 HIN numbers, or
- b. bond, letter of credit, or other security, in an amount and form acceptable to the secretary, determined on a case by case basis.

4. Upon receipt of an application for eligibility from a manufacturer, an agent from the enforcement division shall conduct an initial inspection of the manufacturer's vessel fabrication location.

5. Upon favorable inspection, the manufacturer(s) shall be approved to receive HIN's issued in blocks of 10 individual HINs upon the manufacturer's request. The department shall charge a fee of \$25 per issued HIN.

6. Manufacturer(s) receiving department-issued HIN, as described in this Section, shall comply with the following procedures.

a. The HIN must be stamped on the vessel before it leaves the manufacturer's facility.

b. The manufacturer(s) must produce a manufacturer statement of origin (MSO) as described in R.S. 34:852.11. The manufacturer shall provide the purchaser and/or transferee with the original MSO.

c. Manufacturer(s) must maintain records of all vessels stamped with HIN from the block of numbers issued to the manufacturer by the department. These records must include the date the vessel was stamped, vessel make, principle vessel hull material, vessel length, vessel type, HIN stamped on vessel, date vessel was sold or ownership transferred, and name and address of the transferee. These records shall be kept in the form of a log book issued by the department. The log book shall be returned to the department upon completion. Manufacturers must maintain a copy of the log book for three years.

C. Agents from the enforcement division may inspect the manufacturer(s)' facility, records, and/or vessels to verify that the manufacturer is maintaining compliance with the stated procedures.

D. Violation of this Section shall be fined not less than \$500; but no more than \$1000, or imprisoned for not more than 30 days, or both, for each violation as provided in R.S. 34:852.22.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:852.13.B.

HISTORICAL NOTE: Promulgated by Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 37:922 (March 2011), amended LR 49:

Jack Montoucet
Secretary

2301#015

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Richard K. Yancey and Sherburne WMAs
Amended Turkey Seasons

In accordance with the emergency provisions of R.S. 49:962 and R.S. 49:962.G. and under the authority of R.S. 56:115 and 116, the Wildlife and Fisheries Commission hereby adopts the following Declaration of Emergency:

All portions of Richard K. Yancey and Sherburne Wildlife Management Areas are hereby closed to turkey hunting for the duration of the 2023 hunting season.

Turkey populations on both Sherburne and Richard K. Yancey WMAs have declined significantly since 2011. The

primary reasons for these declines include above average rainfall for 8 out of the last 11 years within the management region and intensive flooding for long durations during the nesting and brood rearing periods (April-June). The Morganza Spillway opening in 2011 caused significant direct mortality of wild turkeys at Sherburne WMA. In addition, seasonal flooding has severely limited wild turkey reproduction on both Sherburne and Richard K. Yancey WMAs over the past decade. In an effort to moderate the decline, hunting opportunity has been reduced in past years by reducing season length. This effort has been ineffective due to continued poor environmental conditions (excessive rainfall and flooding) for nesting and brood rearing. While hunting has not been a primary cause of the turkey population declines on these areas, it could contribute to declines and delay population recovery because these flocks are at a very low density. For these reasons, it is recommended that turkey seasons on both Richard K. Yancey and Sherburne WMAs be closed until further notice. These measures may allow for population recovery and circumvent the need to restock wild turkeys should environmental conditions (i.e. below average rainfall and consecutive years of no flooding from April-June) improve on these areas and allow opportunities for the birds that are present to reproduce.

This Emergency Rule shall become effective January 5, 2023, and remain in effect for the duration of the 2023 Turkey Hunting Season upon adoption by the Wildlife and Fisheries Commission. The Secretary of the Department of Wildlife and Fisheries is authorized to take any necessary steps on behalf of the Commission to promulgate and effectuate this Declaration of Emergency.

Joe McPherson
Chairman

2301#029

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Shrimp Season Closure in Portions of State Inside Waters

The secretary of the Department of Wildlife and Fisheries has been notified that recent biological sampling conducted by the department has indicated that average white shrimp size within certain waters is smaller than the minimum possession count. Closure of these waters is recommended to protect small white shrimp and provide opportunity for growth to larger and more valuable sizes. R.S. 56:498 provides that the possession count on saltwater white shrimp for each cargo lot shall average no more than 100 (whole specimens) per pound except during the time period from October fifteenth through the third Monday in December.

In accordance with the emergency provisions of R.S. 49:962 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons; R.S. 56:497 which allows the Wildlife and Fisheries Commission to delegate to the secretary of the Department of Wildlife and Fisheries the powers, duties and authority to set shrimp seasons; and in

accordance with a Declaration of Emergency adopted by the commission on August 4, 2022, which authorizes the secretary of the department to close the fall inshore shrimp season when biological and technical data indicate the need to do so or if enforcement problems develop, the secretary does hereby declare:

The 2022 fall inshore shrimp season shall close on December 19, 2022, at official sunset in all inside state waters, except for the following inside waters located east of the Mississippi River: Chef Menteur and Rigolets Passes, Lake Borgne, Mississippi Sound, Mississippi River Gulf Outlet (MRGO), a section of the Gulf Intracoastal Waterway (GIWW) in Orleans parish from the GIWW East Closure Sector Gate westward to the GIWW intersection with the

Inner Harbor Navigation Canal, and the open waters of Breton and Chandeleur Sounds as bounded by the double-rig line described in R.S. 56:495.1(A)2.

Existing data do not currently support shrimping closures in additional state inside and outside waters. However, historic data suggest additional closures may be necessary and the department will continue monitoring shrimp populations in these waters. Notice of any opening, delaying or closing of a season by the secretary will be made by public notice at least 72 hours prior to such action.

Jack Montoucet
Secretary

2301#001

Rules

RULE

Department of Economic Development Office of Business Development

Quality Jobs Program (LAC 13:I.Chapter 11)

The Department of Economic Development, Office of Business Development, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 36:104, has amended the Rules for the Quality Jobs Program (LA R.S. 51:2451, et seq.). Such Rules are contingent upon approval of the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs, pursuant to the provisions of R.S. 51:2459. This Rule is hereby adopted on the day of promulgation.

Title 13

ECONOMIC DEVELOPMENT

Part I. Financial Incentive Programs

Chapter 11. Quality Jobs Program

§1101. General

A. - B.1. ...

2. The employer may be entitled to sales and use tax rebates or the project facility expense rebate—authorized in R.S. 51: 2456 (B) (1), in addition to the requirements of this Chapter.

C. Effective date of Act 387 of the 2007 Regular Session

1. The provisions of Act 387 shall apply to all advance notification filed prior to July 1, 2017, except as provided below.

2. - 4. ...

D. Effective date of Act 386 of the 2017 Regular Session

1. The provisions of Act 386 shall apply to advance notifications filed on or after July 1, 2017, except as provided below.

a. a COVID-19-impacted retail business, hotel or restaurant, that has no more than 50 employees nationwide including affiliates on the date of the filing of the advance notification and which is assigned a NAICS Code of 44, 45, 721, or 722, and which files or enters into an advance notification on or after July 1, 2020, and on or before December 31, 2021, shall be eligible for benefits. However, no such COVID-19-impacted business employer shall be eligible to earn benefits pursuant to the provisions of this Chapter after June 30, 2023.

2. The provisions of Act 387 shall apply to advance notifications for companies meeting the provisions of section 4 of Act 386, as approved by the department.

E. Effective date of the 2023 Quality Jobs Program rule changes.

1. The provisions of the 2023 Quality Jobs Program rule changes shall apply to advance notifications filed after the date of promulgation, detailed in the Louisiana Register published on January 20, 2023, or unless otherwise stipulated by the Louisiana Legislature, in §1101.C and D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Financial Incentives Division, LR 22:961 (October 1996), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2305 (November 2003), amended by the Office of Business Development, LR 37:2587 (September 2011), amended by the Department of Economic Development, Office of Business Development, LR 49:25 (January 2023).

§1103. Definitions

Act 386—Act 386 of the 2017 Regular Session of the Louisiana Legislature

* * *

Approved Rehire Employees—a former employee who was previously on the payroll of the Company, parent entity, subsidiary, or affiliate in Louisiana, but has been off such payroll for a period of at least twelve months, may be considered a New Direct Job if rehired into a position that is not part of the Baseline Jobs. When determining New Direct Job qualifications, the department shall consider all relevant factors including but not limited to; ES4's, W2's and Company re-hiring practices, and the intent of the program to permanently locate new or expand existing operations in Louisiana.

Basic Health Benefits Plan or the Health Insurance Coverage—that which is required to be offered shall include individual coverage for basic hospital care, coverage for physician care, and coverage for health care which shall be the same as that provided to executive, administrative, or professional employees. Coverage must become effective no later than the first day of the month 90 days after hire date. For companies subject to provisions of Act 386, the coverage shall be in compliance with federally mandated health care requirements but if no such federally mandated requirements exist, the coverage for the employer portion of employee only coverage shall have a value of at least one dollar and twenty-five cents per hour.

Benefit Rate—one of the following percentages:

1. contracts subject to the provisions of Act 386:

a. the benefit rate shall be 4 percent for new direct jobs which pay at least \$18 per hour in wages;

b. the benefit rate shall be 6 percent for new direct jobs which pay at least \$21.66 per hour in wages.

2. contracts subject to the provisions of Act 387:

a. the benefit rate shall be 5 percent for new direct jobs which pay at least \$14.50 per hour in wages and health care benefits;

b. the benefit rate shall be 6 percent for new direct jobs which pay at least \$19.10 per hour in wages and health care benefits;

c. health care benefits paid shall be the value of the health care benefits plan elected by an employee, as determined by the department.

3. contracts not subject to the provisions of Act 386 or Act 387:

a. the benefit rate shall be 5 percent for new direct jobs which pay at least 1 3/4 times the federal minimum hourly wage rate;

b. the benefit rate shall be 6 percent for new direct jobs which pay at least 2 1/4 times the federal minimum hourly wage rate and meet one of the following criteria:

i. the new direct jobs are located in a distressed region, or at least 50 percent of the new direct jobs shall be filled by persons who reside in a distressed region;

ii. the new direct jobs are with an employer categorized in a traditional or seed cluster targeted by the department.

* * *

Corporate Headquarters of a Multi-State Business—a multi-state business whose primary function is identified by NAICS 55114.

COVID-19-Impacted Retail Business—a for-profit corporation, a limited liability company, a partnership, or a sole proprietorship that had a physical and active operation in Louisiana on March 13, 2020, and ceased operations due to either one of the governor's public health emergency proclamations or a mayor's proclamation or executive order related to the public health emergency, or a decrease in customer activity or the inability to retain sufficient staff due to the COVID-19 public health emergency, as approved by the Department.

* * *

Distressed Region—for companies subject to the provisions of Act 387, as designated by the department:

1. a parish with a per capita income in the lowest 25 percent of the parishes; or

2. a census tract and block group that is below the state median per capita income, based on the most recent federal decennial census.

Domicile—the place of a person's principal establishment or habitual residence. A change of domicile may be shown by positive and satisfactory proof of establishment of domicile as a matter of fact with the intention of remaining in the new place and of abandoning the former domicile. Such proof may include a sworn declaration of intent recorded in the parish to which a person intends to move, voter registration, or similar evidence of such intent. Workers in the United States who are working on an H-1B Visa are not deemed to be domiciled in Louisiana.

Employment Baseline—the median statewide number of employees of an employer, including affiliates, working the average hours per week required in §1105, excluding employees engaged in lines of business that the department determines are unrelated to the activities for which quality job program benefits are sought, during the payroll periods including the twelfth day of the month, in the last twelve months completed prior to the contract effective date (the median is calculated by discarding the months with the highest and lowest number of employees, and averaging the number in the remaining ten months). The employment baseline must be maintained in any year for which the employer requests payroll rebates. The employment baseline may be reduced by the number of employees retained and continued in employment for at least one year by an unrelated third party business acquiring a site or line of business.

* * *

LED—the Louisiana Department of Economic Development

* * *

Multi-State Business—a business entity operating in more than one state, with a physical presence in more than one state, as approved by the department.

* * *

New Direct Job—employment at a Louisiana site:

1. of an employee:

a. whose domicile is in the state of Louisiana;

b. working the average hours per week required by §1105; and

c. who prior to the contract effective date was not on the payroll in Louisiana of:

i. the employer;

ii. the employer's parent entity, subsidiary, or affiliate; or

iii. any business whose physical plant and employees were or are substantially the same as those of the employer, unless either:

(a) there has been an arm's length transfer of ownership between unrelated companies (not affiliates), and either the location has been out of operations for at least three months; or

(b) the secretary determines that the jobs would have likely been lost to the state absent the transfer (under such circumstances jobs at the re-opened plant are deemed not to have previously existed for purposes of Subparagraph 2.b. below); or

(c) the employee is an Approved Rehire Employee.

2. in a job (a position of employment) that:

a. is with an employer that has qualified for the incentive rebate;

b. did not exist in this state prior to the advance notification being filed by the employer with the department pursuant to the provisions of R.S. 51:2455; and

c. is not part of the employment baseline;

d. is based at the project site, as determined by the department considering the employee's physical work site, the site to which the employee reports or which administers the employment, the site from which the employee receives work, and the nature of the business;

3. the following jobs are not new direct jobs:

a. jobs created as a result of the employer securing a contract to supply goods and services in the state of Louisiana, if another business was under an obligation to supply the same goods and services from a facility located in Louisiana and such obligation was terminated within three months prior to creation of the job by the employer;

b. jobs transferred, or jobs associated with work or sales transferred, from other Louisiana sites as a result of the employer (including affiliates) acquiring a business operation, or substantially all of its assets, and continuing the business operation.

Physical Presence—the department shall consider all relevant evidence in evaluating multi-state presence, including, but not limited to; the location of offices, facilities, tangible property and employees. Ancillary services provided through use of technology, without more, shall be insufficient to establish a physical presence.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Financial Incentives Division, LR 22:961 (October 1996), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2306 (November 2003), amended by the Office of Business Development, LR 37:2588 (September 2011), amended by the Department of Economic Development, Office of Business Development, LR 49:25 (January 2023).

§1105. Qualified Employers

A. For companies subject to the provisions of Act 387, to qualify for a Quality Jobs Program contract, an employer must meet the following requirements.

1. - 5.d...

B. For companies subject to the provisions of Act 386, to qualify for a Quality Jobs Program contract, an employer must meet the following requirements.

1. Eligible Businesses. The nature of the employer's business must fall within one of the following categories;

a. the employer is in one of the following industries:

- i. biotechnology, biomedical, and medical industries serving rural hospitals;
- ii. micromanufacturing;
- iii. software, Internet or telecommunications technologies;
- iv. clean energy technology;
- v. food technologies; or
- vi. advanced materials;

b. the employer is a manufacturer whose primary function is identified by NAICS Codes 113310, 211, 213111, 541360, 311-339, 511-512, or 54171;

c. the employer is an oil and gas field services business identified by the NAICS Code 213112, that has Louisiana as the national or regional headquarters of a multi-state business whose service territory includes at least Louisiana and the Gulf of Mexico;

d. the employer is a business that has, or within one year will have, at least 50 percent of its total annual sales to:

- i. out-of-state customers or buyers;
- ii. in-state customers or buyers if the product or service is resold by the purchaser to an out-of-state customer or buyer for ultimate use; or
- iii. the federal government;
- iv. an independent Louisiana certified public accountant shall annually verify that the contract site meets the out-of-state sales requirement, in accordance with guidelines provided by the department;

e. the employer is a business that is located in a parish which is within the lowest 25 percent of parishes based on per capita income. An employer that qualifies for a contract under this Item at the time of the initial quality jobs contract executed pursuant to this Chapter shall remain qualified for a contract through and during the renewal period regardless of any change in the per capita income of the parish,

f. the employer is the corporate headquarters of a multi-state business;

g. the employer is a business that spends fifty percent or more of its time performing services for its out-of-state parent company. These services include, but are not

limited to, legal, marketing, finance, information technology, order management, distribution center operations or overall operations support.

h. the employer is in the business of maintenance, repair, and overhaul operations for commercial transport aircraft.

2. Ineligible Businesses. The following employers or persons shall not be eligible for benefits provided under this Chapter:

a. retail employers identified by NAICS Code Sections 44 and 45, except that;

i. COVID-19-impacted retail employers identified by the NAICS Codes of 44 and 45 that have no more than 50 employees nationwide including affiliates on the date of the filing of the advance notification shall be eligible to participate in this rebate program if such employers file or enter into an advance notification on or after July 1, 2020, and on or before December 31, 2021. However, no such COVID-19-impacted retail business employer shall be eligible to earn benefits pursuant to the provisions of this Chapter after June 30, 2023;

b. business associations and professional organizations identified by NAICS Code 8139;

- c. state and local government enterprises;
- d. real estate agents, operators, and lessors;
- e. automotive rental and leasing;

f. local solid waste disposal, local sewage systems, and local water systems businesses;

g. nonprofit organizations, unless the department determines that the new direct jobs created by the organization would have a significant impact on Louisiana;

h. employers engaged in the gaming industry identified by NAICS Code sections 713210 and 721120; and

i. professional services firms assigned a NAICS code beginning with 54, unless the business can demonstrate that more than fifty percent of its services are provided to out-of-state customers or for the corporate headquarters of a multi-state business or if the employer can demonstrate that the company has or will have one year sales of at least 50 percent of its total sales out-of-state customers or buyers, to in-state customers or buyers or buyers if the products or service is resold by the purchaser to an out-of-state customer or buyer for ultimate use, or to the federal government;

j. construction companies, unless the company is the corporate headquarters of a multi-state business or can demonstrate that the company has, or will have within one year, sales of at least fifty percent of its total sales to either out-of-state customers or the federal government;

k. all businesses assigned a NAICS code beginning with 5613;

l. medical professionals assigned a NAICS code beginning with 62, except for those engaged in biomedical industries, biotechnology industries or those who provide services to rural hospitals or those who provide services or will within one year provide services to a patient base made up of at least fifty percent out-of-state patients;

m. Out-of-state sales or out-of-state patient requirements can be demonstrated by submission of documents including, but not limited to, a report issued by an independent Louisiana certified public accountant, in accordance with guidelines provided by the department.

3. Minimum New Direct Jobs and Annual Gross Payroll

a. New Direct Jobs. The employer must create a minimum of:

- i. five new direct jobs for companies who employ 50 or fewer baseline employees, or
- ii. 15 new direct jobs for companies who employ more than 50 baseline employees.

b. Annual Gross Payroll. The employer must have an annual gross payroll of:

- i. equal to or greater than \$225,000, for companies who employ 50 or fewer employees prior to the beginning of the contract; or
- ii. jobs equal to or greater than \$675,000, for companies who employ more than 50 employees prior to the beginning of the contract.

c. The employer shall have the required annual payroll for new direct jobs and the minimum number of new direct jobs for the employer's fiscal year for which the employer is applying for its third annual rebate, or the contract is cancelled and any rebates received must be repaid.

4. Full-Time Employee Work Hours

a. The employer must employ full-time employees working 30 or more hours per week in new direct jobs.

5. Health Benefits. The employer must offer, or will offer within 90 days of the contract effective date, a basic health benefits plan or health insurance coverage to the individuals it employs in new direct jobs, in compliance with federally mandated healthcare requirements or, if no federally mandated healthcare requirements exist, is determined to have a value of at least \$1.25 per hour. The employer must offer health insurance coverage for the dependents of full-time employees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Financial Incentives Division, LR 22:963 (October 1996), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2307 (November 2003), amended by the Office of Business Development, LR 37:2590 (September 2011), LR 42:865 (June 2016), amended by the Department of Economic Development, Office of Business Development, LR 49:27 (January 2023).

§1107. Application Fees, Timely Filing

A. ...

B. An application for the Quality Jobs Program must be filed with the Office of Business Development, Business Incentives Services, through the department's online Fastlane portal no later than 24 months after the department has received the advance notification and fee, except that upon request, a business shall receive a thirty-day extension of time in which to file its application, provided that the request for extension is received by the Department no later than the filing deadline. Failure to file an application within the prescribed timeframe will result in the expiration of the advance notification.

1. The application shall include a detailed project description clearly stating the nature and scope of the proposed project. For example, whether the project is the construction of a new facility, renovation of an existing facility, or an increase in workforce. Where possible,

identify specific project goals, milestones and costs that may be verified by both the department and LDR for subsequent contract compliance review.

2. Applications submitted by COVID-19 impacted retail businesses shall include support documentation evidencing a physical and active operation in Louisiana on March 13, 2020, and that it ceased operations due to either one of the governor's public health emergency proclamations or a mayor's proclamation or executive order related to the public health emergency, or a decrease in customer activity or the inability to retain sufficient staff due to the COVID-19 public health emergency.

C. - C.3. ...

D. An application to renew a contract shall be submitted with an application fee and filed within six months prior to the initial contract expiring. The board may approve a request for renewal of an expired contract filed less than five years after expiration of the initial contract, and may impose a penalty for the late filing of the renewal request, including a reduction of the five year renewal period.

1. The application for renewal shall include a detailed project description stating the nature and scope of the project.

E. ...

F. Applications may be deferred to a later board meeting date at the request of the applicant, but shall not exceed presentation at a board meeting occurring more than six months after the filing of the application, except as otherwise approved by LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Financial Incentives Division, LR 22:963 (October 1996), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2308 (November 2003), amended by the Office of Business Development, LR 37:2591 (September 2011), LR 41:1085 (June 2015), LR 42:865 (June 2016), amended by the Department of Economic Development, Office of Business Development, LR 49:28 (January 2023).

§1109. Application Review and Determination

A. - A.1. ...

2. The application packet must be completed through the department's online Fastlane portal by the due date. If the application is incomplete, the department may request additional information prior to further action. The application fee must accompany the application packet pursuant to §1107.C.

3. ...

4. LED reserves the right to request missing information, which shall be provided to LED within 60 days. Applications with missing or inadequate information after this time frame shall be considered late filings.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Financial Incentives Division, LR 22:964 (October 1996), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2308 (November 2003), amended by the Office of Business Development, LR 37:2591 (September 2011), amended by the

Department of Economic Development, Office of Business Development, LR 49:28 (January 2023).

§1111. Consultation with the LWC and the LDR

A. ...

B. The department must receive a letter-of-no-objection or a letter-of-approval from the LWC and the LDR, prior to submitting the application to the board for action. If LWC or LDR issues an objection to an application other than an objection because an applicant is in active negotiations with, under audit by or in litigation with the department issuing the objection, the applicant has six months to clear the objection or the application shall be cancelled. The six-month period shall begin on the date LED sends written notification to the company of the objection received from LWC or LDR. Applicants may demonstrate active negotiation to LED by providing written documentation periodically, but at least every 6 months, of ongoing, bilateral communications between the applicant or its representative and LWC or LDR as applicable, even if such communication begins after the objection was issued, or other written verification as approved by LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Financial Incentives Division, LR 22:964 (October 1996), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2309 (November 2003), amended by the Office of Business Development, LR 37:2592 (September 2011), LR 42:866 (June 2016), LR 49:29 (January 2023).

§1117. The Contract

A. The board, after no objection from the executive director of the LWC and secretary of the LDR, and with the approval of the governor, may enter into a contract with an employer for a period up to five years. The business must execute its portion of the contract and return it to Business Incentive Services within 90 days. If the contract is not returned within 90 days, the board's approval shall be deemed rescinded.

1. ...

2. Upon written approval of the department, an employer may have one additional contract in effect for a project site for a subsequent expansion project that is distinct from the project associated with the original contract, and that increases the number of new direct jobs at the site by at least 25 percent. If new direct jobs are not increased by at least 25 percent by the end of the third fiscal year of the additional contract, the contract shall be terminated and all benefits for the site shall be determined under the original contract.

3. - 5. ...

6. A contract shall be limited to one employer receiving payroll rebates, however the employer's named related entity or affiliate may generate a sale and use tax rebate or project facility expense rebate for their expenditures directly relating to the project site, but payable to the contract holder, if the following conditions are met:

a. the employer meets all program requirements;

b. the entity is disclosed by the employer in its application; or

c. the entity is listed in the contract attachment Schedule One, which may be amended with the approval of the department and the board.

7. A fee of \$250 shall be filed with a request for any contract amendment, including but not limited to, a change of ownership, change in name, or change in location.

B. - E.1. ...

2. After the employer's fiscal year for which the employer applied for his third annual rebate, if at any other time during the 10-year contract period the employer applies for a rebate following the end of the employer's fiscal year, and the verified gross payroll for the fiscal year does not demonstrate the required minimum of five new direct jobs and the gross payroll does not equal or exceed a total of \$500,000 or \$250,000, whichever is applicable to said contract, the rebates shall be suspended and shall not be resumed until such time as the payroll and job requirements are met. No rebate (payroll rebate, sales and use tax rebate or project facility expense rebate) shall accrue or be paid to the employer during a period of suspension.

F. - F.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Financial Incentives Division, LR 22:965 (October 1996), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2309 (November 2003), amended by the Office of Business Development, LR 37:2592 (September 2011), LR 42:866 (June 2016), LR 49:29 (January 2023).

§1118. Project Completion

A. All companies, whether seeking a payroll rebate, sales and use tax rebate or project facility expense rebate, shall file a minimum of one project completion report and one affidavit of final cost as follows.

1. An applicant may file a preliminary project completion report no earlier than with its third fiscal year filing, but no later than with the filing of a final project completion report.

2. An applicant shall file a final project completion report within six months after the project ending date or the governor's signature on the contract, whichever is later.

3. No more than two project completion reports (one preliminary and one final report) may be filed per five year contract period.

4. Project completion reports shall be submitted through the department's online Fastlane portal.

5. A fee of \$250 shall accompany all project completion report filings, or any project completion report amendment filings.

B. The project completion report shall confirm the beginning of the project, the project ending date, and the incentive benefits elected. Local sales and use tax rebate is not available if the project facility expense rebate is elected.

C. The affidavit of final cost shall list all eligible purchases and qualified expenditures for the project, with a description of the buildings, equipment, or other assets, and the cost of each item.

D. After completion of the project and the governor's signature of the contract, the department shall sign the

project completion report and forward copies to the business, the Department of Revenue, and any political subdivision rebating local sales and use tax.

E. The basis for rebate claims (sales and use tax rebate or project facility expense rebate) shall not exceed the costs listed on the affidavit of final cost.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 49:29 (January 2023).

§1119. Payroll Incentive Rebates

A. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Financial Incentives Division, LR 22:965 (October 1996), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2310 (November 2003), amended by the Office of Business Development, LR 37:2593 (September 2011), repromulgated LR 49:30 (January 2023).

§1120. Sales and Use Tax Rebate or Project Facility Expense Rebate

A. Project Facility Expense Rebate

1. The project facility expense rebate is earned in the year in which the project is placed in service, and is based upon all qualified capitalized expenditures related to the project as of the date it is placed in service.

a. Qualified expenditures include intangible costs such as architectural and/or engineering fees prior to the contract effective date.

b. The project facility expense rebate may not be elected if more than 50 percent of the qualified expenditures relating to the project are incurred before the filing of the advance notification.

2. The project facility expense rebate claim must be filed with the Department of Revenue, Taxpayer Compliance—SSEW Division, with the required documentation.

3. The project facility expense rebate may be taken on qualified expenditures that are related to the project and are placed in service during the project period. The project facility expense rebate applies to the assets that are related to the qualified expenditures, provided that the business reasonably intends for such assets to remain at the project site for their expected useful life. The assets may be recorded on the financial statements of a company that is an affiliate of the business.

4. The claim for the project facility expense rebate must be filed with the Department of Revenue no later than six months after the Department of Economic Development signs a project completion report and it is received by the Department of Revenue, the political subdivision, and the business. The project completion report shall not be signed until the project is complete and the contract has been approved by the board and the governor. Upon request, the business shall receive a 30-day extension of time in which to file its claim, provided such request for extension is received by the Department of Revenue prior to the expiration of such filing period. The Department of Revenue is also authorized to grant the business an additional extension of time, not to exceed 60 days, in which to file its claim provided that the

business shows reasonable cause for granting such extension.

B. Sales and Use Tax Rebates

1. The Quality Jobs Program contract will not authorize the business to make tax exempt purchases from vendors. The Department of Revenue will advise the business on the proper procedures to obtain the state sales and use tax rebate. The request for rebate of sales and use taxes must be made by filing a claim with the Department of Revenue, Taxpayer Compliance—SSEW Division, and must include the following:

a. list of eligible purchases, including a brief description of each item, the vendor's name, date of the delivery, sales price and the amount of state sales and use tax paid. The listed items must have been purchased by the business, or by a builder, a contractor, or other party that contracted with the owner to provide materials, equipment, machinery, or software that is used by the business at the project site or by the contract holders named affiliates listed in the Quality Jobs Program contract. Invoices as required under R.S. 51:2457 shall also be required;

b. certification that the listed materials are reasonably expected to qualify for a rebate under the Quality Jobs Program; and

c. certification that state sales and use taxes have been paid on the listed items.

2. The request may be filed on the official Department of Revenue "claim for rebate" form or on other LDR approved forms prepared by the business. After the Department of Revenue has validated the information on the claim for rebate, a rebate check will be issued for the amount of substantiated state sales and use taxes paid.

3. The request for rebate must be filed with the Louisiana Department of Revenue, and the political subdivision rebating local sales and use tax, no later than six months after the Department of Economic Development signs a project completion report and sends it to the Department of Revenue, the political subdivision, and the business, or no later than 30 days after the end of the calendar year and must be accompanied by the signed project completion report. Upon request, the business shall receive a 30-day extension of time in which to file its claim, provided such request for extension is received by the Department of Revenue prior to the expiration of such filing period. The Department of Revenue is also authorized to grant the business an additional extension of time, not to exceed 60 days, in which to file its claim, provided that the business shows reasonable cause for granting such extension.

4. The business should contact the political subdivision issuing the endorsement resolution to determine the procedure for local sales and use tax rebate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 49:30 (January 2023).

§1121. Rebate Payments

A. In addition to the payroll rebates, an employer shall be entitled to sales and use tax rebates or the project facility expense rebate—as authorized in R.S. 51:2456, if the employer meets the hiring requirements of R.S. 51:2455 Program and meets the other limitations, procedures, and

requirements of R.S. 51:2456 and 2457 and the rules promulgated there under, Louisiana Administrative Code, Title 13, Part I, Chapter 11.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2310 (November 2003), amended by the Office of Business Development, LR 37:2593 (September 2011), LR 49:30 (January 2023).

§1123. Rebate Claim Filing

A. Payroll Rebate

1. An annual certification and a fee of \$250 shall be filed annually, commencing within six months after completion of the applicant’s fiscal year or execution of the contract, whichever is later. The department may grant an extension of up to an additional sixty days provided the extension is requested prior to the filing deadline.. Failure to file an annual certification within the prescribed timeframe may result in the annual rebate being denied or restricted. An annual certification is required in each year the contract is active, irrespective of whether annual rebates are being claimed.

2. - 4. ...

5. If the actual verified annual gross payroll for the employer's third fiscal year does not show a minimum of 15 or five new direct jobs and does not equal or exceed a total annual payroll for new direct jobs of either \$675,000 or \$225,000, whichever is applicable, the employer will be determined to be ineligible under this Chapter. The LDR will be notified and the tax liability for the current tax period in which the failure to meet the requirements occurs shall be increased by the amount of rebates previously allowed.

6. ...

B. Sales and Use Tax Rebate or Project Facility Expense Rebate

1. An annual employee certification report with a \$250 annual employee certification report fee must be filed on all active contracts for the employer to qualify for the sales and use tax rebate or project facility expense rebate under this Chapter.

2. Sales and Use Tax Rebate or Project Facility Expense Rebate—Advance Notification. An employer who receives a Quality Jobs Program contract and who meets the requirements for sales and use tax rebates as authorized in R.S. 51:2456 and §1121 of these rules, will satisfy the advance notification requirement for sales and use tax rebates or project facility expense rebate for the Quality Jobs Act contract by submission of the Quality Jobs Program advance notification referred to in §1107 of these rules. The sales and use tax rebate or project facility expense rebate period shall begin on the contract effective date, unless otherwise provided in the contract, and shall be no longer than 5 years, and shall not extend beyond the term of the Quality Jobs Program contract. In order to receive rebates of local sales and use taxes, the employer must satisfy the provisions of §1121.B of these rules.

3. No more than two project facility expense rebate claims may be filed during each 5 year contract period.

4. Sales and use tax rebates claims may be filed on a monthly, quarterly or annual basis during each 5 year contract period, at the discretion of the company receiving

the benefit, as long as all requirements for issuance have been met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2311 (November 2003), amended by the Office of Business Development, LR 37:2594 (September 2011), LR 42:866 (June 2016), amended by the Department of Economic Development, Office of Business Development, LR 49:31 (January 2023).

Anne G. Villa
Undersecretary

2301#050

RULE

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System (LAC 28:XI.405)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:XI.405 in *Bulletin 111—The Louisiana School, District, and State Accountability System*. The revisions update policy related to the Innovative Assessment Program, which provides an alternative approach to measuring how well students know and understand the Louisiana English Language Arts content standards. Revisions also add the new English Language Proficiency Test (ELPT) Connect, an alternate assessment created for English learners with significant cognitive disabilities. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part XI. Accountability/Testing

Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System

Chapter 4. Assessment and Dropout/Credit Accumulation Index Calculations

§405. Calculating a K-8 Assessment Index [Formerly LAC 28:LXXXIII.405]

A. - B.4. ...

* * *

C. Beginning in the 2025-2026 school year (2026 SPS), the kindergarten through eighth grade assessment index will also include a measure of K-2 literacy and growth on student literacy. In addition, no earlier than the 2024-2025 school year (2025 SPS), the department will develop and establish an assessment or a screener to measure numeracy for students in K-2.

1. With the establishment of the K-2 literacy screener and baseline scores, the department will recommend how to incorporate K-2 literacy results in the school assessment index. The calculation of the kindergarten through eighth grade assessment index will always ensure that the weight of student scores on LEAP in grades three and above will always be weighted more than that of the K-2 results.

D. Weight each subject-test index score by the corresponding value from the table below.

Unit Weights for K-8 Assessment Index				
Grade	ELA	Math	Science	Social Studies
3rd	2	2	1	1
4th	2	2	1	1
5th	2	2	1	1
6th	2	2	1	1
7th	2	2	1	1
8th	2	2	1	1

- E. Weight each ELP index score by six.
- F. Sum all weighted subject-test and ELP index scores.
- G. Sum all weights applied to subject-test and ELP index scores from the tables in Subsections D and E of this Section.

H. Divide the sum from Subsection G of this Section by the total scores.

I. When eighth grade students only participate in the Algebra I test but not the grade-level math assessment, the Algebra I test results will be used in the middle school assessment index (80 for basic, 100 for mastery, and 150 for advanced) and will be weighted by content as noted in the table above. Middle schools will also earn incentive points for all high school LEAP 2025 scores of mastery or advanced earned during the same year in which the test was administered.

- 1. Incentive points will be awarded as follows:
 - a. advanced = 50; and
 - b. mastery = 25.

J. The policy outlined in Subsection I of this Section will also apply to combination schools. The high school LEAP 2025 score will be used in middle school results for the year in which the assessment is taken, incentive points may be awarded, and the score will be banked for use in the high school score once the student arrives in ninth grade, as outlined in §409.A.3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 36:1989 (September 2010), LR 38:3106 (December 2012), LR 41:2579 (December 2015), LR 42:548 (April 2016), LR 42:2172 (December 2016), LR 44:448 (March 2018), LR 45:221 (February 2019), LR 47:445 (April 2021), LR 49:31 (January 2023).

Shan N. Davis
Executive Director

2301#033

RULE

Board of Elementary and Secondary Education

Bulletin 137—Louisiana Early Learning Center
Licensing Regulations (LAC 28:CLXI.1723)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CLXI.1723 in *Bulletin 137—Louisiana Early Learning Center Licensing Regulations*. The revisions clarify the deadline for teachers and staff in early learning centers to complete pediatric first

aid and CPR training. Revisions align with federal statute and allow staff 60 days from the date of hire to receive certification in pediatric first aid and CPR. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

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

§1723. CPR and First Aid Certifications

A. - E. ...

F. Within 60 calendar days from the date of hire and prior to assuming sole responsibility for any children, each staff member shall have current certification in pediatric first aid and CPR. During this period, caregivers and teachers who provide direct care for children must be supervised until training is completed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018), LR 47:1278 (September 2021), LR 48:30 (January 2022), LR 49:32 (January 2023).

Shan N. Davis
Executive Director

2301#034

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Attendance
(LAC CXV.333, 337, 1103, and 1104)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXV in Bulletin 741—*Louisiana Handbook for School Administrators*. The revisions align policy with Louisiana Revised Statutes 17:151.3, 17:154.1, and 17:232 to clarify expectations regarding both in person and remote attendance and to establish expectations and definitions for remote instruction. Further, revisions require each school governing authority to develop a written continuous learning plan for modified operations during school closures. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 3. Operation and Administration

§333. Instructional Time

A. - C. ...

D. The first Tuesday after the first Monday in November in even-numbered years shall be a legal holiday for public schools in any parish for which a polling place is established at a public school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:154.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1261 (June 2005), amended LR 39:2197 (August 2013), LR 44:263 (February 2018), LR 49:32 (January 2023).

§337. Written Policies and Procedures

A. - B.14. ...

15. the prohibition of teachers from recommending that a student be administered a psychotropic drug and from specifying or identifying any specific mental health diagnosis for a student, in accordance with R.S. 17:436.2;

16. - 32.c. ...

d. recognition of the impact of secondary trauma on school employees; and

33. a written continuous learning plan for modified operations during school closures, reviewed by stakeholders and posted to the LEA website no later than June 30, 2023, and annually updated by June 30, including but not limited to:

- a. technology and connectivity;
- b. student and staff responsibilities;
- c. attendance;
- d. family strategic communication, engagement, and support; and
- e. instructional quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(29), R.S. 17:81, R.S. 17:240, R.S. 17:100.8, and R.S.17:437.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1261 (June 2005), amended LR 33:429 (March 2007), LR 35:1101 (June 2009), LR 36:1224 (June 2010), LR 37:1141 (April 2011), LR 37:1380, 1380 (May 2011), LR 37:2134 (July 2011), LR 38:40, 41 (January 2012), LR 39:2197 (August 2013), LR 40:2530 (December 2014), LR 48:1272 (May 2022), LR 49:33 (January 2023).

Chapter 11. Student Services

§1103. Compulsory Attendance

A. - C. ...

D. A student is considered to be in attendance when he or she is physically present at a school site or is participating in an authorized school activity and is under the supervision of authorized personnel. Attendance shall be checked and recorded for each student on each school day and at the beginning of each class period in accordance with R.S. 17:232.B.(1).

D.1 - N. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:112, R.S. 17:221.3-4, R.S. 17:226.1, and R.S. 17:233.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1273 (June 2005), amended LR 32:546 (April 2006), LR 32:1030 (June 2006), LR 33:2351 (November 2007), LR 35:641 (April 2009), LR 35:1097 (June 2009), LR 35:1475 (August 2009), LR 36:482 (March 2010), LR 36:1224 (June 2010), LR 37:1126 (April 2011), LR 37:2132 (July 2011), LR 38:1000 (April 2012), LR 38:1225 (May 2012), LR 38:1399 (June, 2012), LR 39:2205 (August 2013), LR 41:372 (February 2015), LR 41:2594 (December 2015), LR 42:1877 (November 2016), amended LR 48:32 (January 2022), LR 49:33 (January 2023).

§1104. Remote Instruction

A. Remote instruction. An educational model in which the student and educator are not physically present in a traditional classroom environment where instruction may be facilitated by the use of computers, technology, and the internet.

B. Hybrid Instruction. Instruction provided via a combination of face-to-face and remote models.

C. Attendance. Students are considered to be in attendance during remote or hybrid instruction when attendance is checked and recorded on each school day and at the beginning of each class period in accordance with R.S. 17:232.B.(1) and when at least one of the following requirements is met:

1. The student logs into synchronous online instruction at the designated time for the course in which the student is enrolled. Specific login requirements and instructional expectations according to grade level are determined by the LEA.

2. Evidence exists that the student accessed a planned asynchronous instructional activity. Acceptable evidence of student participation in asynchronous activities is to be outlined by the LEA.

D. Remote attendance policy extends to students enrolled in a course for which instruction usually occurs in person at a school site, but for which instruction has been temporarily transferred to a remote delivery method due to initiation of continuous learning, a situation that renders the school site inaccessible for daily instructional activities, or for students temporarily unable to physically attend at the school site.

E. Remote learning attendance and related requirements shall be outlined in LEA policy and communicated to students and parents or legal guardians at the beginning of the school year and upon initiation of remote instructional delivery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(5) and R.S. 17:232.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:33 (January 2023).

Shan N. Davis
Executive Director

2301#037

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Installation and Operation of Cameras in Certain Special Education Settings (LAC 28: CXV.332)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28: CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. The revisions align policy with Louisiana Revised Statute 17:1948, created by Act 456 of the 2021 Regular Legislative Session and amended by Act 588 of the 2022 Regular Legislative Session. The revisions amend policy contained in *Bulletin 741—Louisiana Handbook for School Administrators*, to establish §332. Installation and Operation of Cameras in Certain Special Education Settings, regarding the adoption of policies for the installation of cameras in certain special education classrooms. This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

**Part CXV. Bulletin 741—Louisiana Handbook for
School Administrators**

Chapter 3. Operation and Administration

**§332. Installation and Operation of Cameras in
Certain Special Education Settings**

A. Each LEA shall adopt policies relative to the installation and operation of cameras that record both video and audio in a classroom.

1. The policies shall be adopted not later than December 31, 2022, or within sixty days of the receipt of funding for the installation of cameras, whichever occurs first.

2. Not later than January 15, 2023, each governing authority shall submit a copy of the policies adopted pursuant to this Section to the state Department of Education.

3. Within 10 days of any revisions of the policies, each governing authority shall submit a copy of the policies to the department.

B. For the purposes of this section, “classroom” shall mean a self-contained classroom or other special education setting in which a majority of students in regular attendance are provided special education and related services and are assigned to one or more self-contained classrooms or other special education settings for at least fifty percent of the instructional day and for which a parent or legal guardian has requested a camera to be installed. “Classroom” shall not mean special education classrooms and other special education settings where the only students with exceptionalities receiving special education and related services are those who have been deemed to be gifted or talented and have not been identified as also having a disability.

C. The policies developed pursuant to this section shall include provisions for the following:

1. the location and placement of cameras, including a prohibition against recording of the interior of a restroom or any area designated for students to change or remove clothing;

2. written notice of the placement of the cameras to be provided to persons who enter a classroom where a camera is installed, including teachers and other school employees, students in the classroom, the students’ parents and legal guardians, and authorized visitors;

3. training concerning the provisions of this Section for any teacher or other school employee who provides services in a classroom where cameras are installed;

4. the retention, storage, and disposal of the video and audio data recorded, including a requirement that the recordings be retained for at least one month from the recording date;

5. protecting student privacy and for determining to whom and under what circumstances the recordings may be disclosed including:

a. limiting the viewing of the recordings to the superintendent or his designee and the parent or legal guardian of a recorded student upon request, and

b. requiring any person who views a recording and suspects the recordings show a violation of state or federal law to report the suspected violation to the appropriate law enforcement agency;

6. requiring each camera installed to be in compliance with the National Fire Protection Association’s Life Safety Code;

7. procedures for the approval or disapproval of a request for the installation and operation of cameras in a classroom;

8. procedures regarding how a parent or legal guardian may request the installation and operation of cameras in his child’s classroom; and

9. procedures regarding how a parent or legal guardian may request to review a recording, under what circumstances a request may be made, and any limitations to a request.

D. Recordings made pursuant to this Section shall be confidential and shall not be public record. However, a recording may be viewed by the superintendent or his designee, the parent or legal guardian of a recorded student, or by law enforcement officials as provided in the policies required by this Section. The recordings shall not be considered “personally identifiable information” as defined in R.S. 17:3914.

E. The governing authority of each public elementary and secondary school is authorized to accept, administer, and make use of federal, state, and local funds, any public and private grants and donations, and, when considered appropriate and feasible, to accept nonmonetary resources in the form of services or equipment for use in connection with the installation and operation of cameras pursuant to this Section.

1. The Department shall assist public school governing authorities in identifying state and federal funds that may be used for the installation and operation of cameras pursuant to this Section.

2. Upon receipt of such funds, grants, donations, or nonmonetary resources, the governing authority shall install and operate the cameras according to the policies adopted pursuant to this section.

3. Funds granted by Act 199 of the 2022 Legislative Session shall be solely used for costs associated with the installation of cameras pursuant to this section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1948.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:34 (January 2023).

Shan N. Davis
Executive Director

2301#035

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Student Transfer Requests (LAC 28:CXV.3501)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended LAC 28:CXV, *Bulletin 741—Louisiana Handbook for School Administrators* to establish §3501. Student Transfer Requests, in accordance with legislation enacted during the Louisiana 2021 Regular Legislative Session. The revisions provide for student transfer requests from schools that received a school performance letter grade of “D” or “F” for the most recent school year and align with the processes described in LAC 28:I.1313 and 1315 regarding student transfer appeals as well as with Louisiana Revised Statute 17.4035.1. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 35. Public School Enrollment Choice §3501. Student Transfer Requests

A. The parent or legal custodian of a student may enroll the child in a Louisiana public school, without regard to residence, school system, geographic boundaries, or attendance zones, contingent upon the following:

1. the public school in which the student was most recently enrolled, or would otherwise attend, received a school performance letter grade of "D" or "F" for the most recent school year in which school letter grades were produced, pursuant to Part XI., Subpart 1;

2. the public school in which the student seeks to enroll received a school performance letter grade of "A", "B", or "C" for the most recent school year in which school letter grades were produced, pursuant to the school and district accountability system, pursuant to Part XI., Subpart 1;

3. the public school in which the student seeks to enroll has sufficient capacity at the appropriate grade level; and

4. the enrollment of the student in the public school of choice does not violate an order of a court of competent jurisdiction.

B. If an LEA denies the enrollment request of a prospective student for an intradistrict transfer pursuant to Subsection A of this Section, the parent or legal custodian of the student may request that the state board review the denied transfer request.

1. Requests for review may be submitted to the state board annually by May 15 using the designated form.

2. At the June meeting of the state board, or within ninety days of receipt of a request for review, the state board shall determine if the capacity policy established for the school was followed.

3. If the state board determines that the school and/or district policy was not followed, the LEA shall reconsider the transfer request.

4. The state board shall not approve any transfer request that would exceed the enrollment capacity of a school or classroom, as established by the school governing authority.

C. LEA Responsibilities

1. The governing authority of each public elementary and secondary school shall ensure compliance with the provisions of this Section and shall adopt a policy to govern student transfers authorized by this Section. Such policies shall include:

a. a definition of “capacity” for each school;

b. the transfer request period, which shall begin no later than March first and end no earlier than March twenty-eighth, annually;

c. such policies shall be posted annually to the school governing authority website no later than January 1, and reported to the state Department of Education no later than January 30.

2. Prior to the transfer request period, the public school governing authority shall notify parents and legal guardians of students enrolled in a school that received a "D" or "F" school performance letter grade pursuant to the state school and district accountability system for the most recent school year of the following:

a. any schools under the jurisdiction of the governing authority that received an "A", "B", or "C" school performance letter grade;

b. the process for submitting student transfer requests; and

c. the page on the LDE website that contains school performance data.

D. A student transfer pursuant to the provisions of this Section shall comply with the policy adopted by the governing authority of the school in which the student seeks to enroll.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:4035.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:35 (January 2023).

Shan N. Davis
Executive Director

2301#036

RULE

Board of Elementary and Secondary Education

Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators (LAC 28:LXXIX.119, 901, and 907)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:LXXIX in *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*. The revisions align policy with Louisiana Revised Statutes 17:151.3, 17:154.1, and 17:232 to clarify expectations regarding both in person and remote attendance and to establish expectations and definitions for remote instruction. Further, revisions require each nonpublic school

or system to develop a written continuous learning plan for modified operations during school closures. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators

Chapter 1. Operation and Administration

§119. Written Policies

A. - C.4. ...

D. Each nonpublic school or system shall have a written continuous learning plan for modified operations during school closures, reviewed by stakeholders and disseminated through typical school policy communication structures no later than June 30, 2023, and annually updated no later than June 30, including but not limited to:

1. technology and connectivity;
2. student and staff responsibilities;
3. attendance;
4. family strategic communication, engagement, and support; and
5. instructional quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, R.S. 44:411, and R.S. 17:437.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3074 (December 2005), LR 38:1008 (April 2012), LR 39:1439 (June 2013), LR 48:1273 (May 2022), LR 49:36 (January 2023).

Chapter 9. Student Services

§901. Attendance

A. ...

1. Beginning with the 2022-2023 school year, students who have attained the age of five years by September thirtieth of the calendar year in which the school year begins shall attend a public or nonpublic day school or participate in an approved home study program until they reach the age of 18 years.

B. A student is considered to be in attendance when he or she is physically present at a school site or is participating in an authorized school activity and is under the supervision of authorized personnel.

1. Attendance shall be checked and recorded for each student on each school day and at the beginning of each class period in accordance with R.S. 17:232.B.(1).

B.2. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2347 (November 2003), amended LR 31:3078 (December 2005), LR 39:1442 (June 2013), LR 45:1055 (August 2019), LR 49:36 (January 2023).

§907. Remote Instruction

A. Remote instruction. An educational model in which the student and educator are not physically present in a traditional classroom environment where instruction may be facilitated by the use of computers, technology, and the internet.

B. Hybrid Instruction. Instruction provided via a combination of face-to-face and remote models.

C. Attendance. Students are considered to be in attendance during remote or hybrid instruction when

attendance is checked and recorded on each school day and at the beginning of each class period in accordance with R.S. 17:232.B.(1) and when at least one of the following requirements is met.

1. The student logs into synchronous online instruction at the designated time for the course in which the student is enrolled. Specific login requirements and instructional expectations according to grade level are determined by the LEA.

2. Evidence exists that the student accessed a planned asynchronous instructional activity. Acceptable evidence of student participation in asynchronous activities is to be outlined by the LEA.

D. Remote attendance policy extends to students enrolled in a course for which instruction usually occurs in person at a school site, but for which instruction has been temporarily transferred to a remote delivery method due to initiation of continuous learning, a situation that renders the school site inaccessible for daily instructional activities, or for students temporarily unable to physically attend at the school site.

E. Remote learning attendance and related requirements shall be outlined in LEA policy and communicated to students and parents or legal guardians at the beginning of the school year and upon initiation of remote instructional delivery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(5) and R.S. 17:232.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:36 (January 2023).

Shan N. Davis
Executive Director

2301#038

RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel (LAC 28:CXXXI.303, 507, 511, 513, 515, 527, 531, and 535)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended *Bulletin 746—Louisiana Standards for State Certification of School Personnel* (LAC 28:CXXXI.303, 507, 511, 513, 515, 527, 531, and 535). The revisions relate to legislation enacted during the 2022 Regular Legislative Session regarding exam and GPA requirements for admittance into educator preparation programs and educator certification issuance. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

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

Chapter 3. Initial Teacher Certification

Subchapter B. Testing Required for Certification Areas §303. Certification Exams and Scores

A. A teacher applicant for certification must successfully complete the appropriate written or computer-delivered assessment identified in this Section prior to issuance of a Louisiana educator credential.

- 1. - 1.b. Repealed.
- A.2. - B. ...

* * *

C. Certification Areas
 1. Grades 6-12 Certification

Grades 6-12 Certification Areas					
Certification Area	Name of PRAXIS Test	Score			PLT 7-12
* * *					
Technology Education	Technology Education (0051 or 5051)	159	---	---	157
Computer Science Earth Science Environmental Science Journalism Latin Marketing	At this time, a content area exam is not required for certification in Louisiana. For initial teacher certification, 30 semester hours in the content area is required in lieu of an exam.	---	---	---	157

* The passing score for tests taken prior to January 1, 2020 is 160.

2. All-Level K-12 Certification

All-Level K-12 Certification Areas							
Subject Area	Praxis Test	Score	PLT K-6		PLT 5-9	or	PLT 7-12
Grades K-12 Art	Art: Content Knowledge (0134 or 5134)	159	160		160	or	157
Grades K-12 Dance	None Available. For initial teacher certification, 30 semester hours in the content area is required in lieu of an exam.	---	160	or	160	or	157
* * *							

D. - G. ...

* * *

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 46:01375 (October 2020), amended LR 48:416 (March 2022), repromulgated LR 48:1018 (April 2022), LR 49:36 (January 2023).

Chapter 5. Teaching Credentials, Licenses and Certifications

Subchapter A. Standard Teaching Certificates

§507. Professional Level Certificates

A. Level 1 is the entry-level professional certificate, valid for three years. The level 2 and level 3 certificates are valid for five years.

B. Louisiana Graduate Eligibility. Level 1 professional certificate requires successful completion of a state-approved traditional or alternate teacher preparation program, in accordance with LAC 28:XLV.Chapter 7.

1. Alternate preparation completers completing a one-year in-state residency as teacher of record must hold a practitioner’s license (PL) in the certification area in which the teacher preparation program was completed and receive mentoring, as outlined in LAC 28:XLV.996, during the first year on a PL by a school-based mentor teacher in accordance with §553 of this Chapter.

2. Alternate preparation candidates completing a one-year residency out-of-state must hold a resident teacher certificate in accordance with LAC 28:XLV.996. If the candidate completed the residency as teacher of record, holding a practitioner’s license above is not required.

3. Undergraduate program completers and alternate preparation completers completing a one-year in-state

residency must hold a resident teacher certificate in accordance with §535 of this chapter and receive mentoring by a classroom-based mentor teacher in accordance with §553 of this Chapter.

4. Undergraduate program completers completing a one-year out-of-state residency must hold a resident teacher certificate in accordance with LAC 28:XLV.996 and §535 of this Chapter.

5. Grade Point Average Requirements:

a. minimum 2.20 undergraduate grade point average (GPA) on a 4.00 scale for entry into a teacher preparation program;

b. minimum 2.50 program GPA on a 4.00 scale upon completion of teacher preparation program;

c. satisfactorily complete all program requirements as set forth by BESE, including any requirements for clinical practice, at graduation;

d. for post-baccalaureate candidates only that do not have the required program GPA, if the program does not award credit hours, the applicant shall demonstrate mastery of competencies as required by the program administrator and by the school system in which the applicant completes required clinical practice and may be issued a TEP.

6. Exam Requirements. Passing scores on appropriate pedagogy, certification area, and specialty area exams in accordance with §303 of this Part, and in alignment with the content area in which the program was completed.

7. Applicants must be recommended by a state-approved university or private program provider for certification.

8. Applicants must have the required number of semester hours in the teaching of reading and literacy:

a. 9 semester hours for certification in Birth-K, PK-3, 1-5, general special education 1-5, and mild/moderate special education 1-5;

b. 6 semester hours for certification in middle grades 4-8, general special education 4-8, and mild/moderate special education 4-8;

c. 3 semester hours for certification in secondary 6-12 content areas, all-level K-12 areas, general special education 6-12, and mild/moderate special education 6-12;

d. 9 semester hours for certification in special education areas of early interventionist, hearing impaired, significant disabilities, and visually impaired.

e. Alternate preparation completers are required to complete the same number of semester hours or equivalent contact hours, or pass the adopted Teaching of Reading exam.

f. Beginning with the 2024-2025 school year and beyond, alternate preparation completers are required to complete the same number of semester hours, pass the adopted Teaching of Reading exam, or complete the BESE-approved literacy foundations training.

C. Out-of-state (OS) Graduate Eligibility. Level 1 professional certificate requires a minimum of a baccalaureate degree from a college or university accredited in accordance with 34 CFR 602. Credentials may be submitted to a credentialing agency that follows the standards of the American Association of Collegiate Registrars and Admissions Officers (AACRAO) for evaluation with the original course-by-course evaluation including a statement verifying the comparability of the baccalaureate degree in the field of education; and

1. hold a standard out-of-state teaching certificate, or if no certificate was issued, a letter from the state education agency (SEA) or teacher preparation program provider in the state of origin verifying eligibility in that state for a certificate in the certification area(s); and

2. pass all parts of exams required for Louisiana certification in accordance with §303 of this Part for the area(s) of certification, and the specialty area or content area exam in the certification area in which the teacher preparation program was completed or in which initial certification was issued;

3. complete student teaching, internship, residency, or year(s) of successful teaching experience as required by teacher preparation program provider; and

4. has not been out of teaching in the five year period immediately preceding first employment or application for a Louisiana educator credential.

5. An applicant who has not taught in five years may be issued a one-year non-renewable OS1 certificate during completion of six semester hours required for issuance of a three-year non-renewable OS certificate.

6. National Board Certification fulfills exam requirements in corresponding areas for educators holding out-of-state certification/licensure.

7. Three years of successful teaching experience in another state, as verified by the employing authority or SEA, fulfills exam requirements in corresponding areas.

8. The employing authority must recommend applicant for further employment, and request issuance of a valid Louisiana educator credential.

D. Foreign Applicant Eligibility. OS and Level 1 professional certificates require a minimum of a baccalaureate degree from a college or university accredited in accordance with 34 CFR 602. Credentials may be submitted to a credentialing agency that follows the standards of the American Association of Collegiate Registrars and Admissions Officers (AACRAO) for evaluation with the original course-by-course evaluation including a statement verifying the comparability of the baccalaureate degree in the field of education.

1. If the degree is received from an institution located in another state/country, the guidelines prescribed for out-of-state applicants must be followed.

2. Level 1 criteria also includes passing scores on appropriate pedagogy, certification area, and specialty area exams in accordance with §303 of this Part.

E. Level 2 Professional Certificate eligibility requirements:

1. hold or meet eligibility requirements for a level 1 certificate;

2. successfully meet the standards of effectiveness for three years pursuant to state law and LAC 28:CXLVII.130 with any out-of-state experience verified as successful by the out-of-state employing authority or SEA; and

3. accrue three years of experience in an approved educational setting.

4. If the level 2 certificate is the initial certificate, a state-approved teacher preparation program provider must submit the request.

5. If the level 1 certificated teacher qualifies for advancement to a level 2 certificate, the request for the higher certificate must be submitted directly to the LDE by the employing authority.

F. Level 3 Professional Certificate eligibility requirements:

1. hold or meet eligibility requirements for a level 2 certificate;

2. earn a graduate degree from a college or university accredited in accordance with 34 CFR 602; and

3. have five years of experience in an approved educational setting with any out-of-state experience verified as successful by the out-of-state employing authority or SEA.

4. If the level 3 certificate is initial certificate, a state-approved teacher preparation program provider must submit the request.

5. If the level 2 certificated teacher qualifies for advancement to a level 3 certificate, the request for the higher certificate must be submitted directly to the LDE by the employing authority.

G. Renewal/Extension Guidelines for Level 1, Level 2, and Level 3 Certificates:

1. Level 1 certificate is valid for three years initially and may be extended thereafter for a period of one year at the request of a Louisiana employing authority with extensions of Level 1 certificates being limited to two such extensions.

2. Level 2 and level 3 certificates are valid for five years initially and may be renewed thereafter for a period of five years at the request of a Louisiana employing authority, with renewal of level 2 and level 3 certificates, contingent upon candidates successfully meeting the standards of effectiveness for at least three years during the five-year initial or renewal period pursuant to state law and LAC 28:CXLVII.130.

H. Temporary Employment Permit (TEP) Applicant Eligibility. Level 1 professional certificates require a minimum of a baccalaureate degree from a college or university accredited in accordance with 34 CFR 602.

1. Candidates completing a teacher preparation program must obtain either:

a. passing scores on appropriate pedagogy, certification area, and specialty area exams in accordance with §303 of this Part; or

b. successfully meet the standards of effectiveness at the level of highly effective or effective proficient for five years pursuant to LAC 28:CXLVII.130.

2. Candidates who have not completed a teacher preparation program but holds a graduate degree from a college or university accredited in accordance with 34 CFR 602 in the subject area for which employment is granted must complete pre-service training prior to the first day as a teacher of record.

a. The Louisiana employing authority must submit the application recommending certification to the LDE, including a signed affidavit verifying there is no other available applicant meeting certification requirements for the specific teaching position.

b. The teacher must be mentored by a certified mentor teacher in accordance with §553 of this Chapter.

c. Standards of effectiveness must be successfully met at the level of highly effective or effective proficient for five years in accordance with LAC 28:CXLVII.130.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:37 (January 2023).

§511. Out-of-State (OS) Certificate

A. An out-of-state (OS) certificate, valid for a three-year period, is not renewable, and is issued to a teacher who has completed an out-of-state teacher preparation program and either holds or is eligible for a standard certificate in the state in which the program was completed. The teacher is not initially eligible for a level 1, 2, or 3 Louisiana certificate but meets Louisiana certification requirements with the exception of the exam requirements in accordance with §303 of this Part. OS certification provides a transition period that permits the holder to be employed in Louisiana K-12 schools while completing Louisiana exam requirements. For continued employment as a teacher in a Louisiana school system after the three-year period has elapsed, the OS certificate holder must fulfill guidelines for a level 1 or higher-level certificate.

B. - B.6. ...

C. Advancing from OS to Professional Level 1, 2, or 3 Certificate:

1. Pass exam(s) required for Louisiana certification in accordance with §303 of this Part.

2. National Board Certification fulfills exam requirements in corresponding areas for educators holding out-of-state certification/licensure.

3. Three years of successful teaching experience in another state, as verified by the employing authority or SEA fulfills exam requirements in corresponding areas.

4. The employing authority must request issuance of a valid Louisiana educator credential.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1814 (October 2006), amended LR 35:2754 (December 2009), LR 36:2001 (September 2010), LR 40:1332 (July 2014), LR 48:432 (March 2022), repromulgated LR 48:1036 (April 2022), LR 49:39 (January 2023).

§513. World Language Certificate (WLC) PK-12

A. - D. ...

E. Professional Certificate. A professional level 1 certificate may be issued after successful completion of exam requirements in accordance with §303 of this Part.

F. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:433 (March 2022), repromulgated LR 48:1036 (April 2022), LR 49:39 (January 2023).

§515. Practitioner Licenses

A. - A.4.a. ...

b. 2.20 or higher undergraduate GPA on a 4.00 scale to enter a teacher preparation program e; and

c. passing scores on exam requirements in accordance with §303 of this Part, or if no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area for admission to the program.

4.d. - 7.a. ...

b. 2.20 GPA or higher on a 4.00 scale to enter a teacher preparation program;

A.7.c. - D. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:433 (March 2022), repromulgated LR 48:1037 (April 2022), LR 49:39 (January 2023).

Subchapter B. Nonstandard Teaching Credentials

§527. Temporary Authority to Teach (TAT)

A. - B.2. ...

3. The applicant must have at least a 2.20 undergraduate GPA.

C. - D.1. ...

a. the applicant provides evidence that the required exam(s) for admission into a teacher preparation program has been taken at least twice since the issuance of the TAT or TAT renewal;

b. - d. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:437 (March 2022), repromulgated LR 48:1041 (April 2022), LR 49:39 (January 2023).

Subchapter B. Nonstandard Teaching Credentials

§531. Temporary Employment Permit (TEP)

A. Temporary Employment Permit (TEP) may be issued to any person who holds a graduate degree from a college or university accredited in accordance with 34 CFR 602 in the subject area for which employment is granted or any person meeting all certification requirements except passage of exam requirements. A TEP is issued for one year, renewable annually, and may be held a maximum of five years while the holder pursues standard certification via successful years of teaching or satisfaction of state exam requirements. Upon completion of the five years of employment on a TEP, for continued employment in a Louisiana school system, the holder must fulfill guidelines for a level 1 or higher-level certificate.

B. Eligibility Guidelines 1. Applicant meets all certification requirements with the exception of passing all exam requirements in accordance with §303 of this Part but who scores within 10 percent of the score required for passage of all exams.

1. The Louisiana employing authority must submit the application to the LDE.

2. The Louisiana employing authority must submit a signed affidavit to the LDE stipulating that there is no other applicant meeting all certification requirements who is available for employment for a specific teaching position.

3. Issuance of a TEP may not waive the requirement that the person must successfully complete the exam.

4. Applicant must be mentored by a certified mentor in accordance with §553 or §1369 of this Part.

C. Eligibility Guidelines 2. Applicant has not completed a teacher preparation program but holds a graduate degree from a college or university accredited in accordance with 34 CFR 602 in the subject area for which employment is granted and must complete pre-service training prior to the first day as a teacher of record.

1. The Louisiana employing authority must submit the application recommending certification to the LDE, including a signed affidavit verifying there is no other available applicant meeting certification requirements for the specific teaching position.

2. The teacher must be mentored by a certified mentor teacher in accordance with §553 or §1369 of this Chapter.

3. Standards of effectiveness must be successfully met at the level of highly effective or effective proficient for five years in accordance with LAC 28:CXLVII.130.

D. Renewal Requirements. A TEP can be renewed up to four times upon verification of:

1. required exams retaken twice within one year from the date the TEP was issued;

2. mentorship provided by a school-based mentor teacher credentialed in accordance with §553 or §1369 of this Part;

3. standards of effectiveness successfully met at the level of highly effective or effective proficient pursuant to LAC 28:CXLVII.130;

4. affidavit signed by local superintendent, or designee, of good faith efforts to recruit certified personnel that include posting positions for which a TEP is issued; and

5. no regularly certified, competent, and suitable applicant is available.

6. The employing school system must submit the application on behalf of the applicant.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:437 (March 2022), repromulgated LR 48:1041 (April 2022), LR 49:40 (January 2023).

§535. Resident Teacher Certificate (R)

A. - C.1. ...

2. placement in a classroom in a public or approved nonpublic school with a teacher of record who holds a valid level 1, 2, 3, type A, or type B teaching certificate in the area for which the candidate is pursuing certification pursuant to Bulletin 746; and

3. 2.20 GPA or higher on a 4.0 scale for entry into the program.

4. Resident teachers placed in charter schools must be placed with a teacher of record who has demonstrated effectiveness in accordance with LAC 28:CXLVII.130.

D. - H. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:437 (March 2022), repromulgated LR 48:1041 (April 2022), LR 49:40 (January 2023).

Shan N. Davis
Executive Director

2301#039

RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Algebra I
(LAC 28:CXXXI.1341)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXXXI.1341 in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The revisions align the availability of an add-on endorsement to teach Algebra I with the geometry endorsement adopted by BESE in June 2022, which is available to teachers with an existing Louisiana teaching certification. This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

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

**Chapter 13. Endorsements to Existing Certificates
Subchapter C. All Other Teaching Endorsement Areas**

§1341. Algebra I

A. Eligibility requirements:

1. valid OS or standard, professional level I Louisiana teaching certificate or higher; and

2. pass the Algebra I exam.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:462 (March 2022), repromulgated LR 48:1070 (April 2022), amended LR 49:41 (January 2023).

Shan N. Davis
Executive Director

2301#040

RULE

Board of Elementary and Secondary Education

Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Educational Preparation Programs (LAC 28:XLV.743 and 745)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:XLV in *Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Educational Preparation Programs*. The revisions align policy with recently approved legislation and update the grade point average and Praxis exam requirements for admission into educator preparation programs. This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

**Part XLV. Bulletin 996—Standards for Approval of
Teacher and/or Educational Leader Educational
Preparation Programs**

**Chapter 7. Louisiana State Standards for Educator
Preparation Programs**

Subchapter C. Teacher Preparation Programs

**§743. Minimum Requirements for Traditional Teacher
Preparation Programs**

A. - D.3. ...

E. To be admitted into a traditional teacher preparation program, candidates must meet minimum GPA requirements of 2.20 or higher grade point average (GPA) on a 4.00 scale.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1330 (July 2017), amended LR 43:2492 (December 2017), LR 45:229 (February 2019), LR 48:1274 (May 2022), LR 48:1758 (July 2022), LR 49:41 (January 2023).

**§745. Minimum Requirements for Alternate Teacher
Preparation Programs**

A. - F.1. ...

2. meet minimum 2.20 or higher undergraduate GPA on a 4.00 scale to enter a teacher preparation program; and

3. pass the required content examinations or meet alternate requirements pursuant to Bulletin 746. If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1331 (July 2017), amended LR 43:2492 (December 2017), LR 45:1751 (December 2019), LR 46:324 (March 2020), LR: 48:1274 (May 2022), LR 48:1759 (July 2022), LR 49:41 (January 2023).

Shan N. Davis
Executive Director

2301#041

RULE

Board of Elementary and Secondary Education

Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities—Alternate Assessment Participation Criteria (LAC 28:XCVII.505)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:XCVII in *Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities*. The revisions add K-2 alternate assessment eligibility criteria pursuant to the federal Every Student Succeeds Act, which requires that alternate assessments are provided for students with significant cognitive disabilities, and that state education agencies must provide eligibility criteria for any statewide alternate assessments. This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

**Part XCVII. Bulletin 1530—Louisiana's IEP Handbook
for Students with Exceptionalities**

**Chapter 5. Participation in Statewide Assessments
§505. Alternate Assessment Participation Criteria**

A. Grade 3-11 Alternate Assessment includes LEAP Connect and ELPT Connect. To be eligible to participate in the alternate assessment, the IEP team must verify the student in grades 3-11 meets the criteria listed in this subsection.

1. - 4.e. ...

f. student's disability according to Bulletin 1508, unless the disability excludes the student from having a significant cognitive disability including emotional disturbance, significant learning disability (SLD), or speech/language impairment;

A.4.g. - k. ...

RULE

Board of Elementary and Secondary Education

Innovative Assessment Program
(LAC 28:XI.301, 307, 601, 709, 3901, 3903,
4001, 5107, 5701, 6401, 6403, and 6405)

B. K-2 Alternate Assessment Eligibility. Participation in the K-2 Alternate Assessment, including ELPT Connect, requires that students participate in annual screeners. The IEP team must annually determine eligibility, using qualitative and quantitative data, where available. The K-2 Alternate Assessment Participation Decision-Making Tool will identify student eligibility to participate in an alternate assessment if:

1. the student has a significant cognitive disability or multiple disabilities that significantly impact cognitive and adaptive functioning:

a. if the current evaluation of the student has a full-scale cognitive score, the existing cognitive score indicates cognitive functioning three or more standard deviations below the mean;

b. the K-2 Alternate Assessment Participation Decision-Making Tool column four indicates adaptive skill deficits in all three domains of conceptual, social, and practical that are characteristic of a most significant cognitive disability:

i. conceptual domain. Student requires significantly modified curriculum and instructions, is unable to clearly express wants and needs, experiences significant delays in receptive skills, and needs maximum assistance to communicate;

ii. social domain. Student often uses behaviors to communicate, may be nonverbal, may have limited communication skills in terms of vocabulary, and may use symbolic communication;

iii. practical domain. Student requires significant support and direct instruction across all activities of daily living and personal and health needs and is likely dependent upon others for these needs;

2. the student IEP goals and instruction are linked to Louisiana state content standards supported by the Connector Standards;

3. the student requires extensive, repeated, direct, individualized instruction and substantial support to achieve measurable gains in the grade level and age-appropriate curriculum:

a. supports are not temporary or transient in nature;
b. substantially adapted materials and individualized methods of accessing information in alternative ways are required;

4. LAC 28:XCVII.505.A.4 shall also apply to alternate assessment eligibility decisions for K-2 students.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2343 (November 2009), amended LR 37:886 (March 2011), LR 41:535 (March 2015), LR 45:527 (April 2019), LR 45:1463 (October 2019), LR 49:41 (January 2023)

Shan N. Davis
Executive Director

2301#042

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:XI.301, 307, 601, 709, 3901, 3903, and 4001 in *Bulletin 111—The Louisiana School, District, and State Accountability System* and LAC 28:XI.5107, 5701, 6401, 6403, and 6405 in *Bulletin 118—Statewide Assessment Standards and Practices*. The revisions update policy related to the Innovative Assessment Program, which provides an alternative approach to measuring how well students know and understand the Louisiana English Language Arts content standards. Revisions also add the new English Language Proficiency Test (ELPT) Connect, an alternate assessment created for English learners with significant cognitive disabilities. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part XI. Accountability/Testing

Subpart 1. Bulletin 111—The Louisiana School, District and State Accountability System

Chapter 3. School Performance Score Component

§301. School Performance Score Goal

[Formerly LAC 28:LXXXIII.301]

A. - C.1. ...

2. Beginning in 2017-2018 (2018 SPS), the school performance score for K-8 schools will include an assessment index, progress index, and dropout/credit accumulation index. The interests and opportunities indicator will be included in school performance scores no later than 2019-2020 school year (2020 SPS).

K-8 School Performance Score Indices and Weights			
Index	Grades	Beginning in 2017-18	No Later than 2019-20
3-8 and high school LEAP 2025, Innovative Assessment, LEAP Connect, and ELPT [#] and ELPT Connect*	Grades K-7	75 percent	70 percent
* * *			

*Beginning in 2023-2024

3. Beginning in the 2017-2018 school year (2018 SPS), the school performance score for schools with a grade 12 will include five indicators as outlined in the table below. The interests and opportunities indicator will be included in school performance scores no later than 2019-2020 school year (2020 SPS).

High School Performance Score Indices and Weights			
Index	Grades	Beginning in 2017-2018	No Later than 2019-2020
High school LEAP 2025, LEAP Connect, and ELPT* and ELPT Connect*	Grades 9-12	12.5 percent	12.5 percent

*Beginning in 2023-2024

** When calculating a school's ACT index score, students participating in the LEAP Connect assessment shall not be included in the denominator of such calculation unless the students take the ACT.

4. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2737 (December 2003), amended LR 31:1512 (July 2005), LR 32:1017 (June 2006), LR 32:2034, 2035 (November 2006), LR 33:424 (March 2007), LR 33:2349 (November 2007), LR 33:2593 (December 2007), LR 34:430 (March 2008), LR 35:639 (April 2009), LR 36:1987 (September 2010), LR 38:3105 (December 2012), LR 39:305 (February 2013), LR 39:1421 (June 2013), LR 39:2441 (September 2013), LR 40:1313 (July 2014), LR 40:2507 (December 2014), LR 41:1481 (August 2015), LR 41:2578 (December 2015), LR 42:2171, 2172 (December 2016), LR 44:447 (March 2018), LR 45:1449 (October 2019), LR 46:1372 (October 2020), LR 47:444 (April 2021), LR 49:42 (January 2023).

§307. Innovative Assessment Program

A. Beginning in the 2019-2020 school year, the LDE began piloting a new Innovative Assessment Program.

B. For the 2021-2022 school year only, the ELA assessment index for operational participants will be calculated using either the most recent pre-pilot assessment index for ELA or the current year pilot assessment index, whichever yields the higher school performance score, will be used as the ELA component of the overall assessment index.

1. This policy shall not impact a school or system's progression in intervention status for purposes of federal accountability. Intervention status will be determined by using the current year's IAP results.

C. Beginning in 2022-2023, a student's end of year Innovative Assessment Program achievement level and scale score shall be used in the calculation of accountability. If a student does not participate in all administrations of the Innovative Assessment Program and does not receive an end of year achievement level and scale score, they shall be required to take the traditional LEAP 2025 assessment in ELA.

D. The LDE will annually update BESE on the status of the assessment pilot transition beginning December 2019.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:1450 (October 2019), LR 49:43 (January 2023).

Chapter 6. Inclusion in Accountability

§601. State Assessments and Accountability

[Formerly §515]

A. - B.3. ...

C. All students who are English learners shall take the Louisiana English language proficiency test (ELPT)

assessment or the English language proficiency test Connect (ELPT Connect) annually, as well as the appropriate state assessment for their enrolled grade.

D. ...

E. English learners who have not been enrolled in a school in the United States for one full school year shall participate in all required academic assessments and the ELPT or ELPT Connect (for qualifying students).

E.1. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 31:2422 (October 2005), LR 32:1022 (June 2006), LR 33:253 (February 2007), LR 36:1990 (September 2010), LR 37:2119 (July 2011), LR 38:1212 (May 2012), LR 38:3107 (December 2012), 39:2443 (September 2013), LR 40:2507 (December 2014), LR 44:452 (March 2018), LR 47:446 (April 2021), LR 49:43 (January 2023).

Chapter 7. Graduation Cohort, Index, and Rate
[Formerly Chapter 6]

§709. Calculating a Strength of Diploma Index
[Formerly §613]

A. Beginning in 2017-2018 (2016-2017 cohort), points shall be assigned for each member of a cohort according to the following table.

Student Result	Points
HS Diploma plus: (a) Associate's Degree or (b) Fast Forward Apprenticeship Pathway (Advanced Plus) or (c) Statewide Advanced Plus Level III/IV Jump Start credential	175
HS Diploma plus: (a) At least twelve (12) Board of Regents-recognized TOPS CORE College credit hours attained via dual enrollment, AP, CLEP, IB, or Cambridge or (b) Statewide Advanced Jump Start credential or Tech Diploma (TD)	150
HS Diploma plus: (a) At least six (6) Board of Regents-recognized TOPS CORE College credit hours attained vial dual enrollment, AP, CLEP or IB, or Cambridge or (b) Statewide Basic Jump Start credential or Certificate of Tech Studies (CTS)	125
Four-year graduate (includes Career Diploma student with a regional Jump Start credential)	100
Five-year graduate with any diploma *Five-year graduates who earn at least twelve (12) Board of Regents-recognized TOPS CORE College credit hours attained via dual enrollment, AP, CLEP, IB, or Cambridge, or a Statewide Advanced Jump Start credential or Tech Diploma (TD) will generate 140 points. Five-year graduates who earn an Associate's Degree will generate 150 points.	75
Six-year graduate with any diploma	50
HiSET plus Jump Start credential	40
HiSET	25
Non-graduate without HiSET	0

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1025 (June 2006), amended LR 33:2031 (October 2007), LR 33:2594 (December 2007), LR 35:1472 (August 2009), LR 36:1769 (August 2010), repromulgated LR 36:1994 (September 2010), LR 36:2243 (October 2010), LR 37:3201 (November 2011), LR 38:1391 (June 2012), LR 38:3109 (December 2012), LR 39:306 (February 2013), LR 39:2444 (September 2013), LR 40:1317 (July 2014), LR 41:615 (April 2015), LR 42:1017 (July 2016), LR 42:2172 (December 2016), LR 44:455 (March 2018), LR 44:1998 (November 2018), LR 47:448 (April 2021), LR 49:43 (January 2023).

Chapter 39. Inclusion of Students with Disabilities

§3901. Assessment of Students with Disabilities [Formerly LAC 28:LXXXIII.3901]

A. All students, including those with disabilities, shall participate in Louisiana's testing program. The scores of all students who are eligible to take the 3-8 or high school LEAP 2025, ACT, LEAP Connect, or Louisiana English language proficiency test (ELPT and ELPT Connect) shall be included in the calculation of the SPS. Students with disabilities shall take the assessments with accommodations, if required by their individualized education program (IEP).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 31:2763 (November 2005), LR 36:1994 (September 2010), LR 38:3115 (December 2012), LR 40:2508 (December 2014), LR 44:460 (March 2018), LR 47:449 (April 2021), LR 49:44 (January 2023).

§3903. LEAP Alternate Assessment Participation Criteria [Formerly LAC 28:LXXXIII.3903]

A. Students with disabilities participating in the LEAP and ELPT alternate assessments LEAP Alternate Assessment, LEAP Connect, must meet specific participation criteria as stated in LAC 28:LV.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 31:2763 (November 2005), LR 40:2508 (December 2014), LR 44:460 (March 2018), LR 47:449 (April 2021), LR 49:44 (January 2023).

Chapter 40. Definitions Related to English Proficiency

§4001. Proficient in English [Formerly LAC 28:LXXXIII.4001]

A. - C. ...

D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:767 (April 2004), amended LR 33:254 (February 2007), LR 34:2552 (December 2008), LR 36:2243 (October 2010), LR 38:3115 (December 2012), LR 44:460 (March 2018), LR 46:15 (January 2020), LR 49:44 (January 2023).

Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 51. General Provisions

§5107. Assessment Programs [Formerly LAC 28:CXI.107]

A. - B.2. ...

C. Innovative Assessments. The Innovative assessment program allows for unit-based measures of performance that indicate how well students in participating school systems

and grade levels have mastered the English language arts state content standards.

D. LEAP Connect. The LEAP Connect is an alternate assessment, designed for students with significant disabilities, which evaluates each eligible special education student's knowledge and skills in targeted areas.

E. English Language Proficiency Test (ELPT). The ELPT is an assessment program designed to measure proficiency in reading, writing, speaking, and listening of English learners.

F. English Language Proficiency Test Connect (ELPT-Connect). The ELPT Connect is an alternate English proficiency test, designed for English learners with significant disabilities.

G. National Assessment of Educational Progress (NAEP). Also known as the nation's report card, NAEP is administered nationally to a random stratified sample population of students to gather data about subject-matter achievement, instructional experiences, and school environment.

H. Field Tests. Representative student populations from school districts throughout Louisiana are chosen to field test new items to be used in future statewide assessments. The items are tested, scored, ranked statistically, and identified as effective or ineffective.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1526 (July 2005), amended LR 32:233 (February 2006), LR 33:255 (February 2007), LR 36:477 (March 2010), LR 40:2509 (December 2014), LR 44:462 (March 2018), LR 47:566 (May 2021), LR 49:44 (January 2023).

Chapter 57. Assessment Program Overview

§5701. Overview of Assessment Programs in Louisiana [Formerly LAC 28:CXI.701]

A. Norm-Referenced and Criterion-Referenced Testing Programs Since 1986

Name of Assessment Program	Assessment Population	Administered
Kindergarten Screening		

Norm-Referenced Tests (NRTs)		

Criterion-Referenced Tests (CRTs)		

LEAP 2025	Civics	fall 2023-
Innovative Assessment	ELA grade 7	fall 2021-
Innovative Assessment	ELA grades 6, 7, 8	fall 2022-
Integrated NRT/CRT		

Special Population Assessments		

Louisiana Alternate Assessment-B (LAA-B) ["out-of-level" test]	Students with Individualized Education Programs (IEPs) who met eligibility criteria in grades 3-11.	spring 1999–spring 2003 (no longer administered)
English Language Proficiency Test (ELPT)	English Learners in grades K-12	spring 2018-
English Language Proficiency Test Connect (ELPT Connect)	English learners in grades K-12 who meet criteria for participation in alternate assessment	spring 2023-

Name of Assessment Program	Assessment Population	Administered
English Language Development Assessment (ELDA)	Limited English Proficient (LEP) students in grades K-12	spring 2005-2017
Academic Skills Assessment (ASA) and ASA LAA 2 form	Students pursuing a State-Approved Skills Certificate (SASC) or GED	spring 2012 (one administration only, spring 2012)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1534 (July 2005), amended LR 32:235 (February 2006), LR 34:66 (January 2008), LR 34:1352 (July 2008), LR 35:218 (February 2009), LR 36:967 (May 2010), LR 37:858 (March 2011), LR 38:34 (January 2012), LR 39:74 (January 2013), LR 39:1019 (April 2013), LR 40:1319 (July 2014), LR 40:2512 (December 2014), LR 44:465 (March 2018), LR 44:2127 (December 2018), LR 46:15 (January 2020), LR 47:566 (May 2021), repromulgated LR 47:721 (June 2021), amended LR 48:38 (January 2022), LR 49:44 (January 2023).

Chapter 64. Innovative Assessments

Subchapter A. General Provisions

§6401. Introduction

A. The Innovative Assessment is a criterion-referenced testing program that is directly aligned with the state content standards for English Language Arts. The assessment is closely aligned to the LEAP 2025 English language arts assessments and measures how well students have mastered the state content standards using unit-based assessments. Test results are reported in terms of achievement levels and scale scores.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:45 (January 2023).

Subchapter B. Achievement Levels and Performance Standards

§6403. Achievement Levels

A. The Louisiana achievement levels are:

1. advanced;
2. mastery;
3. basic;
4. approaching basic; and
5. unsatisfactory.

B. Achievement Level Definitions. The definitions of the Louisiana achievement levels are consistent with the definitions of basic, proficient, and advanced in English language arts for NAEP.

1. *Advanced (Proficient)*—students performing at this level have exceeded college and career readiness expectations and are well prepared for the next level of studies in this content area.

2. *Mastery (Proficient)*—students performing at this level have met college and career readiness expectations and are prepared for the next level of studies in this content area.

3. *Basic*—students performing at this level have nearly met college and career readiness expectations and may need additional support to be fully prepared for the next level of studies in this content area.

4. *Approaching Basic*—students performing at this level have partially met college and career readiness

expectations and will need much support to be prepared for the next level of studies in this content area.

5. *Unsatisfactory*—students performing at this level have not yet met the college and career readiness expectations and will need extensive support to be prepared for the next level of studies in this content area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:45 (January 2023).

§6405. Performance Standards

A. Performance standards for Innovative assessment English language arts assessments are finalized in scale score form. The scale scores range between 650 and 850.

1. English Language Arts

English Language Arts						
Achievement Level	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8
Advanced	810-850	790-850	799-850	790-850	785-850	794-850
Mastery	750-809	750-789	750-798	750-789	750-784	750-793
Basic	725-749					
Approaching Basic	700-724					
Unsatisfactory	650-699					

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:45 (January 2023).

Shan N. Davis
Executive Director

2301#043

RULE

Board of Regents Office of Student Financial Assistance

Scholarship/Grant Programs—2022 Legislation
(LAC 28:IV.509, 703, 705, 803, 805, 2103, and Chapter 24)

The Louisiana Board of Regents announces its intention to amend its Scholarship/Grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6). (SG23207R) This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs Chapter 5. Applications, Federal Grant Aid and ACT Test

§509. ACT Testing Deadline

A.1. - A.4.d. ...

5.a. Applicable to 2021 graduates only, the final deadline for achieving a qualifying score on an official ACT test (including national, international, military or special test types) is December 31, 2021. A student may qualify for an initial award or a higher award based on such test. The award for a student who achieves a qualifying ACT score as

provided in the Section shall not be reduced as set forth in §509.C.

b. The provisions of this Subsection shall apply to any student who:

i. was enrolled in a Louisiana public high school during the 2020-2021 academic year (high school);

ii. was enrolled in a nonpublic high school in Louisiana having the approval by the State Board of Elementary and Secondary Education required by Part I of this Chapter for program eligibility purposes during the 2020-2021 academic year (high school);

iii. resided in the state of Louisiana and was enrolled in a home study program approved by the State Board of Elementary and Secondary Education during the 2020-2021 academic year (high school); or

iv. resided out of state during the 2020-2021 academic year but who is able to meet the residency requirements to qualify for an award as provided for in §703.A.2.

c. A student who meets the requirements of this Subsection may request an exception to the final deadline if the student provides documentation that:

i. he was registered for one or more ACT exams prior to the December 31, 2021, deadline; and

ii. one or more ACT exams for which the student was registered was cancelled due to Hurricane Laura, Hurricane Delta, Hurricane Zeta, Hurricane Ida, or due to measures implemented to mitigate the spread of COVID-19; and

iii. he was unable to register for an ACT exam that would occur prior to the deadline, that was within a reasonable distance from his home or from the location to which he/his family had been evacuated due to Hurricane Laura, Hurricane Delta, Hurricane Zeta, or Hurricane Ida.

B.1. - E.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 26:1995 (September 2000), amended LR 26:2000 (September 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), repromulgated LR 27:1847 (November 2001), amended LR 30:1161 (June 2004), LR 31:37 (January 2005), LR 38:3157 (December 2012), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:503 (March 2018), LR 44:1869 (October 2018), LR 47:38 (January 2021), LR 47:863 (July 2021), LR 48:481 (March 2022), LR 49:45 (January 2023).

Chapter 7. Taylor Opportunity Program for Students (TOPS) Opportunity, Performance, and Honors Awards

§703. Establishing Eligibility

A. - A.5.a.i.(h)....

(i). beginning with the graduates of academic year (high school) 2026-2027, at the time of high school graduation, an applicant must have successfully completed 19 units of high school course work that constitutes a core curriculum and is documented on the student's official transcript as approved by the Department of Education as follows.

Units	Course
English - 4 Units	
1	English I
1	English II
1	English III, AP English Language Arts and Composition, or IB English III (Language A or Literature and Performance)
1	English IV, AP English Literature and Composition, or IB English IV (Language A or Literature and Performance)
Math - 4 Units	
1	Algebra I
1	Geometry
1	Algebra II
1	One unit from: Algebra III; Advanced Math- Functions and Statistics, Advanced Math- Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL
Science - 4 Units	
1	Biology I
1	Chemistry I
2	Two units from: Earth Science; Environmental Science; Physical Science; Agriscience I and Agriscience II (one unit combined); Chemistry II or AP Chemistry or IB Chemistry II; AP Environmental Science or IB Environmental Systems; Physics I, AP Physics I, AP Physics B, or IB Physics I; AP Physics C: Electricity and Magnetism, AP Physics C: Mechanics, IB Physics II, or AP Physics II; Biology II or AP Biology or IB Biology II
Social Studies - 4 Units	
1	U.S. History or AP U.S. History or IB U.S. History
1	Civics, Government, AP US Government and Politics: Comparative, or AP US Government and Politics: United States
2	Two units from: Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics, Economics, AP Macroeconomics, or AP Microeconomics; African American History.
Foreign Language – 2 Units Or Computer Science- 2 Units	
2	Foreign Language, two units in the same language, which may include: AP Chinese Language and Culture, AP French Language and Culture, AP German Language and Culture, AP Italian Language and Culture, AP Japanese Language and Culture, AP Latin, AP Spanish Language and Culture, French IV IB, French V IB, Spanish IV IB, and Spanish V IB. Or Computer Science, two units, which may include: Computer Science I; Computer Science II; Fundamentals of HTML, CSS, and JavaScript (Level 1); Advanced JavaScript, Functional Programming, and Web Development (Level 2); AP Computer Science A; AP Computer Science Principles; Computer Science Year One IB; and Computer Science Year Two IB.:

Units	Course
Art - 1 Unit	
1	One unit of Art from: Performance course in Music, Dance, or Theatre; Fine Arts Survey; Arts I, II, III, and IV; Talented Art I, II, III, and IV; Talented Music I, II, III, and IV; Talented Theater Arts I, II, III, and IV; Speech III and IV (one unit combined); AP Art History; AP Studio Art: 2-D Design; AP Studio Art: 3-D Design; AP Studio Art: Drawing; AP Music Theory; Film Study I IB; Film Study II IB; Music I IB; Music II IB; Art Design III IB; Art Design IV IB; Theatre I IB; or Drafting
NOTE: AP = Advanced Placement IB = International Baccalaureate	

A.5.a.i.(h).(ii). – A.5.a.ii.(e). ...
* * *

(f). For students graduating in academic year (high school) 2017-2018 and after, the courses listed in the tables below have been approved by the Board of Regents and the state Board of Elementary and Secondary Education to be converted to a 5.00 scale when used to complete the core curriculum, and shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses for purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a.

(i). Advanced Placement Courses

TOPS Core Course	Advanced Placement
Art	AP Art History AP Studio Art: 2-D Design AP Studio Art: 3-D Design AP Studio Art: Drawing
Biology II	AP Biology
Calculus	AP Calculus AB AP Calculus BC
Chemistry II	AP Chemistry
Chinese	AP Chinese Language and Culture
Economics	AP Macroeconomics AP Microeconomics
English III	AP English Language and Composition
English IV	AP English Literature and Composition
Environmental Science	AP Environmental Science
European History	AP European History
Fine Arts Survey	AP Music Theory
French	AP French Language and Culture
German	AP German Language and Culture
Italian	AP Italian Language and Culture
Japanese	AP Japanese Language and Culture
Latin	AP Latin
Physics I	AP Physics I: Algebra Based AP Physics II: Algebra Based AP Physics C: Electricity and Magnetism AP Physics C: Mechanics
Probability and Statistics	AP Statistics

TOPS Core Course	Advanced Placement
Spanish	AP Spanish Language and Culture
US Government or Civics	AP U.S. Government and Politics: Comparative AP U.S. Government and Politics: United States
US History	AP U.S. History
Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics Economics, AP Macroeconomics AP Microeconomics	AP Psychology
World Geography	AP Human Geography
World History	AP World History

(ii). International Baccalaureate® Courses

TOPS Core Course	International Baccalaureate
Advanced Math–Pre Calculus	IB Math Studies (Math Methods)
Arabic	IB Language ab initio: Arabic IB Language B: Arabic
Art	IB Visual Arts
Biology II	IB Biology I IB Biology II
Calculus	IB Mathematics SL IB Mathematics HL
Chemistry II	IB Chemistry I IB Chemistry II
Chinese	IB Language ab initio: Chinese IB Language B: Chinese
Economics	IB Economics
English III	IB Literature IB Language and Literature IB Literature and Performance
English IV	IB Literature IB Language and Literature IB Literature and Performance
Environmental Science	IB Environmental Systems
French	IB Language ab initio: French IB Language B: French
German	IB Language ab initio: German IB Language B: German
Italian	IB Language ab initio: Italian IB Language B: Italian
Japanese	IB Language ab initio: Japanese IB Language B: Japanese
Latin	IB Classical Language
Music (Performance)	IB Music
Physics I	IB Physics I IB Physics II
Pre-Calculus	IB Math Studies (Math Methods)
Spanish	IB Language ab initio: Spanish IB Language B: Spanish
Theatre (Performance)	IB Film Study IB Theatre IB Dance
US History	IB History of the Americas I
World Geography	IB Geography
World History	IB History of the Americas II

(iii). Gifted and Talented Courses

TOPS Core Course	Gifted and Talented
Art	Art History Talented Visual Arts I Talented Visual Arts II Talented Visual Arts III Talented Visual Arts IV
Biology II	Biology II
Calculus	Calculus I Calculus II
Chemistry I	Chemistry I
Chemistry II	Chemistry II
Chinese	Chinese III Chinese IV
Economics	Economics
English III	English III
English IV	English IV
Environmental Science	Environmental Science
European History	European History
French	French III French IV
German	German III German IV
Italian	Italian III Italian IV
Japanese	Japanese III Japanese IV
Latin	Latin III Latin IV
Music (Performance)	Talented Music I, II, III, IV Small Voice Ensemble II Choir: Intermediate Choir: Advanced Orchestra: Intermediate Orchestra: Advanced
Physics I	Physics
Pre-Calculus	Pre-Calculus
Spanish	Spanish III Spanish IV
Theatre (Performance)	Introduction to Film Studies Talented Theater I, II, III, IV
US Government or Civics	Government
US History	U.S. History
World Geography	World/Human Geography

(iv). Dual Enrollment Courses

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Advanced Math– Pre Calculus	Trigonometry	CMAT 1223
Advanced Math– Functions and Statistics	Introductory Statistics	CMAT 1303
Algebra III	College Algebra	CMAT 1213
Arabic	Elementary Arabic I Elementary Arabic II	CARB 1013/1014 CARB 1023/1024
Art	Art History I or II Art Structure/2-D Design Beginning Drawing	CART 2103/2113 CART 1113 CART 2203
Biology I	General Biology I General Biology I (Science Majors)	CBIO 1013 CBIO 1033

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Biology II	General Biology I General Biology I (Science Majors) General Biology II General Biology II (Science Majors) Human Anatomy & Physiology I Human Anatomy & Physiology I (Lec/Lab) Human Anatomy & Physiology II Human Anatomy & Physiology II (Lec/Lab)	CBIO 1013 CBIO 1033 CBIO 1023 CBIO 1043 CBIO 2213 CBIO 2214 CBIO 2223 CBIO 2224
Calculus	Applied Calculus Calculus I Calculus II Differential Calculus I Integral Calculus I	CMAT 2103 CMAT 2113-5 CMAT 2123-5 CMAT 2113 CMAT 2116
Chemistry I	General Chemistry Survey I Chemistry I Chemistry I (Science Majors)	CCEM 1013 CCEM 1103 CCEM 1123
Chemistry II	General, Organic and Biochemistry General Chemistry Survey I Chemistry I Chemistry I (Science Majors) Chemistry II Chemistry II (Science Majors)	CCEM 1003 CCEM 1013 CCEM 1103 CCEM 1123 CCEM 1113 CCEM 1133
Earth Science	Physical Geology Historical Geology	CGEO 1103 CGEO 1113
Economics	Economic Principles Macroeconomics Microeconomics	CECN 2113 CECN 2213 CECN 2223
English III	English Composition I English Composition II American Literature I American Literature II Major American Writers	CENL 1013 CENL 1023 CENL 2153 CENL 2163 CENL 2173
English IV	English Composition I English Composition II British Literature I British Literature II Major British Writers World Literature I World Literature II Major World Writers Introduction to Fiction Introduction to Literature Introduction to Poetry and/or Drama	CENL 1013 CENL 1023 CENL 2103 CENL 2113 CENL 2123 CENL 2203 CENL 2213 CENL 2223 CENL 2303 CENL 2323 CENL 2313
Environmental Science	Environmental Science	CEVS 1103
Fine Arts Survey	Exploring the Arts Introduction to Visual Arts Dance Appreciation Music Appreciation	CART 1013 CART 1023 CDNC 1013 CMUS 1013
French	Elementary French I Elementary French II Intermediate French I Intermediate French II	CFRN 1013/1014 CFRN 1023/1024 CFRN 2013/2014 CFRN 2023
German	Elementary German I Elementary German II Intermediate German I Intermediate German II	CGRM 1013/1014 CGRM 1023/1024 CGRM 2013 CGRM 2023
History Of Religion	World Religions	CPHL 2213
Latin	Elementary Latin I Elementary Latin II Intermediate Latin I Intermediate Latin II	CLTN 1013/1014 CLTN 1023/1024 CLTN 2013 CLTN 2023

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Physical Science	Physical Science I	CPHY 1023
Physics I	Physics I (Algebra/Trigonometry Based) Physics I (Lecture and Lab) Physics I (Calculus Based)	CPHY 2113 CPHY 2114 CPHY 2133
Pre-Calculus	Algebra and Trigonometry	CMAT 1233
Probability and Statistics	Introductory Statistics	CMAT 1303
Spanish	Elementary Spanish I Elementary Spanish II Intermediate Spanish I Intermediate Spanish II	CSPN 1013/1014 CSPN 1023/1024 CSPN 2013/2014 CSPN 2023
Theatre (Performance)	Acting I or II Introduction to Theatre	CTHE 2103/2113 CTHE 1013
US Government or Civics	Introduction to American Government Introduction to State and Local Government Introduction to Comparative Government	CPOL 2013 CPOL 2113 CPOL 2213
US History	American History I or II	CHIS 2013/2023
Western Civilization	Western Civilization I or II	CHIS 1013/1023
Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics Economics, AP Macroeconomics AP Microeconomics	Introduction to Psychology	CPSY2013
World Geography	World Regional Geography	CGRG 2113
World History	World Civilization I or II	CHIS 1113/1123

(v). Honors Courses

TOPS Core Course	Honors
Arabic	Arabic: Cambridge AICE-AS
Biology II	Biology II: Honors
IB Biology II	Biology II: Cambridge AICE-AS
Calculus I	Calculus: Honors Math 2 (Part 1): Cambridge AICE-A Level
Calculus II	Math 2 (Part 2): Cambridge AICE – A Level
Chemistry I	Chemistry I: Honors
Chemistry II	Chemistry II: Honors
IB Chemistry II	Chemistry II: Cambridge AICE-AS
Chinese	Chinese: Cambridge AICE-AS
Economics	Economics: Cambridge AICE - AS

A.5.a.iii.(a) - L.2.c.ii. ...

M. 2021 Natural Disaster Initial Eligibility Requirements

1. To establish eligibility for a TOPS Opportunity, Performance or Honors Award, a displaced student graduating from high school or completing a BESE approved home study program at the 12th grade level during the 2021-2022 academic year (high school) must meet all of the requirements of §803.A, except as follows.

a. A displaced student who has been certified by the principal or headmaster to have graduated during the 2021-2022 academic year (high school) from an out-of-state high school that meets the criteria of an eligible out-of-state high school as provided in §1701.A.4 and 5 shall not be required to have for the respective awards a higher minimum composite score on the ACT or on the scholastic aptitude test than required for a student who graduates from an eligible Louisiana high school.

b. The requirement that a student who graduates from an eligible Louisiana high school during the 2021-2022 academic year (high school) must have successfully completed the applicable core curriculum shall be waived for a displaced student based upon a sworn affidavit by the student's high school principal or headmaster or authorized designee that failure to comply with such requirement is due solely to the fact that the required course or courses were not available to the student at the school attended.

c. A displaced student shall be deemed to meet the Louisiana residency requirement if:

i. such dependent or independent student actually resided in Louisiana during the entire 2020-2021 academic year (high school) and was enrolled for such time in an eligible Louisiana high school and graduated from high school during 2021-2022 academic year (high school); or

ii. such dependent student has a parent or court-ordered custodian who actually resided in a parish listed in §803.F.2. for at least the 12 months prior to August 27, 2021.

d. A dependent student who graduated from an eligible out-of-state high school shall be deemed to meet the Louisiana residency requirement if his parent or court-ordered custodian was displaced as a resident from a parish listed in §703.M.2.

e. A displaced student who during the 2021-2022 academic year (high school) successfully completes at the 12th grade level a home study program approved by BESE shall not be required to have also completed the 11th grade level of an approved home study program.

2. For the purposes of this Subsection, *displaced student* means a student who on August 27, 2021, was actually residing in Jefferson, Lafourche, Livingston, Plaquemines, St. Charles, St. Helena, St. James, St. John the Baptist, Tangipahoa, or Terrebonne Parish, and:

a. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

b. was enrolled in a home study program approved by BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 24:2237 (December

1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330, 2332 (November 2002), LR 29:125 (February 2003), LR 29:2372 (November 2003), LR 30:1162 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 31:37 (January 2005), LR 31:2213 (September 2005), LR 31:3112 (December 2005), LR 32:2239 (December 2006), LR 33:435 (March 2007), LR 33:2357 (November 2007), LR 33:2612 (December 2007), LR 34:1389 (July 2008), LR 35:228 (February 2009), LR 36:312 (February 2010), LR 36:490 (March 2010), LR 36:2269 (October 2010), LR 36:2855 (December 2010), LR 37:2987 (October 2011), LR 38:354 (February 2012), LR 38:3158 (December 2012), LR 39:481 (March 2013), LR 39:2485 (September 2013), LR 40:54 (January 2014), LR 41:373 (February 2015), LR 41:651, 664 (April 2015), LR 41:1486 (August 2015), LR 41:2596, 2599 (December 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1657 (October 2016), LR 42:1882 (November 2016), LR 43:518 (March 2017), LR 43:1346 (July 2017), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:506 (March 2018), LR 44:1004 (June 2018), LR 44:1870 (October 2018), LR 46:326 (March 2020), LR 47:39 (January 2021), amended LR 47:861 (July 2021), LR 47:864 (July 2021), amended LR 47:868 (July 2021), LR 49:46 (January 2023).

§705. Maintaining Eligibility

A. - F.2.c. ...

G. 2020 Natural Disaster Maintaining Eligibility Requirements

1. To continue receiving the TOPS Opportunity, Performance or Honors Awards, a displaced student must meet all of the criteria in §705.A-D above, except as follows.

a. The TOPS Award of a displaced student who enrolls as a full-time student in an eligible out-of-state college or university during the 2020-2021 academic year (TOPS) and subsequently enrolls at a Louisiana-eligible college or university shall not be reduced due to enrollment in an eligible out-of-state institution during the 2020-2021 academic year (TOPS).

b. The period of suspension of a TOPS Award for a displaced student due to the student not meeting a requirement to maintain a minimum grade point average or to make steady academic progress shall be extended on a one-for-one basis for each semester or term in which the student does not enroll on a full-time basis in an eligible college or university during the 2020-2021 academic year (TOPS).

c. A displaced student shall not be required to meet the minimum academic progress requirements set forth in §705.A.6.

d. A displaced student shall not be required to meet the steady academic progress requirements set forth in §705.A.7.

e. A displaced student shall not be required to meet the continuation GPA requirements set forth in §705.A.8.

2. For the purposes of this Subsection, *displaced student* means:

a. a student whose home of record on August 26, 2020, was located in, or who, on August 26, 2020, was attending a postsecondary institution located in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant,

Jackson, Jefferson Davis, Lasalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish: or

b. a student whose home of record on October 8, 2020, was located in, or who, on October 8, 2020, was attending a postsecondary institution located in Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish.

c. a student whose home of record on October 26, 2020, was located in, or who, on October 26, 2020, was attending a postsecondary institution located in Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, or Terrebonne Parish.

3. For the purposes of this Subsection, *home of record for a dependent student* shall mean the domiciliary address of the student's parent or court-ordered custodian and for an independent student shall mean the domiciliary address of such student.

H. 2021 Natural Disaster Maintaining Eligibility Requirements

1. To continue receiving the TOPS Opportunity, Performance or Honors Awards, a displaced student must meet all of the criteria in §705.A-D above, except as follows.

a. The TOPS Award of a displaced student who enrolls as a full-time student in an eligible out-of-state college or university during the 2021-2022 academic year (TOPS) and subsequently enrolls at a Louisiana-eligible college or university shall not be reduced due to enrollment in an eligible out-of-state institution during the 2021-2022 academic year (TOPS).

b. The period of suspension of a TOPS Award for a displaced student due to the student not meeting the requirement to maintain a minimum grade point average or to make steady academic progress shall be extended on a one-for-one basis for each semester or term in which the student does not enroll on a full-time basis in an eligible college or university during the 2021-2022 academic year (TOPS).

c. A displaced student shall not be required to meet the minimum academic progress requirements set forth in §705.A.6.

d. A displaced student shall not be required to meet the steady academic progress requirements set forth in §705.A.7.

e. A displaced student shall not be required to meet the continuation GPA requirements set forth in §705.A.8.

2. For the purposes of this Subsection, *displaced student* means a student whose home of record on August 27, 2021, was located in, or who, on August 27, 2021, was attending a postsecondary institution located in Jefferson, Lafourche, Livingston, Plaquemines, St. Charles, St. Helena, St. James, St. John the Baptist, Tangipahoa, or Terrebonne Parish.

3. For the purposes of this Subsection, *home of record for a dependent student* shall mean the domiciliary address of the student's parent or court-ordered custodian and for an independent student shall mean the domiciliary address of such student.

4. Notwithstanding the definition of *displaced student* set forth in Subsection H.2, the provisions of this Section shall apply to any student who, on August 27, 2021, was a

member of the Louisiana National Guard called to active duty to assist in the preparation for and response to Hurricane Ida.

I.1. A student who successfully completes a baccalaureate degree without having exhausted his period of award eligibility shall receive an award for the remainder of his eligibility if he enrolls in a graduate or professional school at an eligible college or university no later than the fall semester immediately following the first anniversary of the student's completion of an undergraduate degree and has met the requirements for continued eligibility set forth in §705.A.6. The remaining eligibility may not be used to pursue a second undergraduate degree.

2. Beginning with the 2012-2013 academic year (TOPS), a student who successfully completes any type of technical, vocational, or academic credential other than a baccalaureate degree without having exhausted his period of award eligibility shall receive an award for the remainder of his eligibility if he enrolls in a program of study leading to a baccalaureate degree, to a vocational or technical certificate or diploma, or to a non-academic degree at an eligible college or university no later than the fall semester immediately following the first anniversary of the student's completion of an associate's degree and has met the requirements for continued eligibility set forth in §705.A.6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1, and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:637 (April 1998), amended LR 24:1904 (October 1998), LR 25:257 (February 1999), LR 25:656 (April 1999), LR 25:1091 (June 1999), LR 26:67 (January 2000), LR 26:688 (April 2000), LR 26:1996 (September 2000), LR 26:2001 (September 2000), repromulgated LR 27:1853 (November 2001), amended LR 28:447 (March 2002), LR 28:772 (April 2002), LR 28:2332 (November 2002), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1163 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005), LR 33:437 (March 2007), LR 34:1390 (July 2008), LR 36:491 (March 2010), LR 36:2856 (December 2010), LR 38:3159 (December 2012), LR 40:1002 (May 2014), LR 41:664 (April 2015), LR 42:47 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:520 (March 2018), LR 47:40 (January 2021), LR 47:865 (July 2021), amended LR 47:869 (July 2021), LR 49:50 (January 2023).

Chapter 8. TOPS-Tech Award

§803. Establishing Eligibility

A. - A.6.a.i. ...

ii. for students graduating in the 2027 academic year (high school) and later, the high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting the following TOPS-Tech core curriculum.

Core Curriculum—TOPS-Tech Award	
Units	Course
1	English I
1	English II
2	English III, English IV, AP or IB English courses, Business English, Technical Writing, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the state Board of Elementary and Secondary Education.

Core Curriculum—TOPS-Tech Award	
Units	Course
1	Algebra I; or both Algebra I, Part 1 and Algebra I, Part 2; or an applied or hybrid algebra course
1	Geometry or an applied Geometry course
2	Algebra II, Math Essentials, Financial Literacy, Business Math, Algebra III, Advanced Math -Functions and Statistics, Advanced Math - Pre-Calculus, Pre-calculus, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the state Board of Elementary and Secondary Education. Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry, and Algebra II, and shall equal three mathematics credits
1	Biology
1	Chemistry I, Earth Science, Environmental Science, Agriscience I and Agriscience II (both for one unit), Physical Science, Physics, or AP or IB science courses
1	U.S. History, AP U.S. History, or IB U.S. History
1	Civics, Government, AP U.S. Government and Politics: Comparative, or AP U.S. Government and Politics: United States
9	In Jump Start course sequences, workplace experiences, and credentials. A student shall complete a regionally designed series of Career and Technical Education Jump Start coursework and workplace-based learning experiences leading to a statewide or regional Jump Start credential. This shall include courses and workplace experiences specific to the credential, courses related to foundational career skills requirements in Jump Start, and other courses, including career electives, that the Jump Start regional team determines are appropriate for the career major.

iii. for students graduating in the 2018 academic year (high school) and later, the high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting the following TOPS-Tech core curriculum.

Core Curriculum—TOPS-Tech Award	
Units	Course
1	English I
1	English II
2	English III, English IV, AP or IB English courses, Business English, Technical Writing, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the state Board of Elementary and Secondary Education.
1	Algebra I; or both Algebra I, Part 1 and Algebra I, Part 2; or an applied or hybrid algebra course
3	Geometry, Algebra II, Math Essentials, Financial Literacy, Business Math, Algebra III, Advanced Math - Functions and Statistics, Advanced Math - Pre-Calculus, Pre-calculus, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the state Board of Elementary and Secondary Education. Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry, and Algebra II, and shall equal three mathematics credits
1	Biology
1	Chemistry I, Earth Science, Environmental Science, Agriscience I and Agriscience II (both for one unit), Physical Science, Physics, or AP or IB science courses
1	U.S. History, AP U.S. History, or IB U.S. History
1	Civics, Government, AP U.S. Government and Politics: Comparative, or AP U.S. Government and Politics: United States

Core Curriculum—TOPS-Tech Award	
Units	Course
9	In Jump Start course sequences, workplace experiences, and credentials. A student shall complete a regionally designed series of Career and Technical Education Jump Start coursework and workplace-based learning experiences leading to a statewide or regional Jump Start credential. This shall include courses and workplace experiences specific to the credential, courses related to foundational career skills requirements in Jump Start, and other courses, including career electives, that the Jump Start regional team determines are appropriate for the career major.

iv. for students graduating in the 2015-2016 academic year (high school) and later, the high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting the following TOPS-Tech core curriculum.

Core Curriculum—TOPS-Tech Award	
Units	Course
1	English I
1	English II
2	English III, English IV, AP or IB English courses, Business English, Technical Writing, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the state Board of Elementary and Secondary Education.
1	Algebra I; or both Algebra I, Part 1 and Algebra I, Part 2; or an applied or hybrid algebra course
3	Geometry, Algebra II, Math Essentials, Financial Literacy, Business Math, Algebra III, Advanced Math - Functions and Statistics, Advanced Math - Pre-Calculus, Pre-calculus, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the state Board of Elementary and Secondary Education. Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry, and Algebra II, and shall equal three mathematics credits
1	Biology
1	Chemistry I, Earth Science, Environmental Science, Agriscience I and Agriscience II (both for one unit), Physical Science, or AP or IB science courses
1	U.S. History, AP U.S. History, or IB U.S. History
1	Civics, Government, AP U.S. Government and Politics: Comparative, or AP U.S. Government and Politics: United States
9	In Jump Start course sequences, workplace experiences, and credentials. A student shall complete a regionally designed series of Career and Technical Education Jump Start coursework and workplace-based learning experiences leading to a statewide or regional Jump Start credential. This shall include courses and workplace experiences specific to the credential, courses related to foundational career skills requirements in Jump Start, and other courses, including career electives, that the Jump Start regional team determines are appropriate for the career major.

v. for students graduating in the 2000-2001 school year through the 2012-2013 school year, the high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting the following TOPS-Tech core curriculum.

Core Curriculum—TOPS-Tech Award	
Units	Course
1	English I
1	English II
1	English III
1	English IV or substitute 1 unit of Business English
1	Algebra I; or both Algebra I, Part 1 and Algebra I, Part 2; or both Applied Mathematics I and Applied Mathematics II
2	Geometry, Applied Mathematics III, Algebra II, Financial Mathematics, Advanced Mathematics I [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Pre-Calculus], Advanced Mathematics II [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Functions and Statistics], Discrete Mathematics, or Probability and Statistics (2 units). Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry and Algebra II, and shall be considered the equivalent of the 3 required math units
1	Biology
1	Chemistry or Applied Chemistry
1	Earth Science, Environmental Science, Physical Science, Integrated Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology or Agriscience I and II (both for 1 unit)
1	American History
1	World History, Western Civilization, or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, nonpublic)
Remaining Core Courses shall be Selected from One of the Following Options:	
Option 1—Total of 17 Units	
1	Fine Arts Survey or substitute 2 units of performance courses in music, dance, or theater; or substitute 2 units of visual art courses; or substitute 2 units of studio art courses; or a course from the Career and Technical Program of studies that is approved by the BESE (must be listed under the Vocational Education Course Offerings in Bulletin 741 or the updates to Bulletin 741); or substitute 1 unit as an elective from among the other subjects listed in this core curriculum
2	Foreign Language, Technical Writing, Speech I or Speech II
1	One unit from the secondary computer education program of studies that is approved by the BESE
or	
Option 2—Total of 19 Units	
4	In a career major comprised of a sequence of related specialty courses. In order for a student to use this option, the courses for the career major must be approved by BESE.
1	Credit in a basic computer course.
1	In related or technical fields. A related course includes any course which is listed under the student's major. A technical course is one that is listed in the approved career option plan for the high school at which the course is taken.

vi. for students graduating through the 2001-2002 school year, the TOPS-Tech core curriculum as follows.

Core Curriculum—TOPS-Tech Award	
Units	Course
1	English I
1	English II
1	English III
1	English IV or Business English

Core Curriculum—TOPS-Tech Award	
Units	Course
1	Algebra I (1 unit) or Applied Algebra IA and 1B (2 units)
1	Algebra II
1	Geometry or Applied Geometry, Trigonometry, Calculus or comparable Advanced Mathematics
1	Biology
1	Chemistry or Applied Physics
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II or Physics for Technology or Agriscience I and II (both for 1 unit)
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, non-public)
1	Fine Arts Survey or any approved vocational course in the areas of Agriscience, Business Education, Family and Consumer Science, Health Occupations, Marketing Education, Technology Education, or Trade and Industrial Education; (or substitute 2 units of performance courses in music, dance or theater; or 2 units of studio art or 2 units of visual art courses; or 1 elective from among the other subjects listed in this core curriculum)
2	In a single Foreign Language. (1 unit for students graduating from high school during the 1996-97 and 1997-98 school years.) or Technical Writing, Speech I or Speech II (2 units).
1/2	Computer Science, Computer Literacy or Business Computer Applications (or substitute at least 1/2 unit of an elective course related to computers that is approved by the state Board of Elementary and Secondary Education; or substitute at least 1/2 unit of an elective from among the other subjects listed in this core curriculum)

vii. for students graduating in the 2013-2014 school year through the 2016-2017 school year, the high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting the following TOPS-Tech core curriculum.

Core Curriculum—TOPS-Tech Award	
Units	Course
1	English I
1	English II
1	English III
1	English IV or substitute 1 unit of Business English
1	Algebra I; or both Algebra I, Part 1 and Algebra I, Part 2; or both Applied Mathematics I and Applied Mathematics II
2	Geometry, Applied Mathematics III, Algebra II, Financial Mathematics, Advanced Mathematics I [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Pre-Calculus], Advanced Mathematics II [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Functions and Statistics], Discrete Mathematics, or Probability and Statistics (2 units). Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry and Algebra II, and shall be considered the equivalent of the 3 required math units
1	Biology
2	Earth Science, Environmental Science, Physical Science, Integrated Science, Biology II, or Chemistry or Applied Chemistry, Chemistry II, Physics, Physics II or Physics for Technology or Agriscience I and II (both for 1 unit)
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, non-public)
Remaining Core Courses Shall Be Selected from One of the Following Options	

Core Curriculum—TOPS-Tech Award	
Units	Course
Option 1—Total of 17 Units	
1	Fine Arts Survey or drafting (one unit) or substitute 2 units of performance courses in music, dance, or theater; or substitute 2 units of visual art courses; or substitute 2 units of studio art courses; or a course from the Career and Technical Program of studies that is approved by the BESE (must be listed under the Vocational Education Course Offerings in Bulletin 741 or the updates to Bulletin 741); or substitute 1 unit as an elective from among the other subjects listed in this core curriculum
2	Foreign Language, Technical Writing, Speech I or Speech II
1	One unit from the secondary computer education program of studies that is approved by the BESE
or	
Option 2—Total of 19 Units	
4	In a career major comprised of a sequence of related specialty courses. In order for a student to use this option, the courses for the career major must be approved by BESE.
1	Credit in a basic computer course
1	In related or technical fields. A related course includes any course which is listed under the student's major. A technical course is one that is listed in the approved career option plan for the high school at which the course is taken.

A.6.b.i. - E.2.c.ii. ...

F. 2021 Natural Disaster Initial Eligibility Requirements

1. To establish eligibility for a TOPS Tech Award, a displaced student graduating from high school or completing a BESE approved home study program at the 12th grade level during the 2021-2022 academic year (high school) must meet all of the requirements of §803.A, except as follows.

a. A displaced student who has been certified by the principal or headmaster to have graduated during the 2021-2022 academic year (high school) from an out-of-state high school that meets the criteria of an eligible out-of-state high school as provided in §1701.A.4 and 5 shall not be required to have for the respective awards a higher minimum composite score on the ACT or on the scholastic aptitude test than required for a student who graduates from an eligible Louisiana high school.

b. The requirement that a student who graduates from an eligible Louisiana high school during the 2021-2022 academic year (high school) must have successfully completed the applicable core curriculum shall be waived for a displaced student based upon a sworn affidavit by the student's high school principal or headmaster or authorized designee that failure to comply with such requirement is due solely to the fact that the required course or courses were not available to the student at the school attended.

c. A displaced student shall be deemed to meet the Louisiana residency requirement if:

i. such dependent or independent student actually resided in Louisiana during the entire 2020-2021 academic year (high school) and was enrolled for such time in an eligible Louisiana high school and graduated from high school during 2021-2022 academic year (high school); or

ii. such dependent student has a parent or court-ordered custodian who actually resided in a parish listed in §803.F.2. for at least the 12 months prior to August 27, 2021.

d. A dependent student who graduated from an eligible out-of-state high school shall be deemed to meet the

Louisiana residency requirement if his parent or court-ordered custodian was displaced as a resident from a parish listed in §803.F.2.

e. A displaced student who during the 2021-2022 academic year (high school) successfully completes at the 12th grade level a home study program approved by BESE shall not be required to have also completed the 11th grade level of an approved home study program.

2. For the purposes of this Subsection, *displaced student* means a student who on August 27, 2021, was actually residing in Jefferson, Lafourche, Livingston, Plaquemines, St. Charles, St. Helena, St. James, St. John the Baptist, Tangipahoa, or Terrebonne Parish, and:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

ii. was enrolled in a home study program approved by BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1904 (October 1998), amended LR 24:2237 (December 1998), LR 25:1795 (October 1999), LR 26:65 and 67 (January 2000), LR 26:1602 (August 2000), LR 26:1997 (September 2000), LR 26:2269 (October 2000), LR 26:2754 (December 2000), LR 27:36 (January 2001), LR 27:1220 (August 2001), repromulgated LR 27:1854 (November 2001), amended LR 28:447 (March 2002), LR 28:773 (April 2002), LR 28:2330 (November 2002), LR 29:554 (April 2003), LR 30:1164 (June 2004), LR 30:2019 (September 2004), LR 31:39 (January 2005), LR 31:3114 (December 2005), LR 33:437 (March 2007), LR 33:2614 (December 2007), LR 35:230 (February 2009), LR 36:491 (March 2010), LR 36:2270 (October 2010), LR 36:2856 (December 2010), LR 38:3159 (December 2012), LR 41:654 (April 2015), LR 41:2597 (December 2015), LR 42:48 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:523 (March 2018), LR 44:1874 (October 2018), LR 45:1172 (September 2019), LR 47:40 (January 2021), LR 47:866 (July 2021), LR 47:870 (July 2021), LR 49:51 (January 2023).

§805. Maintaining Eligibility

A. - H.3. ...

I. 2021 Natural Disaster Maintaining Eligibility Requirements

1. To continue receiving the TOPS Tech Award, a displaced student must meet all of the criteria in §805.A-C above, except as follows.

a. The TOPS Award of a displaced student who enrolls as a full-time student in an eligible out-of-state college or university during the 2021-2022 academic year (TOPS) and subsequently enrolls at a Louisiana-eligible college or university shall not be cancelled or reduced due to enrollment in an eligible out-of-state institution during the 2021-2022 academic year (TOPS).

b. The period of suspension of a TOPS Award for a displaced student due to the student not meeting a requirement to maintain a minimum grade point average or to make steady academic progress shall be extended on a one-for-one basis for each semester or term in which the student does not enroll on a full-time basis in an eligible college or university during the 2021-2022 academic year (TOPS).

c. A displaced student shall not be required to meet the minimum academic progress requirements set forth in §805.A.8.

d. A displaced student shall not be required to meet the steady academic progress requirements set forth in §805.A.6.

e. A displaced student shall not be required to meet the continuation GPA requirements set forth in §805.A.7.

2. For the purposes of this Subsection, *displaced student* means a student whose home of record on August 27, 2021, was located in, or who, on August 27, 2021, was attending a postsecondary institution located in Jefferson, Lafourche, Livingston, Plaquemines, St. Charles, St. Helena, St. James, St. John the Baptist, Tangipahoa, or Terrebonne Parish.

3. For the purposes of this Subsection, *home of record for a dependent student* shall mean the domiciliary address of the student's parent or court-ordered custodian and for an independent student shall mean the domiciliary address of such student.

4. Notwithstanding the definition of *displaced student* set forth in Subsection I.2, the provisions of this Section shall apply to any student who, on August 27, 2021, was a member of the Louisiana National Guard called to active duty to assist in the preparation for and response to Hurricane Ida.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1905 (October 1998) amended LR 25:1091 (June 1999), LR 26:68 (January 2000), LR 26:689 (April 2000), LR 26:1997, 2002 (September 2000), repromulgated LR 27:1856 (November 2001), amended LR 28:774 (April 2002), LR 28:2332 (November 2002), LR 29:880 (June 2003), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1165 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005), LR 33:438 (March 2007), LR 35:1489 (August 2009), LR 38:3160 (December 2012), LR 40:1002 (May 2014), LR 41:666 (April 2015), LR 41:2598 (December 2015), LR 42:49 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:527 (March 2018), LR 47:41 (January 2021), LR 47:867 (July 2021), LR 47:871 (July 2021), LR 49:54 (January 2023).

Chapter 21. Miscellaneous Provisions and Exceptions

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

A. - H.6. ...

I. 2021 Natural Disaster Exceptions

1. For the purposes of this subsection, *displaced students* are TOPS, Rockefeller State Wildlife Scholarship, and GO Youth Challenge recipients and students eligible for TOPS whose home of record on August 27, 2021, was located in, or who, on August 27, 2021, was attending a postsecondary institution located in Jefferson, Lafourche, Livingston, Plaquemines, St. Charles, St. Helena, St. James, St. John the Baptist, Tangipahoa, or Terrebonne Parish.

2. For the purposes of this Subsection, *home of record* is:

a. the domiciliary address of a dependent student's parent or court-ordered custodian; or

b. the domiciliary address of an independent student.

3. For the 2021-2022 academic year (TOPS), displaced students are not required to enroll as full-time students, to maintain continuous enrollment, or to earn at least 24 hours during the 2021-2022 academic year (TOPS).

4. Displaced students who are Rockefeller State Wildlife Scholarship recipients may enroll full-time or part-time in a college or university that does not offer a course of study leading to an undergraduate or graduate degree in wildlife, forestry or marine science.

a. Upon request of the student, the eligible college or university may bill for the Rockefeller State Wildlife Scholarship for these students.

b. The amount paid for any such semester of enrollment in accordance with this Subsection shall reduce the student's total eligibility for the Rockefeller State Wildlife Scholarship Program.

c. Institutions must document the displaced student's request for payment in accordance with this Subsection.

d. Any grades earned by a displaced student who enrolls in school during the 2021-2022 in accordance with this Subsection will be included in the calculation of the student's cumulative grade point average.

6. For the 2021-2022 academic year (TOPS), students who are not *displaced students*, but who, due to the effects of Hurricane Ida, were unable to enroll for the first time as full time students by the applicable deadline, to enroll as full-time students, to maintain continuous enrollment in school, or to earn 24 hours during the 2021-2022 academic year (TOPS) may submit a request for exception in accordance with §2103.D based on the circumstances provided in §2103.E.12.

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), amended LR 23:1648 (December 1997), repromulgated LR 24:647 (April 1998), amended LR 24:1916 (October 1998), LR 26:1015 (May 2000), LR 26:2002 (September 2000), LR 27:36 (January 2001), repromulgated LR 27:1866 (November 2001), amended LR 27:1875 (November 2001), LR 28:46 (January 2002), LR 28:449 (March 2002), LR 28:775 (April 2002), LR 28:2330 and 2333 (November 2002), LR 29:126 (February 2003), LR 29:2373 (November 2003), LR 29:2373 (November 2003), LR 30:785 (April 2004), LR 30:1167 (June 2004), LR 31:1060 (May 2005), LR 33:440 (March 2007), LR 35:1233 (July 2009), LR 38:3160 (December 2012), LR 41:657, 667 (April 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:562 (March 2018), LR 45:1173 (September 2019), LR 47:862 (July 2021), LR 47:867 (July 2021), LR 47:871 (July 2021), LR 49:54 (January 2023).

Chapter 24. Geaux Teach Program

§2401. General Provisions

A. Act 463 of the 2022 Regular Session of the Louisiana Legislature establishes the Geaux Teach Program in R.S. 17:7.6 et seq.

B. Description and Purpose. The Geaux Teach Program provides scholarships to students who are enrolled in teacher preparation programs at the state's postsecondary institutions that are approved by the Board of Elementary and Secondary Education (BESE). In addition, up to 20 percent of the available funding may be awarded to students attending certified alternative teacher preparation programs approved by BESE.

C. Effective Date. Awards shall be made, and these rules shall apply, beginning with the 2022-2023 academic year.

D. Authority to Audit. By participating in the scholarship and grant programs administered by the board and described in LAC 28:IV, all participants grant the board, LOSFA, and the Louisiana Legislative Auditor the right to inspect records and perform on-site audits of each institution's administration of the programs for the purpose of determining the institution's compliance with state law and the board's rules and regulations.

E. Discrimination Prohibition. The exclusion of a person from equal opportunity for a Geaux Teach Program scholarship by the board because of race, religion, sex, handicap, national origin, or ancestry is prohibited. No policy or procedure of this agency shall be interpreted as superseding or contradicting this prohibition.

F. Criminal Penalties. If an erroneous award has been made and the board determines that the award was made based upon incorrect information submitted by the student or the student's parent(s) or court-ordered custodian, the board may seek reimbursement from the student, the student's parent(s) or court-ordered custodian, and if it is further determined that the award was made due to an intentional misrepresentation by the student, the student's parent(s) or court-ordered custodian, then the board shall refer the case to the attorney general for investigation and prosecution. If a student or the student's parent(s) or court-ordered custodian is suspected of having intentionally misrepresented the facts which were provided to the board and used by it to determine the eligibility of the student for the program and the board has referred the case to the attorney general for investigation, then the student shall remain ineligible for future award consideration pending an outcome of said investigation which is favorable to the student.

G. Award Amount

1. The award amount shall be applied only to tuition, fees, textbooks, and instructional materials required for enrollment. Geaux Teach Program scholarships shall be awarded after all state and institutional financial aid are applied.

2. The maximum annual award amount shall be \$5,000.

3. Each postsecondary institution/provider shall determine the award amounts for eligible students attending teacher certification programs at that institution/provider based on the requirements in these rules, the allocation to the institution/provider, the institution's/provider's financial aid packaging policy for this program, and the guidance established by the board and published by LOSFA.

H. The total amount awarded for Geaux Teach Program scholarships during any academic year is limited to the total amount appropriated for the award for the academic year. Eligibility for an award during any particular semester, quarter or term does not guarantee that a student will receive the Geaux Teach Program scholarship in a subsequent semester, quarter or term.

I. Allocation of Funds to Postsecondary Institutions

1. The amount allocated to an eligible institution during the 2022-2023 academic year will be divided equally among all institutions having one or more qualified programs of study.

2. Beginning in the 2023-2024 academic year, allocations to institutions will be determined by dividing the amount of the institution's prior year's allocation that was expended by the total amount appropriated for that academic year multiplied by the total amount appropriated for the current year.

J. Allocation of Funds to Providers

1. The amount allocated to an eligible provider during the 2022-2023 academic year will be divided equally among all providers having one or more qualified programs of study.

2. Beginning in the 2023-2024 academic year, allocations to providers will be determined by dividing the amount of the provider's prior year's allocation that was expended by the total amount appropriated for that academic year multiplied by the total amount appropriated for the current year.

K. Reallocation of Funds

1. Uncommitted funds allocated to a particular institution shall be reallocated if not committed by the deadline set by LOSFA. Uncommitted funds shall be apportioned among those institutions that have committed all funds allocated to the institution before the deadline and have students who are eligible for an award and did not receive it or who did receive an award but did not receive the maximum award amount for which they were eligible.

2. Uncommitted funds allocated to a particular provider shall be reallocated if not committed by the deadline set by LOSFA. Uncommitted funds shall be apportioned among those providers that have committed all funds allocated to the provider before the deadline and that have students who are eligible for an award and did not receive it or who did receive an award but did not receive the maximum award amount for which they were eligible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 49:55 (January 2023).

§2403. Definitions

A. Words and terms not otherwise defined in this Chapter shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa. The term "the board" refers to the Louisiana Board of Regents.

Academic Year—for purposes of this program, the academic year begins on July 1 and ends on the following June 30.

Administering Agency—the Louisiana Board of Regents (the Board) through the Louisiana Office of Student Financial Assistance (LOSFA).

Alternative Teacher Certification Program Provider (Provider)—a provider of a certified teacher alternative teacher preparation program approved by the Board of Elementary and Secondary Education.

Continuous Enrollment—full-time enrollment in an approved program during the fall and spring semesters, or full time enrollment in the fall, winter, and spring quarters.

Eligible Postsecondary Institution—postsecondary institutions at which the Board of Elementary and Secondary Education has approved a teacher preparation program.

Louisiana Resident—

a. a dependent or independent student whose true, fixed, and permanent home of residence is Louisiana as reported on the free application for federal student aid (FAFSA);

b. a dependent student whose non-custodial parent completes a residency affidavit in Subparagraph f below that establishes Louisiana residency;

c. a veteran of the United States Armed Forces who received an honorable discharge or general discharge under honorable conditions within the 24 months preceding the date of application and who has become a resident of Louisiana since separation from the United States Armed Forces;

d. the spouse or dependent child of a resident of Louisiana on active duty with the United States Armed Forces who is stationed outside Louisiana but who claims Louisiana as the state of legal residence and who has filed a Louisiana state income tax return for the most recent two years; or

e. the spouse or dependent child of a nonresident of Louisiana on active duty with the United States Armed Forces who is stationed in Louisiana under permanent change of station orders and who, not later than one hundred eighty days after reporting, changes his military personnel records to establish Louisiana as the official state of legal residence and complies with Louisiana income tax laws and regulations for the time period while stationed in Louisiana.

f. Residency may be established by completion of a standard affidavit developed by the board. Such affidavits must be completed in their entirety by the independent student applicant or by at least one parent of the dependent student applicant and be sworn to and notarized by a licensed notary public. Further, the affiant shall be required to submit records in support of the affidavit to include the following records and such other records as may be required by the board:

i. if registered to vote, a Louisiana voter registration card; and

ii. if licensed to drive a motor vehicle, a Louisiana driver's license; and

iii. if owning a motor vehicle located in Louisiana, a Louisiana registration for that vehicle; and

iv. if earning a reportable income, a Louisiana tax return.

Eligible Postsecondary Institution—postsecondary institutions at which the Board of Elementary and Secondary Education has approved a teacher preparation program.

Qualified Program of Study—an approved teacher preparation program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 49:56 (January 2023).

§2405. Initial Eligibility

A. To be eligible for Geaux Teach Program scholarship, a student must:

1. be a United States citizen who is registered with the Selective Service, if required;

2. be a Louisiana Resident for at least two full years prior to July 1 immediately preceding the academic year in

which the student will be enrolled in a qualified program of study;

3. be enrolled full-time in an approved teacher preparation program at a Louisiana postsecondary institution or enrolled in an approved, alternative certified teacher education program through the fourteenth class day at an institution/provider operating on a semester basis, or through the ninth class at an institution/provider operating on a quarter basis;

4. have at least a 2.50 cumulative college grade point average;

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 49:56 (January 2023).

§2407. Continuing Eligibility

A. To maintain eligibility to receive a Geaux Teach Program scholarship, a student must:

1. have received the award for not more than four academic years;

2. maintain a minimum cumulative college grade point average of at least a 2.50;

3. enroll full time in an approved teacher preparation program at a Louisiana postsecondary institution or enrolled in an approved, alternative certified teacher education program through the fourteenth class day at an institution/provider operating on a semester basis, or through the ninth class at an institution/provider operating on a quarter basis.

4. maintain continuous enrollment, unless granted an exception for cause in accordance with §2103 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 49:57 (January 2023).

§2409. Responsibilities of Eligible Postsecondary Institutions and Alternative Teacher Certification Program Providers

A. Initial Eligibility. Eligible institutions and providers must determine the requirements set forth in §2405.A.1-4.

B. Continuing Eligibility. Eligible Louisiana institutions must determine the requirements set forth in §2407.A.2-4.

C. Packaging Policy

1. Eligible institutions/providers must establish and use a policy on Geaux Teach Program packaging that provides:

a. procedures for compliance with these rules and the guidance established by the board and published by LOSFA for determining the award amount;

b. record retention to comply with Subsection H of this Section;

c. the basis used to establish any award amount that is less than the maximum award amount allowed;

2. Eligible Louisiana institutions must revise the institution's Geaux Teach Program packaging policy as necessary to reflect changes to the Geaux Teach Program rules or guidance issued by the board.

D. Award Amount. Eligible Louisiana institutions must establish the award amounts for each individual student based on the institution's/provider's packaging policy. The amount awarded must comply with the requirements and

limitations established in these rules and the guidance published by LOSFA.

E. Submission of Payment Requests. Each semester, quarter or term, eligible Louisiana institutions/providers shall submit a payment request to LOSFA for students enrolled at the institution/provider who have been determined eligible for a Geaux Teach Program scholarship as follows:

1. for each student eligible for a Geaux Teach Program scholarship who is enrolled at the end of the fourteenth class day for semester schools, or the ninth class day for quarter and term schools, or for any qualifying summer sessions, at the end of the last day to drop and receive a full refund for the full summer session;

2. the payment request shall include the:

a. Social Security number;

b. college code/provider name;

c. term;

d. date;

e. hours attempted;

f. award amount;

g. the CIP code for the program of study in which the student is enrolled;

h. the degree level code for the program of study in which the student is enrolled;

i. the increment key assigned by the board that provides each program a unique key for the program of study in which the student is enrolled; and

j. amount requested for each student;

3. for students who are enrolled in more than one eligible Louisiana institution, the home school (school paying the Pell Grant or a financial need grant) is responsible for submitting a payment request for the Geaux Teach Program based on the total hours enrolled at all institutions.

F. Certification of Student Data

1. At the end of each semester, term, or quarter, institutions/providers shall report the following student data:

a. semester hours attempted; and

b. semester hours earned; and

c. semester quality points earned; and

d. resignation from the institution or withdrawal from all courses; and

e. a student's completion of a program of study.

G. Over Payments

1. No institution shall submit a payment request for Geaux Teach funds which would result in a student receiving an annual total of more than is authorized in §2401.G.

2. Eligible Louisiana institution/provider certifies by submitting a payment request for a Geaux Teach Program scholarship that the institution will reimburse LOSFA:

a. for the total amount of any award that is disbursed to ineligible students; and

b. for any amount of an award that is in excess of the maximum annual award.

H. Excess Award. In the event an excess award occurs during the fall semester or quarter or the winter quarter due to receipt of additional state or institutional financial aid, the institution/provider shall reduce the award amount for the spring accordingly. In the event an excess award occurs during the spring semester or quarter due to receipt of additional state or institutional financial aid, the

institution/provider shall document the reason for the excess award.

I. Records Retention. Records pertaining to the Geaux Teach Program are subject to audit as required by the board and the Louisiana Legislative Auditor. Institutions and providers shall maintain all records for a minimum of three years from creation. All such records shall be made available upon request by the board and/or the Louisiana Legislative Auditor.

J. Each eligible institution/provider shall provide a copy of its Geaux Teach Program packaging policy as required by this section to LOSFA, when requested.

K. Audits. Institutions/providers that participate in the Geaux Teach Program grant LOSFA and the Louisiana Legislative Auditor the right to inspect records and perform on-site audits of each institution's/provider's administration of the program for the purpose of determining the institution's/provider's compliance with state law and applicable rules and regulations.

AUTHORITYNOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 49:57 (January 2023).

§2411. Responsibilities of the Louisiana Office of Student Financial Assistance

A. LOSFA shall provide a residency affidavit that must be completed by an applicant who is determined not to have met the Louisiana residency requirement set forth in these rules.

B. LOSFA shall determine whether an applicant meets the continuing eligibility criteria set forth in §2407.A.1.

C. LOSFA shall pay each eligible institution/provider the amount requested by the eligible college in accordance with the provisions of §2409.E.

D. LOSFA shall maintain a database of all students who have received Geaux Teach Program scholarship, including, but not limited to, all information reported by eligible colleges in accordance with §2209. In the event LOSFA receives a payment request in an amount that would exceed the maximum amount payable to a student, LOSFA will require the school to rebill.

E. LOSFA shall audit eligible Louisiana institutions to ensure compliance with these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 49:58 (January 2023).

§2413. Responsibilities of the Louisiana Board of Regents

A. The Louisiana Board of Regents shall promulgate rulemaking to implement the Geaux Teach Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 49:58 (January 2023).

Robyn Rhea Lively
Senior Attorney

2301#077

RULE

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

Education Savings Account Rollover
(LAC 28:VI.311)

The Tuition Trust Authority has amended its START Saving Program rules (R.S. 17:3091 et seq.). This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

**Part VI. Student Financial Assistance — Higher
Education Savings**

Chapter 3. Education Savings Account

**§311. Termination, Refund, and Rollovers of an
Education Savings Account**

A. - H.3.c. ...

4. An account owner may not rollover any part or all of the value of an ESA to a START K12 account.

5. Beginning August 1, 2022, an account owner may rollover any or all of the value of an ESA to a START K12 account. Earnings enhancements may not be transferred to a START K12 account and will remain in the ESA for use by the beneficiary for qualified higher education expenses.

AUTHORITY NOTE: Promulgated in accordance with 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:717 (June 1997), amended LR 24:1273 (July 1998), repromulgated LR 26:2265 (October 2000), amended LR 27:38 (January 2001), LR 27:1882 (November 2001), LR 28:779 (April 2002), LR 30:790 (April 2004), LR 31:639 (March 2005), LR 32:1434 (August 2006), LR 32:2240 (December 2006), LR 33:444 (March 2007), LR 35:236 (February 2009), LR 36:492 (March 2010), LR 36:2551 (November 2010), LR 39:2238 (August 2013), LR 42:1080 (July 2016), LR 44:1877, 1887 (October 2018), LR 47:42 (January 2021), LR 49:58 (January 2023).

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RULE

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

One-Time Wastes Excluded—Marine Shale Processors
(MSP) Site PRP Group
(LAC 33:V.4999) (HW129)

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 Hazardous Waste regulations, LAC 33:V.4999.Appendix E (HW129).

The Marine Shale Processors Site PRP Group (the Group) has petitioned to exclude (delist) from the hazardous waste regulations ash generated by activities conducted by Marine

Shale Processors, Inc. (MSP, Inc.) at the Marine Shale Processors (MSP) Site in Amelia, Louisiana. This is a one-time delisting which applies to ash (referred to by MSP, Inc. as either primary aggregate or vitrified aggregate) what was used as fill by MSP, Inc. at the MSP Site to build up the elevation of the property. The delisting has been requested to facilitate management of approximately 11,400 cubic yards of ash through removal to off-site disposal of the ash and any associated contaminated media.

The delisting program is regulated by LAC 33:V.105.M, which includes a formal rulemaking process. Applicants who wish to exclude a particular waste from the list of hazardous wastes must submit a petition and satisfy all other requirements of LAC 33:V.105.M. The exclusion, if granted, applies only to the ash used as fill located at the MSP Site in Amelia, Louisiana. LDEQ has reviewed the Group's petition and found it satisfies the delisting requirements of LAC 33:V.105.M. LDEQ used the Delisting Risk Assessment Software (DRAS) in the evaluation of the impact of the petitioned waste on human health and the environment.

The ash was generated as residue of MSP, Inc.'s combustion of various wastes, including hazardous and nonhazardous wastes and contaminated media, in a rotary kiln incinerator at the MSP Site in Amelia, Louisiana. The Group analyzed the ash for all underlying hazardous constituents. The department's action to grant the petition is based on the evaluation of the information provided by the petitioner, including the analytical data, and the department's analysis of the information, including results of the DRAS assessment. The basis and rationale for this Rule are based on an evaluation of the information provided by the petitioner, including the analytical data, and the department's analysis of the information that includes results of the Delisting Risk Assessment Software (DRAS) assessment. From this information, the department has determined that the ash does not warrant listing as a hazardous waste, as the ash does not exhibit any hazardous waste characteristics. The Group has complied with the delisting requirements as outlined in LAC 33:V.105. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

§4999. Appendices—Appendix A, B, C, D, and E

Appendix A. - Appendix D. ...

Appendix E. Wastes Excluded under LAC 33:V.105.M

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

Table 1—Wastes Excluded
BFI Waste Systems of Louisiana LLC, Colonial Landfill, Sorrento, LA

Table 1—Wastes Excluded
Denka Performance Elastomer LLC, LaPlace, LA

Table 1—Wastes Excluded
Lyondell Chemical Company, Lake Charles, LA

Table 1—Wastes Excluded
Marathon Oil Co., Garyville, LA

Table 1—Wastes Excluded
Motiva Enterprises LLC, Norco, LA

Table 1—Wastes Excluded
Syngenta Crop Protection, Inc., St. Gabriel, LA

Table 2—One-Time Wastes Excluded
Murphy Exploration and Production Company, Amelia, LA

Table 2—One-Time Wastes Excluded
Conrad Industries, Inc. (Conrad), Morgan City, LA

Table 2—One-Time Wastes Excluded
Marine Shale Processors, Inc., Amelia, LA
Hazardous waste incinerator ash generated by Marine Shale Processors, Inc. (MSP, Inc.) as a result of its combustion of various wastes, including hazardous and nonhazardous wastes and contaminated media, in a rotary kiln incinerator at the Marine Shale Processors (MSP) Site in Amelia, Louisiana. MSP, Inc. used the ash (referred to by MSP, Inc. as either primary aggregate or vitrified aggregate) as fill at the MSP Site to build up the elevation of the property. For the purpose of this exclusion, MSP, Inc. generated ash used as fill material at the MSP Site in Amelia, Louisiana includes all hazardous waste codes listed in LAC 33:V.4901. This is a one-time exclusion for approximately 11,400 cubic yards of MSP, Inc. generated ash used as fill at the MSP site in Amelia, Louisiana for the purpose of excavation, transportation, and disposal in a Subtitle D landfill.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, LR 20:1000 (September 1994), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:944 (September 1995), LR 22:830 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2397 (December 1999), LR 26:2509 (November 2000), LR 29:1084 (July 2003), promulgated LR 29:1475 (August 2003), amended by the Office of Environmental Assessment, LR 30:2464 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:445 (March 2007), LR 33:825 (May 2007), LR 33:1016 (June 2007), LR 34:73 (January 2008), LR 34:1021 (June 2008), LR 34:1613 (August 2008), amended by the Office of the Secretary, Legal Division, LR 38:2757 (November 2012), LR 40:1692 (September 2014), LR 42:2179 (December 2016), LR 43:1149 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2139 (November 2017), amended by the Office of the Secretary, Legal Affairs Division, LR 49:59 (January 2023).

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2301#020

RULE

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

Radiation Protection
(LAC 33:XV.Chapter 5, Chapter 7, Chapter 15, Chapter 16,
Chapter 17, and Chapter 20) (RP070ft)

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 Radiation Protection regulations, LAC 33:XV.503, 542, 544, 545, 551, 577, 732, 762, 763, 1508, 1519, 1599, 1609, 1613, 1623, 1739, and 2022 (Log #RP070ft).

This Rule is identical to federal regulations found in 10 CFR Part 20, 30, 34, 35, 36, 37, 39, 40, 70, and 71, which are applicable in Louisiana. For more information regarding the federal requirement, contact Deidra Johnson at (225) 219-3985. No fiscal or economic impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:963.A(2) and (3).

This Rule will update the regulations pertaining to individual monitoring devices and Nuclear Regulatory Commission (NRC) organizational changes, and will make miscellaneous corrections. This Notice of Intent was promulgated by the NRC as RATS IDs 2018-1, 2018-3, 2019-1 & 2, and 2020-1 & 3. This Rule will update the state regulations to be compatible with changes in the federal regulations. The basis and rationale for this Rule are to mirror the federal regulations and maintain an adequate agreement state program. This Notice of Intent meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part XV. Radiation Protection

**Chapter 5. Radiation Safety Requirements for
Industrial Radiographic Operations**

§503. Definitions

A. As used in this Chapter, the following definitions apply.

Independent Certifying Organization—an independent organization that meets all of the criteria of LAC 33:XV.599.Appendix A, B and C.

Radiographer—any individual who performs or who, in attendance at the site where the sealed source or sources are being used, personally supervises industrial radiographic operations and who is responsible to the licensee for assuring compliance with the requirements of the department's regulations and the conditions of the license, and has successfully completed the training, testing, and documentation requirements contained in LAC 33:XV.575.A.

Shielded-Room Radiography—Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), LR 23:1138 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2581 (November 2000), LR 26:2772 (December 2000), LR 27:1231 (August 2001), LR 29:34 (January 2003), LR 30:1189 (June 2004), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:1752 (December 2019), amended by the Office of the Secretary, Legal Affairs Division, LR 49:60 (January 2023).

Subchapter A. Equipment Control

§542. Storage and Transportation Precautions

A. ...

B. The licensee may not use a source changer or a container to store licensed material unless the source changer or the storage container has securely attached to it a durable, legible, and clearly visible label bearing the standard trefoil radiation caution symbol conventional colors, (i.e., magenta, purple, or black on a yellow background) having a minimum diameter of 25 mm, and the wording:

CAUTION*
RADIOACTIVE MATERIAL
NOTIFY CIVIL AUTHORITIES
(or "NAME OF COMPANY")
* _____ or "DANGER".

C. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1232 (August 2001), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:1752 (December 2019), amended by the Office of the Secretary, Legal Affairs Division, LR 49:60 (January 2023).

**§544. Leak Testing, Repair, Tagging, Opening,
Modification, Replacement, and Records of
Receipt and Transfer of Sealed Sources**

A. ...

B. Each sealed source shall be tested for leakage at intervals not to exceed six months. In the absence of a certificate from a transferor that a test has been made within the six-month period prior to the transfer, the sealed source shall not be put into use until tested. The leak testing of the source shall be performed using a method approved by the U.S. Nuclear Regulatory Commission or by an agreement state.

C. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment,

Environmental Planning Division, LR 26:2582 (November 2000), LR 27:1233 (August 2001), LR 29:1469 (August 2003), LR 30:1667 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 49:60 (January 2023).

§545. Quarterly Inventory

A. Each licensee and registrant shall conduct a quarterly physical inventory to account for all sealed sources and licensed or registered devices received or possessed under his or her license or registration, including devices containing depleted uranium. The records of the inventories shall be maintained for inspection by the department for at least three consecutive years from the date of the inventory and shall include the radionuclide, number of becquerels (curies) or mass (for DU) in each device, the location of sealed sources and/or devices, the date of the inventory, the name of individual(s) performing the inventory, the manufacturer, the model number, and the serial number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2582 (November 2000), LR 27:1233 (August 2001), LR 29:1816 (September 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 49:61 (January 2023).

§551. Notifications

A. - A.3. ...

B. The licensee or registrant shall include the following information in each report required by Subsection A of this Section and in each report of overexposure submitted under LAC 33:XV.487 that involves failure of safety components of radiography equipment:

B.1. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:1754 (December 2019), amended by the Office of the Secretary, Legal Affairs Division, LR 49:61 (January 2023).

Subchapter B. Personal Radiation Safety Requirements for Radiographers

§577. Personnel Monitoring Control

A. No licensee or registrant shall permit an individual to act as a radiographer, instructor, or radiographer trainee unless, at all times during radiographic operations, each such individual wears, on the trunk of the body, a direct-reading pocket dosimeter, an operating alarm ratemeter, and a personnel dosimeter, except that for permanent radiography facilities where other appropriate alarming or warning devices are in routine use, the wearing of an alarm ratemeter is not required.

B. Pocket dosimeters shall have a range of zero to at least 2 millisieverts (200 millirems) and shall be recharged at least daily or at the start of each shift. Electronic personal dosimeters may only be used in place of ion-chamber pocket dosimeters. Each personnel dosimeter shall be assigned to and worn only by one individual. Pocket dosimeters, or electronic personal dosimeters, shall be checked for correct

response to radiation at periods not to exceed one year. Acceptable dosimeters shall read within ± 20 percent of the true radiation exposure. Records of positive dosimeter response shall be maintained for three years by the licensee or registrant for department inspection.

C. Film badges shall be replaced at periods not to exceed one month and all other personnel dosimeters that require replacement shall be replaced at least quarterly. All personnel dosimeters shall be evaluated at least quarterly or promptly after replacement, whichever is more frequent.

D. Direct reading dosimeters, such as electronic personal dosimeters or pocket dosimeters, shall be read and exposures recorded at least daily with use at the beginning and end of each shift, and records shall be maintained for three years or until the Office of Environmental Compliance authorizes their disposition.

E. If an individual's pocket dosimeter is discharged beyond its range (i.e., goes "off-scale"), or an individual's electronic pocket dosimeter reads greater than 2 millisieverts (200 millirems) and the possibility of radiation exposure cannot be ruled out as the cause, industrial radiographic operations by that individual shall cease and the individual's personnel dosimeter that requires processing shall be sent for processing and evaluation within 24 hours. For personnel dosimeters that do not require processing, evaluation of the dosimeter shall be started within 24 hours. The individual shall not return to work with sources of radiation until a determination of the radiation dose has been made. This determination shall be made by the RSO or the RSO's designee. The results of this determination shall be recorded and maintained indefinitely or until the Office of Environmental Compliance authorizes their disposition.

F. ...

G. If a personnel dosimeter is lost or damaged, the worker shall cease work immediately until a replacement personnel dosimeter is provided and the exposure is calculated for the time period from issuance to loss or damage of the personnel dosimeter. The results of the calculated exposure and the time period for which the personnel dosimeter was lost or damaged shall be recorded and maintained indefinitely or until the Office of Environmental Compliance authorizes their disposition.

H. Each alarm ratemeter shall:

1. - 3. ...

4. be calibrated at periods not to exceed one year for correct response to radiation: acceptable ratemeters shall alarm within ± 20 percent of the true radiation dose rate. Records of calibrations shall be maintained for three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2583 (November 2000), LR 27:1235 (August 2001), LR 28:1951 (September 2002), LR 29:35 (January 2003), LR 29:1470 (August 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2531 (October 2005), LR 33:2184 (October 2007), amended by the Office of the Secretary, Legal Affairs Division, LR 49:61 (January 2023).

Chapter 7. Use of Radionuclides in the Healing Arts

§732. Permissible Molybdenum-99, Strontium-82, and Strontium-85 Concentrations

A. - A.3. ...

B. A licensee preparing technetium-99m radiopharmaceuticals from molybdenum-99/technetium-99m generators or rubidium-82 from strontium-82/rubidium-82 generators shall measure the molybdenum-99 concentration or the rubidium-82 concentration in each eluate or extract from a generator to demonstrate compliance with Subsection A of this Section.

C. - E.1.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2589 (November 2000), amended by the Office of the Secretary, Legal Division, LR 40:291 (February 2014), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 47:1857 (December 2021), amended by the Office of the Secretary, Legal Affairs Division, LR 49:62 (January 2023).

§762. Full Inspection Servicing for Teletherapy and Gamma Stereotactic Radiosurgery Units

A. A licensee shall have each teletherapy unit and gamma stereotactic radiosurgery unit fully inspected and serviced during each source replacement and at intervals not to exceed five years to ensure proper functioning of the source exposure mechanism and other safety components.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2590 (November 2000), LR 30:1186 (June 2004), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 47:1860 (December 2021), amended by the Office of the Secretary, Legal Affairs Division, LR 49:62 (January 2023).

§763. Training

A. - A.3.a. ...

b. is an authorized user, authorized medical physicist, or authorized nuclear pharmacist identified on a NRC or an agreement state license, a permit issued by a NRC master material licensee, a permit issued by a NRC or an agreement state licensee of broad scope, or a permit issued by a NRC master material license broad scope permittee, has experience with the radiation safety aspects of similar types of use of byproduct material for which the licensee seeks the approval of the individual as the radiation safety officer or associate radiation safety officer, and meets the requirements in Paragraph 4 of this Section; or

A.3.c. - B.6.b. ...

c. for uses authorized under LAC 33:XV.741 or 747, a physician who was certified on or before October 24, 2005, in radiology, therapeutic radiology, or radiation oncology by the American Board of Radiology; radiation

oncology by the American Osteopathic Board of Radiology; radiology, with specialization in radiotherapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology"; or therapeutic radiology by the Canadian Royal College of Physicians and Surgeons; and

B.6.d. - E.4.b. ...

c. who is certified by a medical specialty board whose certification process has been recognized by the NRC or an agreement state in accordance with Subsections F or I of this Section, and who meets the requirements in Subparagraph E.4.d of this Section;

E.4.d. - G.2.b.iv. ...

c. has obtained written attestation, signed by a preceptor authorized user who meets the requirements in Subsections B, F, G of this Section, or equivalent agreement state requirements, or NRC requirements that the individual has satisfactorily completed the requirements in Subparagraphs G.2.a and b of this Section and is able to independently fulfill the radiation safety-related duties as an authorized user of strontium-90 for ophthalmic use.

H. - M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2106 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2590 (November 2000), LR 30:1186 (June 2004), amended by the Office of Environmental Assessment, LR 31:1061 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:814 (May 2006), LR 34:983 (June 2008), LR 34:2121 (October 2008), LR 36:1772 (August 2010), amended by the Office of the Secretary, Legal Division, LR 38:2748 (November 2012), LR 40:1342 (July 2014), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:2138 (December 2018), LR 45:1179 (September 2019), LR 47:1860 (December 2021), amended by the Office of the Secretary, Legal Affairs Division, LR 49:62 (January 2023).

Chapter 15. Transportation of Radioactive Material

§1508. General License: NRC Approved Packages

A. - C.2. ...

3. submit in writing before the first use of the package to: ATTN: Document Control Desk, Director, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards, using an appropriate method listed in 10 CFR 71.1(a), the licensee's name and license number and the package identification number specified in the package approval.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1267 (June 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 34:2107 (October 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:1183 (September 2019), amended by the Office of the Secretary, Legal Affairs Division, LR 49:62 (January 2023).

§1519. Advance Notification of Shipment of Irradiated Reactor Fuel and Nuclear Waste

A. As specified in Subsections B, C, and D of this Section, each licensee shall provide advance notification to

the governor, or to the governor's designee, of the shipment of licensed material, within or across the boundary of Louisiana, before the transport, or delivery to a carrier for transport, of licensed material outside the confines of the licensee's plant or other place of use or storage.

A.1. - C.3. ...

a. Reserved.

b. Contact information for each state, including telephone and mailing addresses of governors and governors' designees, and participating tribes, including telephone and mailing addresses of tribal officials and tribal officials' designees, is available on the NRC website at: <https://scp.nrc.gov/special/designee.pdf>.

c. A list of the names and mailing addresses of the governors' designees and tribal officials' designees of participating tribes is available on request from the Director, Division of Materials Safety, Security, State, and Tribal Programs, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

C.4. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104.B and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1269 (June 2000), LR 26:2602 (November 2000), amended by the Office of Environmental Assessment, LR 30:2029 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2537 (October 2005), LR 33:2190 (October 2007), LR 34:2111 (October 2008), amended by the Office of the Secretary, Legal Division, LR 40:1928 (October 2014), LR 41:2325 (November 2015), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:2139 (December 2018), amended by the Office of the Secretary, Legal Affairs Division, LR 49:62 (January 2023).

§1599. Appendix—Incorporation by Reference of 10 CFR Part 71, Appendix A, Tables A-1, A-2, A-3, and A-4; Procedures for Determining A₁ and A₂

A. Tables A-1, A-2, A-3, and A-4 in 10 CFR Part 71, Appendix A, October 16, 2020, are hereby incorporated by reference. These tables are used to determine the values of A₁ and A₂, as described in Subsections B-F of this Section.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104.B and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:1270 (June 2000), amended LR 27:2233 (December 2001), LR 28:997 (May 2002), LR 29:701 (May 2003), LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 31:920 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:604 (April 2006), LR 33:641 (April 2007), LR 34:867 (May 2008), LR 34:2114 (October 2008), LR 35:1110 (June 2009), LR 36:2275 (October 2010), amended by the Office of the Secretary, Legal Division, LR 38:2748 (November 2012), LR 40:1929 (October 2014), amended by the Office of the Secretary Legal Affairs and Criminal Investigations Division, LR 45:1186 (September 2019), amended by the Office of the Secretary, Legal Affairs Division, LR 49:63 (January 2023).

Chapter 16. Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material

Subchapter B. Background Investigations and Access Control Program

§1609. Access Authorization Program Requirements

A. - B.1. ...

2. Each licensee shall name one or more individuals to be reviewing officials. After completing the background investigation on the reviewing official, the licensee shall provide under oath, or affirmation, a certification that the reviewing official is deemed trustworthy and reliable by the licensee. Provide oath or affirmation certifications to the Office of Environmental Compliance. The fingerprints of the named reviewing official shall be taken by a law enforcement agency, federal or state agencies that provide fingerprinting services to the public, or commercial fingerprinting services authorized by a state to take fingerprints. The licensee shall recertify that the reviewing official is deemed trustworthy and reliable every 10 years in accordance with LAC 33:XV.1611.C.

B.3. - H.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 41:2327 (November 2015), amended by the Office of the Secretary Legal Affairs Division, LR 49:63 (January 2023).

§1613. Requirements for Criminal History Records Checks of Individuals Granted Unescorted Access to Category 1 or Category 2 Quantities of Radioactive Material

A. - B.2. ...

C. Procedures for Processing of Fingerprint Checks

1. For the purpose of complying with this Subchapter, licensees shall use an appropriate method listed in 10 CFR 37.7 to submit to the U.S. Nuclear Regulatory Commission, Director, Division of Physical and Cyber Security Policy, 11545 Rockville Pike, ATTN: Criminal History Program/Mail Stop T-07D04M, Rockville, Maryland 20852, one completed, legible standard fingerprint card (Form FD-258, ORIMDNRCOOOZ), electronic fingerprint scan or, where practicable, other fingerprint record for each individual requiring unescorted access to category 1 or category 2 quantities of radioactive material. Copies of these forms may be obtained by MAILSVS.Resource@nrc.gov. Guidance on submitting electronic fingerprints can be found at <https://www.nrc.gov/security/chp.html>.

2. Fees for the processing of fingerprint checks are due upon application. Licensees shall submit payment with the application for the processing of fingerprints through corporate check, certified check, cashier's check, money order, or electronic payment, made payable to U.S. NRC. (For guidance on making electronic payments, contact the Division of Physical and Cyber Security Policy by emailing Crimhist.Resource@nrc.gov.) Combined payment for multiple applications is acceptable. The commission publishes the amount of the fingerprint check application fee on the NRC's public web site. (To find the current fee amount, go to the licensee criminal history records

checks and firearms background check information page at <https://www.nrc.gov/security/chp.html> and see the link for How do I determine how much to pay for the request?).

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 41:2329 (November 2015), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:2139 (December 2018), amended by the Office of the Secretary, Legal Affairs Division, LR 49:63 (January 2023).

Subchapter C. Physical Protection Requirements During Use

§1623. General Security Program Requirements

A. - D.1. ...

2. Efforts to limit access shall include the development, implementation, and maintenance of written policies and procedures for controlling access to, and for proper handling and protection against unauthorized disclosure of, the security plan, implementing procedures, and the list of individuals that have been approved for unescorted access.

3. Before granting an individual access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access, licensees shall:

a. evaluate an individual's need to know the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access; and

D.3.b. - 4.b. ...

5. The licensee shall document the basis for concluding that an individual is trustworthy and reliable and should be granted access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access.

6. Licensees shall maintain a list of persons currently approved for access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access. When a licensee determines that a person no longer needs access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access, or no longer meets the access authorization requirements for access to the information, the licensee shall remove the person from the approved list as soon as possible, but no later than seven working days, and take prompt measures to ensure that the individual is unable to obtain the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access.

7. When not in use, the licensee shall store its security plan, implementing procedures, and the list of individuals that have been approved for unescorted access in a manner to prevent unauthorized access. Information stored in nonremovable electronic form shall be password protected.

8. - 8.a. ...

b. the list of individuals approved for access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 41:2331 (November 2015), amended by the Office of the Secretary Legal Affairs Division, LR 49:64 (January 2023).

Chapter 17. Licensing and Radiation Safety Requirements for Irradiators

§1739. Personnel Monitoring

A. Irradiator operators shall wear a personnel dosimeter while operating a panoramic irradiator or while in the area around the pool of an underwater irradiator. The personnel dosimeter processor shall be capable of detecting high energy photons in the normal and accident dose ranges. Each personnel dosimeter shall be assigned to and worn by only one individual. Film badges shall be replaced at least monthly, and all other personnel dosimeters that require replacement shall be replaced at least quarterly. All personnel dosimeters shall be evaluated at least quarterly, or promptly after replacement, whichever is more frequent.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 24:2118 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:1470 (August 2003), amended by the Office of the Secretary Legal Affairs Division, LR 49:64 (January 2023).

Chapter 20. Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies

Subchapter A. Requirements for Personnel Safety

§2022. Personnel Monitoring

A. No licensee or registrant shall permit any individual to act as a logging supervisor or to assist in the handling of sources of radiation unless each such individual wears a personnel dosimeter at all times during the handling of licensed radioactive materials. Each personnel dosimeter shall be assigned to and worn by only one individual. Film badges shall be replaced at least monthly, and all other personnel dosimeters that require replacement shall be replaced at least quarterly. All personnel dosimeters shall be evaluated at least quarterly or promptly after replacement, whichever is more frequent.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2605 (November 2000), LR 29:1472 (August 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2539 (October 2005), LR 33:2191 (October 2007), amended by the Office of the Secretary Legal Affairs Division, LR 49:64 (January 2023).

Courtney J. Burdette
Executive Counsel

2301#019

RULE

**Department of Health
Board of Dentistry**

Dentists; Continuing Education Requirements
(LAC 46:XXXIII.103, 306, 706, and 710)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and particularly R.S. 37:760(8), the Department of Health, Board of Dentistry has amended LAC 46:XXXIII.103, 306, 706, and 710.

The Board of Dentistry has amended LAC 46:XXXIII.103 to allow the waiving of this requirement if the applicant for a dental license meets with the board and is determined to be qualified by other means to practice dentistry in this state.

The Board of Dentistry has amended LAC 46:XXXIII.306 to conform to the recently amended statute R.S. 37:761(C) by the Louisiana Legislature and will benefit applicants for dental and licensure by credentials as they will now be allowed to successfully complete an initial licensure examination in a United States jurisdiction that includes a hand skills assessment rather than a procedure on a live patient.

The Board of Dentistry has amended LAC 46:XXXIII.706 to conform to the recently amended statute R.S. 37:761(C) by the Louisiana Legislature and will benefit applicants for dental hygiene licensure by credentials as they will now be allowed to successfully complete an initial licensure examination in a United States jurisdiction that includes a hand skills assessment rather than a procedure on a live patient.

The Board of Dentistry has amended LAC 46:XXXIII.710 because not all states allow hygienists to perform local anesthesia; if a hygienist moves to one of those states, then wants to come back to Louisiana after two years or more, it is felt that additional training in local anesthesia is not necessary. This Rule is hereby adopted on the day of promulgation.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXIII. Dental Health Profession

Chapter 1. General Provisions

§103. Evidence of Graduation

A.1. ...

2. An applicant for a dental license who did not attend an accredited dental school or dental college must successfully complete a post-graduate CODA-approved program in either general dentistry or one of the board approved specialties listed in §122. The board may waive this requirement if the applicant meets with the board and is determined by the board to be qualified by other means to practice dentistry in this state.

A.2.a. - D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Dentistry, LR 10:88 (February 1984), amended by the Department of Health and Hospitals, Board of Dentistry, LR 24:1112 (June 1998), LR 26:488 (March 2000), LR 27:1890 (November 2001), LR 38:2770 (November 2012), repromulgated LR 39:87 (January 2013), amended LR 49:65 (January 2023).

Chapter 3. Dentists

**§306. Requirements of Applicants for Dental
Licensure by Credentials**

A. - A.4.d. ...

5. successfully completed an initial clinical licensure examination in a United States jurisdiction that included—a hand skills assessment;

A.6. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:739 (July 1992), amended LR 21:571 (June 1995), LR 22:23 (January 1996), LR 23:1528 (November 1997), LR 24:1114 (June 1998), LR 25:513 (March 1999), LR 26:692 (April 2000), LR 26:1612 (August 2000), repromulgated LR 27:1893 (November 2001), amended LR 28:1777 (August 2002), LR 30:2305 (October 2004), LR 31:927 (April 2005), LR 32:243 (February 2006), LR 33:846 (May 2007), LR 33:2652 (December 2007), LR 34:2564 (December 2008), repromulgated LR 35:67 (January 2009), amended LR 37:1405 (May 2011), LR 37:3515 (December 2011), repromulgated LR 38:355 (February 2012), amended LR 39:87 (January 2013), amended by the Department of Health, Board of Dentistry, LR 44:46 (January 2018), LR 48:299 (February 2022), LR 49:65 (January 2023).

Chapter 7. Dental Hygienists

**§706. Requirements of Applicants for Licensure by
Credentials (Hygienists)**

A. - A.4.b.

5. successfully completed an initial clinical licensure examination in a United States jurisdiction that included—a hand skills assessment;

A.6. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760(8) and R.S. 37:768.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:737 (July 1992), amended LR 21:570 (June 1995), LR 22:23 (January 1996), LR 24:1117 (June 1998), LR 25:513 (March 1999), LR 26:692 (April 2000), LR 26:1613 (August 2000), repromulgated LR 27:1894 (November 2001), amended LR 28:1778 (August 2002), LR 33:846 (May 2007), LR 33:2652 (December 2007), LR 34:2564 (December 2008), repromulgated LR 35:68 (January 2009), amended LR 39:88 (January 2013), amended by the Department of Health, Board of Dentistry, LR 44:46 (January 2018), LR 49:65 (January 2023).

**§710. Administration of Local Anesthesia for Dental
Purposes**

A. - D. ...

E. A dental hygienist who has been licensed and trained in a course equivalent to §710.B and C to administer local anesthesia in another state may qualify, at the discretion of the board, to be permitted to administer local anesthesia in Louisiana by presenting written documentation of such licensure and training to the board and documentation of experience. Factors to be considered are whether the dental

hygienist had satisfactorily completed a course at a dental hygiene school approved by the Commission on Dental Accreditation or by having successfully completed a continuing education course in local anesthesia comparable to the requirements set forth in §710.B and C.

F. - H. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1292 (July 1998), amended LR 25:1476 (August 1999), LR 26:1613 (August 2000), repromulgated LR 27:1894 (November 2001), amended LR 27:1892 (November 2001), LR 28:1779 (August 2002), LR 30:2306 (October 2004), LR 33:847 (May 2007), LR 42:58 (January 2016), LR 49:65 (January 2023).

Arthur Hickham, Jr.
Executive Director

2301#075

RULE

Department of Health Board of Pharmacy

Compounding (LAC 46:LIII.2535)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy has amended §2535 of its rules relative to standards for pharmacy compounding. The Rule changes in §2535 removes the reference to a specific edition of the United States Pharmacopeia-National Formulary thereby making the current edition applicable for pharmacy compounding. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 25. Prescriptions, Drugs, and Devices

§2535. General Standards

A. Compounding Practices. Compounded medications may be prepared using prescription medications, over-the-counter medications, chemicals, compounds, or other components.

1. A pharmacy shall have written procedures as necessary for the compounding of drug preparations to assure that the finished preparations have the identity, strength, quality, and purity they are represented to possess.

2. All compounding shall be accomplished utilizing accepted pharmacy techniques, practices, and equipment, and in compliance with the Federal Food, Drug and Cosmetic Act of 1938 (FDCA) as subsequently amended, the current edition of Title 21 of the Code of Federal Regulations (CFR), and all relevant chapters of the United States Pharmacopeia-National Formulary.

A.2.a - G.2.i. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 23:1316 (October 1997), LR 29:2105 (October 2003), effective January 1, 2004, LR 41:97 (January 2015), amended by the Department of Health, Board of Pharmacy, LR 42:891 (June 2016), LR 46:577 (April 2020), amended LR 49:66 (January 2023).

M. Joseph Fontenot Jr.
Executive Director

2301#026

RULE

Department of Health Board of Pharmacy

Licensing Dependents of Healthcare Professionals Relocating to Louisiana (LAC 46:LIII.508 and 906)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), and pursuant to the provisions of Act 279 of the 2021 Regular Session of the Legislature, the Board of Pharmacy has amended new sections to two of its chapters of rules: §506.1 in Chapter 5—Pharmacists and §904.1 in Chapter 9—Pharmacy Technicians, to establish preferential licensing procedures for dependents of healthcare professionals relocating to Louisiana. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 5. Pharmacists

§508. Preferential Licensing Procedures for Dependents of Healthcare Professionals Relocating to Louisiana

A. Definitions

1. As used in this Section, the following terms shall have the meaning ascribed to them in this Subsection:

Dependent—any of the following who relocates to Louisiana with a healthcare professional:

- i. the healthcare professional's spouse;
- ii. the healthcare professional's unmarried child under the age of 21 years;
- iii. the healthcare professional's child who is a student under the age of 24 years and who is financially dependent upon the healthcare professional;
- iv. the healthcare professional's child of any age who is disabled and financially dependent upon the healthcare professional.

Healthcare Professional—a person who provides healthcare or professional services in Louisiana as a physician, physician assistant, dentist, registered or licensed practical nurse or certified nurse assistant, advanced practice registered nurse, certified emergency medical technician, paramedic, certified registered nurse anesthetist, nurse practitioner, respiratory therapist, clinical nurse specialist,

pharmacist, physical therapist, occupational therapist, licensed radiologic technologist, chiropractor, or licensed clinical laboratory scientist; and further, has relocated to and established his legal residence in Louisiana, holds a valid license to provide healthcare services in Louisiana, and is providing healthcare services in Louisiana.

B. Upon receipt of an application for pharmacist licensure by a dependent of a healthcare professional, the board staff shall mark the application for priority processing and preserve that status until the license is issued, or in the alternative, the board gives notice to the applicant of its intent to deny the application and refuse to issue the license. The board shall notify the applicant of its licensing decision within 30 calendar days after receiving a complete application.

C. In the event the applicant intends to practice pharmacy before the issuance of the pharmacist license, the board shall issue a special work permit to the applicant.

1. The special work permit shall identify the applicant and shall indicate the authority for that person to practice pharmacy within the state of Louisiana as well as the dates of issue and expiration of that permit.

2. The special work permit shall expire 120 days after the date of issue and that permit shall not be renewable.

3. No applicant may practice pharmacy prior to the issuance of the special work permit or pharmacist license, or with an expired special work permit or expired pharmacist license.

4. The special work permit shall not be eligible for license transfer or reciprocity to any other jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1751.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 49:66 (January 2023).

Chapter 9. Pharmacy Technicians

§906. Preferential Licensing Procedures for Dependents of Healthcare Professionals Relocating to Louisiana

A. Definitions

1. As used in this section, the following terms shall have the meaning ascribed to them in this subsection:

Dependent—any of the following who relocates to Louisiana with a healthcare professional:

- i. the healthcare professional's spouse.
- ii. the healthcare professional's unmarried child under the age of 21 years.
- iii. the healthcare professional's child who is a student under the age of 24 years and who is financially dependent upon the healthcare professional.
- iv. the healthcare professional's child of any age who is disabled and financially dependent upon the healthcare professional.

Healthcare Professional—a person who provides healthcare or professional services in Louisiana as a physician, physician assistant, dentist, registered or licensed practical nurse or certified nurse assistant, advanced practice registered nurse, certified emergency medical technician, paramedic, certified registered nurse anesthetist, nurse practitioner, respiratory therapist, clinical nurse specialist, pharmacist, physical therapist, occupational therapist, licensed radiologic technologist, chiropractor, or licensed clinical laboratory scientist; and further, has relocated to and established his legal residence in Louisiana, holds a valid

license to provide healthcare services in Louisiana, and is providing healthcare services in Louisiana.

B. Upon receipt of an application for a pharmacy technician certificate by a dependent of a healthcare professional, the board staff shall mark the application for priority processing and preserve that status until the certificate is issued, or in the alternative, the board gives notice to the applicant of its intent to deny the application and refuse to issue the certificate. The board shall notify the applicant of its licensing decision within 30 calendar days after receiving a complete application.

C. In the event the applicant intends to practice pharmacy before the issuance of the pharmacy technician certificate, board shall issue a special work permit to the applicant.

1. The special work permit shall identify the applicant and shall indicate the authority for that person to practice pharmacy within the state of Louisiana as well as the dates of issue and expiration of that permit.

2. The special work permit shall expire 120 days after the date of issue and that permit shall not be renewable.

3. No applicant may practice pharmacy prior to the issuance of the special work permit or pharmacy technician certificate, or with an expired special work permit or expired pharmacy technician certificate.

4. The special work permit shall not be eligible for license transfer or reciprocity to any other jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1751.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 49:67 (January 2023).

M. Joseph Fontenot Jr.
Executive Director—Designate

2301#027

RULE

Department of Health Board of Pharmacy

Transfer of Prescription Information (LAC 46:LIII.2523)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy has amended §2523 of its rules relative to the transfer of prescription information to accommodate the transfer of prescriptions in electronic form. The deletion of language in §2523(A)(1)(a)(i)((b)) removes the reference to the written prescription form thereby making it inclusive of electronic prescriptions. The change of language in §2523(A)(1)(b) replaces the requirement to reduce the transferred prescription information to written form with the word "record" to accommodate electronic prescriptions. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 25. Prescriptions, Drugs, and Devices

§2523. Transfer of Prescription Information

A. Prescription Transfer Requirements

1. Prescriptions for Controlled Dangerous Substances
a. The transfer of original prescription information for a controlled substance listed in Schedules III, IV, or V for the purpose of refill dispensing is permissible between pharmacies on a one-time basis only. However, pharmacies electronically sharing a real-time, on-line database may transfer up to the maximum refills permitted by law and the prescriber's authorization, whether or not the pharmacy from which the prescription is transferred is open for business. Transfers are subject to the following requirements:

i. The transfer is communicated directly between two licensed pharmacists and the transferring pharmacist records the following information:

(a) invalidation of the prescription;
(b) record on the invalidated prescription the name, address, and DEA registration of the pharmacy to which it was transferred and the name of the pharmacist receiving the prescription information;

(c) record the date of the transfer and the name of the pharmacist transferring the information.

b. The pharmacist receiving the transferred prescription shall record the following:

A.1.b.i. - B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2104 (October 2003), effective January 1, 2004, amended LR 33:1133 (June 2007), LR 36:756 (April 2010), amended by the Department of Health, Board of Pharmacy, LR 49:67 (January 2023)

M. Joseph Fontenot Jr.
Executive Director

2301#028

RULE

Department of Health Bureau of Health Services Financing

Adult Residential Care Providers
Licensing Standards
(LAC 48:I. Chapter 68)

The Department of Health, Bureau of Health Services Financing has amended the provisions of LAC 48:I.Chapter 68 as authorized by R.S. 36:254 and R.S. 40:2166.1-2166.8. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 68. Adult Residential Care Providers

Subchapter A. General Provisions

§6803. Definitions and Abbreviations

Abuse—

1. the willful infliction of physical or mental injury;
2. causing deterioration by means including, but not limited to:
 - a. sexual abuse
 - b. exploitation; or

c. extortion of funds or other things of value to such an extent that the resident's health, moral or emotional well-being is endangered; or

3. the willful infliction of injury, unreasonable confinement, intimidation or punishment that results in or that could reasonably be expected to result in physical or mental harm, pain or mental anguish. Lack of awareness or knowledge by the victim of the act that produced or that could have reasonably been expected to produce physical or mental injury or harm shall not be a defense to the charge of abuse.

Activities of Daily Living—ambulating, transferring, grooming, bathing, dressing, eating, toileting, and for the purposes of this Chapter, taking medication.

Facility Need Review (FNR)—Repealed.

Level 3 ARCP—an ARCP that provides adult residential care for compensation to 17 or more residents who are unrelated to the licensee or operator in independent apartments equipped with kitchenettes, whether functional or rendered nonfunctional for reasons of safety. Kitchenettes are not required in apartments designated for the specialized dementia care program.

NOTE: Repealed.

Level 4 ARCP—an ARCP that provides adult residential care including intermittent nursing services for compensation to 17 or more residents who are unrelated to the licensee or operator in independent apartments equipped with kitchenettes, whether functional or rendered nonfunctional for reasons of safety. Kitchenettes are not required in apartments designated for the specialized dementia care program.

NOTE: Repealed.

Licensed Nurse—a licensed registered nurse (RN) or a licensed practical nurse (LPN) who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications.

Licensed Practical Nurse (LPN)—a person who practices practical nursing and who is licensed to practice practical nursing in accordance with R.S. 37:961, or current law.

Medication Attendant Certified (MAC)—a person certified by LDH to administer medications to licensed long-term care facility residents. A MAC shall be directly employed by or contracted with an approved ARCP for staff administration of medications.

Medication Error—the observed or identified preparation or administration of medications or biologicals that is not in accordance with:

1. the prescriber's order(s);
2. manufacturer's specifications regarding the preparation and administration of the medication or biological; or
3. accepted professional standards and principles that apply to professionals providing services. Accepted professional standards and principles include any state practice regulations and current commonly accepted health standards established by national organizations, boards, and councils.

Medication Error Rate—determined by calculating the percentage of medication errors observed during a medication administration observation. The numerator in the ratio is the total number of errors that the HSS survey team

observes, both significant and non-significant. The denominator consists of the total number of observations, or opportunities for errors, and includes all the doses the HSS survey team observed being administered plus the doses ordered but not administered. The equation for calculating a medication error rate is as follows: medication error rate equals number of errors observed divided by the opportunities for errors times 100.

Registered Nurse (RN)—an individual licensed and/or certified in accordance with R.S. 37:911 et seq., or current law to engage in the practice of nursing as defined in R.S. 37:913, or current law.

Self-Medication—residents can maintain possession and control of their medications.

Significant Medication Error—one which causes the resident discomfort or jeopardizes health or safety. The significance of medication errors is a matter of professional judgement. A significant medication error shall be determined based on the resident's condition, drug category, and frequency of error.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:2166.1-2166.8 and R.S. 40:1101.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1086 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1976 (October 2017), LR 47:1497 (October 2021), LR 49:68 (January 2023).

§6807. Initial Licensure Application Process

A. An initial application for licensing as an ARCP shall be obtained from the department. A completed initial license application packet for an ARCP shall be submitted to and approved by the department prior to an applicant providing ARCP services. An applicant shall submit a completed initial licensing packet to the department, which shall include:

1. - 8.a....

NOTE: Repealed.

9. proof that the LDH/HSS is specifically identified as the certificate holder on any policies and any certificates of insurance issued as proof of insurance by the insurer or producer (agent);

10. if applicable, a clinical laboratory improvements (CLIA) certificate or a CLIA certificate of waiver;

11. a completed disclosure of ownership and control information form;

12. a floor sketch or drawing of the premises to be licensed;

13. the days and hours of operation;

A.14. - B. ...

C. Once the initial licensing application packet has been approved by the department, the ARCP applicant shall notify the department of readiness for an initial licensing survey within 90 days. If an applicant fails to notify the department of readiness for an initial licensing survey within 90 days of approval, the initial licensing application shall be closed. After an initial licensing application is closed, an applicant who is still interested in becoming an ARCP must submit a new initial licensing packet with a new initial licensing fee to start the initial licensing process.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1088 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:1497 (October 2021), LR 49:69 (January 2023).

§6809. Initial Licensing Surveys

A. - D. ...

1. The provider shall submit an acceptable plan of correction to LDH for approval, and the provider shall be required to correct all such noncompliance or deficiencies prior to the expiration of the provisional license. The required components of a plan of correction shall:

a. ...

b. describe how other residents who have the potential to be affected by the deficient practice will be identified, and what will be done for them;

D.1.c. - 2. ...

3. If all such noncompliance or deficiencies are not corrected on the follow-up survey, or if new deficiencies are cited on the follow-up survey, the provisional license shall expire and the provider shall be required to begin the initial licensing process again by submitting a new initial license application packet fee.

E. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1089 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:1498 (October 2021), LR 49:69 (January 2023).

§6813. Changes in Licensee Information or Personnel

A. - B.2.g. ...

C. A CHOW of the ARCP shall be reported in writing to the department within five business days of the relevant transaction. The license of an ARCP is not transferable or assignable; the license of an ARCP cannot be sold. The new owner shall submit the legal CHOW documents, all documents required for a new license, and the applicable licensing fee. Once all application requirements have been completed and approved by the department, a new license shall be issued to the new owner.

D. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1090 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:1498 (October 2021), LR 49:69 (January 2023).

Subchapter D. Adult Residential Care Provider Services

§6843. Medication Administration

A. - B. ...

C. Levels of Administration

1. Self-Administration. Unless otherwise indicated in the PCSP, residents shall have the option to self-administer their own medications. Residents who are appropriate for this service will be aware of what the medication is, what it is for and the need for the medication. The ARCP shall require the resident to undertake reasonable precautions to ensure the safety of other residents.

- 2. - 2.c.vii. ...
- 3. Staff Administration of Medication
 - a. ...
 - b. Drugs and biologicals shall be administered only by medical personnel or licensed nurses authorized to administer drugs and biologicals under their practice act or as allowed by statutorily designated MACs.
 - c. - e.viii.(f). ...
 - f. Medication Errors
 - i. The ARCP shall ensure medication error rates are not five percent or greater and residents are free from any significant medication errors.

C.4. - F.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1098 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:1502 (October 2021), LR 49:69 (January 2023).

Dr. Courtney N. Phillips
Secretary

2301#056

RULE

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

Inpatient Hospital Services
Teaching Classification Qualifications
(LAC 50:V.1301 and 1303)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:V.1301 and §1303 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 1. Inpatient Hospitals Services

Chapter 13. Teaching Hospitals

Subchapter A. General Provisions

§1301. Major Teaching Hospitals

A. The Louisiana Medical Assistance Program's recognition of a major teaching hospital is limited to facilities having a documented affiliation agreement with a Louisiana medical school accredited by the Liaison Committee on Medical Education (LCME) or by the Commission on Osteopathic College Accreditation (COCA). A major teaching hospital shall meet one of the following criteria:

- 1. ...
- 2. maintain at least 20 intern and resident un-weighted full-time equivalent positions, with an approved medical residency program in family practice located more than 150 miles from the medical school accredited by the LCME or

the COCA. For purposes of this Rule, full-time equivalent positions will be calculated as defined in 42 CFR 413.78.

B. - B.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:324 (February 2013), amended LR 40:1697 (September 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 49:70 (January 2023).

§1303. Minor Teaching Hospitals

A. The Louisiana Medical Assistance Program's recognition of a minor teaching hospital is limited to facilities having a documented affiliation agreement with a Louisiana medical school accredited by the LCME or by the COCA. A minor teaching hospital shall meet the following criteria:

A.1. - B.3.a. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:324 (February 2013), amended LR 40:1698 (September 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 49:70 (January 2023).

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

Dr. Courtney N. Phillips
Secretary

2301#057

RULE

**Department of Insurance
Office of the Commissioner**

Regulation 101—Registration and Regulation of Navigators
(LAC 37:XIII.Chapter 143)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and specifically R.S. 22:11, the Department of Insurance has repealed Regulation 101—Registration and Regulation of Navigators in light of Act No. 635 of the 2014 Regular Session, which repealed R.S. 22:753(H)(5) and enacted R.S. 22:1566, relative to the regulation of health insurance navigators. This Rule is hereby adopted on the day of promulgation.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 143. Regulation Number 101—Registration and Regulation of Navigators

§14301. Purpose

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 39:2774 (October 2013), LR49:70 (January 2023).

§14303. Authority

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 39:2774 (October 2013), LR 49:71 (January 2023).

§14305. Applicability and Scope

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 39:2774 (October 2013), LR 49:71 (January 2023).

§14307. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 39:2774 (October 2013), LR 49:71 (January 2023).

§14309. Registration of Navigators

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 39:2774 (October 2013), LR 49:71 (January 2023).

§14311. Required Education and Training

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 39:2774 (October 2013), LR 49:71 (January 2023).

§14313. Prohibited Conduct

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 39:2774 (October 2013), LR 49:71 (January 2023).

§14315. Required Reports and Reporting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 39:2775 (October 2013), LR 49:71 (January 2023).

§14317. Enforcement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 39:2775 (October 2013), LR 49:71 (January 2023).

James J. Donelon
Commissioner

2301#014

RULE

**Department of Natural Resources
Office of Conservation**

**Community Injection Wells and Systems
(LAC 43:XIX.317)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the power delegated under the laws of the state of Louisiana, the Department of Natural Resources, Office of Conservation has amended Statewide Order No. 29-B (LAC 43:XIX.317) to facilitate the use of produced water or brine in community enhanced recovery projects on a non-commercial basis.

The Department of Natural Resources, Office of Conservation has amended provisions governing the oversight of the Class II Injection Well program within the Underground Injection Control (UIC) Program located within the Office of Conservation. Oversight for the Class II Injection Well program is held by the Underground Injection Control Program (UIC Program), located within the Office of Conservation. Class II wells are a federally-designated well class that allow for the injection of fluid associated with exploration and production of hydrocarbons. The UIC Program has held Primary Enforcement Authority from the United States Environmental Protection Agency (US EPA) for Class II wells since 1982. This Rule is hereby adopted on the day of promulgation.

Title 43

NATURAL RESOURCES

**Part XIX. Office of Conservation—General Operations
Subpart 1. Statewide Order No. 29-B**

**Chapter 3. Pollution Control—Onsite Storage,
Treatment, and Disposal of Exploration
and Production Waste (E and P Waste)
Generated from the Drilling and
Production of Oil and Gas Wells (Oilfield
Pit Regulations)**

**§317. Requirements for Class II Community Saltwater
Injection Wells and Systems**

A. General Provisions

1. Community Saltwater Disposal Wells and Systems. The use of a legally permitted saltwater disposal well and system for community saltwater disposal purposes is prohibited unless the disposal well system operator submits a statement of noncommercial operation and the information requested in §317.B below to the Office of Conservation. Such statement must indicate that the operators using the community saltwater disposal system share only in the cost of operating and maintaining the well and related storage tanks and equipment (system).

2. Community Enhanced Oil Recovery Injection Wells and Systems. The use of a legally permitted enhanced oil recovery injection well for community saltwater injection purposes is prohibited unless the injection well operator submits a statement of noncommercial operation and the information requested in §317.B below to the Office of Conservation.

B. The operator of an existing or proposed community saltwater injection well and system must submit the following information to the Office of Conservation:

1. the name of the community saltwater injection system including the injection well name(s) and number(s), serial number(s), field, and section, township, and range;

2. a list of the operators using the community saltwater injection system;

3. - 5. ...

C. Within six months of the effective date of this amendment and annually thereafter, the operator of an existing community saltwater injection system shall report the information required in §317.B above to the Office of Conservation.

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 26:2806 (December 2000), amended LR 49:71 (January 2023).

Richard P. Ieyoub
Commissioner

2301#044

RULE

Department of Public Safety and Corrections Gaming Control Board

Video Draw Poker
(LAC 42:XI.2411 and 2413)

The Department of Public Safety and Corrections, Gaming Control Board, in accordance with R.S. 27:15 and 24 and with the Administrative Procedure Act, R.S. 49:950 et seq., has amended LAC 42:XI.2411—Regulatory, Communication, and Reporting Responsibilities, and LAC 42:XI.2413—Devices. The amendments will require licensed service entities to maintain records of invoices, of service and/or repair to devices, which shall contain electronic (soft) and mechanical (hard) meter readings before and after service and/or repair of the device when the logic board is accessed or meter readings are altered. The amendments will require video gaming licensees to provide the service/repair form and current meter readings from the device to the division upon request. The amendments will require device owners to retain the door ticket, which may be scanned and retained electronically, for a period not less than 90 days. The amendments will require device owners to maintain a current written maintenance log that shall contain as a log entry any time the logic board is accessed or meter readings are altered, mechanical (hard) and electronic (soft) meter readings of the video draw poker gaming device. This Rule is hereby adopted on the day of promulgation.

Title 42

LOUISIANA GAMING

Part XI. Video Poker

Chapter 24. Video Draw Poker

§2411. Regulatory, Communication, and Reporting Responsibilities

A. - E.6. ...

F. Licensed Service Entities

1. All licensed service entities shall be required to maintain the following records:

a. invoices, of all services and/or repairs to devices, which shall contain, but not be limited to:

i. date device was received;

ii. date device was serviced;

iii. date device was returned;

iv. service entity name and license number;

v. device owner name and license number;

vi. manufacturer, make, and model number of the device;

vii. device serial number;

viii. description of service and/or repair performed on the device;

ix. name of certified technician performing service and/or repair on the device; and

x. electronic (soft) and mechanical (hard) meter readings before and after service and/or repair of the device when the logic board is accessed or meter readings are altered;

F.1.b. - G.2...

3. If applicable, all licensees shall provide the division with all required device-related reports, to include, but not be limited to, the following:

a. application for video poker device permit, which shall be submitted for any enrollment, device renewal, device transfer, decal replacement, or withdrawal within five business days of any enrollment, device renewal, device transfer, decal replacement, or withdrawal;

b. gaming device ownership transfer notification, which shall be submitted for any change of ownership of any device within five business days of the change of ownership;

c. video gaming device shipment notification, which shall be submitted for any shipment of any device at least three business days prior to the date of shipment of any device; and

d. video gaming device service/repair form, which shall be submitted upon request of the division when any service or repair is done to a device that alters any meter reading of the device. The division may request current meter readings from the device that shall be submitted in a manner prescribed by the division within 24 hours.

H. - H.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq.

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 30:269 (February 2004), repromulgated LR 30:444 (March 2004), amended LR 32:109 (January 2006), LR 49:72 (January 2023).

§2413. Devices

A. - A.1.o. ...

p. a ticket voucher printing system located in a locked compartment of the device in order to safeguard the audit copy. In addition:

i. printing of all totals from the meters shall occur automatically by means of a switch attached to the locking mechanism each time the device is accessed;

ii. the printing system shall have a paper sensing device that prevents play and disables the device if there is insufficient paper to print a ticket voucher for a player or an audit copy. Upon sensing the "paper low" or "paper out" signal, the device shall finish printing the ticket voucher for the last game played and prevent further play; and

iii. the paper contained in the printing mechanism for the printing of the ticket vouchers and the audit copy shall be of a type which diminishes the ability to copy, alter, or falsify;

iv. all device owners shall retain the door ticket for a period of not less than 90 days. The door ticket may be scanned and retained electronically.

A.1.q. - E.6. ...

7. All device owners shall maintain a current, written maintenance log for each video draw poker gaming device operating within a licensed establishment, on a form approved by the division, for the purpose of keeping records of routine maintenance and repairs. All log entries shall contain the following information:

a. time and date of access of the video draw poker gaming device;

b. reason for access of the video draw poker gaming device;

c. any time the logic board is accessed or meter readings are altered, mechanical (hard) and electronic (soft) meter readings of the video draw poker gaming device;

d. the signed and printed name and state issued permit number of the certified individual accessing the video draw poker gaming device;

e. area of the video draw poker gaming device accessed; and

f. time and date the video draw poker gaming device was secured.

E.8. - L.1.c.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq. and R.S. 27:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:197 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 23:1322 (October 1997), LR 25:85 (January 1999), LR 30:269 (February 2004), repromulgated LR 30:446 (March 2004), amended LR 32:109 (January 2006), LR 32:1613 (September 2006), LR 40:1109 (June 2014), repromulgated LR 40:1382 (July 2014), amended LR 40:1384 (July 2014), LR 49:72 (January 2023).

Ronnie S. Johns
Chairman

2301#016

RULE

Department of Revenue Policy Services Division

Apprenticeship Tax Credits (LAC 61:I.1909)

Under the authority of R.S. 47:1511 and 6033 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has amended LAC 61:I.1909 relative to Apprenticeship Tax Credits.

Revised Statute 47:6033 authorizes a credit for businesses that hire an eligible apprentice, as defined therein. The purpose of these amendments is to implement Act 454 of the 2021 Regular Session of the Louisiana Legislature relative to Apprenticeship Tax Credits. This Rule is hereby adopted on the day of promulgation.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 19. Miscellaneous Tax Exemptions, Credits and Deductions

§1909. Apprenticeship Tax Credits

A. General Description

1. For tax periods beginning after December 31, 2021, Revised Statute 47:6033 authorizes businesses to earn a non-refundable apprenticeship tax credit against Louisiana income tax or corporation franchise tax equal to \$1.25 for each hour of employment of each eligible apprentice, as defined herein, not to exceed 1,000 hours for each eligible apprentice.

2. In order to be eligible for the credit, a business must employ a person who:

a. is an eligible apprentice, as defined herein;

b. has been employed for a minimum of 250 hours during the taxable period; and

c. satisfies all other criteria of this Section.

3. The credit shall be earned in the year in which the taxpayer is deemed to have satisfied all requirements of this Section, as approved by the department.

4. The credit shall be allowed against the income tax for the taxable period for which the credit is earned and against the franchise tax for the taxable period following the period in which the credit is earned. If the tax credit allowed pursuant to R.S. 47:6033 exceeds the amount of such taxes due, any unused credit may be carried forward as a credit against subsequent liability for a period not to exceed five years.

5. A taxpayer shall not receive any other incentive for the job creation or hiring of an eligible apprentice for which the taxpayer has received a tax credit pursuant to this Section, including but not limited to the provisions of R.S. 25:1226, 47:297.13, 6023, 6026, 6028, 6033, 6034, 51:1781, 2451, or 3121.

B. Definitions

Department—the Louisiana Department of Revenue

Eligible Apprentice—a person who:

a. has entered into a written apprentice agreement with an employer or an association of employers pursuant to a registered apprenticeship program as provided for in R.S. 23:381; or

b. is enrolled in a training program accredited by the National Center for Construction Education and Research (NCCER) which has no less than four levels of training and no less than 500 hours of instruction:

i. has successfully completed no less than two levels of training; and

ii. has attained no less than 250 hours of instruction.

C. Claiming the Credit

1. Taxpayers must attach to the applicable Louisiana income tax return both a completed Apprenticeship Tax Credit Employer Certification (Form R-90005), as well as Tax Incentives with Job Creation Components (Form R-6311). Additionally, supporting documentation should be maintained or submitted to the department, as directed in Paragraph 2 of this Subsection.

2. Unless otherwise provided, eligible employers will be responsible for obtaining and submitting all required information, which includes the following:

a. For taxpayers seeking to qualify pursuant to a written apprentice agreement with an employer or an association of employers pursuant to a registered apprenticeship program provided for in R.S. 23:281, the number of hours worked during the taxable period for each eligible apprentice. In addition, a copy of the contract executed between the employer and the eligible apprentice should be maintained and available for production upon request from the department to substantiate the qualification of an eligible apprentice.

b. For taxpayers seeking to qualify pursuant to an eligible apprentice enrolled in a training program accredited by NCCER, a copy of the NCCER transcript for each eligible apprentice, which includes:

i. the level of training attained by the student enrolled in the training program;

ii. the number of hours worked during the taxable period by the student enrolled in the training program.

c. Any other information required by the department.

D. Approval

1. No later than January 31 of each calendar year, the Louisiana Workforce Commission shall provide to the department a list of all employers or association of employers that have registered and have been approved to participate in an apprenticeship program as provided for in R.S. 23:381.

2. A taxpayer is deemed eligible upon satisfactorily demonstrating that it has met the requirements of Subsection A of this Section during the taxable year. Eligibility shall authorize a taxpayer for one or more nonrefundable credit(s) with a carryforward of five years equal to the lesser of \$1.25 for each hour of employment or \$1,250 for the tax period deemed eligible.

3. For any amounts denied, the department shall notify the taxpayer as to each apprentice so denied and provide the reasons for denial.

4. For each calendar year, beginning with calendar year 2023, the department shall not approve credits in excess of \$2,500,000. Claims shall be approved as eligible for the credit by the department on a first-come, first-served basis as determined by the postmarked or received date of all documentation required by Subsection C of this Section. A claim shall not be considered complete until all information requested by the department has been received.

5. If the total amount of credits granted in any calendar year to qualifying businesses is less than the respective cap, any residual amount may be available for issuance by the department in subsequent calendar years. For purposes of the credit cap, any amounts authorized by the

department shall be deemed granted for the calendar year in which the credit is earned.

6. In the event it is determined by the department that the taxpayer has not met the requirements of Subsection A of this Section, any amounts approved by the department are subject to disallowance by the department and any amounts allowed to offset tax are subject to recapture by the department.

7. The accrual of refund interest shall be suspended during any period of time that a delay in the issuance of a refund is attributable to the taxpayer's failure to provide information or documentation required herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6033.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 36:1791 (August 2010), amended LR 49:73 (January 2023).

Kevin J. Richard, CPA
Secretary

2301#068

RULE

Department of Revenue Policy Services Division

Fresh Start Proper Worker Classification Initiative (LAC 61:III.2301)

Under the authority of R.S. 47:1511 and 1576.3, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has adopted LAC 61:III.2301, to provide guidance on the Fresh Start Proper Worker Classification Initiative adopted by Act 406 of the 2022 Regular Session.

R.S. 47:1576.3 authorizes the secretary to promulgate rules for the administration of the Fresh Start Proper Worker Classification Initiative. Additionally, R.S. 47:1511 authorizes the secretary to prescribe rules and regulations to carry out the purposes of any statutes or provisions included under the secretary's authority. R.S. 47:1576.3(B) authorizes certain employers who have been treating workers as independent contractors to voluntarily reclassify a class or classes of workers as employees for future periods without being held liable for withholding tax, interest or penalties for prior periods. The purpose of this Rule is to administer and implement the voluntary worker classification program enacted by Act 406 of the 2022 Regular Session. The Rule provides guidance regarding the necessary qualifications to participate in the program and the conditions associated with an accepted application. This Rule is hereby adopted on the day of promulgation.

Title 61

REVENUE AND TAXATION

Part III. Administrative and Miscellaneous Provisions

Chapter 23. Fresh Start Proper Worker Classification Initiative

§2301 Fresh Start Program

A. Definitions. For purposes of this Section and the administration of the Fresh Start Proper Worker Classification Initiative ("Fresh Start Program") set forth in

R.S. 47:1576.3, the following terms have the meanings ascribed to them.

IRS Form 1099-MISC—an information return required to be filed with the Internal Revenue Service, in accordance with Section 6041(a) of the Internal Revenue Code of 1986, as amended, and the regulations adopted thereunder, to report nonemployee compensation paid to a service provider prior to January 1, 2020.

IRS Form 1099-NEC—an information return required to be filed with the Internal Revenue Service, in accordance with Section 6041A(a) of the Internal Revenue Code of 1986, as amended, and the regulations adopted thereunder, to report nonemployee compensation paid to a service provider on or after January 1, 2020 or any equivalent form required to be filed by the Internal Revenue Service.

Reclassified Employees—a worker, or a class or classes of workers who were consistently treated as independent contractors or other non-employees by the taxpayer for the previous three years and for which the Taxpayer filed all required Forms 1099-NEC, or Forms 1099-MISC, with the Internal Revenue Service, consistent with the nonemployee treatment, who will be treated as employees for future periods.

Taxpayer—the person seeking to voluntarily reclassify a worker, or a class or classes of workers through the Fresh Start Program.

B. Application Requirements. Taxpayers applying for relief under the Fresh Start Program shall comply with the following procedures.

1. Applications shall be submitted electronically on forms provided by the secretary between January 1, 2023 and December 31, 2023.

2. An application shall include:

a. a list of each worker that the applicant seeks to voluntarily reclassify as an employee for future tax periods under the Fresh Start Program, including the worker's name, social security number, date of hire and class;

b. copies of the IRS Forms 1099-NEC, or IRS Forms 1099-MISC, that were filed with the IRS for the previous three years for each of the workers for which reclassification is sought under the Fresh Start Program;

c. proof of workers' compensation coverage for the reclassified employees. Coverage shall have an effective date for the reclassified employees of no earlier than 60 days prior to and no later than the date the application is submitted;

d. any other information requested by the Department of Revenue. Additional information shall be submitted within 45 calendar days of the date of written request. Failure to provide the additional information within 45 days may result in denial of the application; however, reasonable extensions may be granted.

3. If a taxpayer does not complete the application in its entirety, the Department of Revenue shall notify the applicant of the deficiencies by mail. The taxpayer shall have 45 calendar days from the date of the notification to correct the deficiencies. If the taxpayer fails to respond during the 45 day period, the application shall be denied.

C. Eligibility

1. A taxpayer is not required to reclassify all of its workers who are currently treated as nonemployees, but shall reclassify all workers within the same class.

2. R.S. 47:1576.3(F) provides that a taxpayer is not eligible for relief if the taxpayer or a member of its affiliated group within the meaning of Section 1504(a) of the Internal Revenue Code is currently under an employment, withholding, or unemployment tax audit by the Internal Revenue Service, United States Department of Labor, or a state government entity. For purposes of this exclusion, a taxpayer that has been contacted by the auditing agency to initiate an audit concerning the classification of workers is considered to be currently under audit.

D. Determination of Ineligibility

1. If the Department of Revenue determines that a taxpayer is ineligible to participate in the Fresh Start Program, the department shall send written notice to the taxpayer within 30 days of such determination.

2. Ineligible taxpayers are not entitled to any relief under the Fresh Start Program.

E. Closing Agreement

1. R.S. 47:1576.3(E)(2) states that acceptance of a taxpayer's application constitutes a joint closing agreement between the taxpayer and the Department of Revenue.

2. Upon acceptance of an application for participation in the Fresh Start Program, the taxpayer agrees to the following conditions which shall be deemed part of the joint closing agreement.

a. Taxpayer shall timely report and remit all withholding taxes for the reclassified employees, or class or classes of workers for all tax periods beginning with and subsequent to the date on which the taxpayer is accepted for participation in the Fresh Start Program and for a period of three years thereafter.

b. Taxpayer shall timely remit all unemployment insurance contributions for the reclassified employees, or class or classes of workers for all tax periods beginning with and subsequent to the date on which the taxpayer is accepted for participation in the Fresh Start Program and for a period of three years thereafter.

c. Taxpayer shall maintain workers compensation coverage for the reclassified workers, or class or classes of workers for all tax periods beginning with and subsequent to the date on which the taxpayer is accepted for participation in the Fresh Start Program and for a period of three years thereafter.

3. The terms of the closing agreement shall be valid, binding, and enforceable by and against all parties, including their transferees, successors, and assignees.

4. The secretary reserves the right to void the closing agreement if the applicant taxpayer fails to comply with any of the conditions outlined in the agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S. 47:1511 and 47:1576.3.

HISTORICAL NOTE: Promulgate by the Department of Revenue, Policy Services Division, LR 49:74 (January 2023).

Kevin J. Richard, CPA
Secretary

2301#046

RULE

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

**Commercial Menhaden Reporting Requirements
(LAC 76:VII.308)**

The Wildlife and Fisheries Commission has promulgated a new Rule (LAC 76:VII.308) requiring reporting of harvest and length data as a result of and pursuant to Act 759 of the 2022 regular session of the Louisiana Legislature. Currently, the commercial menhaden reduction fishery reports landings data to the Department of Wildlife and Fisheries (LDWF) through monthly trip tickets and to NOAA Fisheries through Captain’s Daily Fishing Reports (CDFRs). This new Rule would require the commercial menhaden reduction fishery to report data monthly, beginning in May of 2023, to LDWF for each purse seine set. Reported data shall include location, estimated volume of harvest, and length measurements in a manner specified by LDWF. The Rule further establishes compliance with confidentiality of those data submitted to comply with federal procedures set forth by the Department of Commerce regarding confidentiality of fishing statistics. Furthermore, the Rule requires that, beginning on February 10, 2024, LDWF report annually to the Senate Committee on Natural Resources and the House Committee on Natural Resources and the Environment the commercial menhaden harvest from the prior year. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§308. Commercial Menhaden Reporting Requirements

A. Reporting

1. Companies taking menhaden by vessels equipped with purse seines for the purpose of reduction fishing shall report monthly, beginning in May 2023, commercial menhaden harvest reports. Reports for the previous month shall be due to the Department of Wildlife and Fisheries (LDWF) by the tenth of the following month (the first report shall be due May 10, 2023 for the month of April 2023).

2. Monthly Reporting shall include the following data for each set:

- a. year, date, set number, vessel, plant, set start time, and set end time;
- b. location data in degrees, minutes, and seconds with a defined datum determined by global positioning satellite (GPS) navigational instrument reading;
- c. estimated volume of harvest in 1,000s of fish;
- d. length measurements, in millimeters fork length, of 15 randomly selected menhaden (5 from the beginning of set pump out, 5 from the middle of set pump out, and 5 from the end of set pump out);
- e. Reports shall be provided in electronic form to LDWF in an electronic manner as specified by LDWF and containing the elements outlined above in this Section.

3. Beginning February 10, 2024, LDWF shall annually report to the Senate Committee on Natural Resources and the House Committee on Natural Resources and the Environment the commercial harvest from the prior year based upon aggregated data from the monthly reports.

B. Definitions

Fork Length—measurement of a fish from the tip of its snout to the fork of the tail.

Set—for the purposes of this rule, a “set” is defined as when a purse seine is deployed and encircles a school of menhaden, regardless of whether those fish are reduced to possession by transferring to the mother ship or steamer.

C. Confidentiality

1. Any data provided to LDWF under the provisions of this Rule shall comply with confidentiality provisions set forth in LAC Title 76, Part I, Chapter 3, Subchapter F. Any information LDWF provides to the public shall not indicate the captain, vessel or company.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:325.5.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 49:76 (January 2023).

Jack Montoucet
Secretary

2301#017

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

Restrictions on Application of Certain Pesticides (LAC 7:XXIII.1103)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority set forth in La. R.S. 3:3203, notice is hereby given that the Louisiana Department of Agriculture and Forestry intends to enact LAC 7:XXIII.1103(G) to exempt pesticides containing 2,4-D choline salt from the application restrictions set forth in LAC 7:XXIII.1103(C) only when being applied to certain 2,4-D resistant crops.

Title 7

AGRICULTURE AND ANIMALS

Part XXIII. Pesticides

Chapter 11. Regulations Governing Application of Pesticides

§1103. Restrictions on Application of Certain Pesticides

A. - F.4. ...

G. Those pesticides containing 2,4-D choline salt are exempt from the restrictions set forth in §1103.C only when being applied to the following 2,4-D resistant crops: soybeans, cotton or corn.

H. - K.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3242 and R.S. 3:3249.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:189 (April 1983), amended LR 10:196 (March 1984), LR 11:219 (March 1985), LR 11:942 (October 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:953 (September 1992), LR 19:1119 (September 1993), LR 21:668 (July 1995), LR 24:281 (February 1998), LR 24:2076 (November 1998), LR 26:1428 (July 2000), LR 26:1966 (September 2000), LR 27:279 (March 2001), LR 27:1672 (October 2001), LR 33:1855 (September 2007), LR 35:628 (April 2009), LR 36:1980 (September 2010), LR 37:269 (January 2011), LR 37:809 (March 2011), amended by Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 37:3478 (December 2011), amended by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 38:1556 (July 2012), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 42:732 (May 2016), LR 47:1832 (December 2021), LR 49:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;

5. the behavior and personal responsibility of children;

6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable impact on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable impact on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule via U.S. Mail or hand delivery. Written submissions must be directed to Harry Schexnayder, Director of the Division of Pesticide and Environmental Programs, Department of Agriculture and Forestry, 5825 Florida Blvd., Suite 3000, Baton Rouge, LA 70806 and must be received no later than 4:00 p.m. on February 10, 2023. All written comments must be signed and dated.

Mike Strain, DVM
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Restrictions on Application of Certain Pesticides

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule will have no associated costs or saving to the Louisiana Department of Agriculture and Forestry (LDAF) other than the cost of rule promulgation in FY 23, which is normally included in the department's annual

operating budget. The proposed rules will have no associated implementation costs or savings to local governmental units. The proposed rule exempts pesticides containing 2,4-D choline salt from the application restrictions set forth in LAC 7:XXIII.1103(C) only when being applied by commercial pesticide applicators to certain 2,4-D resistant crops.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rules are not anticipated to have any effect on revenue collections for state or local government entities.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Commercial pesticide applicators may have an economic benefit from reduced paperwork/documentation costs because they would be exempt from obtaining a paper waiver from LDAF for the application of 2,4-D choline salt pesticide to the 2,4-D resistant crops of soybeans, cotton and corn crops during April 1 through September 15.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rules are not anticipated to impact competition and employment.

Dane Morgan
Asst. Commissioner
2301#032

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Foreign Languages

(LAC 28:LXXIX.2109, 2111, 2317, 2323;
and CXV.2318, 2319, 2345, and 2353)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28: CXV in *Bulletin 741—Louisiana Handbook for School Administrators* and LAC 28:LXXIX in *Bulletin 741—Louisiana Handbook for Nonpublic School Administrators*. The proposed revisions classify computer science and indigenous languages as foreign languages to align the TOPS University Diploma requirements with the Taylor Opportunity Program for Students (TOPS) core curriculum pursuant to Act 502 of the 2022 Regular Legislative Session and provide for considerations related to course credit.

**Title 28
EDUCATION**

**Part LXXIX. Bulletin 741—Louisiana Handbook for
Nonpublic School Administrators**

**Chapter 21. Curriculum and Instruction
Subchapter C. Curriculum and Instruction**

§2109. High School Graduation Requirements

- A. ...
- B. - C.7. Repealed
- D. - F.3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2351 (November 2003), amended LR 30:2776 (December 2004), LR 31:3081 (December 2005), LR 34:2099 (October 2008), LR 36:2849

(December 2010), LR 37:2142, 2144 (July 2011), repromulgated LR 37:2390 (August 2011), amended LR 37:2597 (September 2011), LR 38:769 (March 2012), LR 38:1008 (April 2012), LR 39:1444 (June 2013), LR 40:1682 (September 2014), LR 40:2535 (December 2014), LR 41:915 (May 2015), LR 41:1485 (August 2015), LR 41:2127 (October 2015), LR 42:1064 (July 2016), LR 43:1289 (July 2017), LR 45:38 (January 2019), LR 45:1456 (October 2019), LR 46:1084 (August 2020), amended LR 48:34 (January 2022), LR 48:2098 (August 2022), LR 49:

§2111. State Diploma

- A. - B.1. ...
- B.1.a. Repealed
- B.1.b. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2351 (November 2003), amended LR 31:636 (March 2005), LR 31:3082 (December 2005), LR 36:1498 (July 2010), LR 39:1446 (June 2013), LR 48:38 (January 2022), LR 48:2560 (October 2022); LR 49:

Chapter 23. High School Program of Studies

§2317. Foreign Languages

A. The foreign language course offerings shall be as follows.

Course Title(s)	Units
* * *	
Cambridge AICE—AS (Honors): Japanese	1
AP Computer Science A	1
Computer Science	1
Computer Coding as a Foreign Language I, II	1 each
Indigenous Languages I, II	1 each

B. AP Computer Science A shall be used as either an elective, math, or foreign language credit.

C. Computer Coding as a Foreign Language shall be aligned to a coding language approved by the Louisiana Workforce Commission to the industry based certification state focus list.

1. The instructor shall be certified in computer science.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2354 (November 2003), amended LR 31:3086 (December 2005), LR 38:770 (March 2012), LR 40:1685 (September 2014), LR 40:2538 (December 2014), LR 45:1458 (October 2019), LR 49:

§2323. Mathematics

- A. - B. ...

* * *

C. AP Computer Science A shall be used as either an elective, math, or foreign language credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.1, and R.S. 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2354 (November 2003), amended LR 30:2776 (December 2004), LR 31:3086 (December 2005), LR 34:2101 (October 2008), LR 36:2849 (December 2010), LR 38:771 (March 2012), LR 39:1449 (June 2013), LR 40:1685 (September 2014), LR 40:2538 (December 2014), LR 42:1064 (July 2016), LR 49:

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
Chapter 23. Curriculum and Instruction
Subchapter A. Standards and Curricula
§2318. The TOPS University Diploma

- A. - A.2. Repealed
- B. Assessment Requirements
 - 1. - 1.c. Repealed
 - 2. - 2.c. ...
 - d. Repealed
 - 3. - 7.d....
- C. Minimum Course Requirements
 - 1. - 2.j. Repealed
 - 3. - 3.j. ...
 - 4. - 6.a.vi. Repealed
- D. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 36:1486 (July 2010), LR 37:547 (February 2011), LR 37:1128 (April 2011), LR 37:2129 (July 2011), LR 37:2132 (July 2011), LR 37:3193 (November 2011), LR 38:754, 761 (March 2012), LR 38:1001 (April 2012), LR 38:1584 (July 2012), LR 40:994 (May 2014), LR 40:1328 (July 2014), LR 40:1679 (September 2014), LR 40:2525 (December 2014), LR 41:915 (May 2015), LR 41:1482 (August 2015), LR 41:2126 (October 2015), LR 42:232 (February 2016), LR 42:1062 (July 2016), LR 42:1878 (November 2016), LR 42:2176 (December 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2483 (December 2017), LR 44:263 (February 2018), LR 44:1868 (October 2018), repromulgated LR 44:1998 (November 2018), amended LR 45:1454 (October 2019), LR 46:556 (April 2020), LR 47:860 (July 2021), amended LR 48:33 (January 2022), LR 48:39 (January 2022), repromulgated LR 48:1092 (April 2022), LR 48:2098 (August 2022), LR 48:2560 (October 2022), LR 49:

§2319. The Career Diploma

- A. - A.2. ...
- B. Assessment Requirements
 - 1. - 1.c. Repealed
- B.2. - C.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, 17:183.3, 17:274, 17:274.1, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 35:1230 (July 2009), LR 35:1876 (September 2009), LR 35:2321 (November 2009), LR 35:2750 (December 2009), LR 36:1490 (July 2010), LR 37:548 (February 2011), LR 37:1130 (April 2011), LR 37:2130 (July 2011), LR 37:3197 (November 2011), LR 38:761 (March 2012), LR 38:1005 (April 2012), LR 40:2522 (December 2014), LR 41:1482 (August 2015), LR 41:2594 (December 2015), LR 42:232 (February 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2484 (December 2017), LR 44:1868

(October 2018), LR 45:1747 (December 2019), LR 46:557 (April 2020), LR 46:1086 (August 2020), LR 47:860 (July 2021), LR 48:39 (January 2022), repromulgated LR 48:1093 (April 2022), LR 48:2560 (October 2022), LR 49:

Subchapter B. Academic Programs of Study

§2345. Foreign Languages

A. The foreign language course offerings shall be as follows.

Course Title(s)	Units

Cambridge AICE—AS (Honors): Japanese	1
AP Computer Science A	1
Computer Science	1
Computer Coding as a Foreign Language I, II	1 each
Indigenous Languages I, II	1 each

B. - B.6. ...

C. AP Computer Science A shall be used as either an elective, math, or foreign language credit.

D. Computer Coding as a Foreign Language shall be aligned to a coding language approved by the Louisiana Workforce Commission to the industry based certification state focus list.

1. The instructor shall be certified in computer science.

2. Students shall take the industry based certification aligned to the course in order to receive credit for the courses. This can be taken during either the first course or second course.

3. The school system shall report the pass or fail course status of the student for the industry based certification to the LDE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, R.S. 273, and R.S. 17:284.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1295 (June 2005), amended LR 36:1996 (September 2010), LR 38:759 (March 2012), LR 38:2364 (September 2012), LR 39:2220 (August 2013), LR 40:998 (May 2014), LR 40:2527 (December 2014), LR 43:2133 (November 2017), LR 43:2484 (December 2017), LR 45:1455 (October 2019), LR 49:

§2353. Mathematics

A. The mathematics course offerings for the college diploma shall be as follows.

Mathematics Courses—College Diploma	
Course Title(s)	Units

1. AP Computer Science A shall be used as either an elective, math, or foreign language credit.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7 and 17:24.4

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1296 (June 2005), amended LR 33:2605 (December 2007), LR 34:1609 (August 2008), LR 35:2322 (November 2009), LR 36:1493 (July 2010), LR 38:760 (March 2012), LR 40:999 (May 2014), LR 40:2527 (December 2014), LR 42:1063 (July 2016), LR 43:2134 (November 2017), LR 44:1868 (October 2018), LR 49:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, February 9, 2023, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Foreign Languages

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
No implementation costs are anticipated as a result of this measure. The proposed rule revisions classify computer science and indigenous languages as foreign languages to align the TOPS University Diploma requirements with the Taylor Opportunity Program for Students (TOPS) core curriculum pursuant to Act 502 of the 2022 Regular Legislative Session and provide for considerations related to course credit.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule revisions will not have an effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)
The proposed rule revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups. Many schools offer computer science classes already, and several schools are capable of offering courses in indigenous languages. Educators wishing to pursue certification in computer science may incur additional costs of coursework and certification add-on endorsement fees of \$25; however, the extent to which educators not already certified to teach these courses will choose to pursue certification is indeterminable.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rule revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2301#071

Alan M. Boxberger
Interim Legislative Fiscal Office
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Learning Pods

(LAC 28:CXV.905, 3601, 3603, 3605,
3607, 3609, 3703 and CXXIX.2721)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CXV in *Bulletin 741—Louisiana Handbook for School Administrators* and LAC 28:CXXIX in *Bulletin 126—Charter Schools*. The proposed revisions to LAC 28:CXV in *Bulletin 741—Louisiana Handbook for School Administrators* provides the following: that elementary school teachers shall not teach no more than two grades in a combined group except when assigned to a learning pod; the rules that govern the implementation of learning pods by public school governing authorities and also defines what a learning pod is; eligibility and admission requirements for students assigned to learning pods; pertinent policies, procedures and requirements for the implementation of learning pods in a public school governing authority; the qualifications and requirements of teachers providing instruction to learning pods; the required information that shall be provided to the department for each learning pod location request; and the definition of what a public school governing authority is. The revisions to LAC 28:CXXIX in *Bulletin 126* provides that charter schools may establish learning pods pursuant to R.S. 17:4036.1 and LAC 28:CXV.

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 9. Scheduling

§905. Elementary—Grades per Class

A. Elementary teachers shall teach no more than two grades in a combined group except in band, music, and art, or when assigned to a learning pod.

1. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:7; R.S. 17:151; R.S. 17:174.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1271 (June 2005), amended LR 49:

Chapter 36. Learning Pods

§3601. Purpose

A. This section outlines rules for public school governing authorities to govern the implementation of learning pods as extensions of public schools.

B. A learning pod is defined as at least ten students enrolled in a school who receive instruction in a small group setting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6) and R.S. 4036.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

§3603. Student Assignment and Eligibility

A. A student is eligible for assignment to a learning pod if the student meets admission requirements in accordance with R.S. 17:221(B) and eligibility requirements in accordance with R.S. 17:222(A).

B. A student shall be assigned to a learning pod only if the assignment is:

1. requested, in writing, by the parent or legal guardian of the student; and

2. recommended by school officials.

C. Students shall be registered at the school with which the learning pod is affiliated.

D. Any students assigned to a learning pod shall be subject to all requirements applicable to students enrolled in the school who are not assigned to a learning pod.

E. Any students assigned to a learning pod shall be eligible for participation in all services and activities for which they would be eligible if not assigned to a learning pod.

1. Assignment to a learning pod shall not violate provision of services required in state and federal statute and BESE policy and shall be in compliance with Section 504 of the Rehabilitation Act and IDEA mandates.

2. If a required service is not available at the learning pod site, those services shall be provided to the student at the main school campus or by other acceptable alternative sites consistent with state and federal law.

F. A student assigned to a learning pod shall be withdrawn from the learning pod upon parental request, parental approval of a school recommendation to remove the student from the learning pod, or after a fair and impartial due process hearing.

G. The student population of a learning pod may be a blended population of multiple grade levels, in compliance with all state and federal laws and regulations.

H. Students assigned to a learning pod shall be counted among the enrollment of the school for purposes of full funding through the minimum foundation program formula, provided the student meets the MFP Membership Definition as provided in BESE Administrative Code (LAC 28:I.1107).

I. Students assigned to a learning pod shall be included in the performance measures for the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.1; R.S. 17:158; and R.S. 17:4036.1

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

§3605. Policies and Procedures

A. Each public school governing authority may establish learning pods as an extension of any school under its jurisdiction.

B. The establishment of a learning pod shall be subject to policies and procedures adopted by a public school governing authority, which, at a minimum, shall provide for the following:

1. the student population of the learning pod, which may be a blended population of students of different grade levels, including the proposed number of students enrolled in each learning pod;

2. the method of instruction for the learning pod, which may occur in-person at a physical location on the school campus, remotely through virtual instruction, or through a hybrid approach that combines both methods, including the proposed school times for each learning pod;

3. any specialized curriculum or program provided in the learning pod;

4. the process for a parent to request student assignment to a learning pod, grant authorization for student assignment to a learning pod if recommended by school officials, and withdraw a student from a learning pod;

5. the process for seeking parent approval to enroll additional students in the learning pod should the enrollment in a learning pod fall below the threshold of 10 students;

6. emergency procedures required for each learning pod, which must be included in the emergency plan developed in accordance with §339 of this Part and must include the following:

a. a description of available communications systems located at the learning pod;

b. whether teachers at the learning pod have been trained on the incident report policy, threat assessment policy, and emergency response procedures of the public school governing authority and learning pod;

c. required contact information for local law enforcement for the learning pod location;

7. provision of special educational and related services to exceptional students in accordance with the IEP for the entirety of the school year;

8. an incident report policy for the learning pod;

9. if applicable, evidence of insurance coverage of learning pod location.

C. Attendance at a learning pod shall be checked and recorded in accordance with LAC 28: CXV.1103.

D. The facility in which a learning pod is located must meet the definition of a school as defined in R.S. 17:236 and must be structurally sound, lack known or potentially dangerous material that may be present in construction material, and should have sufficient available space to meet the needs of the students.

E. "Virtual instruction" does not constitute a "virtual school" as that term is defined by LRS 17:236.3(A).

F. Additional school policies may be adopted to address specific operation of the learning pod distinct from the general requirements applicable to all students enrolled in the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.1; R.S. 17:24.5; R.S. 17:232.B.(1); R.S. 17:236; and R.S. 17:4036.1

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

§3607. Teacher Qualifications and Requirements

A. All instruction provided to students assigned to learning pods shall be provided by teachers employed by the school operating the learning pod.

B. All teachers providing instruction in a learning pod shall meet all qualifications and be subject to all requirements applicable to teachers at the school who are not assigned to a learning pod.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.1; R.S. 17:7(6); and R.S. 17:4036.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

§3609. Reporting

A. Public school governing authorities shall provide the department the following information for each learning pod location upon request:

1. the physical location of each learning pod authorized by the public school governing authority;

2. the hours of operation;

3. the name of the teacher(s) of record in the learning pod;

4. the list of students served at the learning pod location;

5. the purpose or key focus area of each learning pod; and

6. evidence of insurance coverage for the learning pod location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.1 and R.S. 17:4036.1

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

§3703. Definitions

* * *

Public School—a school operated by publicly elected or appointed school officials and supported primarily by public funds.

Public School Governing Authority—the city, parish, charter, or other local public school board of any public elementary or secondary school.

Public School System Accreditation—an accreditation classification, which is based upon the fifth-year, on-site verification of the annual system and school reports, and which is granted by the state Department of Education.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1316 (June 2005), amended LR 39:2231 (August 2013), LR 46:1673 (December 2020), amended LR 48:34 (January 2022), LR 49:

Part CXXXIX. Bulletin 126—Charter Schools Chapter 27. Charter School Recruitment and Enrollment

§2721. Learning Pods

A. Charter schools may establish learning pods pursuant to R.S. 17:4036.1 and LAC 28: CXV.Chapter 36 upon providing written notice to the department and completing a learning pod pre-opening checklist.

1. The school must provide written notice to the department prior to the scheduled opening date of the learning pod.

2. The charter school must complete all learning pod pre-opening requirements before students can enter the designated learning pod location.

3. The charter school must receive written notice of approval from the department before opening the designated learning pod location. Written approval shall be provided by the department to the charter school within 60 days of receipt of the request from the charter school; otherwise the request shall be deemed approved.

B. In accordance with R.S. 17:4036.1, a charter school pod shall be considered an extension of the charter school and be subject to all state and federal laws, policies, rules, and regulations applicable under the charter operating agreement, including compliance with R.S. 17:3991(E)(3).

C. The procedures for recruitment and enrollment of charter school students assigned to a learning pod shall be consistent with the provisions of LAC 28:CXXXIX.Chapter 7, except that the waitlist for the learning pod shall be maintained and administered separately from that of the charter school home campus.

D. The charter operator must seek a material amendment to the charter contract prior to opening a learning pod in the case of one or more of the following:

1. the school enrollment will exceed the authorized total enrollment stated in the charter agreement pursuant to R.S. 17:3991 and LAC 28:CXXXIX.2703;

2. more than 50 percent of the students enrolled in the charter school will attend a location other than the initially approved main school location site; or

3. more than 50 percent of the students enrolled in the charter school will engage in a virtual learning program for more than 50 percent of the school day averaged over a semester.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:7; R.S. 17:3981; and R.S. 17:4036.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, February 9, 2023, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Learning Pods

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule revisions to LAC 28: CXV in Bulletin 741—*Louisiana Handbook for School Administrators*. The proposed rule changes provide that elementary school teachers shall teach no more than two grades in a combined group, except when assigned to a learning pod; define the rules that govern the implementation of learning pods by public school governing authorities and also define a learning pod; outline eligibility and admission requirements for students assigned to learning pods; provide for pertinent policies, procedures and requirements for the implementation of learning pods by a

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

Chapter 15. Minimum General Requirements and Standards

§1515. Child Records and Cumulative Files

A. - D. ...

E. An early learning center shall provide a written copy of all health-related policies established by the center, including policies regarding accidents, allergic reactions, fever, illness, immunizations, infection, and injuries, to the parent or guardian of each child attending or enrolled in the early learning center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:630 (April 2015), effective July 1, 2015, amended LR 41:2106 (October 2015), LR 44:250 (February 2018), effective March 1, 2018, LR 47:1276 (September 2021), LR 49:

Chapter 17. Minimum Staffing Requirements and Standards

§1725. Medication Management Training

A. All staff members who administer medication shall have medication administration training that includes auto-injectable epinephrine.

B. ...

C. Training for auto-injectable epinephrine shall be completed every two years with an approved child care health consultant, registered nurse, licensed medical physician, a child care health consultant, an anaphylaxis training organization, or any other entity approved by the Louisiana Department of Health. Training for medication administration shall be completed every two years with an approved child care health consultant.

D. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018), LR 47:1278 (September 2021), LR 49:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

public school governing authority; outline the qualifications and requirements of teachers providing instruction in learning pods; outline the required information that shall be provided to the department for each learning pod information request; and define of a public school governing authority. The proposed rule revisions to LAC 28: CXXXIX in Bulletin 126—*Charter Schools* provide for the manner in which charter schools may establish learning pods pursuant to R.S. 17:4036.1 and LAC 28: CXV.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule revisions will not have a determinable effect on revenue collections of state or local governmental units. Charter schools may be able to attract greater student enrollment due to the ability to provide unique or more conveniently located programs through the creation of learning pods. This may result in an increase in the amount of student funding directed to the charter school through the Minimum Foundation Program and a decrease in the amount of student funding directed to the traditional public school that the student would otherwise attend. Charter schools may not charge tuition or attendance fees pursuant to R.S. 17:3991(E)(3). The number of additional students and the resultant increase or decrease in minimum foundation program funds directed to a school are indeterminable.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule revisions may benefit students and parents due to the ability to provide unique or more conveniently located programs through the creation of learning pods.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule revisions will not have an effect on competition and employment. The teachers in a learning pod must be on the staff of the school for which the learning pod is an extension.

Beth Scioneaux
Deputy Superintendent
2301#070

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

**Medication Administration Training
(LAC 28:CLXI.1515 and 1725)**

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CLXI in *Bulletin 137—Louisiana Early Learning Center Licensing Regulations*. The proposed revision is in response to legislation enacted by the 2022 Regular Legislative Session and R.S. 17:407.50.2. The revision provides a requirement that centers develop a policy regarding the use of auto-injectable epinephrine, that they share that policy with families of all children at the site, and requires training for administration of auto-injectable epinephrine to a child in an early learning center who is believed to be having an anaphylactic reaction.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? Yes.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, February 9, 2023, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be

dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Medication Administration Training

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule revisions are in response to Act 335 of the 2022 Regular Legislative Session and R.S. 17:407.50.2. The revisions provide a requirement that early learning centers develop a policy regarding the use of auto-injectable epinephrine, that they share that policy with families of all children at the site, and requires training for administration of auto-injectable epinephrine to a child in an early learning center who is believed to be having an anaphylactic reaction. The proposed rule revisions require all staff members who administer medication complete training that includes auto-injectable epinephrine and that this training be completed every two years. There may be increased costs to local governmental units associated with the required training, but they are expected to be minimal. The cost of creating and communicating a new local policy in relation to the proposed rule revisions is also expected to be minimal.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule revisions require all staff members who administer medication complete training that includes auto-injectable epinephrine and that this training be completed every two years. There may be increased costs to privately owned early learning centers associated with the required training, but they are expected to be minimal.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2301#072

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Teacher Observations (LAC 28:CXLVII.105 and 301)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CXLVII in *Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel*. The proposed revision extends the 2020-2021 and 2021-2022 observation policy for the 2022-2023

school year. If a teacher's first observation is scored "ineffective" or "effective: emerging," an additional observation is required; however, teachers who score "highly effective" or "effective: proficient" do not require a second observations, unless they request one from their evaluator.

Title 28
EDUCATION

**Part CXLVII. Bulletin 130—Regulations for the
Evaluation and Assessment of School Personnel**

Chapter 1. Overview

**§105. Framework for LEA Personnel Evaluation
Programs**

A. - B.2. ...

3. Observation/Data Collection Process. The evaluator or evaluators of each teacher and administrator shall conduct observations of teacher and administrator practice sufficient to gain a complete picture of performance and impart individualized feedback each year.

a. For the 2020-2021, 2021-2022, and 2022-2023 academic years only, this shall include one announced observation for teachers and administrators. A second observation shall be conducted upon the request of the evaluatee.

b. Any teacher or administrator who earns an observation rating of Ineffective or Effective: Emerging shall be observed a second time.

c. Following the 2022-2023 academic year, this shall include a minimum of two observations per academic year and may include more observations, particularly for teachers or administrators that are not meeting expectations. At least one of these observations shall be announced and shall include a pre- and post-observation conference. One of the observations may be waived for teachers who have earned a rating of highly effective according to the value-added model in the previous year. Following all observations, evaluators shall provide evaluates with feedback, including areas for commendation as well as areas for improvement. Additional evidence, such as data from periodic visits to the school and/or classroom as well as written materials or artifacts, may be used to inform evaluation. The announced observation shall include a pre- and post-observation conference. Following all observations, evaluators shall provide evaluatees with feedback, including areas for commendation as well as areas for improvement. Additional evidence, such as data from periodic visits to the school and/or classroom as well as written materials or artifacts, may be used to inform evaluation.

B.4. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2251 (October 2010), amended LR 38:1215 (May 2012), LR 38:2359 (September 2012), LR 39:1273 (May 2013), LR 47:354 (March 2021), LR 48:413 (March 2022), LR 49:

Chapter 3. Personnel Evaluation

§301. Overview of Personnel Evaluation

A. - A.1. ...

2. For the 2020-2021, 2021-2022, and 2022-2023 academic years only, the 50 percent of the evaluation that is

based on a qualitative measure of teacher and administrator performance shall include one announced observation for teachers and administrators unless a second observation is requested by the evaluatee. This portion of the evaluation may include additional evaluative evidence, such as walk-through observation data and evaluation of written work products.

a. Any teacher or administrator who earns an observation rating of Ineffective or Effective: Emerging shall be observed a second time.

b. Following the 2022-2023 academic year, the 50 percent of the evaluation that is based on a qualitative measure of teacher and administrator performance shall include a minimum of two observations or site visits. This portion of the evaluation may include additional evaluative evidence, such as walk-through observation data and evaluation of written work products.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1215 (May 2012), amended LR 38:2359 (September 2012), LR 39:1273 (May 2013), LR 41:1266 (July 2015), LR 43:2480 (December 2017), LR 47:354 (March 2021), LR 48:413 (March 2022), LR 49:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, February 9, 2023, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Teacher Observations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule revisions extend the 2020-2021 and 2021-2022 observation policy for the 2022-2023 school year. If a teacher's or administrator's first observation is scored "Ineffective" or "Effective: Emerging" an additional observation is required; however, teachers or administrators who score "Highly Effective" or "Effective: Proficient" do not require a second observation, unless they request one from their evaluator. Local school and district leaders may experience an overall decreased workload associated with conducting observations related to teachers or administrators who are rated "Highly Effective" or "Effective: Proficient" on the first formal observation; however, this impact on savings is indeterminable. The proposed revisions could impact expenditures of local

school districts to the extent teachers or administrators initially rated as "Ineffective" experience improved performance ratings as a result of the change in scoring methodology; however, this is not anticipated to be material. State law prohibits teachers or administrators rated "Ineffective" from receiving a higher salary in the year following the evaluation. If any teachers or administrators initially rated "Ineffective" are able to improve their rating to "Effective: Emerging", they would become eligible for salary increases or supplements.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule revisions will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

If any teachers or administrators initially rated "Ineffective" are able to improve their rating to "Effective: Emerging", they would become eligible for salary increases or supplements in the 2022-23 academic year; however, the number of such teachers or administrators is not expected to be material.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2301#073

Alan M. Boxberger
Interim Legislative Fiscal Office
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Water Quality Standards Triennial Revision
(LAC 33:IX.1109, 1113, and 1123)(WQ111)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality regulations, LAC 33:IX.1109, 1113, and 1123 (WQ111).

The proposed Rule will revise Chapter 11 of the Water Quality regulations for clarification. The 2021 Triennial Review Report of Findings document identified several sections in Chapter 11 with errors. Throughout Chapter 11, units expressed in terms of milligrams per liter use the abbreviation (mg/L). An abbreviation was found having (mg/l) in §1109. Section 1113 incorrectly implies numeric criteria may be adopted based on the absence of data. Table 1 of §1113 has the endrin freshwater chronic criterion listed with a missing digit. Table 3 of §1123 has a missing designated use, an extraneous designated use, and incorrectly listed temperature criterion. These errors will be corrected with this Rule. The Water Quality Management Plan, Volume 3 was updated in July 2022, resulting in the need to update verbiage in §§1109 and 1113. This action is required in order to fulfill the department's obligation to review and revise the state's water quality standards, pursuant to 40 CFR 131.20, as necessary, at least once every three years. The basis and rationale for this proposed Rule are to conform to section 303(c) of the Clean Water Act, and

to maintain and protect state waters. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality

Subpart 1. Water Pollution Control

Chapter 11. Surface Water Quality Standards

§1109. Policy

Water quality standards policies concerned with the protection and enhancement of water quality in the state are discussed in this Section. Policy statements on antidegradation, water use, water body exception classification, compliance schedules, variances, short-term activity authorization, errors, severability, revisions to standards, and sample collection and analytical procedures are described.

A. - C.2.d. ...

3. Naturally Dystrophic Waters

a. Naturally dystrophic waters include waters that receive large amounts of natural organic material largely of terrestrial plant origin, are commonly stained by the decomposition of such organic material, and are low in dissolved oxygen because of natural conditions. Only those water bodies primarily affected by nonanthropogenic sources of oxygen-demanding substances or naturally occurring cycles of oxygen depletion will be considered for classification as naturally dystrophic waters. These water bodies typically include or are surrounded by wetlands (e.g., bottomland hardwood forests, freshwater swamps and marshes, or intermediate, brackish, or saline marshes) and have sluggish, low-gradient flows most of the year. Naturally dystrophic water bodies, though seasonally deficient in dissolved oxygen, may fully support fish and wildlife propagation and other water uses. Low dissolved oxygen concentrations (less than 5 mg/L) may occur seasonally during the warmer months of the year in naturally dystrophic water bodies.

C.3.b. - K.4.d. ...

e. Additional or site-specific criteria may be necessary to protect other existing or beneficial uses identified by the administrative authority. The following site-specific criteria have been approved by the administrative authority for wastewater assimilation projects.

i. Luling Wetland, South Slough Wetland, Chinchuba Swamp Wetland, East Tchefuncte Marsh Wetland, Cypress Island Coulee Wetland, and Cote Gelee Wetland Designated Naturally Dystrophic Waters Segment. The following criteria are applicable: no more than 20 percent reduction in the total above-ground wetland productivity, as measured by tree, shrub, and/or marsh grass productivity.

ii. Poydras-Verret Marsh Wetland Designated Naturally Dystrophic Waters Segment. One or more of the following criteria are applicable:

(a). no more than 50 percent reduction in the wetlands faunal assemblage total abundance, total abundance of dominant species, or the species richness of fish and macroinvertebrates, minimum of five replicate samples per site; $p = 0.05$; and/or

(b). no more than 20 percent reduction in the total above-ground wetland productivity as measured by tree, shrub, and/or marsh grass productivity.

iii. Breaux Bridge Swamp and Thibodaux Swamp - Designated Naturally Dystrophic Waters Segment. One or more of the following criteria are applicable:

(a). no more than 20 percent decrease in naturally occurring litter fall or stem growth;

(b). no significant decrease in the dominance index or stem density of bald cypress; and/or

(c). no significant decrease in faunal species diversity and no more than a 20 percent decrease in biomass.

iv. Bayou Ramos Swamp Wetland - Designated Naturally Dystrophic Waters Segment. One or more of the following criteria are applicable:

(a). no more than 20 percent decrease in naturally occurring litter fall or stem growth;

(b). no significant decrease in the dominance index or stem density of bald cypress; and/or

(c). no significant decrease in faunal species diversity and no more than a 20 percent decrease in abundance.

5. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:966 (October 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2546 (November 2000), LR 29:557 (April 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 33:457 (March 2007), LR 33:828 (May 2007), amended by the Office of the Secretary, Legal Division, LR 40:2243 (November 2014), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:1546 (November 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 49:

§1113. Criteria

A. - B.12.a. ...

b. Wetlands Approved for Wastewater Assimilation Projects Pursuant to the Water Quality Management Plan, Volume 3, Section 10, Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards. The biological integrity for wetlands approved for wastewater assimilation projects will be determined in accordance with procedures set forth in the Water Quality Management Plan, Volume 3 and in accordance with site-specific permit requirements. An LPDES permit identifies the requirements and conditions, including biological (or vegetative) criteria that determine compliance with the permit. Upon permit issuance, the permittee will be required to conduct ongoing physical, chemical, and biological measurements to ensure the health of the wetland. Wetland biological integrity will be guided by above-ground wetland vegetative productivity with consideration given to floral diversity. Due to effluent addition, the discharge area of a wetland shall have no more than a 20 percent reduction in the rate of total above-ground wetland productivity as compared to a reference area, unless site-specific criteria are established through the permitting process, in accordance with the Water Quality Management Plan, Volume 3.

Measurements may include, but are not limited to, sampling in the discharge and reference areas. The discharge area is the area of a wetland directly affected by effluent addition. For each location, the discharge area will be defined by the volume of discharge. The reference area is the wetland area that is nearby and similar to the discharge area but that is not affected by effluent addition. Above-ground productivity is a key measurement of overall ecosystem health in the wetlands of south Louisiana. Primary productivity is dependent on a number of factors, and the methods for measurement of above-ground productivity and floral diversity are found in the current Water Quality Management Plan, Volume 3, Section 10, Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards.

B.13. - C.6. ...

a. Numeric criteria for specific toxic substances are mostly derived from the following publications of the Environmental Protection Agency: Water Quality Criteria, 1972 (commonly referred to as the "Blue Book"; Quality Criteria for Water, 1976 (commonly referred to as the "Red Book"; Ambient Water Quality Criteria, 1980 (EPA 440/5-80); Ambient Water Quality Criteria, 1984 (EPA 440/5-84-85); and Quality Criteria for Water, 1986—with updates (commonly referred to as the "Gold Book"). Natural background conditions, however, are also considered. These toxic substances are selected for criteria development because of their known occurrence in Louisiana waters and potential threat to attainment of designated water uses.

b. - f. ...

Table 1 Numeric Criteria for Specific Toxic Substances [In micrograms per liter (µg/L)]								
Toxic Substance Chemical Abstracts Service (CAS) Registry Number	Aquatic Life Protection						Human Health Protection	
	Freshwater		Marine Water		Brackish Water		Drinking Water Supply ¹	Non-Drinking Water Supply ²
	Acute	Chronic	Acute	Chronic	Acute	Chronic		

Endosulfan ⁷ 115-29-7	0.22	0.0560	0.034	0.0087	0.034	0.0087	0.47	0.64
Endrin 72-20-8	0.0864	0.03575	0.037	0.0023	0.037	0.0023	0.26	0.26
Ethylbenzene 100-41-4	3,200	1,600	8,760	4,380	3,200	1,600	247	834

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:967 (October 1991), repromulgated LR 17:1083 (November 1991), amended LR 20:883 (August 1994), LR 24:688 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2402 (December 1999), LR 26:2547 (November 2000), LR 27:289

(March 2001), LR 30:1474 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:457 (March 2007), LR 33:829 (May 2007), LR 35:446 (March 2009), amended by the Office of the Secretary, Legal Division, LR 42:736 (May 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:1188 (September 2019), LR 46:1550 (November 2020), LR 48:1498 (June 2022), amended by the Office of the Secretary, Legal Affairs Division LR 49:

§1123. Numeric Criteria and Designated Uses

A. - E. ...

Table 3. Numeric Criteria and Designated Uses									
A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish And Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters									
Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO ₄	DO	pH	BAC	°C	TDS
Atchafalaya River Basin (01)									

Barataria Basin (02)									

020304	Lake Salvador	A B C	600	100	3.3 April-Sept.; 5.0 Oct.-Mar.	6.0-8.5	1	32	1,320
020401	Bayou Lafourche—From Donaldsonville to ICWW at Larose	A B C D	70	55	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	500

Calcasieu River Basin (03)									

Lake Pontchartrain Basin (04)									

040606	Selsers Creek—From Sisters Road to South Slough	A B C	30	20	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	30	150

Table 3. Numeric Criteria and Designated Uses									
A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish And Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters									
Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO ₄	DO	pH	BAC	°C	TDS
040701	Tangipahoa River—From Mississippi state line to Interstate Highway 12 (Scenic)	A B C G	30	10	5.0	6.0-8.5	1	30	140

040804	Bogue Falaya River—From headwaters to Tchefuncte River (Scenic) [12]	A B C G [12]	20	10	5.0	6.0-8.5	1	30	110
040807	Ponchitola Creek—From headwaters to US Highway 190	A B C	850	135	5.0	6.0-8.5	1	30	1,850

041808	New Canal (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A
041901	Mississippi River Gulf Outlet (MRGO)—From ICWW to Breton Sound at MRGO mile 30	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	35	N/A

Mermentau River Basin (05)									

050603	Bayou Chene—From headwaters to Lacassine Bayou; includes Bayou Grand Marais	A B C F	90	10	[16]	6.5-9.0	1	32	400

Vermilion-Teche River Basin (06)									

060804	Intracoastal Waterway—From Vermilion Lock to 1/2 mile west of Gum Island Canal (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A
060901	Bayou Petite Anse—From headwaters to Bayou Carlin (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A

061105	Marsh Island (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4 [25]	35	N/A

Mississippi River Basin (07)									

Ouachita River Basin (08)									

081612	Georgetown Reservoir	A B C D	250	500	5.0	6.0-8.5	1	33	1,000
Pearl River Basin (09)									

Red River Basin (10)									

Sabine River Basin (11)									

Terrebonne Basin (12)									

120206	Grand Bayou and Little Grand Bayou—From headwaters to Lake Verret	A B C	60	40	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	300
120301	Bayou Terrebonne—From Thibodaux to ICWW in Houma	A B C	540	90	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	1,350

ENDNOTES:

- [1]. - [4]. ...
- [5]. Reserved.
- [6]. - [16]. ...
- [17]. Reserved.
- [18]. Reserved.
- [19]. - [22]. ...
- [23]. Reserved.
- [24]. - [25]. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:738 (September 1989), amended LR 17:264 (March 1991), LR 20:431 (April 1994), LR 20:883 (August 1994), LR 21:683 (July 1995), LR 22:1130 (November 1996), LR 24:1926 (October 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2405 (December 1999), LR 27:289 (March 2001), LR 28:462 (March 2002), LR 28:1762 (August 2002), LR 29:1814, 1817 (September 2003), LR 30:1474 (July 2004), amended by the Office of Environmental Assessment, LR 30:2468 (November 2004), LR 31:918, 921 (April 2005),

amended by the Office of the Secretary, Legal Affairs Division, LR 32:815, 816, 817 (May 2006), LR 33:832 (May 2007), LR 34:1901 (September 2008), LR 35:446 (March 2009), repromulgated LR 35:655 (April 2009), amended LR 36:2276 (October 2010), amended by the Office of the Secretary, Legal Division, LR 41:2603 (December 2015), LR 42:737 (May 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:1178 (September 2019), LR 46:1087 (August 2020), LR 46:1555 (November 2020), LR 47:876 (July 2021), amended by the Office of the Secretary, Legal Affairs Division, LR 49:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy, as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known impact on small business as described in R.S. 49:974.1-8.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by WQ111. Such comments must be received no later than March 8, 2023, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev. Comments@la.gov. Copies of the proposed regulation may be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of WQ111. The proposed regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held via Zoom on February 28, 2023, at 1:30 p.m. Interested persons are invited to attend and submit oral comments via PC, Mac, Linux, iOS or Android at <https://deqlouisiana.zoom.us/j/87838155152?pwd=OWs2eDZUQnByc3gzZb2VOa1Z5WXd3Zz09>, or by telephone at (636) 651-3182 using the conference code 725573. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985.

The proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Courtney J. Burdette
Executive Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Water Quality Standards Triennial Revision

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated implementation costs or savings to state or local governmental units as a result of the proposed rule changes. The proposed rule change updates and makes various corrections to Chapter 11 of the Water Quality regulation.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to have any impact on the revenues of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule change.

Courtney J. Burdette
Executive Counsel
2301#079

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Officer

NOTICE OF INTENT

Office of the Governor Commission on Law Enforcement and Administration of Criminal Justice

General Subgrant Guidelines
(LAC 22:III.4509 and 5501)

In accordance with the provision of R.S. 15:1204 et seq., and R.S. 40:905 et seq., which is the Administrative Procedure Act, the Louisiana Commission on Law Enforcement hereby, gives notice of its intent to promulgate rules and regulations relative to crime reporting.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part III. Commission on Law Enforcement and Administration of Criminal Justice

Subpart 3. General Subgrant Guidelines

Chapter 45. Guidelines

§4509. Funding Restrictions

A. - D.2. ...

3. Information Reporting. State and local criminal justice agencies must comply with all requests for information mandated by LCLE. This requirement includes participation in the Louisiana Incident Based Crime Reporting System (LIBRS) when appropriate.

4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and R.S. 15:1207.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 8:64 (February 1982), amended LR 11:252 (March 1985), LR 32:80 (January 2006), amended LR 45:658 (May 2019), LR 49:

Subpart 5. Grant Application or Subgrants Utilizing Federal, State or Self-Generated Funds

Chapter 55. Crime Reporting

§5501. Funding Eligibility

A. Effective January 1, 2021, law enforcement agencies that fail through certification as a Louisiana Incident Based Crime Reporting System (LIBRS) agency shall not be eligible for funding under any grant program administered by the Commission on Law Enforcement.

B. Any agency receiving funding to participate in the Louisiana Incident Based Crime Reporting System (LIBRS) that fail to participate in the system shall be ineligible for funding under any grant program administered by the Commission on Law Enforcement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204(9).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 24:936 (May 1998), LR 49:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule has been considered. This proposed Rule will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972 since it updates grant application procedures for the Louisiana Commission on Law Enforcement.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through post-secondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirement or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to the same level of service.

Public Comments

Interested persons may submit written comments on this proposed Rule no later than March, 17th, 2023 at 5pm to Bob Wertz, Louisiana Commission on Law Enforcement, Box 3133 Baton Rouge, LA 70821. An analysis of the proposed Rule shows that it will have no impact on the

family as described in R.S. 49:972, nor any impact on small business as defined by Act 820 of 2008.

Mr. Jim Craft
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: General Subgrant Guidelines

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes will not have any impact on expenditures for state or local governmental units. The proposed change retains mandatory participation in LIBRS crime reporting system for subgrant eligibility and eliminates participation in the Uniform Crime Reporting system (UCR).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of the proposed rule will not increase revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

It is estimated that implementation of the proposed rules will have little or no effect on directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition or employment in the public or private sector as a result of this proposal.

Jim Craft
Executive Director
2301#024

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Commission on Law Enforcement and
Administration of Criminal Justice
Crime Victims Reparations Board**

Compensation to Victims
(LAC 22:XIII.301, 303, and 503)

In accordance with the provisions of R.S. 49:950 et seq., which is the Administrative Procedure Act, and R.S. 46:1801 et seq., which is the Crime Victims Reparations Act, the Crime Victims Reparations Board hereby gives notice of its intent to promulgate rules and regulations regarding the awarding of compensation to applicants. There will be no impact on family earnings or the family budget as set forth in R.S. 49:972.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

**Part XIII. Crime Victims Reparations Board
Chapter 3. Eligibility and Application Process
§301. Eligibility**

A. To be eligible for compensation, an individual must have suffered personal injury, death or catastrophic property loss as a result of a violent crime.

1. Victim Conduct and Behavior

a. The Crime Victims Reparations Board may vote to deny or reduce an award to a claimant who is a victim, or who files an application on behalf of a victim. When one part of an award is denied, the board shall favor a partial award over the total denial. And an award may be denied or reduced when any of the following occurs:

i. ...

ii. the totality of circumstances indicate that the victim contributed to or provoked the offense through his/her own misconduct.

1.b. - 3.g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), amended LR 31:2009 (August 2005), amended LR 35:65(January 2009), LR 36:2278(October 2010), LR 37:1605(June 2011), LR 41:1487 (August 2015), amended LR 44:2243 (December 2018), LR 47:364(March 2021), LR 49:

§303. Application Process

A. Claimant Responsibility

1. Applications for reparations must be submitted to the sheriff's office in the parish where the crime occurred, filed online at the board's website, or sent directly to the board's office. Applications involving an adult victim of a sexually-oriented criminal offense are sent directly to the board's office.

2. - 2.a. ...

b. Victims of sexual assault may assign their right to collect medical expenses associated with the sexual assault to a hospital/health care facility. The hospital/health care facility may then apply for reparations.

c. An adult victim of a criminal offense is not required to report the crime to any law enforcement officer in order to file an application.

d. If a victim chooses not to report the crime to a law enforcement officer, the claimant must submit reasonable documentation (as provided by R.S. 46:1806(A.)(1)(b) with the application) to show the commission of a crime relevant to the application.

3. The claimant, who is not a healthcare provider, must list each expense being claimed.

4. An itemized bill, not a billing statement, must accompany the application for each non-FME expense claimed.

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

3. The appeal will be scheduled for the next available meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), amended by the Office of the Governor, Crime Victims Reparations Board, LR 41:1668 (September 2015), LR 42:570 (April 2016), LR 42:743 (May 2016), LR 49:

Chapter 5. Awards

§503. Limits on Awards

A. General

1. There will be a \$15,000 limit for awards for all victims with the exception of those primary victims who

become totally and permanently disabled as a result of the crime. For those awards, the board may, at its discretion, award up to \$25,000, depending on availability of funds, its administrative rule limits for certain award benefits, and the extent, if any, of collateral resources. For purposes of this Section:

1.a. - 2. ...

3. Payments for forensic medical examinations shall not exceed \$600 for the healthcare provider, and \$1,000 for the healthcare facility.

B. - B.3. ...

C. Funeral Expenses

1. The board will reimburse up to a maximum of \$6,500 to cover reasonable expenses actually incurred for the funeral, burial, or cremation.

C.2. - D.4.a. ...

b. for the loss of income from work by the parent or legal guardian of a minor or dependent victim who must miss work to obtain or provide the medically indicated services or care for the personal injury.

5. - 9. ...

E. Loss of Support

1. - 2.

3. The board will reimburse loss of support up to a maximum award of \$ 15,000.

a. - b. ...

F. Ambulance

1. - 3. ...

4. If the ambulance bill is part of the total hospital bill and the total hospital bill is under \$ 15,000, the ambulance transfer bills will be isolated and paid separately. If the total bill is over \$ 15,000, the ambulance charges will not be isolated for payment.

G. Medical Expenses.

1. - 3. ...

4. If the total outstanding charges exceed the maximum award cap, then all providers listed in the claim will be paid out at the actual percentage for those bills in relation to the available case funds.

5. - 6.b.ii. ...

iii. All provider/therapist/s charges are reimbursed at the same hourly rate as out-patient mental health services, that is:

(a). doctoral level providers (e.g. M.D. PhD., PsyD.):\$110/hr;

(b). master's level providers (e.g., L.P.C., L.C.S.W., L.M.F.T.): \$90/hr;

(c). group therapy rates (90 minutes): \$50/session.

6.c. - 11. ...

12. Tattoo removal for victims of human trafficking:

(a). must be performed by board certified physician; or

(b). non-physician acting under direct supervision of a licensed physician.

H. - I.1. ...

2. Limits on Charges

a. For the life of each claim, reimbursable charges may not exceed \$2,500. These limits include the cost of all treatment services and psychological or neuro/psychological evaluations/testing as described in §503.1.8. Victims/claimants may apply for an additional \$2,500 in

reimbursement when there is a documented need for long-term mental health services.

b. All applications for extended reimbursement of mental health expenses are subject to peer review by a psychiatrist or psychologist, licensed by the state of Louisiana, consulting with the board which will have a peer review of the following:

- i. complete progress notes for crime-related conditions(s) being treated;
- ii. any psychological evaluations/testing pertaining to the crime-related condition;
- iii. description of prior conditions or treatments;
- iv. updated treatment plan.

3. Limits on Evaluation/Testing

a. Psychological evaluation/testing may not exceed \$800 and neuropsychological evaluation/testing may not exceed \$1,500.

b. Any evaluation/testing must be conducted by a licensed psychologist and should include the following:

- i. description of any structured interview used;
- ii. case formulation and DSM-V diagnoses.

4. Treatment plans completed by the therapist of record (or primary therapist) are required for consideration of mental health expenses. The therapist must show that the psychological condition being treated is a direct result of the crime. Treatment plans must be fully documented in a "problem" and "intervention" format. Detail must be provided for both symptom and intervention. Single word descriptors such as "nightmares" or "supporting counseling" will not suffice. Insufficient treatment plans will be returned to the originating therapist and the case may be deferred or denied until revised.

5. Payments for services are subject to review and audit by the board.

6. Rates for Reimbursement

a. Only physicians, psychiatrists, state certified or state licensed psychologists, licensed professional counselors, or board-certified social workers are eligible for reimbursement.

b. The rates for reimbursement shall be:

- i. doctoral level providers (e.g. M.D., Ph.D., PsyD): \$110;
- ii. master's level providers (e.g., L.P.C., L.C.S.W., L.M.F.T.): \$ 90/hr;
- iii. group therapy rates: (90 minutes) (\$50/session).

7. It is the board's assessment that psychiatric inpatient hospitalization of a crime victim is rarely required. If under unusual circumstances such treatment is required, compensation will be subject to a peer review as previously described. Reimbursement for such treatment is limited in amounts and procedures listed under "medical" services.

8. Any claim for injuries sustained may be denied if prescribed or preempted as a matter of law.

J. Catastrophic Property Loss

1. A maximum award up to \$ 15,000 may be awarded if a victim's abode is owned by them and the abode/contents are destroyed by criminal act.

2. This loss must produce a "verifiable" overwhelming financial effect for that person.

J.3. - M.6. ...

N. Medical Examination of Sexual Assault Victims

1. A healthcare provider can only submit a claim for reimbursement for a forensic medical exam performed on a victim of a sexually-oriented criminal offense. The direct reimbursement claim form must be accompanied by the attestation form signed by the forensic medical examiner. The healthcare provider who performs the forensic medical exam will be reimbursed an amount of \$600. The healthcare facility at which the forensic medical exam was conducted will be reimbursed an amount of \$1,000.

2. The reimbursement amounts for the forensic medical exam will cover the services (listed by R.S. 40:1216.1).

3. Healthcare services or expenses ancillary to a forensic medical examination and directly related to the crime may be reimbursed in an amount not to exceed \$1,000. A victim can file an application if they are billed for these expenses. An itemized bill and supporting documentation must be submitted with the application.

4. A person who presents to a healthcare facility as a victim of a sexual offense and does not receive a forensic medical exam can submit an application. An itemized bill and supporting documentation must be submitted with the application. The maximum reimbursement for this type of visit may not exceed \$1,000.00.

O. Crime Scene Cleanup

1. Crime scene cleanup means the removal or attempted removal of blood, stains, odors, broken glass, impurities or other debris caused by the crime or the processing of the crime scene where the crime occurred.

2. Expenses for crime scene cleanup may not exceed total costs of \$2500.

3. Types of allowable expenses for clean up include:

- a. equipment rental;
- b. disinfecting and cleaning supplies;
- c. professional cleaning services insured for that purpose.

4. Expenses for crime scene cleanup cannot be used for:

- a. property repair;
- b. replacement of personal property;
- c. costs not directly billed to victim and/or claimant.

P. Loss of Support for Victim in Sexual Crimes

1. Loss of support may be paid on behalf of a child victim of a sexual offense if the offender was providing support through employment or a benefits program before the date the crime was committed.

2. Claimant qualifications:

- a. must be a parent, or legal guardian of the minor child(ren);
- b. must provide documented proof that offender supported the home and minor child victim;
- c. is only eligible if the offender is incarcerated.

3. The board may award loss of support up to \$15,000 maximum.

Q. Relocation is for claimants who have to relocate as a result of the crime for reasons of personal safety or other concerns reasonably related to a crime.

1. Relocation expenses are limited up to \$5,000 per household of the claimant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), LR 24:328 (February 1998), LR 25:26 (January 1999), LR 26:1019 (May 2000), LR 29:577 (April 2003), LR 31:1330 (June 2005), LR 32:242 (February 2006), LR 35:65 (January 2009), LR:37:1605 (June 2011), LR 39:1042 (April 2013), LR 41:1668 (September 2015), LR 42:570 (April 2016), LR 42:743 (May 2016), LR 44:270 (February 2018), LR 48:40 (January 2022), LR 49:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule has been considered. This proposed rule will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972 since it only clarifies the procedures for applying for reparations.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through post-secondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:978.1 et seq.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect of the staffing level requirement or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on this proposed Rule no later than March 17th, 2023, at 5 p.m. to Bob Wertz, Louisiana Commission on Law Enforcement, P.O. Box 3133, Baton Rouge, LA 70821.

Judy Dupuy
Chair

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Compensation to Victims

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed administrative rule change may result in an indeterminable net increase in expenditures from the statutorily dedicated Crime Victims Reparation Fund, which is funded by fees associated with criminal court cases. Pursuant to Act 487 of the 2022 Regular Legislative Session, claim benefits have been expanded for assistance to victims of violent offenses. Based on the number of reported offenses, it is possible to project that the number of eligible victims of violent crimes could increase by approximately five hundred (500) claims annually.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that implementation of the proposed rule may increase federal grant awards beginning in FY 24. The dollar amount of federal grant funding allotted annually to the Louisiana Commission on Law Enforcement (LCLE) through the Office for Victims of Crime (OVC) via the Victims of Crime Act (VOCA) is contingent upon the dollar amount of state funds which the agency expends for crime victims in the preceding year. For every dollar spent in a particular fiscal year on reparations for crime victims, OVC will appropriate seventy five cents of VOCA funding in the next fiscal year. Therefore, increased state expenditures will generate additional federal funding for the agency in the next fiscal year.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of the proposed rule will allow victims of violent crime to directly access additional claim benefits related to treatment for personal injury, and access benefits for relocation because of safety concerns for claimants.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition or employment in the public or private sector as a result of the proposed rule change.

Jim Craft
Executive Director
2301#025

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Dental Benefits Prepaid Ambulatory Health Plan (LAC 50:I.2101 and 2105)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:I.2101 and §2105 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Act 366 of the 2022 Regular Session of the Louisiana Legislature directed the Department of Health to provide comprehensive coverage in the Medical Assistance Program for dental care for Medicaid beneficiaries age 21 or older

who reside in intermediate care facilities for individuals with intellectual disabilities (ICFs/IID). In compliance with Act 366, the Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the dental benefits prepaid ambulatory health plan in order to allow Medicaid beneficiaries age 21 or older who reside in ICFs/IID to receive dental services administered by a dental benefits plan manager.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 3. Managed Care for Physical and Behavioral Health

Chapter 21. Dental Benefits Prepaid Ambulatory Health Plan

§2101. General Provisions

A. ...

B. All Medicaid beneficiaries will receive dental services administered by a dental benefit plan manager (DBPM).

1. The number of DBPMs shall be no more than required to meet the Medicaid enrollee capacity requirements and ensure choice for Medicaid beneficiaries.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:784 (April 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 46:1227 (September 2020), LR 49:

§2105. Prepaid Ambulatory Health Plan Responsibilities

A. - A.5. ...

B. The department will contract with an enrollment broker who will be responsible for the enrollment and disenrollment process for DBPM participants. The enrollment broker shall be:

1. the primary contact for beneficiaries regarding the DBPM enrollment and disenrollment process, and shall assist the beneficiary to enroll in a DBPM;

2. the only authorized entity, other than the department, to assist a beneficiary in the selection of a DBPM; and

B.3. - N. ...

O. A DBPM shall be responsible for conducting routine provider monitoring to ensure:

1. continued access to dental care for eligible Medicaid beneficiaries; and

2. compliance with departmental and contract requirements.

P. - U.2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:784 (April 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 46:1228 (September 2020), LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of

Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972, since it assures access to Medicaid covered dental services for adult beneficiaries residing in intermediate care facilities for individuals with intellectual disabilities.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973, as it assures access to Medicaid covered dental services for adult beneficiaries residing in intermediate care facilities for individuals with intellectual disabilities.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on March 1, 2023.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on February 9, 2023. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on February 28, 2023 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after February 9, 2023. If a public hearing is to be held,

all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Dental Benefits Prepaid
Ambulatory Health Plan**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 22-23. It is anticipated that \$648 (\$324 SGF and \$324 FED) will be expended in FY 22-23 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 22-23. It is anticipated that \$324 will be collected in FY 22-23 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing the dental benefits prepaid ambulatory health plan in order to allow Medicaid beneficiaries age 21 or older who reside in intermediate care facilities for individuals with intellectual disabilities (ICFs/IID) to receive dental services administered by a dental benefits plan manager (DBPM), in compliance with Act 366 of the 2022 Regular Session of the Louisiana Legislature. This proposed rule will allow adult Medicaid beneficiaries who are residents of ICFs/IID to receive dental services through a DBPM instead of fee-for-service Medicaid. It is anticipated that implementation of this proposed rule will not result in costs or benefits to providers of dental services in FY 22-23, FY 23-24, and FY 24-25.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tara A. LeBlanc
Medicaid Executive Director
2301#052

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

**NOTICE OF INTENT
Department of Health
Bureau of Health Services Financing**

Inpatient Hospital Services

The Department of Health, Bureau of Health Services Financing proposes to repeal the following uncodified Rules in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act.

Register Date	Title	Register Volume, Number	Page Number
July 20, 1977	Policy Change to allow hospital reimbursement when dentists admit patients	Vol 3 No 7	309
March 20, 1980	Inpatient Hospital Benefits for Diagnostic Procedures	Vol 6 No 3	113
June 20, 1983	Discontinue use of Professional Standards Review Organizations (PSROs)	Vol 9 No 6	413
August 20, 1984	Office of Family Security— Change in in-patient hospital reimbursement methodology	Vol 10 No 8	599
December 20, 1985	Medical Assistance Program (MAP) – Delete prior authorizations for surgical procedures	Vol 11 No 12	1147
February 20, 1987	Medical Assistance Program (MAP) – Elimination of categories O, F, V and I	Vol. 13 No. 2	92
October 20, 1987	Medical Assistance Program (MAP) – Psychiatric hospitals standards for payments	Vol. 13 No. 10	578
June 20, 1988	Office of Eligibility Determination—MAP—Hospital program rate freeze	Vol. 14 No. 6	351
October 20, 1992	Inpatient Hospital Services Reimbursement (Infants Under One Year)	Vol. 18 No. 10	1132
June 20, 1993	Inpatient Psychiatric Services— Reimbursement	Vol. 19 No. 6	751
July 20, 1993	Hospital Neurological Rehabilitation Program	Vol. 19 No. 7	893
June 20, 1994	Pre-admission Certification and Length of Stay Criteria for Inpatient Hospital Services	Vol. 20 No. 6	668
June 20, 1995	Inpatient Psychiatric Services	Vol.21 No. 6	575
January 20, 1996	Hospital Program-Reimbursement Inflation	Vol.22 No. 1	33
February 20, 1996	Hospital Program—Acute Inpatient Hospital Services, Outlier	Vol. 22 No. 2	106
February 20, 1997	Hospital Prospective Reimbursement Methodology for Rehabilitation Hospitals	Vol. 23 No. 2	202
May 20, 1999	Hospital Neurological Rehabilitation Program— Reimbursement Methodology	Vol. 25 No. 5	875
May 20, 1999	Inpatient Psychiatric Services Reimbursement Methodology	Vol. 25 No. 5	875
June 20, 1999	Office of Secretary, BHSF— Private Hospital— Reimbursement Methodology	Vol. 25 No. 6	1099
March 20, 2000	Hospital Prospective Reimbursement Methodology— Teaching Hospitals	Vol 26 No. 03	498

Register Date	Title	Register Volume, Number	Page Number
June 20, 2000	Inpatient Hospital Reimbursement Medicare Part A Claims	Vol 26 No. 06	1299
June 20, 2001	Inpatient Hospital Services Extensions and Retrospective Reviews of Length of Stay	Vol. 27 No. 6	856
December 20, 2001	Inpatient Psychiatric Services Reimbursement Increase	Vol. 27 No. 12	2238
June 20, 2003	Private Hospitals Outlier Payments	Vol. 29 No. 06	914
December 20, 2003	Public Hospitals Inpatient Reimbursement Methodology Target Rate per Discharge	Vol. 29 No. 12	2803
February 20, 2004	Public Hospitals Reimbursement Methodology Upper Payment Limit	Vol. 30 No. 2	254
June 20, 2004	State Owned or Operated Hospitals Inpatient Psychiatric Services Reimbursement Increase	Vol. 30 No. 6	1211
November 20, 2004	Private and Public Non-State Owned and Operated Hospitals Inpatient Psychiatric Services Reimbursement Increase	Vol. 30 No. 11	2489
February 20, 2006	Inpatient Hospital Services—State Hospitals—Reimbursement Methodology	Vol. 32 No. 2	247
February 20, 2007	Inpatient Psychiatric Services—Private Hospitals—Reimbursement Rate Increase	Vol. 33 No. 2	289

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

The Department of Health, Bureau of Health Services Financing proposes to repeal the above listed Rules. These Rules were promulgated prior to implementation of the *Louisiana Administrative Code* codification system and it has been determined that the provisions are obsolete and should be repealed.

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on March 1, 2023.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on February 9, 2023. If the criteria set forth in R.S.49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on February 28, 2023 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225)342-1342 after February 9, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Inpatient Hospital Services

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 22-23. It is anticipated that \$648 (\$324 SGF and \$324 FED) will be expended in FY 22-23 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the

federal share of the promulgation costs for FY 22-23. It is anticipated that \$324 will be collected in FY 22-23 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule repeals inpatient hospital services rules which were promulgated prior to implementation of the Louisiana Administrative Code codification system. It has been determined that the provisions of these uncodified rules are obsolete and should be repealed. It is anticipated that implementation of this proposed rule will not result in costs or benefits to Medicaid providers or small businesses in FY 22-23, FY 23-24, and FY 24-25, since the current provisions governing these programs and services are already accurately reflected in the Louisiana Administrative Code.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tara A. LeBlanc
Executive Director
2301#053

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

Intermediate Care Facilities for Persons with Intellectual Disabilities Reimbursement Methodology—Dental Services (LAC 50:VII.Chapter 329)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:Chapter 329 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Act 366 of the 2022 Regular Session of the Louisiana Legislature directed the Department of Health to provide comprehensive coverage in the Medical Assistance Program for dental care for Medicaid beneficiaries age 21 or older who reside in intermediate care facilities for individuals with intellectual disabilities (ICFs/IID). In compliance with Act 366, the Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the reimbursement methodology for ICFs/IID in order to allow for an additional add-on rate for comprehensive dental care provided to Medicaid beneficiaries age 21 or older who reside in these facilities.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part VII. Long-Term Care

Subpart 3. Intermediate Care Facilities for Persons with Intellectual Disabilities

Chapter 329. Reimbursement Methodology

Subchapter A. Non-State Facilities

§32903. Rate Determination

A. Resident per diem rates are calculated based on information reported on the cost report. ICFs/IID will

receive a rate for each resident. The rates are based on cost components appropriate for an economic and efficient ICF/IID providing quality service. The resident per diem rates represent the best judgment of the state to provide reasonable and adequate reimbursement required to cover the costs of economic and efficient ICF/IID.

B. ...

C. A resident's per diem rate will be the sum of:

1. - 3. ...

4. capital rate;

5. provider fee; and

6. dental pass-through/add-on per diem rate (effective for dates of service on or after May 1, 2023).

D. - D.1....

a. Median Cost. The direct care per diem median cost for each ICF/IID is determined by dividing the facility's total direct care costs reported on the cost report by the facility's total days during the cost reporting period. Direct care costs for providers in each peer group are arrayed from low to high and the median (50th percentile) cost is determined for each peer group.

b. - d. ...

* * *

e. Direct Service Provider Wage Enhancement. For dates of service on or after February 9, 2007, the direct care reimbursement in the amount of \$2 per hour to ICF/IDD providers shall include a direct care service worker wage enhancement incentive. It is the intent that this wage enhancement be paid to the direct care staff. Non-compliance with the wage enhancement shall be subject to recoupment.

D.1.e.i. - 2. ...

a. Median Cost. The care related per diem median cost for each ICF/IID is determined by dividing the facility's total care related costs reported on the cost report by the facility's actual total resident days during the cost reporting period. Care related costs for all providers are arrayed from low to high and the median (50th percentile) cost is determined.

D.2.b. - 3. ...

a. Median Cost. The administrative and operating per diem median cost for each ICF/IID is determined by dividing the facility's total administrative and operating costs reported on the cost report by the facility's actual total resident days during the cost reporting period. Administrative and operating costs for all providers are arrayed from low to high and the median (50th percentile) cost is determined.

D.3.b. - 4. ...

a. Median Cost. The capital per diem median cost for each ICF/IID is determined by dividing the facility's total capital costs reported on the cost report by the facility's actual total resident days during the cost reporting period. Capital costs for providers of each peer group are arrayed from low to high and the median (50th percentile) cost is determined for each peer group.

D.4.b. - d.i.

5. The dental add-on per diem rate shall be a statewide price, and the pass-through, once calculated, will be facility specific. This pass-through/add-on may be adjusted annually and will not follow the rebasing and inflationary adjustment

schedule. The dental pass-through/add-on per diem rate shall be determined as follows:

a. Prior to inclusion of these costs on facility cost reports, a per diem add on will be created based on estimates provided by the state's actuary and should reflect the costs associated with those basic dental services that are excluded from the Dental PMPMs paid to the Louisiana Medicaid dental managed care entity(ies).

b. The above dental add-on per-diem, but not the pass-through rate, paid to each facility will be subject to a wholly separate and distinct floor calculation for each cost report year that the per-diem is in effect, beginning July 1, 2023. The total sum of the per-diem add-on paid to each facility will be compared to each facilities costs associated with basic dental services that are excluded from the dental PMPMs paid to the Louisiana Medicaid dental managed care entity(ies). Should 95 percent of the total per-diem add-on paid exceed the facilities noted cost, the facility shall remit to the bureau the difference between these two amounts.

c. Once these dental expenses have been recognized in a facility cost report with a year ended on or after June 30, 2024 that is utilized in a rate rebase period, the add-on will no longer be paid to that facility and a facility specific pass-through per-diem rate will be calculated as the total dental cost reported on the cost report divided by total cost report patient days. These per-diem rates and costs will follow the same oversight procedures as noted at Section 32909. The facility specific pass-through per-diem may be reviewed and adjusted annually, at the discretion of the department.

E. The rates for the 1-8 bed peer group shall be set based on costs in accordance with §32903.B-D.4.d. The reimbursement rates for peer groups of larger facilities will also be set in accordance with §32903.B-D.4.d; however, the rates, excluding any dental pass-through/add-on will be limited as follows.

E.1. - G. ...

H. A facility requesting a pervasive plus rate supplement shall bear the burden of proof in establishing the facts and circumstances necessary to support the supplement in a format and with supporting documentation specified by the LDH ICAP Review Committee.

1. The LDH ICAP Review Committee shall make a determination of the most appropriate staff required to provide requested supplemental services.

2. The amount of the Pervasive Plus supplement shall be calculated using the Louisiana Civil Service pay grid for the appropriate position as determined by the LDH ICAP Review Committee and shall be the 25th percentile salary level plus 20 percent for related benefits times the number of hours approved.

I. ...

1. The provider must submit sufficient medical supportive documentation to the LDH ICAP Review Committee to establish medical need for enteral nutrition, ostomy or tracheotomy medical supplies.

I.1.a. - J. ...

K. Effective for dates of service on or after August 1, 2010, the per diem rates for non-state intermediate care facilities for persons with developmental disabilities (ICFs/IID) shall be reduced by 2 percent of the per diem rates on file as of July 31, 2010.

1. Effective for dates of service on or after December 20, 2010, non-state ICFs/IID which have downsized from over 100 beds to less than 35 beds prior to December 31, 2010 shall be excluded from the August 1, 2010 rate reduction.

L. Effective for dates of service on or after August 1, 2010, the per diem rates for ICFs/IID which have downsized from over 100 beds to less than 35 beds prior to December 31, 2010 shall be restored to the rates in effect on January 1, 2009.

M. Effective for dates of service on or after July 1, 2012, the per diem rates for non-state intermediate care facilities for persons with developmental disabilities (ICFs/IID) shall be reduced by 1.5 percent of the per diem rates on file as of June 30, 2012.

N. Pursuant to the provisions of Act 1 of the 2020 First Extraordinary Session of the Louisiana Legislature, effective for dates of service on or after July 1, 2020, private ICF/IID facilities that downsized from over 100 beds to less than 35 beds prior to December 31, 2010 without the benefit of a cooperative endeavor agreement (CEA) or transitional rate and who incurred excessive capital costs, shall have their per diem rates (excluding provider fees) increased by a percent equal to the percent difference of per diem rates (excluding provider fees and dental pass through) they were paid as of June 30, 2019. See chart below with the applicable percentages:

* * *

1. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:2253 (September 2005), amended LR 33:462 (March 2007), LR 33:2202 (October 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1555 (July 2010), LR 37:3028 (October 2011), LR 39:1780 (July 2013), LR 39:2766 (October 2013), LR 41:539 (March 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:370 (March 2021), LR 49:

§32904. Temporary Reimbursement for Private Facilities

A. - B. ...

C. The temporary Medicaid reimbursement rate is all-inclusive and incorporates the following cost components:

1. - 4. ...

5. administrative;

6. the provider fee; and

7. dental pass-through/add-on per diem rate (effective for dates of service on or after January 1, 2023).

D. - E.2.d. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:593 (May 2021), amended LR 48:2129 (August 2022), LR 49:

§32905. ICAP Requirements

A. An ICAP must be completed for each recipient of ICF/IID services upon admission and while residing in an ICF/IID in accordance with departmental regulations.

B. - D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1593 (July 2005), repromulgated LR 31:2254 (September 2005), LR 49:

§32907. ICAP Monitoring

A. ICAP scores and assessments will be subject to review by LDH and its contracted agents. The reviews of ICAP submissions include, but are not limited to:

1. - 4. ...

B. ICAP Review Committee

1. Requests for Pervasive Plus must be reviewed and approved by the LDH ICAP Review Committee.

B.2. - C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1594 (July 2005), repromulgated LR 31:2254 (September 2005), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

§32909. Audits

A. Each ICF/IID shall file an annual facility cost report and a central office cost report.

B. ICF/IID shall be subject to financial and compliance audits.

C. All providers who elect to participate in the Medicaid Program shall be subject to audit by state or federal regulators or their designees. Audit selection for the department shall be at the discretion of LDH.

1. A representative sample of the ICF/IID shall be fully audited to ensure the fiscal integrity of the program and compliance of providers with program regulations governing reimbursement.

2. Limited scope and exception audits shall also be conducted as determined by LDH.

3. LDH conducts desk reviews of all the cost reports received. LDH also conducts on-site audits of provider records and cost reports.

a. LDH seeks to maximize the number of on-site audited cost reports available for use in its cost projections although the number of on-site audits performed each year may vary.

b. Whenever possible, the records necessary to verify information submitted to LDH on Medicaid cost reports, including related-party transactions and other business activities engaged in by the provider, must be accessible to LDH audit staff in the state of Louisiana.

D. Cost of Out-of-State Audits

1. When records are not available to LDH audit staff within Louisiana, the provider must pay the actual costs for LDH staff to travel and review the records out-of-state.

2. If a provider fails to reimburse LDH for these costs within 60 days of the request for payment, LDH may place a hold on the vendor payments until the costs are paid in full.

E. In addition to the exclusions and adjustments made during desk reviews and on-site audits, LDH may exclude or adjust certain expenses in the cost-report data base in order to base rates on the reasonable and necessary costs that an economical and efficient provider must incur.

F. The facility shall retain such records or files as required by LDH and shall have them available for inspection for five years from the date of service or until all audit exceptions are resolved, whichever period is longer.

G. If LDH's auditors determine that a facility's records are unauditible, the vendor payments may be withheld until the facility submits an acceptable plan of correction to reconstruct the records. Any additional costs incurred to complete the audit shall be paid by the provider.

H. Vendor payments may also be withheld under the following conditions:

1. ...

2. a facility fails to respond satisfactorily to LDH's request for information within 15 days after receiving the department's letter.

I. If LDH's audit of the residents' personal funds account indicate a material number of transactions were not sufficiently supported or material noncompliance, then DHH shall initiate a full scope audit of the account. The cost of the full scope audit shall be withheld from the vendor payments.

J. The ICF/IID shall cooperate with the audit process by:

1. - 6. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1594 (July 2005), repromulgated LR 31:2254 (September 2005), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

§32913. Leave of Absence Days

A. The reimbursement to non-state ICFs/IID for hospital leave of absence days is 85 percent of the applicable per diem rate.

B. ...

1. A leave of absence is a temporary stay outside of the ICF/IID, for reasons other than for hospitalization, provided for in the recipient's written individual habilitation plan.

C. Effective for dates of service on or after February 20, 2009, the reimbursement to non-state ICFs/IID for leave of absence days is 85 percent of the applicable per diem rate on file as of February 19, 2009.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 27:57 (January 2001), repromulgated LR 31:2255 (September 2005), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1897 (September 2009), amended by the House of Representatives, House Concurrent Resolution No. 4 of the 2022 Regular Legislative Session, LR 48:2024 (July 2022), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

Subchapter C. Public Facilities

§32965. State-Owned and Operated Facilities

A. Medicaid payments to state-owned and operated intermediate care facilities for persons with developmental disabilities are based on the Medicare formula for determining the routine service cost limits as follows:

1. calculate each state-owned and operated ICF/IID's per diem routine costs in a base year;

A.2. - B. ...

C. The sum of the calculations for routine service costs and the capital and ancillary costs "pass-through" shall be the per diem rate for each state-owned and operated ICF/IID. The base year cost reports to be used for the initial

calculations shall be the cost reports for the fiscal year ended June 30, 2002.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:325 (February 2013), amended by the Department of Health, LR 49:

§32967. Quasi-Public Facilities

A. ...

B. The payment rates for quasi-public facilities shall be determined as follows:

1. determine each ICF/IID's per diem for the base year beginning July 1;

B.2. - C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:326 (February 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

§32969. Transitional Rates for Public Facilities

A. Effective October 1, 2012, the department shall establish a transitional Medicaid reimbursement rate of \$302.08 per day per individual for a public ICF/IID facility over 50 beds that is transitioning to a private provider, as long as the provider meets the following criteria:

A.1. - A.2.a. ...

3. incurs or will incur higher existing costs not currently captured in the private ICF/IID rate methodology; and

4. shall agree to downsizing and implement a pre-approved OCDD plan:

a. any ICF/IID home that is a cooperative endeavor agreement (CEA) to which individuals transition to satisfy downsizing requirements, shall not exceed 6-8 beds.

B. - G. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:326 (February 2013), amended LR 40:2588 (December 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 44:60 (January 2018), LR 44:772 (April 2018), LR 45:273 (February 2019), LR 45:435 (March 2019), LR 49:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972, since it assures access to Medicaid covered dental services for adult beneficiaries residing in intermediate care facilities for individuals with intellectual disabilities.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973, as it assures access to Medicaid covered dental services for adult beneficiaries residing in intermediate care facilities for individuals with intellectual disabilities.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule may have a positive impact on small businesses since it provides increased reimbursement for services.

§ Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, but may reduce the total direct and indirect cost to the provider to provide the same level of service, and may enhance the provider's ability to provide the same level of service as described in HCR 170 since this proposed Rule provides increased reimbursement for services.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on March 1, 2023.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on February 9, 2023. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on February 28, 2023 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after February 9, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**
**RULE TITLE: Intermediate Care Facilities for Persons
with Intellectual Disabilities—Reimbursement
Methodology—Dental Services**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed rule will result in increased state costs of approximately \$489,223 for FY 22-23, \$2,335,238 for FY 23-24, and \$2,335,238 for FY 24-25. It is anticipated that \$2,268 (\$1,134 SGF and \$1,134 FED) will be expended in FY 22-23 for the state's administrative expense for promulgation of this proposed rule and the final rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that implementation of this proposed rule will increase revenue collections of statutory dedicated revenue from the Medical Assistance Trust Fund by approximately \$153,060 for FY 23-24 and \$153,060 for FY 24-25. In addition, this proposed rule will increase federal revenue collections by approximately \$1,171,521 for FY 22-23 and \$4,865,619 for FY 23-24 and \$4,865,619 for FY 24-25. It is anticipated that \$1,134 will be collected in FY 22-23 for the federal share of the expense for promulgation of this proposed rule and the final rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)**

This proposed rule amends the provisions governing the reimbursement methodology for intermediate care facilities for individuals with intellectual disabilities (ICFs/IID) in order to allow for an additional rate add-on for comprehensive dental care provided to Medicaid beneficiaries age 21 or older who reside in these facilities, in compliance with Act 366 of the 2022 Regular Session of the Louisiana Legislature. This proposed Rule will ensure that Medicaid beneficiaries residing in an ICF/IID have access to necessary dental services. ICFs/IID will benefit from implementation of this proposed rule as it is anticipated to increase payments to these providers by approximately \$1,658,476 for FY 22-23, \$7,200,857 for FY 23-24 and \$7,200,857 for FY 24-25.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

This rule has no known effect on competition and employment.

Tara A. LeBlanc
Medicaid Executive Director
2301#054

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

Managed Care for Physical and Behavioral Health
Reimbursement Methodology
(LAC 50:I.3509)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:I.3509 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the

provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services financing amends the provisions governing managed care for physical and behavioral health in order to ensure the *Louisiana Administrative Code* accurately reflects the current reimbursement methodology for federally qualified health centers and rural health clinics.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

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

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

§3509. Reimbursement Methodology

A. - L.2.a. ...

3. The MCO shall not enter into alternative payment arrangements with federally qualified health centers (FQHCs) or rural health clinics (RHCs) as the MCO is required to reimburse these providers according to the published FQHC/RHC Medicaid prospective payment system rate or the Medicaid alternative payment methodology rate in effect on the date of service, whichever is applicable.

M. - N.2.a....

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

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

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has

been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on March 1, 2023.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on February 9, 2023. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on February 28, 2023 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after February 9, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Managed Care for Physical and Behavioral Health—Reimbursement Methodology**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 22-23. It is anticipated \$540 (\$270 SGF and \$270 FED) will be expended in FY 22-23 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgations for FY 22-23. It is

anticipated that \$270 will be collected in FY 22-23 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing managed care for physical and behavioral health in order to clarify the reimbursement methodology for federally qualified health centers (FQHCs) and rural health clinics (RHCs). This rule clarifies current practice that authorizes reimbursement according to the prospective payment system rate or the Medicaid alternative payment methodology rate in effect on the date of service. It is anticipated that the implementation of this proposed rule will not result in costs to providers and will have no impact on small businesses in FY 22-23, FY 23-24, and FY 24-25, but will be beneficial by ensuring that the provisions governing reimbursement to FQHCs and RHCs are clearly promulgated in the Louisiana Administrative Code.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tara A. LeBlanc
Medicaid Executive Director
2301#055

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Office of Public Health Bureau of Emergency Medical Services

Emergency Medical Transportation Services
Licensing Standards
(LAC 48.I.Chapter 60)

The Louisiana Department of Health, Office of Public Health, Bureau of Emergency Medical Services propose to repeal and replace LAC 48.I.Chapter 60 in Medical Assistance Program as authorized by R.S. 36:254, R.S. 40:1131.1.A, R.S. 40: 1133.5(9), 40:1135.1 and R.S. 40:1135.2. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

In compliance with Act 789 of the 2012 Regular Session, Act 106 of the 2017 Regular Session and Act 557 of the 2018 Regular Session of Louisiana Legislature, the Louisiana Department of Health, Office of Public Health, Bureau of Emergency Medical Services propose to repeal and replace the provisions governing the licensing standards for emergency medical transportation services in order to: 1) clarify and align these provisions with the corresponding legislative authorities governing emergency medical services; 2) ensure that the provisions are consistent with the standard language used in other healthcare licensing regulations; 3) promulgate the provisions clearly and concisely in the Louisiana Administrative Code.

Title 48
PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 60. Emergency Medical Transportation Services

Subchapter A. General Provisions

§6001. Overview

A. In the non-hospital emergency setting, out-of-hospital care minimizes systemic insult or injury and manages life-threatening conditions through high-quality consistent emergency standards of care. Such care is dependent on continuous quality improvement, effective monitoring, medical oversight of out-of-hospital protocols, and collaboration of medical physicians and licensed emergency services personnel. These licensing standards constitute minimum guidelines that each licensed EMS ambulance service shall meet to ensure the safety of patients of all ages in the out-of-hospital setting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:466 (March 2009), amended LR 41:2153 (October 2015), amended Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

§6003. Definitions

Advanced Life Support (ALS)—the provision of medically necessary supplies and services by EMS practitioners who are licensed at least to the level of advanced emergency medical technician or equivalent.

Air Ambulance—any aircraft, either fixed-winged or rotary-winged, designed and operated as a part of a regular course of conduct or business to transport a sick or injured individual, or which is advertised or otherwise held out to the public as such.

Air Ambulance Service—any person, firm, association, or government entity owning, controlling, or operating any business or service which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in the business or service of transporting, in air ambulances, individuals who may need medical attention during transport.

Ambulance—any authorized emergency vehicle, equipped with warning devices, designed and operated as a part of a regular course of conduct or business to transport a sick or injured individual, or which is advertised or otherwise held out to the public as such.

1. For purposes of these provisions, ambulance shall not mean a hearse or other funeral home vehicle utilized for the transportation of the dead.

2. Transportation by ambulance is inclusive of ground transport vehicles or by aircraft, either fixed-winged or rotary-winged.

Ambulance Service or Ambulance Provider—any person, firm, association, or government entity owning, controlling, or operating any business or service which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in the business or service of transporting, in ambulances, individuals who may need medical attention during transport.

1. Ambulance services/providers shall not include any of the following:

- a. an agency of the federal government;
- b. a volunteer nonprofit organization or municipal nonprofit organization operating an invalid coach or coaches;
- c. an entity rendering assistance to a licensed ambulance or ambulances in the case of a major disaster;
- d. a licensed hospital providing nonemergency, noncritical, inter-hospital transfer and patient transportation for diagnostic and therapeutic purposes when such transportation originates at a licensed hospital;
- e. an entity operating an ambulance(s) from a location outside of the state to transport patients from a location outside of the state to a location inside the state or to transport a patient(s) from a medical facility inside of the state to a location outside of the state; or
- f. an entity providing transportation to employees, who become sick or injured during the course of their employment, from a job site to the nearest appropriate medical facility.

Appropriate Facility—an institution generally equipped to provide the needed hospital or skilled nursing care for the illness or injury involved. In the case of a hospital, a physician or a physician specialist is available to provide the necessary care required to treat the patient's condition.

Basic Life Support (BLS)—a basic level of out-of-hospital, hospital, inter-hospital, and emergency service care which includes an assessment or intervention by a licensed emergency medical services practitioner who possesses a Louisiana Bureau of Emergency Medical Services license at the Emergency Medical Technical level.

Bureau of Emergency Medical Services (Bureau of EMS, BEMS)—the EMS regulatory agency that licenses EMS practitioners and ambulance services/providers.

Certified Ambulance Operator—an individual who is certified by the Bureau of EMS as a certified ambulance operator. Documentation outlined in statute must be submitted before certification is received.

Cessation of Business—occurs when an ambulance service is non-operational and voluntarily stops rendering services to the community.

Change of Ownership (CHOW)—the sale or transfer (whether by purchase, lease, gift or otherwise) of an ambulance service/provider by a person/entity with controlling interest that results in a change of ownership, or control of 30 percent or greater of either the voting rights or assets of an ambulance service/provider, or that results in the acquiring person/corporation holding a 50 percent or greater interest in the ownership or control of the ambulance service/provider.

Commission—the Louisiana Emergency Medical Services Certification Commission.

Department—the Louisiana Department of Health (LDH).

Emergency Medical Personnel or Emergency Service Person—an individual who possesses a Bureau of EMS license as an EMS Practitioner.

Emergency Medical Response Vehicle (EMRV)—a marked emergency vehicle with fully visual and/or audible warning signals, operated by a licensed ambulance service/provider, whose primary purpose is to respond to the scene of a medical emergency to provide emergency medical stabilization or support, command, control, and communications, but which is not an ambulance designed or

intended for the purpose of transporting a victim from the scene to a medical facility, regardless of its designation.

1. Included are such vehicles referred to, but not limited to, the designation as "sprint car", "quick response vehicle", "special response vehicle", "triage trucks", "staff cars", "supervisor units", and other similar designations.

2. Emergency medical response vehicles shall not include fire apparatus and law enforcement patrol vehicles that carry BLS first aid or BLS emergency medical supplies, and that respond to medical emergencies as part of their routine duties.

Emergency Medical Services (EMS)—a system that represents the combined efforts of several professionals and agencies to provide out-of-hospital nonemergency, urgent, and emergency care to the sick and injured.

EMS Medical Director—a physician (MD or DO) licensed by the Louisiana State Board of Medical Examiners who has responsibility and authority to ensure the quality of care and provide guidance for all out-of-hospital medical care provided by EMS ambulance services and EMS Practitioners.

EMS Practitioner—an individual who possesses a Bureau of EMS license as an emergency medical responder (EMR), an emergency medical technician (EMT), an advanced emergency medical technician (AEMT), or a paramedic.

EMS Task Force—composed of individuals, subject to the approval of the secretary of the department, which advises and make recommendations to the bureau and the department on matters related to emergency medical services.

Emergency Vehicle—a vehicle that meets the definition of an "authorized emergency vehicle" in the Louisiana Highway Regulatory Act (R.S. 32:1).

Headquarters—an ambulance service's center of operation and control.

Industrial Ambulance—any vehicle owned and operated by an industrial facility and used for transporting any employee who becomes sick, injured or otherwise incapacitated in the course and scope of his employment from a job site to an appropriate medical facility.

Infant—a child not previously subjected to abuse or neglect, who is not more than sixty days old as determined within a reasonable degree of medical certainty by an examining physician.

LERN—the Louisiana Emergency Response Network

Licensed Emergency Medical Services Practitioner—an individual who has successfully completed an emergency medical services education program based on national EMS education standards, and is licensed as any one of the following:

1. a licensed emergency medical technician;
 2. a licensed advanced emergency medical technician;
- or
3. a licensed paramedic.

Licensed Emergency Medical Technician—an individual who has successfully completed the emergency medical technician training program adopted by the bureau, who is licensed by the bureau.

Licensed Advanced Emergency Medical Technician—an individual who has successfully completed the advanced emergency medical technician training program adopted by the bureau, who is licensed by the bureau.

Licensed Paramedic—an individual who has successfully completed the paramedic training program adopted by the bureau, who is licensed by the bureau.

Licensed Emergency Medical Responder—an individual who has successfully completed a training course adopted by the bureau for emergency medical responders and who is licensed by the bureau.

Moral Turpitude—an act of baseness, vileness, or depravity in the duties which one person owes another, or to society in general, which is contrary to the usual, accepted and customary rule of right and duty which a person should follow.

Municipal Nonprofit Organization—an organization owned by a parish, municipality or entity of a parish or municipality which in its regular course of business responds to a call for help and renders medical treatment and whose attendants are emergency medical personnel, a registered nurse or a physician.

National EMS Education Standards—the document that outlines current national EMS education standards.

Non-Operational—an EMS ambulance service that is not available for operation on designated days and hours as stated in the licensing application and as defined in operational requirements pursuant to this Chapter.

Operational—an ambulance service that has a functional communications center (either owned and operated, or contracted) on duty 24 hours a day, 365 days a year. There shall also be at least one staffed ambulance at the service's level of care on duty and able to respond to requests for service 24 hours a day, 365 days a year within the ambulance service's/provider's service area unless excepted under other provisions of this Chapter.

Pediatric Emergency Care Coordinator—an individual or team that facilitates continued pediatric emergency education; ensures quality improvement for pediatric patients; enhances the availability of pediatric medications, equipment, and supplies; represents the pediatric perspective in the development of EMS protocols; and participates in pediatric research. A person and/or team in this role would be expected to oversee the system-based care of pediatric patients and would promote the integration of pediatric elements into day-to-day services as well as local and/or regional disaster planning, while also serving as a pediatric health care liaison among the EMS agency, community pediatricians, and medical home in addition to the local health care facilities.

Physician—a physician licensed to practice medicine by the Louisiana State Board of Medical Examiners.

Safe Haven—a mechanism whereby any parent may relinquish the care of a Safe Haven infant to the state in safety, anonymity, and without fear of prosecution, pursuant to Louisiana Safe Haven statutes.

Scope of Practice—the procedures, actions, and processes that a healthcare practitioner is permitted to undertake in keeping with the term of their professional licensure in accordance with state laws, rules, and regulations. The scope of practice is limited to that which the law allows for specific education and experience, and specific demonstrated competency.

V-MED 28—the National Emergency Medical Services Mutual Aid (radio) frequency of 155.340 MHz in the VHF broad band frequency spectrum.

Volunteer Nonprofit Organization—an organization which in its regular course of business responds to a call for help and renders medical treatment, whose attendants are emergency medical personnel, a registered nurse, or a physician and which is chartered as a nonprofit organization under Section 501c of the United States Internal Revenue Code, as a volunteer fire department by the Louisiana State Fire Marshal's Office, or as a nonprofit organization by the Louisiana Secretary of State.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:467 (March 2009), amended Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

§6005. Licensing Requirements and Types of Licenses

A. All ambulance services shall be licensed by the Department of Health (LDH). It shall be unlawful to operate or maintain an ambulance service in the state of Louisiana without possessing a license from the department. The Department of Health is the only licensing agency for ambulance services in the state of Louisiana.

B. No person, firm, corporation, association or government entity shall conduct, manage, operate, or maintain an ambulance service in Louisiana without a valid current license from the department.

1. Exception. No license shall be required for any hospital that operates a vehicle solely for the purpose of moving its own patients between parts of its own campus, provided that all of the following conditions are met:

a. the parts of the hospital's campus are not more than 10 miles apart;

b. at the time of transport, the patient is attended by at least two individuals who are an emergency medical services practitioner, a licensed practical or registered nurse, or a physician; and

c. the vehicle utilized by the hospital for transport contains the same equipment as is required for a licensed ambulance.

C. No person shall conduct, maintain or operate an ambulance which does not carry with it, in fully operational condition, equipment consistent with the agency protocol, not to exceed the Louisiana scope of practice for emergency medical services practitioners established in R.S. 40:1133.14. Each ambulance service/provider shall develop and maintain a written policy identifying the personnel and equipment required to comply with the provisions of this Chapter.

D. Ground ambulance services shall be licensed separately from air ambulance services. In those air ambulance services that are joint ventures, the license shall be issued to the ambulance service/provider of medical care and services.

E. A separately licensed ambulance service shall not use a name which is substantially the same as the name of another ambulance service licensed by the department unless the applicant is part of the same corporation or is chain affiliated.

F. A license issued to an ambulance service shall:

1. be issued to the person or entity named in the license application;

2. be valid only for one service's headquarters and its substations to which it is issued, and only for the specific geographic address of that headquarters;

3. be valid for one year from the date of issuance, unless revoked, suspended, modified or terminated prior to that date or unless a provisional license is issued;

4. expire on the last day of the twelfth month after the date of issuance, unless timely renewed by the service;

5. not be subject to sale, assignment, donation or other transfer, whether voluntary or involuntary; and

6. be posted in a conspicuous place in the ambulance service's headquarters at all times.

G. The department has the authority to issue the following types of licenses.

1. A full license is issued only to those applicants that are in substantial compliance with all applicable federal, state, and local laws, regulations, and policies. The license shall be valid until the expiration date shown on the license, unless the license is modified, revoked, suspended or terminated.

2. A provisional license may be issued to those ambulance services/providers or applicants that do not meet the criteria for full licensure. The license shall be valid for a period not to exceed six months.

a. An acceptable plan of correction is required from the ambulance service/provider for any survey where deficiencies have been cited, regardless of whether the department takes other action against the facility for the deficiencies cited in the survey.

b. The ambulance service/provider shall submit the plan of correction to the department for approval within the prescribed timeframe, and the ambulance service/provider shall be required to correct all such noncompliance or deficiencies prior to the expiration of the provisional license.

c. The department may conduct a follow-up inspection prior to the expiration of the provisional license. If at the follow-up inspection, the ambulance service/provider or applicant has correct all non-compliance or violations, the department may issue a full license. The full license shall be valid until the ambulance service's license anniversary date.

d. For an applicant applying for initial licensure, if the follow-up inspection reveals that the ambulance service failed to correct all violations, the applicant shall be required to begin the initial licensing process again by submitting a new initial licensing packet and the required fee to become licensed.

e. For an existing ambulance service, if the follow-up inspection reveals that the ambulance service/provider has failed to correct all violations, the department may re-issue a provisional license or allow the provisional license to expire.

f. A provisional license may be issued by the department for the following nonexclusive reasons:

i. the applicant or service has more than five violations of ambulance service regulations during one inspection;

ii. the applicant or service has more than three valid complaints in a one-year period;

iii. the department, medical director, or the quality improvement program have identified medical care that places patient(s) at risk;

iv. the applicant or service fails to correct violations within 60 days of being cited, or at the time of a follow-up inspection, whichever occurs first;

v. the applicant fails to submit assessed fees after notification by the department; or

vi. there is documented evidence that the applicant has bribed, intimidated or harassed someone to use the services of any particular ambulance service.

3. If an existing licensed ambulance service/provider has been issued a notice of license revocation, suspension, modification or termination and the ambulance service's/provider's license is due for annual renewal, the department shall deny the license renewal. The denial of license renewal of such a license does not affect in any manner the license revocation, suspension, modification or termination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1135.3

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, amended LR 49:

§6007. Initial Licensing

A. All requirements of the application process for licensing shall be completed by the applicant before the application will be processed by the department.

1. No application will be reviewed until the application fee is paid.

B. An application packet shall be obtained electronically from the department's Bureau of EMS website.

1. A completed application packet for an ambulance service shall be submitted to, and approved by, the department prior to an applicant providing patient care services.

C. The license application shall be submitted to the department on forms provided for that purpose.

1. The application shall provide documentation that the applicant meets the appropriate requirements for an ambulance service/provider as specified by regulations established by the department.

a. An incomplete application shall be returned to the applicant.

D. An applicant seeking a license as an ambulance service/provider shall indicate the:

1. type of license requested;

a. ground ambulance service;

b. air ambulance service;

2. the highest level of care, as listed below, that the service may provide must be consistent with its equipment and personnel and in accordance with Louisiana Scope of Practice as defined by the EMS Certification Commission:

a. emergency medical response vehicle (EMRV, sprint vehicles, etc.);

b. basic level service ambulance;

c. advanced level service ambulance;

d. air ambulance:

i. fixed-wing; and/or

ii. rotary aircraft.

E. An applicant seeking a license as an ambulance service/provider shall:

1. provide at least one unit for 24 hours a day, 365 days a year at the highest level of care for which the service applies for and becomes licensed to provide;

2. for ambulance services that serve more than one parish, provide at least one unit at the highest level of care for 24 hours a day, 365 days a year in each parish served;

3. in the initial application only, petition the department for hours of operation other than 24 hours a day, 365 days a year;

4. for an air ambulance service, provide the level of care at the licensed paramedic level.

a. The department may require the submission of work schedules and individual credentials to verify;

F. The completed application shall be submitted with the required information and the following supporting documentation:

1. a certificate of insurance verifying proof of required commercial automobile or aircraft liability insurance;

2. Proof that the ambulance service/provider has a medical director and that such director is a physician licensed to practice medicine by the Louisiana State Board of Medical Examiners and who has responsibility and authority to ensure quality of care and provide guidance for all medical aspects of EMS;

3. all medical protocols signed by the physician/medical director with their prescribed approvals by the parish or component medical society, and/or LERN as applicable;

4. copies of key personnel certifications and professional license(s), inclusive of the director of operations, the administrator and the medical director;

5. for ambulance services/providers of advanced life support, verification that the ambulance service/provider possesses a Louisiana controlled substance license and a U.S. Drug Enforcement Administration controlled substance registration;

6. the unit number, vehicle identification numbers and other identifying vehicle registration information for each unit assigned to the area or each aircraft in service;

a. for ground transportation ambulance services/providers, a copy of the certificate of registration from the Office of Motor Vehicles;

b. for air ambulance services/providers, a copy of the Federal Aviation Administration (FAA) part 135 commercial air taxi certificate;

7. proof that the ambulance service holds a Clinical Laboratory Improvement Act (CLIA) certificate commensurate with the level of testing performed;

8. documentation that the applicant seeking licensure as an ambulance service/provider is in compliance with the criminal history check requirements of R.S. 40:1203.1-1203.5;

9. a copy of all necessary local permits and licenses to operate in a service area.

G. Service Area. An applicant for an ambulance service/provider license shall declare his service area in writing. The department may require the applicant to provide a map of the service area.

H. The applicant shall be prepared to be fully operational for an initial inspection within 90 days after payment of the application fee. If the applicant is unable to do so, the application may be closed.

1. If the application is closed and the applicant is still interested in becoming an ambulance service/provider,

he/she shall submit a new initial application packet, including a new initial fee to start the licensing process.

I. Prior to the initial license being issued to the provider, an initial licensing inspection shall be conducted to assure compliance with licensing standards and applicable federal, state, or local statutes, laws, ordinances, rules, and regulations.

J. Until the initial license is issued to the ambulance service/provider by the department, the applicant shall not provide EMS care to any individual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 1135.3, R.S. 40:1135.8

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:469 (March 2009), amended Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

§6009. Service Areas

A. An ambulance service/provider's service area is that territory which the ambulance service/provider renders services, has vehicles posted or domiciled, and is legally authorized by the local governing body(ies) to provide services.

B. Upon initial application, an applicant for an EMS license shall declare his service area in writing. The department may require the applicant to provide a map of the service area. The applicant shall also provide copies of all necessary local licenses and permits to operate within the service area, or other legal clearances.

C. Expansion of Service Area. If an ambulance service/provider intends to expand into additional service areas, such notice shall be given to the department at least 72 hours in advance.

1. This notification must include:

- a. a description of the territory added;
- b. the unit numbers and vehicle identification numbers of vehicles assigned to the area; and
- c. the address and telephone number of any substations within the designated service area.

2. The ambulance service/provider shall also provide a copy of all necessary local permits and licenses or other legal clearances.

C. Withdrawal from Service Area. If an ambulance service withdraws from a territory, it must notify the department at least 30 days in advance. The ambulance service must provide the department with evidence that it has notified the appropriate local authorities that it will no longer serve as an ambulance service/ provider in the area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1135.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:469 (March 2009), amended Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

§6011. Governing Body

A. The ambulance service/provider shall have a governing body that is responsible for establishing and implementing policies regarding the management and operation of the ambulance service.

1. The governing body shall develop, approve, implement, and re-evaluate policies and procedures which define and describe the:

- a. scope of services offered;

b. maintenance and availability of equipment and supplies necessary to perform such services; and

c. maintenance of the vehicles to ensure such are in safe and working order.

2. The policies and procedures shall be revised as necessary and reviewed at least annually.

B. The governing body shall be responsible for the:

1. overall operation of the ambulance service
2. performance of the personnel providing direct emergency care; and
3. the performance of the vehicles.

C. The governing body shall appoint, in writing, a director of operations responsible for the management and daily operation of the ambulance service.

D. The governing body of the ambulance service shall appoint a qualified designee charged with the general administration of the ambulance service in the absence of the director of operations.

E. The governing body shall notify the department in writing when a change occurs in the director of operations or the medical director position within 30 calendar days from the date the change occurs. The notice shall include the identity of the replacement individual, the individual's qualifications, and the specific date the change occurred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:469 (March 2009), amended Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

§6013. Fees

A. Any remittance submitted to the department in payment of a required fee must be in the form/manner specified by the department.

B. Fee amounts shall be determined by the department in accordance with R.S. 40:1135.4 et seq.

C. Fees paid to the department are not refundable.

D. A fee is required to be submitted with:

1. an initial application;
2. a renewal application;
3. a change of controlling ownership;
4. a change of name or physical address; and
5. each application for a permit to add a vehicle to the service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1135.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:470 (March 2009), amended Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

§6015. Inspections, Surveys or Investigations

A. Initial Inspections. An applicant must successfully complete an initial inspection by the department which includes:

1. an inspection of all vehicles to determine that they are safe and in working order and that they are equipped with all of the prescribed medical equipment as required by these provisions and in accordance with state and local laws and regulations:

- a. safe and working order shall be determined pursuant to the provisions of R.S. 32:1 et seq. and the

Louisiana Motor Vehicle Inspection Manual, in addition to the provisions of this Chapter and R.S. 40:1135.1 et seq.;

b. for aircraft, the safe and working order shall be determined by the rules of the FAA, in addition to the provisions of this Chapter and R.S. 40:1135.1 et seq.;

c. each vehicle successfully completing the inspection shall receive a permit (evidenced by a department-issued decal) authorizing it to be operated as part of the applicant's fleet;

2. an inspection of all personnel credentials to verify that they meet the requirements of law;

3. an inspection, and when deemed necessary by the department, verification of the information required in this Chapter and that such information remains current;

4. verification that the ambulance service/provider has complied with all applicable federal, state, and local statutes, and rules, and has obtained all necessary and applicable licenses, permits, and certifications, including certificates of need or certificates of public convenience and necessity; and

5. for those ambulance services/providers rendering advanced life support, verification that the ambulance service/provider possesses a Louisiana controlled substance license and a U.S. Drug Enforcement Administration controlled substance registration.

B. Other Inspections. The department may conduct the following types of inspections.

1. Licensing Inspection. Licensing inspection is a periodic survey or investigation conducted as necessary to assure compliance with ambulance licensing standards.

2. Follow-Up Inspection. A follow-up may be conducted whenever necessary to assure correction of non-compliance. When applicable, the department may clear violations by administrative desk review.

3. Complaint Inspection. In accordance with R.S. 40:2009.13 et seq., a complaint inspection shall be conducted to investigate allegations of noncompliance. Complaint inspections are unannounced.

4. Fleet addition inspections

a. Any ambulance service adding a ground transportation ambulance, air ambulance or sprint vehicle to the fleet shall provide written notification to the department in advance of the addition. The notification shall include:

i. vehicle identification number;

ii. copy of the certificate of registration from the Office of Motor Vehicles or the Federal Aviation Administration;

iii. proof of commercial automobile or aircraft liability insurance; and

iv. vehicle inspection fee.

b. Once a temporary notice of approval for the vehicle fleet addition is received, the vehicle may be placed in service.

i. The temporary notice of approval shall be carried in the vehicle until the fleet addition vehicle inspection is completed and a state-issued permit is received.

ii. The vehicle or aircraft shall be inspected for the requirements of the Louisiana Motor Vehicle Inspection Act, FAA Part 135, and this Chapter

NOTE: The decal shall be affixed to a non-obstructive viewing area of the vehicle, preferably the lower part of the driver's door window.

c. Any vehicle borrowed, leased or rented by the service for less than 90 days shall not be subject to a vehicle inspection fee.

i. All vehicles shall be subject to compliance with this Chapter and must be issued a temporary notice of approval for use.

ii. The temporary approval shall be carried in the vehicle at all times.

C. When a vehicle is required to be inspected, but is not available, it is the responsibility of the ambulance service/provider to arrange for the vehicle to be available to the surveyor for inspection within 30 days of the on-site survey.

D. For ambulance services/providers based in Louisiana, who border an adjacent state and use vehicles from the bordering state, such vehicles are not required to have a Louisiana license plate, but shall be licensed in accordance with the adjacent state's rules, laws and regulations in the operation of the ambulance service's/provider's vehicle. These vehicles shall be available for inspection for compliance with Louisiana inspection requirements pursuant to this Chapter.

E. Louisiana Department of Health surveyors and staff shall be:

1. given access to all areas and relevant files of the ambulance service/provider which are relevant to the purpose of the inspection or investigation during an inspection or investigation; and

2. allowed to interview any person with an ownership interest, staff, or patients, as necessary or required to conduct the inspection or investigation.

F. The ambulance service/ provider shall be given a written statement of findings of any deficiencies cited based on an inspection or investigation which includes notice of the required plan of correction, as applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 40:1135.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:471 (March 2009) amended Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

§6017. Statement of Deficiencies

A. Except as may otherwise be required by the Louisiana Public Records Law (La. R.S. 44:1 et seq.), any statement of deficiencies issued by the department to the ambulance service/provider shall be available for disclosure to the public 30 days after the ambulance service/provider submits an acceptable plan of correction or 90 days after the statement of deficiencies is issued to the ambulance service/provider, whichever occurs first.

1. A statement of deficiencies shall:

a. cite the law or rule of the deficiency,

b. be reviewed and signed by a representative of the ambulance service/provider on the day of the inspection, and

c. be delivered, during the exit interview at the time of the survey or by registered mail, return receipt requested, to the ambulance service/provider representative and administrator/chief of EMS no later than two business days following the surveys.

B. Unless otherwise provided in statute or in these licensing provisions, an ambulance service/provider shall have the right to an informal reconsideration of the deficiencies cited as a result of a survey or investigation.

1. Correction of the violation, noncompliance, or deficiency shall not be the basis for the reconsideration.

2. The informal reconsideration of the deficiencies shall be requested in writing within 10 calendar days of receipt of the statement of deficiencies, unless otherwise provided in these standards.

3. The request for informal reconsiderations of the deficiencies shall be made to the department's Bureau of EMS and will be considered timely if received by the Bureau of EMS within 30 calendar days of the ambulance service's/provider's receipt of the statement of deficiencies.

4. If a timely request for an informal reconsideration is received, the department shall schedule and conduct the informal reconsideration.

NOTE: Informal reconsideration of the results of a complaint investigation are conducted as desk reviews.

5. The ambulance service/provider shall be notified in writing via registered mail, return receipt of the results of the informal reconsideration.

6. Except as provided for complaint surveys pursuant to R.S. 40:2009.13 et seq., and as provided in these licensing provisions for initial license denials, revocations and denial of license renewals in accordance with the provision of §6027, the decision of the informal reconsideration team shall be the final administrative decision regarding the deficiencies.

7. The request for an informal reconsideration of any deficiencies cited as a result of a survey or investigation does not delay submission of the required plan of correction within the prescribed timeframe.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:471 (March 2009), amended Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

§6019. Changes

A. An ambulance service/provider shall notify the Louisiana Department of Health, in writing, within five working days of the occurrence of any changes in:

1. physical address of the headquarters;
2. agency name;
3. phone number;
4. 24-hour contact procedure;
5. ownership (CHOW form is required);
6. physical address, email address or phone number of any substation or the addition of any substation;
7. administrator(s)/chief of EMS (a completed key personnel change form is required);
8. director of operations (a completed key personnel change form is required);
9. medical directors (a completed key personnel change form is required);
10. insurance coverage;
11. cessation of business in accordance with §6029; or
12. change in the service area.

B. Change of Ownership (CHOW)

1. Actions which constitute a CHOW include, but are not limited to the following.

a. Unincorporated Sole Proprietorship. Transfer of title and property to another party.

b. Corporation/Limited Liability Corporation (LLC). The merger of the ambulance service/provider corporation into another corporation, or the consolidation of two or more corporations, resulting in the creation of a new corporation.

i. Transfer of corporate stock or the merger of another corporation into the ambulance service/provider corporation does not constitute a CHOW.

c. Partnership. In the case of a partnership, the removal, addition or substitution of a partner, unless the partners expressly agree otherwise, as permitted by applicable state law.

d. Leasing. The lease of all or part of an ambulance service's/provider's entity constitutes a CHOW of the leased portion.

2. Change of Ownership packets may be obtained electronically from the Bureau of EMS' website.

a. Only an agency with a full license shall be approved to undergo a CHOW.

b. An ambulance service license is not transferable from one entity or owner to another.

i. an ambulance service that is under license revocation, provisional licensure, or denial of license renewal may not undergo a CHOW.

3. The following information must be submitted within five working days after the act of sale:

a. a new license application and the current licensing fee;

i. the purchaser of the agency must meet all criteria required for initial licensure as an ambulance service/provider;

b. any changes in the name and/or address of the ambulance service;

c. changes in medical director or director of operations, administrator, or chief of EMS.

d. disclosure of ownership forms; and

e. a copy of the Bill of Sale and Articles of Incorporation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:472 (March 2009), amended Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

§6021. License Renewal

A. An ambulance service license must be renewed annually.

B. An ambulance service seeking a renewal of its license shall:

1. access the renewal application electronically on the Bureau of EMS Information Management System at least 45 days prior to license expiration;

2. complete all forms and attachments and submit to the department at least 15 days prior to license expiration; and

3. electronically submit the current annual licensing fees using the Bureau of EMS Information Management System

a. An application is not considered to have been submitted unless the licensing fees are received.

4. submit any changes in medical protocols, if made since the last license renewal.

5. submit ambulance crash data on the provided form.

C. The department may issue a full renewal license to an existing licensed ambulance service/provider that is in substantial compliance with all applicable federal, state departmental and local statutes, laws, ordinances, rules, regulations and fees. The license shall be valid until the expiration date shown on the license, unless the license is revoked, suspended, denied, or modified.

D. Failure to submit a completed license renewal application to the department prior to the expiration of the current license, or prior to the expiration of deadlines established by the department, shall result in the voluntary non-renewal of the license.

E. There is no appeal opportunity afforded to an ambulance service/provider for the voluntary non-renewal of an ambulance service/provider license.

F. The renewal of a license does not in any manner affect any sanction, civil monetary penalty, or other action imposed by the department against the ambulance service/provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:1135.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:472 (March 2009), amended Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

§6023. Denial, Revocation or Suspension of a License

A. Denial of an Initial License. An applicant may be denied an initial license for one of the following nonexclusive reasons:

1. the background investigation indicates any convictions pursuant to R.S. 40:1203.3 et seq.;

2. has had any license pertaining to the provision of emergency medical services revoked in any jurisdiction;

3. failure to comply with applicable federal, state, and local laws, statutes, rules or regulations;

4. intentional falsification of material information provided pursuant to this Chapter; or

5. conviction, guilty plea or plea of nolo contendere of a felony by the following, as shown by a certified copy of the record of the court of the conviction:

a. director of operations;

b. members or officers; or

c. the person(s) designated to manage or supervise the ambulance service if the applicant is a firm or corporation.

B. Revocation or Denial of License Renewal. An ambulance service's license may be denied renewal or revoked for any one of the following:

1. failure to be in substantial compliance with the ambulance service licensing standards;

2. failure to be in substantial compliance with other required statutes, laws, ordinances, rules or regulations;

3. failure to comply with the terms of a settlement agreement or corrective action letter;

4. failure to uphold patient rights, whereby violations may result in harm or injury;

5. failure of the agency to protect patients/persons in the community from harmful actions of the agency employees; including, but not limited to:

a. health and safety;

b. coercion;

c. threat;

d. intimidation; and

e. harassment;

6. failure to notify proper authorities including, but not limited to, law enforcement and the department (Bureau of EMS) of all suspected cases of neglect, criminal activity, or mental or physical abuse which could potentially cause harm to the patient;

7. failure to employ qualified personnel and maintain an adequate quality assurance program that identifies poorly performing staff and remediates or terminates them for deficiencies;

8. failure to continuously maintain in force any required insurance coverage(s)

9. failure to submit fees including, but not limited to:

a. renewal fee;

b. change of agency address or name; or

c. any fines assessed by the department;

10. failure to allow the department to conduct an investigation, inspection or survey, or to interview staff or participants, or to allow access to any relevant records during any inspection;

11. failure to remedy a situation where patients were not protected from unsafe, skilled and/or unskilled care by any person employed by the ambulance service;

12. ambulance service/provider staff or owner has knowingly, or with reason to know, made a false statement of a material fact in:

a. application for licensing;

b. data forms;

c. clinical records;

d. matters under investigation by the department;

e. information submitted for reimbursement from any payment source;

f. the use of false, fraudulent or misleading advertising;

g. ambulance service staff being misrepresented or was fraudulent in conducting ambulance service business; or

h. any convictions by an owner, administrator, director of operations, or medical director as shown by a certified copy of the record of the court of conviction; or if the applicant is a firm or corporation, of any of its members or officers, or of the person designated to manage or supervise the ambulance service agency; or

13. failure to comply with all reporting requirements in a timely manner; or

C. If an ambulance service's/provider's license is revoked or denied renewal by the department, other than for cessation of business or non-operational status, any owner, officer, member, manager or administrator of such service may be prohibited from owning, managing, directing or

operating another service for a period of two years from the date of the final disposition of the revocation or denial action.

D. The secretary of the department may immediately suspend the license of an ambulance service/provider in accordance with the provisions of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1, 40:1135.2 and R.S. 40:1135.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

§6025. Sanctions

A. In accordance with R.S. 40:1135.5 et seq., any person or ambulance service/provider violating the provisions of this Chapter when such violation poses a threat to the health, safety, rights, or welfare of a patient or client may be liable for sanctions and other penalties, to be assessed by the department, in addition to any criminal action which may be brought under other applicable laws. Such actions may include, but not be limited to:

1. civil fine(s) pursuant to R.S. 40:1135.5(B)2(a-e) et seq.;

2. provisional licensure;

3. denial of license renewal; or

4. license revocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1, R.S. 40:1135.2 and R.S. 40:1135.5.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

§6027. Notices, Informal Reconsideration and Appeals

A. Following any inspection or complaint investigation, the department will issue a notice of deficient practice if deficiencies are found and cited. The ambulance service/provider shall receive written notice, via registered mail, return receipt requested.

B. Informal Reconsideration. Upon notice of an initial license denial, suspension, revocation of a license or denial of license renewal, due to non-compliance with any of the provisions of this Chapter or any applicable statute, or of the imposition of a civil fine, or other sanction, the ambulance service/provider may request an informal reconsideration. An informal reconsideration may also be referred to as administration reconsideration.

1. A request for an informal reconsideration shall be submitted in writing to the department within 30 calendar days of receipt of the notification.

2. The reconsideration shall be conducted by a designated official(s) of the department who did not participate in the initial decision to impose the action taken.

3. The ambulance service/provider shall have the right to appear in person at the informal reconsideration and may be represented by counsel.

4. Reconsideration shall be made based on the documents before the official(s). The ambulance service/provider may present documents at the informal reconsideration.

5. Correction of a violation shall not be the basis for reconsideration.

6. There is no right to an informal reconsideration of the department's decision to issue a provisional license or to allow a provisional license to expire, or for a license that has been voluntarily surrendered or non-renewed.

C. An ambulance service/provider with a provisional license that expires due to non-compliance or deficiencies cited at the follow-up inspection may request an informal reconsideration only of the validity of the deficiencies cited at the follow-up survey.

1. The reconsideration is limited to whether the violations or findings of non-compliance were properly cited at the follow-up inspection.

2. The ambulance service/provider has thirty calendar days from receipt of the notice of the results of the follow-up inspection survey to request an informal reconsideration.

3. Correction of a violation or finding of non-compliance after the applicable inspection shall not be the basis for an informal reconsideration.

4. The ambulance service/provider shall receive written notice, via registered mail, return receipt requested, of the results of the reconsideration.

D. Administrative Appeal of a Decision to Deny, Suspend, Revoke or Deny Renewal of a License. Any ambulance service/provider whose license has been revoked, suspended, denied or denied renewal by the department shall have the right to have an administrative appeal, provided that such request for appeal is made in writing to the Division of Administration Law (DAL) within 30 calendar days of receipt of the notice of the department's decision, or within 30 days of receipt of the results of the informal reconsideration pursuant to the provisions of this Chapter.

1. An appeal of a decision to deny, revoke or deny renewal of a license is suspensive. The department's decision will not be implemented until it is affirmed on judicial review, or there is no request for judicial review made within the applicable time limits.

2. An appeal of a suspension of a license is devolutive. The ambulance service/provider must cease providing services upon receipt of notification of the suspension of its license.

3. An ambulance service/provider has the right to a judicial review of an administrative appeal affirming a denial, suspension, revocation or denial of license renewal in accordance with the Administrative Procedures Act.

E. Administrative Appeal of a Civil Fine or Other Sanction. An ambulance service ambulance service/provider has the right to submit an administrative appeal of a notice of a civil fine(s). Such appeal is suspensive and shall be submitted within 30 calendar days of receipt of such notice, or within 30 calendar days of the receipt of the results of the informal reconsideration contesting the civil fine(s). If the administrative appeal decision is adverse to the ambulance service/provider, the ambulance service/provider may request a judicial review of the decision in accordance with the Administrative Procedures Act.

F. An ambulance service/provider with a provisional license that expires due to non-compliance or deficiencies cited at the follow-up inspection may request an administrative appeal only of the validity of the deficiencies cited at the follow-up survey.

1. The appeal is limited to whether the violations or findings of non-compliance were properly cited at the follow-up inspection.

2. The ambulance service/provider has 30 calendar days from the notice of the results of the follow-up inspection to request an administrative appeal.

3. The ambulance service's/provider's appeal is devolutive. The ambulance service/provider must cease providing services unless an administrative tribunal issues a stay of the expiration.

a. To request a stay, an application for a stay must be filed by the ambulance service/provider at the time the administrative appeal is filed.

i. The stay may be granted by the administrative tribunal; only after a contradictory hearing and only upon a showing that there is no potential harm to the patient(s) being served by the ambulance service/provider.

G. If an ambulance service/provider fails to submit a timely request for an administrative appeal, the department's decision becomes final.

H. There is no right to an administrative appeal of the department's decision to issue a provisional license, the department's decision to allow a provisional license to expire, or in connection with a license that has been voluntarily surrendered or non-renewed.

I. Correction of a violation or finding of non-compliance after the applicable inspection shall not be the basis for an administrative appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1, R.S. 40:1135.2 and R.S. 40:1135.5.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

§6029. Cessation of Business

A. Except as provided in §6031 or §6032 of this Chapter, a license shall be immediately null and void if an ambulance service ceases to operate.

B. A cessation of business is deemed to be effective as of the date on which the ambulance service stopped offering or providing services to the community.

C. Upon the cessation of business, the ambulance service shall immediately return the original license to the department.

D. Cessation of business is deemed to be a voluntary action on the part of the ambulance service. The ambulance service does not have the right to appeal a cessation of business.

E. Once the ambulance service has ceased doing business, the ambulance service/provider shall not provide services until the provider has obtained a new initial license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1134.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

§6031. Inactivation of License Due to a Declared Disaster or Emergency

A. An ambulance service licensed in a parish which is the subject of an executive order of proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766 may seek to inactivate its license for a period not to exceed one year, provided that the following conditions are met:

1. the ambulance service shall submit written notification to the Bureau of EMS within 60 days of the date of the executive order or proclamation of emergency or disaster that:

a. the ambulance service has experienced an interruption in the provision of services as a result to events

that are the subject of such executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766;

b. the ambulance service intends to resume operation as an ambulance service in the same service area;

c. includes an attestation that the emergency or disaster is the sole causal factor in the interruption of the provision of services;

d. the ambulance service's initial request to inactivate does not exceed one year.

NOTE: Pursuant to these provisions, an extension of the 60-day deadline for initiation of request may be granted at the discretion of the department.

2. the ambulance service resumes operating in the same service areas within one year of the issuance of an executive order or proclamation of emergency of disaster in accordance with R.S. 29:724 or R.S. 29:766.

3. the ambulance service continues to pay all fees and costs due and owed to the department including, but not limited to, annual licensing fees and outstanding civil monetary penalties, if applicable; and

4. the ambulance service continues to submit required documentation and information to the department.

B. Upon receiving a completed written request to inactivate an ambulance service license, the department may issue a notice of inactivation of license to the ambulance service.

C. An ambulance service which has received notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met:

1. The ambulance service submits a written license reinstatement request to the Bureau of EMS 30 calendar days prior to the anticipated date of reopening.

a. The license reinstatement request informs the department of the anticipated date of opening, and shall request scheduling of a licensing survey;

b. The license reinstatement request includes a completed licensing application with appropriate licensing fees;

c. The ambulance service submits a copy of the on-site health inspection report with approval of occupancy from the Office of Public Health (OPH), if required by law; and

2. The ambulance service resumes operating in the same service area within one year.

EXCEPTION: If the ambulance service requires an extension of this timeframe due to circumstances beyond the ambulance service's/provider's control, the department will consider an extended period. Such written request for extension shall show the ambulance service's/provider's active efforts to complete construction or repairs and the reasons for the request for extension of the ambulance service's/provider's inactive license. Any approval for an extension is at the sole discretion of the department.

D. Upon receiving a completed written request to reinstate an ambulance service license, the department shall conduct a licensing survey. If the ambulance service meets the requirements for licensure and the requirements under this Section, the department shall issue a notice of reinstatement of the ambulance service license.

E. No change of ownership of the ambulance service shall occur until such ambulance service has resumed operations as an ambulance service.

F. The provisions of this Section shall not apply to an ambulance service which has voluntarily surrendered its license and ceased operation.

G. Failure to comply with any of the provisions of this Section shall be deemed a voluntary surrender of the ambulance service license. There is no appeal opportunity for a voluntary surrender of license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:473 (March 2009) amended Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

§6033. Inactivation of License due to a Non-Declared Disaster or Emergency

A. A licensed ambulance service in an area or areas which have been affected by a non-declared emergency or disaster may seek to inactive its license, provided that the following conditions are met:

1. the ambulance service/provider shall submit written notification to the Bureau of Emergency Medical Services within 30 calendar days of the date of the non-declared emergency or disaster stating that:

a. the ambulance service has experienced an interruption of the provisions of services as a result of events that are due to a non-declared emergency or disaster:

b. the ambulance service intends to resume operation in the same service area;

c. the ambulance attests that the emergency or disaster is the sole causal factor in the interruption of the provision of services; and

d. the ambulance service's initial request to inactivate does not exceed one year.

NOTE: Pursuant to these provisions, an extension of the 30-day deadline for initiation of request may be granted at the discretion of the department.

2. the ambulance service resumes operating in the same areas within one year;

3. the ambulance service continues to pay all fees and costs due and owed to the department including, but not limited to, annual licensing fees and outstanding civil monetary penalties if applicable; and

4. the ambulance service continues to submit required documentation and information to the department.

B. Upon receiving a completed written request to temporarily inactivate an ambulance service/provider license, the department shall issue a notice of inactivation of license to the ambulance service/provider.

C. An ambulance service which has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met:

1. The ambulance service submits a written license reinstatement request to the Bureau of EMS 30 calendar days prior to the anticipated date of reopening.

a. The license reinstatement request informs the department of the anticipated date of opening, and shall request scheduling of a license survey;

b. The license reinstatement request includes a completed licensing application with appropriate licensing fees.

c. The ambulance service submits a copy of the on-site health inspection report with approval of occupancy

from the Office of Public Health (OPH), if required by law, and

2. The ambulance service resumes operating in the same service area within one year.

EXCEPTION: If the ambulance service requires an extension of this timeframe due to circumstances beyond the ambulance service's/provider's control, the department will consider an extended period. Such written request for extension shall show the ambulance service's/provider's active efforts to complete construction or repairs and the reasons for the request for extension of the ambulance service's/provider's inactive license. Any approval for an extension is at the sole discretion of the department.

D. Upon receiving a completed written request to reinstate an ambulance service license, the department shall conduct a licensing survey. If the ambulance service meets the requirements for licensure and the requirements under this Section, the department shall issue a notice of reinstatement of the ambulance service license.

E. No change of ownership in the ambulance service shall occur until such ambulance service/provider has resumed operations as an ambulance service.

F. The provisions of this Section shall not apply to an ambulance service which has voluntarily surrendered its license and ceased operation.

G. Failure to comply with any of the provisions of this Section shall be deemed a voluntary surrender of the ambulance service license. There is no appeal opportunity for a voluntary surrender of license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and R.S. 40:1135.2

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:474 (March 2009); amended by Bureau of Emergency Medical Services, LR 49:

Subchapter B. Ambulance Service/Provider Responsibilities

§6041. General Provisions

A. Insurance Coverage

1. Each ambulance service/provider shall continuously have in effect the following minimum amounts of insurance:

a. general liability insurance in the amount of \$500,000 per occurrence and \$500,000 in the aggregate;

b. automobile and/or aircraft liability insurance, as applicable, in the amount of \$500,000 per occurrence and \$500,000 in the aggregate; and

c. medical malpractice liability insurance in the amount of \$500,000.

2. Proof of participation in the Louisiana Patients' Compensation Fund will be accepted as medical malpractice insurance.

3. Each ambulance service/provider shall provide to the Department a certificate of insurance verifying that the ambulance service/provider has the legally mandated insurance coverage.

B. Infection Control and Laboratory Testing

1. An ambulance service must have and comply with a written infection control plan in accordance with 29 CFR 1910.120.

a. The ambulance service/provider shall ensure sufficient infection control equipment and supplies are readily available for each service run.

2. Ambulance services conducting blood glucose or other laboratory testing in the field must have the

appropriate Clinical Laboratory Improvement Act (CLIA) certificate, and shall be in compliance with the provisions of such.

C. Communications

1. All ambulance services shall have a dispatch facility. They may either own and operate their own facility or contract their dispatching to an appropriate emergency communications agency. All dispatch facilities must have 24 hour emergency power.

2. In addition to 911, the ambulance service shall provide the department with a conventional seven digit telephone number for their dispatch facility that may be reached 24 hours a day, 365 days a year.

3. All ambulance services shall have a Federal Communications Commission (FCC) type accepted two-way dispatching communications system. They may either own or lease the system.

a. All dispatch center(s) and/or point(s) of dispatch shall have a proper FCC, licensed radio system or an agreement with an FCC, licensed communication provider that does not allow for transmission by unauthorized users, but will provide the capability for the dispatcher, with one transmission, to be heard simultaneously by all of its ambulances/emergency medical response units within that defined geographic service area.

b. Services that utilize multiple transmitters/tower sites shall have simultaneous communications capabilities with all units utilizing a specific transmitter/tower site.

4. All ambulance services shall be compliant with any applicable mandates of the FCC, the U.S. Department of Homeland Security, the Governor's Office of Homeland Security and Emergency Preparedness, and other applicable governmental agencies.

D. Scanner Usage

1. Pursuant to R.S. 40:1135.7, no commercial ambulance shall make any emergency run based solely on information intercepted by the use of a radio communication scanner or similar device except in cases where human life is threatened, unless that commercial ambulance has been specifically requested to respond to such an emergency. Nothing in this Section shall be construed to prohibit service to a subscriber of a commercial ambulance service.

E. All ambulance services/providers shall maintain a log of all incoming calls received related to patient medical services and in accordance with the ambulance service's/provider's policies and procedures.

F. At any time that the ambulance service/provider has an interruption in services or a change in the licensed location due to an emergency situation, the ambulance service/provider shall notify the Bureau of EMS no later than the next business day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and R.S. 40:1135.3

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

§6043. Personnel

A. Director of Operations

1. The director of operations (DOO), or equivalent job title, shall be designated, in writing, to supervise:

a. all activities of professional staff and allied health personnel; and

b. responsible for compliance with regulatory requirements.

2. The DOO, or designee, shall be on-site or immediately available to be on-site at all times during operating hours, and additionally as needed. If the DOO is unavailable, he/she shall designate an equally qualified individual to be responsible during his/her absence.

3. The DOO shall be a licensed EMT, or above, and shall be currently licensed to practice in the state of Louisiana:

a. with at least three years' experience as an EMS Practitioner; and

b. be a full-time employee of only one ambulance service facility.

4. The department may exempt the director of operations from the requirements of §6133.A.3.a-b if services are primarily staffed and operated by volunteers.

5. The DOO shall supervise all patient care activities to assure compliance with current standards of accepted EMS practice including, but not limited to, the following:

a. supervise the employee health program and implement policies and procedures that establish and support quality patient care;

b. assure compliance with local, state, and federal laws, and promote health and safety of employees, patients and the community, using the following nonexclusive methods:

i. perform complaint investigations;

ii. provide orientation and in-service training to employees to promote effective ambulance service safety of the patient, and to familiarize staff with regulatory issues, and agency policy and procedures, including but not limited to:

iii. competency evaluation performed biennially to coincide with renewals of licensure of health care personnel or alternatively provide that the competency evaluation will be done through an ambulance service's/provider's quality assurance policies and procedures that includes a definition of competency when utilizing the quality assurance process

iv. assure that the care provided by the health care personnel promotes effective emergency medical care and the safety of the patient; and

v. assure that the ambulance service policies are enforced.

6. The DOO shall also perform the following duties:

a. implement personnel and employment policies to assure that only qualified personnel are hired:

i. licensing and/or certification (as required by law) shall be verified prior to employment and annually thereafter, and records shall be maintained to support competency of all allied health personnel;

b. implement policies and procedures that establish and support quality patient care

c. be responsible for and direct the day-to-day operations of the ambulance service facility;

d. act as liaison among staff, patients and the community;

e. designate, in writing, an individual who meets the qualifications of director of operations to assume the authority and the control of the ambulance service if the director of operations is unavailable; and

f. designate policies governing the day-to-day provisions of the ambulance service.

8. The DOO shall refer to the Louisiana Emergency Medical Services Certification Commission, or other authority of competent jurisdiction, any licensed employee who allegedly committed or is accused of committing, or who has been proven to have committed any of the following:

a. the selling, attempting to sell, falsely obtaining, or furnishing any professional certification document;

b. conviction of a crime or offense which reflects the inability of that person to provide care with due regard of the health and safety of the patient. This includes a plea of *nolo contendere* regardless of the final outcome; or

c. is guilty in the aiding and abetting of someone in violation of these regulations or the regulations of the Louisiana EMS Certification Commission.

d. is guilty in the violation of these regulations or the regulations of the Louisiana EMS Certification Commission.

B. Medical Director

1. The medical director must be a licensed physician (MD or DO), authorized to practice medicine in Louisiana and knowledgeable about emergency medical care and the emergency medical services system. The medical director is the clinical supervisor of the ambulance service. The medical director reviews, coordinates, and is responsible for the management of clinical and medical care for all patients. The medical director is responsible for all aspects of patient care. The medical director may be an employee or a volunteer of the agency. The agency may also contract for services of the medical director.

2. The medical director or his designee shall assume overall responsibility for the medical component of the patient care program including, but not limited to:

a. responsibility for all controlled dangerous substances utilized by the ambulance service;

b. developing and coordinating procedures for the provision of emergency medical care; and

c. participating in the development of the protocols or procedures for providing care;

3. The medical director shall maintain a current list of all licensed emergency medical services personnel that function under the medical director's supervision.

4. The medical director shall have the authority to appointment and delegate duties to one or more associate medical directors;

a. Associate medical directors shall have responsibilities and authority that are delineated in writing and shall be recognized with authority and responsibility as delegated by the program's EMS medical director.

5. Documentation of the medical director's credentials shall be kept on file with the service at its headquarters.

C. Licensed Emergency Medical Services Personnel

1. A licensed emergency medical responder (EMR) must be licensed by the Louisiana Bureau of Emergency Medical Services. A licensed emergency medical responders drive the ambulance and assist the EMT. He may not attend the patient in the back of the ambulance by himself.

a. A licensed emergency medical responder shall:

i. drive the ambulance; or

ii. assist the EMT, AEMT or the paramedic on an ambulance; or

iii. provide on-scene patient care to the EMR level (see *Louisiana Scope of Practice*).

2. A licensed emergency medical technician may:

a. drive the ambulance;

b. assist another licensed EMS practitioner;

c. may attend the patient by himself provided the patient does not require advanced life support (ALS) services, and the assessment and interventions fall within the scope of practice of the licensed EMT.

3. A licensed advanced emergency medical technician may:

a. drive the ambulance;

b. assist another licensed EMS practitioner; or

c. attend the patient by himself as long as the assessment and interventions fall within his established Louisiana scope of practice.

4. A licensed paramedic may:

a. drive the ambulance;

b. assist another licensed EMS practitioner; or

c. attend the patient by himself provided the medical procedures being performed, (see *Louisiana Scope of Practice*).

D. Pediatric Emergency Care Coordinator (PECC)

1. A PECC is recommended for the purpose of:

a. staying abreast of and advocating for the most current evidence-based, best practices, and model guidelines in out-of-hospital emergency care.

b. advocating for the ambulance service to collect and submit EMS data to be utilized for quality improvement purposes.

c. collaborate with the ambulance service's leadership and external partners to improve all aspects of pediatric care, education, and training.

d. maintaining knowledge of pediatric capabilities within regional hospitals and destinations of care.

e. dedicating the quality improvement efforts focused on pediatric patients.

E. Certified Ambulance Operator:

1. A certified ambulance operator must be certified by the Louisiana Bureau of Emergency Medical Services.

a. A certified ambulance operator shall:

i. drive the ambulance; or

ii. assist the EMT, AEMT or the paramedic with lifting and moving patients and cardiopulmonary resuscitation while responding to calls for assistance on an ambulance.

F. Other Medical Personnel. Other medical personnel such as physicians, registered nurses, etc., may function in an ambulance in accordance with R.S. 40:1135.1 et seq., and within the scope of practice in accordance with the licensed practitioner's professional licensing board.

G. All medical personnel providing services in any capacity on an ambulance shall have either a current Health Care Provider or a Professional Rescuer CPR certification from the American Heart Association or the American Red

Cross, or the equivalent cardiopulmonary resuscitation certification.

H. All drivers shall successfully complete and hold a valid current defensive driving certificate issued by the National Safety Council or its equivalent.

I. Pilots

1. Pilots shall not participate in patient care activities, except for loading and unloading the patient, and incidental duties.

2. Pilots shall:

a. hold a valid appropriate commercial pilot's license from the Federal Aviation Administration;

b. have a valid physical examination certificate from an FAA flight surgeon.

NOTE: Copies of these documents listed in a. and b. above shall be made available to the department.

c. be qualified to operate the specific aircraft; and

d. have an appropriate instrument flight rating as necessary.

J. Identification and Credentials

1. All personnel working on an ambulance and/or sprint vehicle shall carry with them their current driver's license at the level required by the Louisiana Highway Regulatory Act

2. All medical personnel working on a ground transportation ambulance, air ambulance, or emergency medical response vehicle (sprint), shall have their level of licensure readily identifiable to the public utilizing the appropriate designated patch or name tag issued by the ambulance service/provider.

K. Criminal History Reports

1. In accordance with R.S. 40:1203.2 et seq., all ambulance service personnel shall have a state of Louisiana criminal history report and sexual offender checks conducted prior to an offer of employment or a contract. No personnel shall be employed in violation of those statutes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and R.S. 40: 1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:477 (March 2009), amended Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

§6045. Medications

A. All medications, including IV fluids, shall be in accordance with the manufacturer's guidelines and utilized prior to the expiration date.

1. Medical directors are authorized to extend expiration dates up to one year for critical medications.

B. All ambulance services shall have a system in place to identify and remove outdated and recalled pharmaceuticals from the service's inventory.

C. Controlled Dangerous Substances

1. All advanced life support ambulance services/providers must have both a Louisiana controlled dangerous substance (CDS) license and a U.S. Drug Enforcement Administration (DEA) controlled substance registration.

a. If the ambulance service is owned by a hospital that holds a CDS license and DEA registration it is exempt from this requirement.

2. All controlled dangerous substances carried on ambulances must be under the personal control of a licensed EMS practitioner who is allowed to control these types of substances under their scope of practice or kept in a substantially constructed, securely locked cabinet on the vehicle. Controlled substances may not be left unattended in unlocked medication kits.

3. All controlled substances kept at the ambulance service's central location must be stored in a substantially constructed securely locked cabinet or a safe.

4. Ambulance services must maintain both a dispenser's log and a perpetual inventory of their controlled substances, unless the service is part of a hospital and are maintained by the hospital.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

§6047. Medical Protocol

A. In parishes where the parish or component medical society has established a written out-of-hospital EMS protocol for use within its jurisdiction, the ambulance service shall follow that protocol, and/or the protocols of the Louisiana Emergency Response Network as applicable.

B. In parishes where the parish or component medical society have not established a written out-of-hospital EMS protocol for use within its jurisdiction, the EMS service shall develop a protocol to be used by its personnel. The appropriate portions of this protocol shall be approved by the parish or component medical society.

C. At a minimum, protocols shall include the care of the following conditions for adult (if applicable), geriatric (if applicable) and pediatric (if applicable) patients:

1. abuse and neglect;
2. active seizure;
3. acute coronary syndrome (STEMI, bradycardias, supraventricular tachycardia, suspected cardiogenic chest pain or suspected myocardial infarction, ventricular tachycardia);
4. anaphylactic reactions;
5. behavioral health;
6. bites and envenomation;
7. burns;
8. cardiac arrest;
9. childbirth;
10. drowning;
11. eclampsia;
12. functional needs (special healthcare and technology dependent);
13. head injury;
14. hemorrhage (internal, external);
15. hyperthermia;
16. hypoglycemia;
17. injuries from weapons of mass destruction;
18. mass casualty incidents;
19. neonatal resuscitation;
20. obstetrical emergencies;
21. orthopedic injuries;
22. pain management;

23. patient with advanced directives;
24. prehospital diversion/patient destination;
25. respiratory emergencies (distress, failure, arrest);
26. shock (all-inclusive);
27. stroke or suspected stroke;
28. sepsis;
29. suspected poisoning/drug overdose;
30. syncope;
31. traumatic injuries;
32. treatment induced unconsciousness, altered mental status, hypotension or respiratory depression from physician ordered or protocol appropriate paramedic administered narcotics; and
33. unconsciousness or altered mental status;

D. The EMS service shall adopt the protocols established by the Louisiana Emergency Response Network (LERN) or develop an agency specific protocol with specific language related to the transportation of the following patients:

1. Acute stroke patients shall be transported to the closest appropriate comprehensive stroke center, thrombectomy capable stroke center, primary stroke center, or acute stroke ready hospital; however, acute stroke patients exhibiting signs or symptoms of airway, breathing or circulatory compromise, or any other potentially life-threatening emergency, as defined by protocols implemented by the ambulance service's medical director, shall be transported to the closest appropriate hospital capable of caring for the patient's emergency condition.

- a. Acute stroke patients may also be diverted to the closest appropriate hospital by order of LERN or online medical control from the local facility, potential receiving facility, or medical director.

2. Patients suffering an acute ST elevation myocardial infarction (STEMI), occlusion myocardial infarction (OMI), or non-occlusion myocardial infarction (NOMI) shall be transported to the closest appropriate STEMI receiving center or, when appropriate, a STEMI referring center.

3. In any case where the treating EMS Practitioner's evaluation, according to protocol, indicates a potentially unstable condition or potential medical emergency that, if traveling the extra distance to the recommended appropriate facility could put the patient at higher risk, the EMS Practitioner in his/her discretion may divert to the nearest appropriate facility.

E. All protocols shall:

1. meet or exceed the requirements of these licensing standards and all applicable federal, state, and local laws;
2. be consistent with the current National EMS Education Standards, the Louisiana *Scope of Practice* and the rulings of the Louisiana EMS Certification Commission;
3. be reviewed annually by the licensed agency's medical director, or the parish medical society;
4. be immediately available to the department when requested for investigations and during surveys; and
5. contain medical directives for substitute medications during a national drug shortages.

F. Ambulance services are accountable for assuring compliance with applicable protocols by their personnel. Exceptions to these protocols must be reviewed on a case-by-case basis by the medical director.

1. Treatment decisions shall be considered given the current health status of the patient in conjunction with all of

the associated risks factors including, but not limited to, distance to the nearest stroke facility.

G. Ambulance services must produce, and provide to all personnel, a policy and procedures manual governing the service's operation and shall hold all personnel in compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

§6049. Records

A. There shall be a permanent record of each patient encounter made by the ambulance service. These records may be maintained as hard copy and/or electronically. The record shall be maintained to assure that the medical treatment of each patient is completely and accurately documented. Records shall be readily available and systematically organized to facilitate the compilation and copying of such information.

B. The record of each patient encounter shall include at a minimum:

1. pertinent demographic information about the patient;
2. location of the response;
3. date and time of response;
4. situation;
5. patient's chief complaint;
6. patient's signs and symptoms;
7. a synopsis of the assessment of the patient to include both the initial and complete assessment of the patient;
8. vital signs;
9. pertinent past medical history;
10. any interventions or treatments conducted;
11. transport destination and arrival time if applicable; and
12. any other significant information that pertains to the patient or the response.

C. Ambulance service/provider may submit NEMSIS compliant data to the state EMS registry.

D. Safeguards shall be established and implemented to maintain confidentiality and protection of the medical record from fire, water, or other sources of damage.

E. Safeguards shall be established and implemented to maintain the confidentiality and protection of all medical records in accordance with the Health Insurance Portability and Accountability Act (HIPAA) regulations.

F. The department shall have access to all business records, patient records or other documents maintained by, or on behalf of the ambulance service/provider, to the extent necessary to ensure compliance with this Chapter. Ensuring compliance includes, but is not limited to:

1. permitting photocopying of records by the department; and
2. providing photocopies to the department of any record or other information the department may deem necessary to determine or verify compliance with this Chapter.

G. The ambulance service/provider shall keep patient records for a period of six years after the patient encounter. The patient records shall:

1. remain in the custody of the ambulance service/provider;
2. be easily retrievable, accessible and available to surveyors, as requested; and
3. not be disclosed or removed unless authorized by law or regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

§6051. Emergency Preparedness

A. All ambulance services/providers shall have an all hazards disaster plan on file that has been approved by their local Office of Emergency Preparedness and/or Homeland Security.

B. All ambulance services shall have disaster mutual aid agreements with all ambulance services that are located in the same LDH established region(s) in which the ambulance service operates.

C. All ambulance services shall have appropriate medical protocols as a part of their disaster plan.

D. All ambulance services shall have an emergency communications plan

E. All ambulance services shall have policies and procedures addressing emergency preparedness, inclusive of training of all employees, either contracted or directly employed. Such shall be reviewed and approved at least annually by the ambulance service's governing body and medical director.

F. All ambulance services shall have safe haven relinquishment policies and procedures, in accordance with the applicable *Louisiana Safe Haven* statutes, which shall be reviewed and approved at least annually by the ambulance service's/provider's governing body and medical director.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

§6053. Quality Assurance

A. The ambulance service shall have an on-going comprehensive, integrated, self-assessment quality improvement process that provides assurance that patient care is provided at all times in compliance with accepted standards of professional practice.

B. The ambulance service shall have written plans, policies, and procedures addressing quality assurance.

C. The ambulance service shall follow a written plan for continually assessing and improving all aspects of operations which include:

1. goals and objectives;
2. the identity of the person responsible for the program;
3. a system to ensure systematic, objective regular reports are prepared and distributed to the ambulance service/ provider's governing body and any other committees as directed by the governing body;
4. the method for evaluating the quality and the appropriateness of care;
5. a method for resolving identified problems; and
6. a method for implementing practices to improve the quality of patient care.

7. a method to document EMS Practitioner skills competencies including a process for demonstrating correct use of pediatric-specific equipment based on the agency or local protocols/guidelines.

D. The plan shall be reviewed at least annually and revised as appropriate by the ambulance service's medical director and director of operations.

E. Quality assessment and improvement activities shall be based on the systematic collection, review, and evaluation of data which, at a minimum, includes:

1. services provided by professional and volunteer staff;
2. audits of patient charts;
3. reports from staff, volunteers and patients/clients about services;
4. concerns or suggestions for improvement in services;
5. organizational review of the ambulance service program;
6. patient/family evaluations of care; and
7. high-risk, high volume and problem-prone activities.

G. When problems are identified in the provision of ambulance care, there shall be:

1. evidence of corrective actions, including ongoing monitoring;
2. revisions of policies and procedures, as appropriate; and
3. educational intervention and changes in the provision of services.

H. The effectiveness of actions taken to improve services or correct identified problems shall be evaluated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 35:254, R.S. 40:1135.1 and 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:477 (March 2009); amended by Bureau of Emergency Medical Services, LR 49:

Subchapter C. Emergency Vehicles—Ground Transportation

§6061. General Provisions

A. All ground emergency medical response vehicles utilized by ambulance services must be in compliance with the Louisiana Motor Vehicle Regulatory Act and designated as one of the following:

1. emergency medical response sprint vehicle; or
2. ambulance ground transportation service.

B. All emergency medical ground ambulance services shall be insured in accordance with R.S. 40:1135.9 et seq.

C. An ambulance service may rent or borrow a vehicle for up to 90 days without having it inspected or pay certification fees. However, the vehicle will be subject to random inspection if necessary. The vehicle must be in compliance with R.S. 32:1 et seq., and the provisions of this Subchapter.

D. Unless an ambulance or a sprint vehicle is obtained for less than 90 days, it must be registered in the ambulance service's name.

E. All ground emergency medical response vehicles shall have permanent signage indicating the name of the ambulance service/provider and the unit number. All numbering and lettering shall be reflective and be at least 3

inches high or greater. If a logo is used it must be 6 inches or greater in size. This shall appear on the rear and ~~on~~ both sides of the vehicle.

1. Vehicles borrowed or rented for less than 90 days are exempt from this permanent signage requirement.

F. Emergency Warning Lights. These lights shall be mounted as high and as widely spaced laterally apart as practicable.

1. There shall be two alternating flashing red lights mounted at the same level on the front of the vehicle.

2. There shall be two alternating flashing red or blue lights mounted at the same level on the rear of the vehicle.

a. these front and rear lights shall have sufficient intensity to be visible at 500 feet in normal sunlight.

3. The following exceptions apply:

a. Any authorized emergency vehicle may be equipped with a large revolving red light on the roof instead of alternating flashing red lights on the front. This light shall be discernible in all directions and have sufficient intensity to be visible at 500 feet in normal sunlight.

b. Authorized emergency medical response vehicles of organized fire companies may be equipped with a large red and white light on the roof encased in a clear dome, instead of the large red light on the roof. This light shall be discernible in all directions and have sufficient intensity to be visible at 500 feet in normal sunlight.

G. Audible Warning Signals. Each emergency medical response vehicle or ambulance shall have a siren, exhaust whistle, or bell capable of giving an audible signal sufficient to warn motorists of its approach (audible up to 500 feet).

H. Emergency medical response vehicles and ambulances shall have injury-prevention equipment as outlined in the most current joint policy statement for "equipment for ground ambulances". This includes, but is not limited to:

1. audible warning signals. Each emergency medical response vehicle must have a siren, exhaust whistle, or bell capable of giving an audible signal sufficient to warn motorists of its approach (audible up to 500 feet);

2. availability of necessary age/size-appropriate restraint systems for all passengers and patients transported in ground ambulances;

3. fire extinguisher; and

4. reflective safety wear for each crewmember.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

§6063. Emergency Medical Response Vehicles (Sprint Vehicles)

A. Emergency Medical Response Vehicle Qualifications. The vehicle may be on either an automobile or truck chassis, have four or more wheels and must have the following external markings:

1. all numbering and lettering shall be reflective;

2. the unit number shall be displayed in numerals 3 inches high or greater on the rear and both sides of the vehicle;

3. the agency's name shall appear on both sides of the vehicle in lettering 3 inches high or greater, or with a logo that is 6 inches or greater in size;

4. the agency's name or logo shall appear on the trunk or rear door in lettering 3 inches high. Agency logos shall be specific to the agency and on file with the department; and

5. the vehicle's markings shall indicate its designation as an emergency medical response vehicle such as sprint car, supervisor, chief, special services, etc. No markings on the vehicle may imply that it is an ambulance.

B. Equipment and Supplies

1. All vehicle units shall have a FCC type accepted two-way radio communication system for day-to-day communications. The emergency medical response vehicle's dispatch center(s) and/or point(s) of dispatch shall be capable of interactive two-way radio communications within all of the service's defined area.

2. In addition to the day-to-day communication system, all emergency medical response vehicles must have a two-way radio with disaster communications capability that is compatible with the Statewide Louisiana Wireless Information Network (LWIN) system.

3. Direct communication with a physician and hospital shall be conducted through an appropriate system sufficient to ensure adequate communication, such as:

a. a radio compatible with the statewide LWIN system;

b. wireless telephone; or

c. radio-telephone switch states (FTSS); or

d. med. 10 system, etc.

4. Emergency medical response vehicles shall have injury-prevention equipment as outlined in the most current joint policy statement for "equipment for ground ambulance". This includes, but is not limited to:

a. Availability of necessary age/size-appropriate restraint systems for all passengers and patients transported in ground ambulances;

b. Fire extinguisher;

c. Department of Transportation Emergency Response Guide (paper copy or electronic copy);

d. Reflective safety wear for each crewmember.

5. All emergency medical response vehicles shall have basic life support equipment and medical supplies as determined by the ambulance service/provider medical director and protocols.

6. All emergency medical response vehicles that are not staffed and equipped to the advanced life support level shall carry an automated external defibrillator (either automatic or semi-automatic) with the appropriate lead cables and at least two sets of the appropriate disposable defibrillation pads or electrodes. If the automated defibrillator is also capable of manual defibrillation, an appropriate lock-out mechanism (such as an access code, computer chip, or lock and key) to prevent unauthorized use of the device by those persons not authorized to manually defibrillate shall be an integral part of the device.

7. All advanced life support emergency medical response vehicles shall carry equipment and medical supplies dependent on the level of licensure of personnel and as determined by the ambulance service's/provider's medical director and governing body who have developed policies and procedures to maintain, update, or not carry certain advanced life support equipment and medical supplies as medically indicated or contraindicated for their service area

and have documentation available to support the determination.

a. This includes all basic life support equipment and medical supplies; and the equipment and medical supplies consistent with the joint position statement for “Equipment for Ground Ambulances”. The additional equipment and medical supplies includes, but is not limited to the following:

- i. vascular access;
- ii. medications;
- iii. cardiac monitor/defibrillator with

transcutaneous pacing capabilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.2 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

§6065. Ground Transportation Ambulances

A. Any vehicle used as a ground transportation ambulance shall be designed and constructed by the manufacturer as such and shall not be used to transport more than the intended patient capacity of the vehicle.

B. The following medical and safety equipment are requirements for certification of all ground ambulances operating within the state of Louisiana.

1. All ground transportation ambulances shall have a national standard public safety two-way radio communication (day-to-day communications). The ambulance dispatch center(s) and/or point(s) of dispatch must be capable of interactive two-way communications within all of the service's defined area.

2. Two-way radio with disaster communications shall be compatible with the statewide LWIN system and statewide interoperability channels.

a. Any unit used during a declared disaster that responds outside of the usual coverage area shall meet ESF-8 requirements for communication capability.

3. Direct communication with a physician and hospital must be conducted through an appropriate system sufficient to ensure adequate communication such as:

- a. a radio compatible with the statewide LWIN system; or
- b. wireless telephone; or
- c. radio-telephone switch station (RTSS); or
- d. med. 10 system, etc.

4. All ground transportation ambulances shall carry basic life support equipment and medical supplies as determined by the ambulance service/provider medical director and governing body who have developed policies and procedures to maintain, update, or not carry certain medical supplies and equipment as medically indicated or contraindicated for their service area and have documentation available to support the determination. Such basic life support equipment and medical supplies shall be:

a. consistent with the standards of practice for EMS practitioners;

b. consistent with the density of the population served and geographic conditions of the region; and

c. consistent with the recommendation of the Louisiana scope of practice for emergency medical technicians established in R.S. 40:1133.14 and consistent with the joint position statement for “equipment for ground

ambulance”. This includes, but is not limited to the following:

- i. ventilation and airway equipment;
- ii. cardiac monitoring and defibrillation;
- iii. immobilization devices;
- iv. bandages/hemorrhage control;
- v. communication; and
- vi. any other equipment required by law that shall

be maintained on the ambulance.

5. All ambulances that are not staffed and equipped to the advanced life support level shall carry an automated external defibrillator (either automatic or semi-automatic) with the appropriate lead cables and at least two sets of the appropriate disposable defibrillation pads or electrodes, for adult and non-adult patients, for monitoring and defibrillation. If the automated defibrillator is also capable of manual defibrillation, an appropriate lock-out mechanism (such as an access code, computer chip, or lock and key) to prevent unauthorized use of the device by those persons not authorized to manually defibrillate must be an integral part of the device.

6. All advanced life support emergency medical response vehicles shall carry equipment and medical supplies dependent on the level of licensure of personnel and as determined by the ambulance service/provider medical director and governing body who have developed policies and procedures to maintain, update, or not carry certain advanced life support equipment and medical supplies as medically indicated or contraindicated for their service area and have documentation available to support the determination.

a. Such equipment and supplies shall be determined by the ambulance service/provider medical director and governing body who have developed policies and procedures to maintain, update or delete certain advanced life support equipment and medical supplies as medically indicated or contraindicated for their service area and have documentation available to support the determination; and

b. Such equipment and supplies shall be consistent with the Louisiana scope of practice for emergency medical practitioners established in R.S. 40:1133.14, including of all basic life support equipment and medical supplies and the equipment and medical supplies consistent with the Joint policy Statement for “equipment for ground ambulance”. The additional equipment and medical supplies includes, but is not limited to the following:

- i. vascular access;
- ii. medications;
- iii. cardiac monitor/defibrillator with

transcutaneous pacing capabilities;

iv. any other equipment required by law that shall be maintained on the ambulance.

c. All ground transportation ambulances shall have functional temperature control in the patient compartment. Such temperature control equipment shall function within the vehicle manufacturer’s recommended guidelines or specifications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.2 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

**Subchapter D. Emergency Vehicles—Aircraft
Transportation**

§6071. General Provisions

A. All ambulance services/providers whose aircraft are utilized as air ambulances shall provide the department with copies of the air ambulances' FAA certificate of registrations and certificate of air worthiness. Upon request, the ambulance service/provider shall make their maintenance logs available to the department.

B. Certifications of all air ambulance personnel shall meet FAA requirements and local pilot and medical personnel staffing protocols.

C. All air ambulances shall be equipped with the safety equipment required by the FAA and shall be maintained and remain operable.

D. In accordance with R.S. 40:1135.8 et seq., all air ambulances shall be equipped with the medical and safety equipment established under rules promulgated by the Department of Health and based upon the recommendations of an advisory committee. The medical and safety equipment shall conform to local protocol as established by the medical director of the air ambulance service/ provider.

E. Air ambulances shall carry the medical equipment that is mandated to them in the protocol by the ambulance service/provider medical director and approved by the ambulance service/provider governing body and, at a minimum, the medical equipment and supplies equivalent to such required by ground ambulance transportation.

F. All air ambulance services shall carry advanced life support equipment and medical supplies dependent on the level of licensure of personnel (paramedic level) and as determined by the ambulance service/provider medical director and governing body who have developed policies and procedures to maintain, update, or delete certain advanced life support equipment and medical supplies as medically indicated or contraindicated for their service area and have documentation available to support the determination.

G. All air ambulances shall be staffed to the advanced life support (paramedic) level. The paramedic(s) and each member of the flight team are each responsible to ensure that equipment and supplies are readily available and operable, as appropriate, for each flight service run to meet the needs of the patients served.

H. All air ambulances shall have a thermometer mounted inside the cabin. Cabin temperatures must be in the range of 50-95 degrees Fahrenheit.

1. Mitigation measures must be documented for when the cabin temperatures are outside this range and the outcomes of these mitigation measures must be documented when the temperature falls outside this range.

I. If a service provides inter-hospital air transport, air transport from hospital to another facility, air transport from hospital to home, or similar air transport, the service must certify that a medical director is employed to advise the service on the appropriate staffing, equipment, and supplies to be used for the transport of patients aboard an air ambulance.

J. Provisions in this section shall not be construed to prohibit, limit, or regulate random mercy flights made by a person or corporation in privately or publically owned aircraft who may on occasion transport individuals who may

need medical attention during transport, or human organs intended for transplantation including, but not limited to the heart, lungs, kidneys, liver and other soft tissue and bones, on either a not-for-profit basis or gratuitously.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:1135.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

**§6073. Emergency Aircraft—Rotary-Winged
(Reserved)**

§6075. Emergency Aircraft—Fixed (Reserved)

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

In accordance with Sections 978.1 through 978.8 of the Small Business Protection Act of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis/small business analysis on the Rule proposed for adoption, amendment or repeal.

The impact of the proposed Rule on small businesses as defined in the Small Business Protection Act has been considered. The Office of Public Health's Bureau of Emergency Medical Services and the Louisiana Emergency Medical Services Certification Commission do not expect that adoption of the proposed amendments will have an adverse economic impact on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed Rule. Such comments must be received no later than Friday, February 10, 2023 at COB, 4:30 p.m., and should be addressed to Susan Bailey, Director of the Bureau of Emergency Medical Services, 7273 Florida Blvd., Baton Rouge, LA 70806.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on Friday, February 10, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 2:00 p.m. on Thursday, February 23, 2023 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after Friday, February 10, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to the Bienville Building’s front security desk.

Dr. Courtney N. Phillips
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Emergency Medical Transportation
Services—Licensing Standards**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

In compliance with Act 789 of the 2012 Regular Session, Act 106 of the 2017 Regular Session, and Act 557 of the 2018 Regular Session of Louisiana Legislature, the Louisiana Department of Health, Office of Public Health, Bureau of Emergency Medical Services proposes to repeal and replace the provisions governing the licensing standards for emergency medical transportation services in order to: 1) clarify and align these provisions with the corresponding legislative authorities governing emergency medical services; 2) ensure that the provisions are consistent with the standard language used in other healthcare licensing regulations; 3) promulgate the provisions clearly and concisely in the Louisiana Administrative Code.

The proposed rule change is anticipated to increase expenditures LDH Office of Public Health by approximately \$143,457 in FY 23 associated with publication costs (\$6,207) and software modifications (\$137,250).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

It is anticipated that this proposed rule change will have no direct cost to persons, small businesses or non-governmental groups. The cost of an Emergency Medical Transportation License is not changed. The fee is \$100 per license and \$75 per vehicle.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will not impact competition or employment.

Doris Brown
Assistant Secretary
2301#074

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Insurance
Office of the Commissioner**

Regulation 103—Utilization Review Organizations and Independent Review Organizations
(LAC 37:XIII.Chapter 62)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to amend Regulation 103—Utilization Review Organizations and Independent Review Organizations. The purpose of the amendment to Regulation 103 is to provide the requirements for incomplete requests for external review as provided in Act 81 of the 2022 Regular Session of the Louisiana Legislature and to make technical changes.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 62. Regulation Number 103—Utilization Review Organizations and Independent Review Organizations

§6209. Requesting an External Review

A. All requests for external review must be made by the health insurance issuer through the IRO review request module, which can be accessed via the industry access link on the LDI’s website: www.lds.la.gov. When a covered person or his authorized representative requests an external review, the health insurance issuer shall notify the LDI by entering this request via the link. The request must be entered even if the health insurance issuer determines the request is ineligible for review.

B. If the covered person or his authorized representative requests an external review, but the health insurance issuer determines that the request is not complete, the health insurance issuer shall notify the LDI through the IRO review request module described in §6209.A by completing the field indicating that the covered person’s or his authorized representative’s request is incomplete and stating with specificity the information or materials needed to make the request complete. Such notice shall be provided to the LDI within five business days following the date of receipt of the external review request from the covered person or his authorized representative pursuant to R.S. 22:2436.

C. If the covered person or his authorized representative requests an external review, but the health insurance issuer denies the request as being ineligible pursuant to R.S. 22:2436(B), the covered person or his authorized representative may appeal in writing to the commissioner. The health insurance issuer and the covered person or his authorized representative both may submit additional documentation, such as the policy to verify coverage limitations as well as dates of coverage, documentation of service dates, etc., to help establish why the denial should be upheld or reversed. However, no medical or protected health information should be submitted to the commissioner for this review, unless such information is determinative of the issue in the appeal.

D. Upon receipt of an appeal of a health insurance issuer's eligibility determination, the LDI may contact the health insurance issuer's designated contact to request additional information, if necessary. Therefore, all health insurance issuers should ensure that the designated contact's information is regularly updated in the industry access portal, as all electronic communications, including assignment of a case to an IRO, reporting of an IRO's external review results, reporting of the commissioner's decision on eligibility for an external review, etc., will be sent automatically to the designated contact of record that is on file with the LDI.

E. To facilitate notice of the right to appeal a determination of ineligibility to the commissioner, the health insurance issuer shall include the reason for ineligibility, as well as the following language (or language that is substantially similar), in its notice to the covered person:

“[Name of health insurance issuer] has determined that your request for an independent external review of your adverse determination does not meet the eligibility requirements for independent external reviews because [reason]. However, [name of health insurance issuer]'s determination that you are ineligible for an external review may be appealed to the Commissioner of Insurance, who has the authority to reverse [name of health insurance issuer]'s decision and order an independent external review of your adverse determination. If you wish to appeal this decision, you should go to the following website: <https://ldi.la.gov/OnlineServices/IROConsumerAppeals>.

Once you access the website, enter your last name and case number where instructed. Following verification of your name and case number, you will be able to enter the reasons you believe your adverse determination should be eligible for an independent external review. If you have questions or if you or your authorized representative is unable to access the website, you may contact the Louisiana Department of Insurance by email at ConsumerAppeals@ldi.la.gov or by telephone at (225) 342-1355. Your case number is _____.”

1. Health insurance issuers must also upload a copy of the adverse determination letter when reporting external review requests that have been deemed ineligible.

F. If the covered person or his authorized representative requests an external review and the health insurance issuer does not deny the request as being ineligible or if the commissioner reverses a request that the health insurance issuer had deemed ineligible for external review, the health insurance issuer must submit the request to the LDI for assignment of an external review by using the IRO review request form which can be located on the LDI website, www.ldi.la.gov via the industry access portal.

G. When completing the IRO review request form, the health insurance issuer must enter the following information:

1. covered person's name;
2. covered person's contact information (address, telephone, email address, fax);
3. name of covered person's authorized representative (if applicable);
4. authorized representative's contact information (if applicable);
5. policy/contract number;
6. name of primary care doctor or specialist;
7. type of specialty;
8. type of appeal requested: medical, rescission or experimental;
9. type of appeal requested: standard or expedited;
10. result of request: eligible or ineligible.

H. Once the case has been assigned, neither the covered person nor the health insurance issuer may request the case be reassigned to another IRO, as all IRO assignments are final, unless reassignment is necessary pursuant to §6211.E.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2436 and R.S. 22:2452.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 41:2174 (October 2015), amended LR 49:

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed regulation should have no impact upon the rights and authority of parents regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed regulation should have no measurable impact on small businesses; therefore, there is no less intrusive or less costly alternative method of achieving the purpose of the proposed regulation.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed regulation will have no effect.

Public Comments

Interested persons who wish to make comments may do so by writing to Jennifer Land, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA

70804-9214, by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., February 9, 2023.

James J. Donelon
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Regulation 103—Utilization Review Organizations and Independent Review Organizations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule is not anticipated to result in implementation costs or savings to the state or local governmental units. The proposed rule is being promulgated to amend the requirements for incomplete requests for external review as provided in Act 81 of the 2022 Regular Session of the Louisiana Legislature.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no impact on state or local governmental revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule is being amended to provide for the requirements for incomplete requests for external review as provided for in Act 81 of the 2022 Regular Legislative Session. This will better clarify the process of requesting an external review of Utilization and Independent Review Organizations.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no impact upon competition and employment in the state.

S. Denise Gardner
Chief of Staff
2301#069

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Insurance Office of the Commissioner

Regulation 126—Louisiana Fortify Homes Program
(LAC 37:XIII.Chapter 182)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and specifically R.S. 22:11, the Department of Insurance hereby gives notice of its intent to promulgate Regulation 126 to set forth rules and requirements governing the administration of the Louisiana Fortify Homes Program (LFHP) and eligibility criteria for LFHP grants as set forth in Act No. 554 of the 2022 Regular Session.

Title 37
INSURANCE

Part XIII. Regulations

Chapter 182. Regulation Number 126—Louisiana
Fortify Homes Program

§18201. Purpose

A. The purpose of Regulation 126 is to set forth rules and requirements governing the administration of the Louisiana Fortify Homes Program (LFHP) and eligibility criteria for LFHP grants in accordance with Act No. 554 of the 2022 Regular Session.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:1483.1(A).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:

§18202. Definitions

A. As used in Regulation 126, the following terms shall have the meanings herein specified.

1. *Evaluator*—an independent third party certified by the Insurance Institute for Business and Home Safety (IBHS) as a fortified evaluator for hurricane and high wind and hail who can verify that a home meets the fortified roofing construction standard. Homeowners can find a list of certified evaluators at www.ldi.la.gov/fortifyhomes.

2. *Insurance Institute for Business and Home Safety (IBHS)*—a non-profit research and communications organization of the property and casualty insurance industry that defines the FORTIFIED roofing construction standard for homes, information for which can be found at www.fortifiedhome.org.

3. *Louisiana Fortify Homes Program (LFHP)*—a program, enacted by Act No. 554 of the 2022 Regular Session, to be administered by the Louisiana Department of Insurance through its Office of Policy, Innovation and Research, to make financial grants to retrofit roofs of insurable property, as defined in R.S. 22:1483(C)(9), with a homestead exemption, to resist loss due to hurricane, tornado, or other catastrophic windstorm events and to meet or exceed the fortified roof standard of the Insurance Institute for Business and Home Safety, information for which can be found at www.ldi.la.gov/fortifyhomes.

4. *National Flood Insurance Program (NFIP)*—a program enacted by the National Flood Insurance Act of 1968 (P.L. 90-448), which the Federal Emergency Management Agency (FEMA) administers, through its Federal Insurance and Mitigation Administration (FIMA) division, to provide an insurance alternative to disaster assistance to meet the escalating costs of repair damage to buildings and their contents caused by floods. The NFIP designates flood zones and flood maps, which illustrate a community's flood risk, information for which can be found at www.floodsmart.gov.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:1483.1(A).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:

§18203. Contractor Eligibility Requirements and Conflicts of Interest

A. Contractor Eligibility Requirements. To be eligible to work as a Louisiana Fortify Homes Program contractor (LFHP-approved contractor), the contractor must meet all of the following program requirements:

1. submit and maintain a current copy of all certificates, licenses and proof of insurance coverages with the LFHP;

2. hold a valid residential license or home improvement registration issued by the Louisiana State Licensing Board for Contractors (LSLBC) and must be in good standing with the LSLBC;

3. hold any other valid state or jurisdictional business licenses or work permits required by law in Louisiana;

4. maintain a general liability policy with \$1,000,000 in liability coverage;

5. maintain a workers' compensation policy in compliance with Louisiana law;

6. provide a certificate of successful completion of the fortified roof for high wind and hail and hurricane training issued by the Insurance Institute for Business and Home Safety (IBHS) or its successor. The training may be offered as separate courses, and the contractor is responsible for paying all fees associated with the training;

7. be in compliance with all regulatory and tax laws regulating businesses in the state of Louisiana;

8. maintain internet access and have a valid, active email address on file with the LFHP for communication with the LFHP;

9. avoid conflicts of interest in any work performed on projects funded by LFHP grants;

10. agree to follow the LFHP procedures and rules as established by the Commissioner of the Department of Insurance.

B. Contractor Conflicts of Interest

1. LFHP-approved contractors may not possess a financial interest in any project for which they perform work toward a fortified designation other than for payment on behalf of the homeowner by the LFHP.

2. LFHP-approved contractors cannot be the evaluator for a fortified designation on any project funded by LFHP grants.

3. The LFHP-approved contractor is responsible for reporting to the LFHP any potential conflicts of interest before work commences on any job funded by LFHP grants.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:1483.1(A).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:

§18204. Evaluator Eligibility Requirements and Conflicts of Interest

A. Evaluator Eligibility Requirements. To be eligible to work on the Louisiana Fortify Homes Program (LFHP), an evaluator must meet all of the following program requirements:

1. submit and maintain a copy of all current certificates and licenses with the LFHP;

2. be in good standing with the Insurance Institute for Business and Home Safety (IBHS) and maintain an active certification as a fortified home evaluator for hurricane and high wind and hail, issued by the IBHS or its successor;

3. possess all necessary business licenses to perform the work required;

4. be in compliance with all regulatory and tax laws regulating businesses in the state of Louisiana;

5. avoid conflicts of interest in any work performed on projects funded by LFHP grants.

B. Evaluator Conflicts of Interest

1. Evaluators may not possess a financial interest in any project for which they inspect for fortified designation purposes in connection with the LFHP.

2. Evaluators cannot be a contractor or supplier of any materials, products or systems installed in any home they inspect for fortified designation purposes for the LFHP.

3. Evaluators cannot be a sales agent for any home being designated for the LFHP program.

4. Evaluators have a duty to inform the LFHP of any potential conflicts of interest before commencing inspections on any job funded by LFHP grants.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:1483.1(A).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:

§18205. Louisiana Fortify Homes Program Grants

A. Grant Eligibility. To be eligible for a Louisiana Fortify Homes Program (LFHP) grant, an applicant must meet the following requirements.

1. The home must be an owner-occupied, single-family, primary residence with a homestead exemption and cannot be a condominium or mobile home.

2. The home must be in good repair unless damaged by a hurricane, non-hurricane wind, or hail.

3. The homeowner must fortify the home's roof to meet the Insurance Institute for Business and Home Safety (IBHS) fortified roof standard.

4. The homeowner must provide the LFHP proof of a wind insurance policy on the home. Additionally, if the home is in a designated National Flood Insurance Program (NFIP) flood zone, the homeowner must provide the LFHP proof of a flood insurance policy on the home.

5. The homeowner must obtain and pay for all permits required by law or ordinance for the construction.

6. The homeowner must arrange and pay for inspections required by law or ordinance and the terms of the grant, which shall include inspection pursuant to R.S. 22:1483(C)(3).

7. The work must comply with applicable building codes.

8. The LFHP project must be completed within three months of the date of the grant award notification, which will be delivered to the applicant through electronic means. Failure to timely complete the LFHP project may result in a forfeiture of the grant.

B. Grant Application Process

1. In order to apply, a homeowner must complete and submit an online grant application to the LFHP. The online grant application portal will be accessible via www.ldi.la.gov/fortifyhomes.

2. The homeowner will be responsible for paying for a certified evaluator of the homeowner's choice to provide an IBHS home review evaluation on the home seeking to be fortified. A list of certified evaluators can be found at www.ldi.la.gov/fortifyhomes. The LFHP may remove an evaluator from the list of certified evaluators at any time upon a finding that the evaluator failed to meet any of the program requirements listed in §18204 of this Regulation.

3. The evaluator shall determine whether or not the home meets a minimum structural standard on a pass or fail basis before identifying all improvements required to meet

the IBHS fortified roof standard. Afterward, the evaluator shall submit a report to the IBHS for approval and provide a copy of the submitted report to the LFHP.

4. Via the LFHP online application portal, the homeowner must then upload bids from three LFHP-approved contractors of their choice to improve the home to meet the IBHS fortified roof standard. If an LFHP-approved contractor is not available in the area where the home is located, the minimum number of bids required for the application will be reduced to reflect the number of contractors that are available in the area. A list of eligible contractors can be found at www.ldi.la.gov/fortifyhomes. The LFHP may remove a contractor from the list of eligible contractors at any time upon a finding that the contractor failed to meet any of the program requirements listed in §18203 of this Regulation.

C. Awarding of Grants. The LFHP will review all applications for completeness and will perform appropriate audits to verify the accuracy of the information in the application and whether the applicant meets the eligibility criteria. Verified applicants will then be placed in the order received, and grants will be awarded on a first-come basis, subject to availability of funding. Upon submission of an LFHP grant application, the LFHP will have 30 days to approve or deny the application. However, the LFHP may extend the time for review and approval of applications as it deems necessary. The LFHP will notify an applicant if the time for review and approval of the application has been extended. LFHP-approved contractors are not authorized to begin work on a home until the grant for the work is approved.

D. Maximum Grant Award. The amount of a grant award shall be equivalent to the actual cost to upgrade to the IBHS fortified roof standard not to exceed \$10,000. The Commissioner of the Department of Insurance may periodically update the amount of the grant award.

E. Release of Funds. Grant funds will only be released on behalf of an approved applicant once an IBHS fortified certificate has been issued for the home. Funds will be paid by the LFHP, on behalf of the homeowner, directly to the contractor that performed the work to fortify the roof.

F. Grant Award Process

1. Once the grant application is approved, the homeowner may contract with an LFHP-approved contractor to fortify the home. Once the fortification work on the home is completed, the LFHP-approved contractor will submit a copy of the signed contract to the LFHP, along with an invoice seeking payment and an affidavit verifying that the fortified standard was met by the work done by the LFHP-approved contractor.

2. The evaluator will perform all required evaluations, including the required interim inspection during construction and the final inspection, confirming that the work was completed according to the IBHS fortified roof specifications. The IBHS will review the evaluation and determine whether to issue a fortified designation, which is a written certificate that the home meets the fortified standard.

3. The LFHP will pay the LFHP-approved contractor's costs covered by the grant, and the homeowner shall pay the remaining costs to the LFHP-approved contractor.

4. The homeowner then must submit the declaration pages of the required insurance coverage to the LFHP within 30 days of receiving the fortified designation.

5. The LFHP may conduct random inspections to detect any fraud or irregularities.

6. To timely manage the processing of grant applications or to meet funding limitations, it may be necessary to establish specific periods when the LFHP will accept grant applications.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:1483.1(A).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:

§18206. Severability

A. If any rule or portion of a rule or its applicability to any person or circumstance is held invalid by any court, the remainder of this Chapter or the applicability of the provision to other persons or circumstances shall not be affected.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:1483.1(A).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended regulation should have no impact upon the rights and authority of parents regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation

should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors, has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; and, therefore, will have no less intrusive or less cost alternative methods.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

Public Comments

Interested persons who wish to make comments may do so by writing to John Piccione, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA

70804-9214, or by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., February 10, 2023.

James J. Donelon
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Regulation 126
Louisiana Fortify Homes Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The proposed rule will not result in implementation costs or savings to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule will have no impact on state or local governmental revenues.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)
The proposed rule will not result in any costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rule will have no impact upon competition and employment in the state.

S. Denise Gardner
Chief of Staff
2301#078

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

**NOTICE OF INTENT
Department of Natural Resources
Office of Conservation**

License Renewal
(LAC 46:LXXXIX.501 and 509)

The Department of Natural Resources, Office of Conservation proposes to amend LAC 46:LXXXIXI.501.E and LAC 46:LXXXIXI.501.F, and add LAC 46:LXXXIXI.509.B in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. The proposed changes incorporate specifications for continuing education hours required of Louisiana-licensed water well drillers for annual license renewal, as provided for by R.S. 38:3098(B).

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS
Part LXXXIX. Water Well Contractors (Drillers)
Chapter 5. Procedures for Obtaining and
Maintaining a License**

§501. License Application

A. - D. ...

E. License Renewal. All licenses issued by the department shall expire on June 30 of each year and shall be renewable annually, without qualifying examination, upon

submission of a completed license renewal application (see §1111), using form provided by the department, upon payment of the required license renewal fee (see §503), and upon certification by the department of qualified continuing education hours (see §509). Renewal applications, together with the required license renewal fees, must be received by the department no later than June 30 of each year. Such application shall have the effect of extending the validity of the current license until the renewal certificate or the new license is received, or the applicant is notified in writing by the department that the renewal of license has been refused.

F. Contractors (drillers) who fail or refuse to submit their license renewal applications, documentation of required continuing education hours, and the applicable annual renewal fees to the department by June 30 of each year or submit their applications with N.S.F. or account closed checks, will be considered delinquent and they will be dropped from the roster of licensed drillers. Thereafter, the license may be renewed only upon receipt of the completed renewal application, documentation of required continuing education hours, and payment of the applicable renewal fee, plus a penalty of \$5 for each month that the contractor (driller) was delinquent.

G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3098.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, Water Resources Section, LR 9:248 (April 1983), amended LR 11:967 (October 1985), LR 49:

§509. Requirements for Maintaining a License

A. ...

B. Continuing Education. Six hours of continuing education are required for maintenance and renewal of a license annually. Five hours shall consist of continuing education in generalized water well drilling principles; drilling or reworking of water wells; drilling monitoring wells, heat pump wells or holes; geotechnical boreholes; plugging and abandoning wells or holes; safety in drilling operations, including utility notifications and equipment transport; well construction/pumps; geology and hydrogeology; new technologies; and/or other relevant topics approved by the department. One hour shall consist of training provided and/or approved by the department on relevant state law, rules, and regulations governing the above, or relevant compliance and enforcement matters. The license holder must attest to the department personal attendance for each required continuing education hour. The department will review the submitted continuing education documentation and provide notice of certification or rejection of all or some of the hours. Rejected hours must be completed within 60 days of notice from the department, subject to penalty found in §503.F and §503.G. The department may consider requests for, and act upon, exceptions to the above requirements on an individual, case-by-case basis resulting from reasonable extenuating circumstances and/or hardships.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3098.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, Water Resources Section, LR 9:249 (April 1983), amended LR 11:968 (October 1985), LR 49:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known impact on small businesses as described in R.S. 49:974.5.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested parties will be afforded the opportunity to submit data, views, or arguments, in writing. Written comments will be accepted by hand delivery or USPS only, until 4:30 p.m., February 10, 2023 at Office of Conservation, Executive Division, P.O. Box 94275, Baton Rouge, LA 70804-9275; or Office of Conservation, Environmental Division, 617 North Third Street, Room 847-D, Baton Rouge, LA 70802. All inquiries should be directed to Timothy Schroeder at the above addresses or by phone to (225) 342-8244. No preamble was prepared.

Richard P. Ieyoub
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: License Renewal

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There is no anticipated direct material effect on state or local governmental expenditures as a result of the proposed rule change. The proposed rule codifies into the Louisiana Administrative Code Title 46, Part LXXXIX, Chapter 5, Section 509 (with additional reference clarification in Section 501 as needed) the continuing education requirements for licensure of water well drillers (contractors) as required by La. R.S. 38:3098.B. The six hours of continuing education required for license renewal has existed in law but not as part of the agency's rules. This change codifies the requirements

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will have no effect on revenue collections of state or local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated cost increases associated with the proposed change, nor any economic benefits of note. Water well drillers have already had to meet the six hours of required continuing education as part of their annual re-licensing costs. This rule change provides clarification of the content of those six hours.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on water well driller competition and employment.

John Adams
Assistant Commissioner
2301#080

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Assignment of Hull Identification Numbers to Undocumented Vessels Manufactured in Louisiana (LAC 76:XI.309)

The Wildlife and Fisheries Commission does hereby give notice of intent to modify its Rules by amending existing regulations that provide for assignment of hull identification numbers to undocumented vessels manufactured for resale in Louisiana that do not qualify for the assignment of such numbers by the United States Coast Guard.

Federal regulations require recreational boats sold in the United States to have a Hull Identification Number (HIN) affixed by the manufacturer. Further, manufacturers of recreational vessels for sale in the United States are required to apply for a manufacturer identification code from the U.S. Coast Guard and to meet certain manufacturer specifications. However, there is an exemption from the federal flotation requirement applications for vessels used in shallow water/ marsh conditions. This exemption expires on July 31, 2024.

Louisiana law mandates the Department of Wildlife and Fisheries to develop regulations that allow for assignment of HINs to boat manufacturers in Louisiana for undocumented vessels manufactured in the state that do not qualify for the assignment of such number by the U.S. Coast Guard. As a result, the current regulations are in conflict with federal law and regulation and provide boat manufacturers an opportunity to circumvent certain federal regulatory requirements by applying for and purchasing blocks of ten HINs from the department that start with the "LAZ" manufacturer identification code. The state's "LAZ" designation is intended to be used to register and title homemade vessels built for personal use, or vessels with a missing, removed or obliterated HIN numbers, not for recreational boat manufacturers to avoid US Coast Guard regulatory requirements.

This proposed Rule will amend current regulations that are in conflict with federal law and regulations governing boat manufacturing to mirror the federal regulatory framework.

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, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed Rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part XI. Boating

Chapter 3. Boating Safety

§309. Assignment of Hull Identification Numbers to Vessels Manufactured in Louisiana

A. All vessels manufactured for sale in Louisiana shall conform to federal standards established in 46 USC 4301, et seq. or any federal regulation prescribed thereunder. Each vessel manufactured for sale in Louisiana shall have a hull identification number (HIN) assigned by the United States Coast Guard (USCG).

B. Notwithstanding the provisions of Subsection A, the following regulations shall provide for the assignment of hull identification numbers (HIN) to certain undocumented vessels manufactured in this state that do not qualify for the assignment of such numbers by the USCG.

1. Airboat and mudboat vessels that do not meet USCG level flotation regulations, but are manufactured principally to be used in shallow water/marsh conditions and do not travel far from shore are eligible for consideration for assignment of a Louisiana HIN, assuming the vessel meets the following criteria:

- a. the vessel model is designed for shallow water use;
- b. the vessel is only marketed and sold in typical shallow water and marsh areas;
- c. the vessel meets all other federal safety standards for recreational boats manufactured in the United States;
- d. the manufacturer strictly adheres to all requirements of the grant of exemption;
- e. the vessel must be powered by a mud motor or fan blade.

2. The manufacturer(s) of such vessels shall submit an application for eligibility requesting approval from the department. The application of eligibility shall be submitted on company letterhead describing in detail the model(s) an exemption is sought for, photographs of the model(s), where the boats are typically sold including dealer network, marketing method for the model(s), and any flotation utilized on the model. The application for eligibility should include the following information for each model:

- a. model name;
- b. overall length;
- c. vessel type;
- d. hull material;
- e. propulsion type;

- f. engine drive type;
- g. fuel.

3. The manufacturer must be capable of producing a minimum of 10 vessels annually and must provide proof of security in one of the following forms to be eligible to receive the HIN's:

- a. pre-payment of a minimum of one block of 10 HIN numbers, or
- b. bond, letter of credit, or other security, in an amount and form acceptable to the secretary, determined on a case-by-case basis.

4. Upon receipt of an application for eligibility from a manufacturer, an agent from the enforcement division shall conduct an initial inspection of the manufacturer's vessel fabrication location.

5. Upon favorable inspection, the manufacturer(s) shall be approved to receive HIN's issued in blocks of 10 individual HINs upon the manufacturer's request. The department shall charge a fee of \$25 per issued HIN.

6. Manufacturer(s) receiving department-issued HIN, as described in this Section, shall comply with the following procedures.

a. The HIN must be stamped on the vessel before it leaves the manufacturer's facility.

b. The manufacturer(s) must produce a manufacturer statement of origin (MSO) as described in R.S. 34:852.11. The manufacturer shall provide the purchaser and/or transferee with the original MSO.

c. Manufacturer(s) must maintain records of all vessels stamped with HIN from the block of numbers issued to the manufacturer by the department. These records must include the date the vessel was stamped, vessel make, principle vessel hull material, vessel length, vessel type, HIN stamped on vessel, date vessel was sold or ownership transferred, and name and address of the transferee. These records shall be kept in the form of a log book issued by the department. The log book shall be returned to the department upon completion. Manufacturers must maintain a copy of the log book for three years.

C. Agents from the enforcement division may inspect the manufacturer(s)' facility, records, and/or vessels to verify that the manufacturer is maintaining compliance with the stated procedures.

D. Violation of this Section shall be fined not less than \$500, but no more than \$1000, or imprisoned for not more than 30 days, or both, for each violation as provided in R.S. 34:852.22.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:852.13.B.

HISTORICAL NOTE: Promulgated by Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 37:922 (March 2011), amended LR 49:

Family Impact Statement

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issue 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).

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit comments relative to the proposed Rule to Clay Marques, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, or via e-mail to cmarques@wlf.la.gov prior to Friday, March 31, 2023.

Joe McPherson
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Assignment of Hull Identification Numbers to Undocumented Vessels Manufactured in Louisiana

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will have no impact on state or local governmental unit expenditures.

The proposed rule change amends Louisiana boating safety regulations to make the state's regulations for the assignment of hull identification numbers (HIN) on vessels manufactured in Louisiana consistent with U.S. Coast Guard (USCG) regulations. The proposed change allows an exemption from the requirement to obtain a HIN from the USCG for certain vessels intended to be operated principally in shallow water or marshes.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change may reduce revenue collections of the LDWF from the issuance of LAZ-number tags by approximately \$7,500 per year.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is expected to reduce boat manufacturers' expenditures on HIN-issuance fees by up to \$7,500 per year.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not expected to have an effect on competition and employment in Louisiana.

Bryan McClinton
Undersecretary
2301#047

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

**Daily Take and Possession Limits of King
and Spanish Mackerel and Cobia
(LAC 76:VII.327)**

The Wildlife and Fisheries Commission does hereby give notice of intent to amend a Rule (LAC 76:VII.327) by modifying the daily bag and possession limit for recreationally and commercially harvested cobia from 2 fish per person to 1 fish per person per day. Further modifications to the Rule also establish a recreational and commercial vessel limit of no more than 2 cobia per day. The proposed changes are a result of recent changes made by NOAA Fisheries, through the Gulf of Mexico Fishery Management Council, to establish a vessel limit and modify the possession limits for recreationally and commercially harvested cobia in the federal waters of the Gulf of Mexico. The authority for amendment of this Rule is included in the Administrative Procedure Act, R.S. 49:961 et seq., and through the authority granted in R.S. 56:6(25)(a), R.S. 56:325.1, and 56:326.3 to the Wildlife and Fisheries Commission.

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, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

**Chapter 3. Saltwater Sport and Commercial Fishery
§327. Daily Take and Possession Limits of King and Spanish Mackerel and Cobia**

A. - C.2. ...

D. The recreational and commercial bag limit for possession of cobia (*Rachycentron canadum*) whether caught within or without the territorial waters of Louisiana shall be one fish per person per day with a vessel limit not to exceed two fish per vessel per day, regardless of the number of trips or persons on the vessel.

E. - E.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), R.S. 56:325.1, and R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 15:868 (October 1989), amended LR 17:207 (February 1991), LR 19:513 (April 1993), LR 26:2633 (November 2000), LR 26:2833 (December 2000), LR 43:2194 (November 2017), LR 49:

Family Impact Statement

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issue 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).

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit comments relative to the proposed Rule to Jason Adriance, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, or via e-mail to jadriance@wlf.la.gov prior to Thursday, March 2, 2023.

Joe McPherson
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Daily Take and Possession Limits of King and Spanish Mackerel and Cobia

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will have no impact on state or local governmental unit expenditures.

The proposed rule change lowers the bag limit for cobia (also known as ling or lemonfish) caught recreationally or commercially in Louisiana from two to one fish per person and sets a vessel limit of two fish per vessel per day.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is expected to have no effect on revenue collections of the Louisiana Department of Wildlife and Fisheries (LDWF) or other state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed decrease in the bag limits and the imposition of a vessel limit for cobia is expected to reduce the recreational harvest of cobia on approximately 1,795 vessel-trips per year by one fish or more.

The proposed imposition of a two-fish vessel limit for cobia may reduce landings revenue for commercial fishers by approximately \$4,447 per year.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is anticipated to have a minor negative impact on competition and employment in Louisiana.

Bryan McClinton
Undersecretary
2301#048

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Hunting Regulations for the 2023-2025 Seasons (LAC 76:XIX.Chapter 1)

Notice is hereby given that the Wildlife and Fisheries Commission proposes to amend the general and wildlife management area rules and regulations for the 2023-2024 season, the resident game hunting season for the 2023-2025 hunting seasons, the general and wildlife management area rules and regulations for the turkey season, the turkey hunting areas, and seasons, and bag limits for the 2024 turkey season, and the migratory bird seasons, regulations, and bag limits for the 2023-2024 hunting season. The department manages the take of resident game, outlaw quadrupeds and migratory birds in Louisiana and this action defines legal participants, sets the legal season bag limits along with legal methods of take and hunting season dates for the 2023-2024 hunting season for wildlife in Louisiana. The new hunting rules and regulations for the 2023-2024 and 2024-2025 seasons clarify opening and closing dates of certain hunting seasons; adds legal gear for hunting exotics and deer in Louisiana; establishes new regulations for certain wildlife management areas (WMA); clarifies rules and regulations for hunting and discharging firearms on roads on WMAs, establishes a Limited Access Area and changes Small Game Emphasis Area regulations on Pomme de Terre WMA, removes a Small Game Emphasis Area on Bayou Pierre WMA and adds one on Bodcau WMA, adds nighttime raccoon hunting days on Bodcau WMA, creates a youth lottery deer hunt and removes some Physically Challenged Hunter Permit (PCHP) hunting weekends on Alexander State Forest WMA, closes Bussey Brake WMA to certain nighttime activities, opens a waterfowl hunting area during the modern firearm either-sex deer hunt on Dewey Wills WMA, adds either-sex firearm hunting days on Joyce and Maurepas Swamp WMAs, changes firearm hunting days on Little River WMA, removes a youth turkey lottery on Pearl River WMA and establishes a youth turkey lottery on Sandy Hollow WMA, closes turkey season on Richard K. Yancey and Sherburne WMAs, removes a turkey lottery and modifies the timing of turkey season on Tunica Hills WMA and establishes a PCHP limited use area and wheelchair blind on West Bay WMA; moves the portions of Franklin and Tensas parishes that were in Turkey Area A to Turkey Area C; and changes the bag limit for mottled ducks the first 15 days of the waterfowl season.

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, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed rule, the Secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§101. General

A. The resident game hunting season regulations have been adopted by the Wildlife and Fisheries Commission. A complete copy of the regulations pamphlet may be obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), LR 30:1493 (July 2004), LR 31:1627 (July 2005), LR 32:1253 (July 2006), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 36:1580 (July 2010), LR 37:2206 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1534 (August 2014), LR 41:958 (May 2015), LR 42:1107 (July 2016), LR 44:1273 (July 2018), LR 45:933 (July 2019), LR 46:957 (July 2020), LR 47:901 (July 2021), LR 48:1863 (July 2022), LR 49:

C. Deer Hunting Schedule 2023-2024

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	OPENS: first day of Oct. CLOSES: last day of Jan.	OPENS: second Sat. of Nov. CLOSES: Fri. after second Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: last day of Jan.	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Fri. before second Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the first Sat. of Dec. OPENS: Mon. after first Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the first Sat. of Dec. CLOSES: Sun. after first Sat. of Jan.
2	OPENS: first day of Oct. CLOSES: last day of Jan.	OPENS: next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after the last day of Modern Firearm Season in Jan. CLOSES: After 7 days.	OPENS: last Sat. of Oct. CLOSES: Tues. before second Sat. of Dec. in odd numbered years and on Wed. during even numbered years except when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the first Sat. of Dec.	OPENS: Wed. before the second Sat. of Dec. in odd numbered years and on Thurs. during even numbered years except when there are 5 Sats. in Nov., then it will open on the Wed. before the first Sat. of Dec. on odd years and Thurs. during even numbered years CLOSES: 40 days after opening in odd numbered years or 39 days after opening in even numbered years

§103. Resident Game Birds and Animals

A. Shooting Hours—one-half hour before sunrise to one-half hour after sunset.

B. Consult Regulation Pamphlet for Seasons or Specific Regulations on Wildlife Management Areas or Specific Localities

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	OPENS: third Saturday of November CLOSES: last Day of February	10	30
Rabbit and Squirrel	OPENS: first Saturday of October CLOSES: last Day of February	8	24
Squirrel*	OPENS: first Saturday of May for 23 days	3	9
Deer 2023-2024	See Schedule	1 antlered and 1 antlerless (when legal)	Deer Areas 1,2,3,5,6,7,8, and 9 6/season (not to exceed 3 antlered deer or 4 antlerless deer). Deer Areas 4 and 10 limit 3/season (not to exceed 2 antlered or 2 antlerless deer).

*NOTE: Spring squirrel season is closed on the Kisatchie National Forest, National Wildlife Refuges, U.S. Army Corps of Engineers property. Some state wildlife management areas will be open, check WMA season schedule.

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
3	OPENS: third Sat. of Sept. CLOSES: Jan. 15	OPENS: second Sat. of Oct. CLOSES: Fri. before third Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: third Sat. of Oct. CLOSES: Sun. after Thanksgiving Day	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
4	OPENS: first day of Oct. CLOSES: last day of Jan.	OPENS: second Sat. of Nov. CLOSES: Fri. after second Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: last day of Jan.	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Fri. before second Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the first Sat. of Dec. OPENS: Mon. after first Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the first Sat. of Dec. CLOSES: Sun. after first Sat. of Jan.
5	OPENS: first day of Oct. CLOSES: Feb. 15 (first 15 days are BUCKS ONLY)	(All Either Sex except as noted.) OPENS: second Sat. of Nov. CLOSES: Fri. before third Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: last day of Jan.	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Fri. before second Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the first Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Sun. of the same weekend. (EITHER SEX) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the first Sat. of Dec. CLOSES: next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: second Sat. of Dec. CLOSES: Sun. after second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open first Sat. of Dec. and closes Sun. of the same weekend EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. after third Sat. of Dec. before Christmas except when there are 5 Sats. in Nov., then it will open the second Sat. of Dec. and close Sun. of the same weekend (EITHER SEX).
6	OPENS: first day of Oct. CLOSES: Feb. 15 (first 15 days are BUCKS ONLY)	OPENS: second Sat. of Nov. CLOSES: Fri. before third Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: last day of Jan.	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Fri. before second Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the first Sat. of Dec.	OPENS: second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the first Sat. of Dec. CLOSES: next to last Sun. of Jan.
7	OPENS: third Sat. of Sept. CLOSES: Jan. 15.	OPENS: second Sat. of Oct. CLOSES: Fri. before third Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: third Sat. of Oct. CLOSES: Sun. after Thanksgiving	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
8	OPENS: third Sat. of Sept. CLOSES: Jan. 15	OPENS: second Sat. of Oct. CLOSES: Fri. before third Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: third Sat. of Oct. CLOSES: Sun. after Thanksgiving Day.	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
9	OPENS: first day of Oct. CLOSES: Feb. 15 (first 15 days are BUCKS ONLY)	OPENS: second Sat. of Nov. CLOSES: Fri. before third Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: last day of Jan. Bucks Only	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Fri. before second Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the first Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Sunday of the same weekend. (EITHER SEX) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the first Sat. of Dec. CLOSES: next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: second Sat. of Dec. CLOSES: Sun. after second Sat. of Dec. except when there are 5 Sats in Nov., then it will open the first Sat. of Dec. and closes Sun. of the same weekend (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. after third Sat. of Dec. before Christmas except when there are 5 Sats in Nov., then it will open the second Sat. of Dec. and closes Sun. of the same weekend (EITHER SEX)
10	OPENS: third Sat. of Sept. CLOSES: Jan. 15	OPENS: second Sat. of Oct. CLOSES: Fri. before third Sat. of Oct. OPENS: Mon. after last day of Modern Firearms CLOSES: after 7 days	OPENS: third Sat. of Oct. CLOSES: 38 days after Thanksgiving Day	

D. Deer Hunting Schedule 2024-2025

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	OPENS: first day of Oct. CLOSES: last day of Jan.	OPENS: second Sat. of Nov. CLOSES: Fri. after second Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: last day of Jan.	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Fri. before second Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the first Sat. of Dec. OPENS: Mon. after first Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the first Sat. of Dec. CLOSES: Sun. after first Sat. of Jan.
2	OPENS: first day of Oct. CLOSES: last day of Jan.	OPENS: next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after the last day of Modern Firearm Season in Jan. CLOSES: After 7 days.	OPENS: last Sat. of Oct. CLOSES: Tues. before second Sat. of Dec. in odd numbered years and on Wed. during even numbered years except when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the first Sat. of Dec.	OPENS: Wed. before the second Sat. of Dec. in odd numbered years and on Thurs. during even numbered years except when there are 5 Sats. in Nov., then it will open on the Wed. before the first Sat. of Dec. on odd years and Thurs. during even numbered years CLOSES: 40 days after opening in odd numbered years or 39 days after opening in even numbered years
3	OPENS: third Sat. of Sept. CLOSES: Jan. 15	OPENS: second Sat. of Oct. CLOSES: Fri. before third Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: third Sat. of Oct. CLOSES: Sun. after Thanksgiving Day	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
4	OPENS: first day of Oct. CLOSES: last day of Jan.	OPENS: second Sat. of Nov. CLOSES: Fri. after second Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: last day of Jan.	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Fri. before second Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the first Sat. of Dec. OPENS: Mon. after first Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the first Sat. of Dec. CLOSES: Sun. after first Sat. of Jan.

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
5	OPENS: first day of Oct. CLOSES: Feb. 15 (first 15 days are BUCKS ONLY)	(All Either Sex except as noted.) OPENS: second Sat. of Nov. CLOSES: Fri. before third Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: last day of Jan.	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Fri. before second Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the first Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Sun. of the same weekend. (EITHER SEX) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the first Sat. of Dec. CLOSES: next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: second Sat. of Dec. of Dec. except when there are 5 Sats. in Nov., then it will open the first Sat. of Dec. and closes Sun. of the same weekend (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. after third Sat. of Dec. before Christmas except when there are 5 Sats. in Nov., then it will open the second Sat. of Dec. and close Sun. of the same weekend (EITHER SEX)
6	OPENS: first day of Oct. CLOSES: Feb. 15 (first 15 days are BUCKS ONLY)	OPENS: second Sat. of Nov. CLOSES: Fri. before third Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: last day of Jan.	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Fri. before second Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the first Sat. of Dec.	OPENS: second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the first Sat. of Dec. CLOSES: next to last Sun. of Jan.
7	OPENS: third Sat. of Sept. CLOSES: Jan. 15.	OPENS: second Sat. of Oct. CLOSES: Fri. before third Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: third Sat. of Oct. CLOSES: Sun. after Thanksgiving	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
8	OPENS: third Sat. of Sept. CLOSES: Jan. 15	OPENS: second Sat. of Oct. CLOSES: Fri. before third Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: third Sat. of Oct. CLOSES: Sun. after Thanksgiving Day.	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
9	OPENS: first day of Oct. CLOSES: Feb. 15 (first 15 days are BUCKS ONLY)	OPENS: second Sat. of Nov. CLOSES: Fri. before third Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. CLOSES: last day of Jan. Bucks Only	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Fri. before second Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the first Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the third Sat. of Nov. CLOSES: Sunday of the same weekend. (EITHER SEX) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the first Sat. of Dec. CLOSES: next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: second Sat. of Dec. of Dec. except when there are 5 Sats. in Nov., then it will open the first Sat. of Dec. and closes Sun. of the same weekend (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. after third Sat. of Dec. before Christmas except when there are 5 Sats. in Nov., then it will open the second Sat. of Dec. and close Sun. of the same weekend (EITHER SEX)
10	OPENS: third Sat. of Sept. CLOSES: Jan. 15	OPENS: second Sat. of Oct. CLOSES: Fri. before third Sat. of Oct. OPENS: Mon. after last day of Modern Firearms CLOSES: After 7 days	OPENS: third Sat. of Oct. CLOSES: 38 days after Thanksgiving Day	

E. Farm-raised white-tailed deer on supplemented shooting preserves:

1. archery, firearm, primitive firearms—October 1 - January 31 (either-sex).

F. Exotics on supplemented shooting preserves:

1. either sex—no closed season.

G. Spring squirrel hunting:

1. season dates—opens first Saturday of May for 23 days;

2. closed areas:

a. Kisatchie National Forest, national wildlife refuges, and U.S. Army Corps of Engineers property and all WMAs except as provided in Paragraph 3 below;

3. wildlife management area schedule—opens first Saturday of May for nine days on all WMAs except Fort Polk, Peason Ridge, Camp Beauregard, Atchafalaya Delta, Pass-a-Loutre and Salvador/Timken. Dogs are allowed during this season for squirrel hunting;

4. limits—daily bag limit is three and possession limit is nine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:109(B) and R.S. 56:141(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), repromulgated LR 29:1521 (August 2003), amended LR 30:1494 (July 2004), LR 31:1627 (July 2005), LR 32:1254 (July 2006), LR 33:115 (January 2007), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 35:2856 (December 2009), LR 36:1580 (July 2010), LR 37:2207 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1535 (August 2014), LR 41:958 (May 2015), LR 42:1108 (July 2016), LR 43:1420 (July 2017), LR 44:1273 (July 2018), LR 45:934 (July 2019), LR 46:957 (July 2020), LR 47:901 (July 2021), LR 48:1863 (July 2022), LR 49:

§111. General and Wildlife Management Area Hunting Rules and Regulations

A. Hunting Seasons and Wildlife Management Area (WMA) Regulations

1. The rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by sections 115 and 116 of title 56 of the *Louisiana Revised Statutes* of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The secretary of the Department of Wildlife and Fisheries (LDWF) has the authority to close or alter seasons in emergency situations in order to protect fish and wildlife resources.

2. Pursuant to section 40.1 of title 56 of the *Louisiana Revised Statutes* of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other wildlife and aquatic life shall be required to reimburse the LDWF a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

B. Resident Game Birds and Animals

1. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

C. Other Season Dates

1. Turkey. Please refer to turkey regulations.

2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 caliber or smaller rimfire firearm. A licensed hunter may take raccoon or opossum with .22 caliber or smaller rimfire firearm, .36 caliber or smaller muzzleloader rifle, archery gear, air rifle or shotgun during daylight hours. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is two per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Nutria. On WMAs and private property nutria may be taken recreationally by licensed hunters from September 1 through the last day of February, during legal shooting hours by any legal hunting method with a daily limit of five. Except nutria may be taken on Atchafalaya Delta, Salvador/Timken, Pointe-Aux-Chenes and Pass-a-Loutre WMAs from September 1 to March 31. When taken with a shotgun, non-toxic shot must be used. On WMAs during waterfowl seasons, nutria may be taken only with the use of shotguns with shot no larger than F steel, and during gun deer seasons, anyone taking nutria must display 400 square inches of “hunter orange” and wear a “hunter orange” cap or hat. Recreational nutria hunters must remove each nutria carcass in whole condition from the hunting area, except that nutria may be gutted. Possession of detached nutria parts, including nutria tails, by recreational hunters is illegal. Nutria harvested recreationally may not be pelted nor may such nutria or any nutria parts from recreationally taken nutria be sold, including the tail. Trespassing upon private property for the purpose of taking nutria or other furbearing animals is punishable by fines and possible jail time (R.S. 56:265). The Coastwide Nutria Control Program is a separate program and is in no way related to the nutria recreational season. For questions on the Coastwide Nutria Control Program, call the Lafayette Field Office, (337) 735-8672.

4. Crows. The season for crows shall be September 1 through January 1 with no limit. Crows, blackbirds, cowbirds and grackles may be taken year round during legal shooting hours if they are depredating or about to depredate upon ornamentals or shade trees, agricultural crops, livestock, wildlife, or when concentrated in such numbers as to cause a health hazard. Louisiana has determined that the birds listed above are crop depredators and that crows have been implicated in the spread of the West Nile virus in humans. As described in 50 CFR Part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and

grackles under the special depredation order. In addition an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

5. Pheasant. Open concurrently with the quail season; no limit.

6. Falconry. Special permit required. Resident and migratory game species may be taken except turkeys. Seasons and bag limits are the same as for statewide and WMA regulations. Refer to LAC 76:V.301 for specific falconry rules.

7. Licensed Hunting Preserve, October 1 - April 30, Pen-Raised Birds Only. No limit entire season. Refer to LAC 76:V.305 for specific hunting preserve rules.

8. Deer Management Assistance Program (DMAP). Refer to LAC 76:V.111 for specific DMAP rules. Deer management assistance tags must be in the possession of the hunter in order to harvest an antlerless deer. The tag shall be attached through the hock in such a manner that it cannot be removed before the deer is transported (including those taken on either-sex days and those taken with approved archery equipment or primitive firearms). Failure to do so is a violation of R.S. 56:115. Deer harvested on property enrolled in DMAP do not count in the season or daily bag limit for hunters when legally tagged with DMAP tags. DMAP participants must follow the deer season schedule established for their respective areas, EXCEPT antlerless deer may be harvested any day of the deer season on property enrolled in DMAP provided that a DMAP tag is possessed by the hunter at the time of harvest. Failing to follow DMAP rules and regulations may result in suspension and cancellation of the program on those lands involved.

9. Farm Raised White-tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

a. Definitions

Exotics—for purposes of this Section means any animal of the family *Bovidae* (except the tribe *Bovini* [cattle]) or *Cervidae* which is not indigenous to Louisiana and which is confined on a supplemented hunting preserve. *Exotics* shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

Hunting—in its different tenses and for purposes of this Section means to take or attempt to take, in accordance with R.S. 56:8.

Same as Outside—for purposes of this Section means hunting on a supplemented hunting preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in title 56 of the *Louisiana Revised Statutes* and as established annually by the Wildlife and Fisheries Commission.

Supplemented Hunting Preserve—for purposes of this Section means any enclosure for which a current farm-raising license has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the LDWF and is authorized in writing by the LDAF and LDWF to permit hunting.

White-Tailed Deer—for purposes of this Rule means any animal of the species *Odocoileus virginianus* which is confined on a supplemented hunting preserve.

b. Seasons:

i. farm-raised white-tailed deer: consult the regulations pamphlet;

ii. exotics: year round.

c. Methods of take:

i. white-tailed deer: same as outside;

ii. exotics: exotics may be taken with traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; centerfire handguns and rifles no smaller than .22 caliber, rimfire no smaller than .30 caliber, pre-charged pneumatic devices no smaller than .30 caliber and at least 150 grains in weight with a minimum muzzle velocity of 800 feet per second or any combination of bullet weight and muzzle velocity that produces muzzle energy of at least 215 foot pounds of energy or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only and other approved primitive firearms.

d. Shooting hours:

i. white-tailed deer: same as outside;

ii. exotics: one-half hour before sunrise to one-half hour after sunset.

e. Bag limit:

i. farm-raised white-tailed deer: same as outside;

ii. exotics: no limit.

f. Hunting licenses:

i. white-tailed deer: same as outside;

ii. exotics: no person shall hunt any exotic without possessing a valid basic and deer hunting license.

g. Tagging. White-tailed deer and exotics: each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

10. Bobcat. No person other than the holder of a valid basic hunting license may take or possess bobcat, except licensed trappers who may take or possess bobcat during the open trapping season. A basic hunting licensee shall only take bobcat during the time period from one-half hour before sunrise to one-half hour after sunset with approved archery equipment, shotgun, muzzleloader or centerfire firearm. A basic hunting licensee shall not take more than one bobcat per calendar year. This regulation applies only to property that is privately owned, state WMAs, Kisatchie National Forest, and the Bayou des Ourses, Bodcau, Bonnet Carre, and Indian Bayou tracts owned by the Corps of Engineers, but does not apply to state wildlife refuges, or other federally owned refuges and lands. On state WMAs and Kisatchie National Forest, the take of bobcat is restricted to those open seasons on the WMAs which require the respective legal weapons noted above.

D. Hunting—General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. No person born on or after September 1, 1969, shall hunt unless that person has first been issued a certificate of satisfactory completion of a firearm and hunter education course approved by the department, except any active or veteran member of the United States armed services or any POST-certified law enforcement officer. Application for the exemption shall be filed in person at the LDWF main office building in the city of Baton Rouge. A person under 16 years of age may hunt without such certificate if he/she is accompanied by and is under the direct supervision of a person who was born before September 1, 1969, and has a valid hunting license or who is 18 years of age or older and has proof of successful completion of a firearm and hunter education course approved by the department. A person who has not completed the firearm and hunter safety course may be issued a valid hunting license by the department. Such license shall be issued with a restriction that requires that person be accompanied by and under the direct supervision of a person who was born before September 1, 1969 and has a valid hunting license or who is 18 years of age or older and has proof of successful completion of a firearm and hunter education course approved by the department.

3. A deer or turkey license, whichever is appropriate, is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer or turkey. Additionally, any person younger than 18 years of age engaged in an activity that necessitates the use of deer tags or turkey tags, or involves participation in a youth lottery hunt shall have in their immediate possession a valid, original youth license.

4. A hunting guide license is required for any person or entity who publicly represents himself to be a hunting guide or who transports, aids or provides assistance to another individuals(s) in the act of taking, or attempting to take, any wildlife species for compensation on a transactional or for-hire basis. For purposes of this rule, a hunting guide license is not required for any person or entity employed or contracted by a private hunting club to provide hunting guide services exclusively for the club's private members and its invited guests.

5. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

6. Methods of Taking Resident Game Birds and Quadrupeds

a. It is illegal to intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered raw sweet potatoes to wild game quadrupeds.

b. Use of a traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means or a shotgun not larger than a 10 gauge fired from the shoulder shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than .22 caliber, any centerfire firearm, or a muzzleloading firearm larger than .36 caliber. It shall be

legal to hunt or take squirrels, rabbits, and outlaw quadrupeds with air rifles.

c. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

d. No person shall take or kill any game bird or wild quadruped with a firearm fitted with an infrared sight, laser sight, or except as provided in R.S. 56:116(A)(8) any sighting device which projects a beam of light to the target or otherwise electronically illuminates the target, or device specifically designed to enhance vision at night [R.S. 56:116.1(B)(3)(a-b)].

7. Nuisance Animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found depredating commercial crops of pecans may be taken year-round by permit issued by the LDWF. This permit shall be valid for 30 days from the date of issuance. Contact the local region office for details.

8. Threatened and endangered species. Taking or harassment of any of these species is a violation of state and federal laws. (LAC 76:I.317)

1. Invertebrates		
Pink Mucket	Lampsilis abrupta	E
Louisiana Pearlshell	Margaritifera hembeli	T
Fat Pocketbook	Potamilus capax	E
Inflated Heelsplitter	Potamilus inflatus	T
Rabbitsfoot	Quadrula cylindrica	T
2. Fish		
Gulf Sturgeon	Acipenser oxyrinchus desotoi	T
Pallid Sturgeon	Scaphirhynchus albus	E
Smalltooth Sawfish	Pristis pectinata	E
3. Amphibians		
Dusky Gopher Frog	Lithobates sevosus	E
4. Reptiles (including eggs)		
Loggerhead Sea Turtle	Caretta caretta	T
Green Sea Turtle	Chelonia mydas	T
Hawksbill Sea Turtle	Eretmochelys imbricata	E
Kemp's Ridley Sea Turtle	Lepidochelys kempii	E
Leatherback Sea Turtle	Dermodochelys coriacea	E
Ringed Map Turtle	Graptemys oculifera	T
Gopher Tortoise	Gopherus polyphemus	T
Black Pinesnake	Pituophis melanoleucus lodingi	T
Louisiana Pinesnake	Pituophis ruthveni	T
5. Birds (including eggs)		
Whooping Crane	Grus americana	E
Piping Plover	Charadrius melodus	T
Red Knot	Calidris canutus rufa	T
Interior Least Tern	Sternula antillarum athalassos	E

Red-cockaded Woodpecker	Picoides borealis	E
6. Mammals		
West Indian Manatee	Trichechus manatus	T
Northern Long-eared Bat	Myotis septentrionalis	T
Sperm Whale	Physeter macrocephalus	E
Florida Panther	Felis concolor coryi	E
7. Plants		
American Chaffseed	Schwalbea americana	E
Earth-fruit	Geocarpon minimum	T
Louisiana Quillwort	Isoetes louisianensis	E
Pondberry	Lindera melissifolia	E
E = Endangered; T = Threatened		

9. Outlaw Quadrupeds. Holders of a legal hunting license may take coyotes, feral hogs, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to chase only when using dogs during still hunting segments of the firearm and archery only seasons for deer. Foxes are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed by licensed hunters. On private property, outlaw quadrupeds may be taken with or by means of an automatic-loading or hand-operated repeating shotgun capable of holding more than three shells when using buckshot or rifled slug ammunition and may be taken while riding or standing in or upon a moving land vehicle.

10. Nighttime Take of Nuisance Animals and Outlaw Quadrupeds. On private property, the landowner, or his lessee or agent with written permission from the landowner and the landowner's contact information in his possession, may take outlaw quadrupeds (coyotes, armadillos and feral hogs), nutria, or beaver during nighttime hours. However, no person shall be allowed to participate or be present during the nighttime hunting activities if convicted of a Class 3 or greater wildlife violation within the previous five years or if he has any other prohibition which would prevent the legal use of a firearm or participation in a hunting activity. Such taking may be with or without the aid of artificial light, infrared or laser sighting devices, or night vision devices. In addition, pursuant to R.S. 56:116(D)(3) any person who is authorized to possess a firearm suppressor may use a firearm fitted with a sound suppressor when taking outlaw quadrupeds, nutria, or beaver. Any person attempting to take outlaw quadrupeds, nutria, or beaver under the provisions of the Paragraph, shall notify the Sheriff of the Parish in which the property is located of his intention to attempt to take outlaw quadrupeds, nutria or beaver within twenty-four hours prior to the attempted taking or immediately upon taking the animal.

11. Hunting and/or Discharging Firearms on Public Roads. Hunting, standing, loitering or shooting game quadrupeds or game birds while on a public road or public road right-of-way is prohibited. Hunting or discharging a firearm on or across an open LMV road or LMV road right-of-way is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and public road rights-of-way is prohibited.

12. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and deer or turkey or youth license number, whichever is the appropriate

license, of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. See DMAP Regulations (LAC 76:V.111) for deer management assistance tagging requirements on lands enrolled in DMAP.

13. Sex Identification. Positive evidence of sex identification, including the head or sex organs, shall remain on any deer taken or killed within the state of Louisiana, or on all turkeys taken or killed so long as such deer or turkey is kept in camp or field, or is in route to the domicile of its possessor, or until a deer has been appropriately tagged and validated, and proof of electronic tagging or the carcass tag remains with the carcass, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game. Possessors of any portion of a deer or wild turkey, which has been divided in camp or field, without evidence of positive sex identification shall affix a tag in accordance with LAC 76:XIX.111.D.12 identifying the sex of the animal.

E. General Deer Hunting Regulations

1. Prior to hunting deer, all deer hunters, regardless of age or license status, must obtain carcass or electronic deer tags and have in possession when hunting deer. Immediately upon harvesting a deer, the hunter must tag the deer with the appropriate carcass or electronic tag. If using physical tag, the parish and date of kill must be documented on the deer tag and the hunter must validate the harvest by calling the validation toll free number or by utilizing the department's website within 72 hours of the kill. Hunters utilizing electronic tags shall electronically tag and validate their harvest before moving the deer. Hunters harvesting deer on DMAP lands can validate deer per instructions by LDWF using the DMAP harvest data sheets.

2. 2023-2024 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou Area owned by the US Army Corps of Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days. Deer harvested on property enrolled in DMAP may not count in the season or daily bag limit for hunters. See DMAP Regulations (LAC 76:V.111) for more information.

3. 2024-2025 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou Area owned by the US Army Corps of Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days. Deer harvested on property enrolled in DMAP may not count in the season or

daily bag limit for hunters. See DMAP Regulations (LAC 76:V.111) for more information.

4. A legal antlered deer is a deer with at least one visible antler of hardened bony material, broken naturally through the skin. Killing antlerless deer is prohibited except where specifically allowed.

5. *Either-Sex Deer* is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

6. It is illegal to hunt or shoot deer with centerfire firearms smaller than .22 caliber, rimfire firearms smaller than .30 caliber, or a shotgun loaded with anything other than buckshot or slug. Pre-charged pneumatic devices may be used during the modern firearm season for deer provided that they fire a projectile of at least .30 caliber in diameter and at least 150 grains in weight with a minimum muzzle velocity of 800 feet per second or any combination of bullet weight and muzzle velocity that produces muzzle energy of at least 215 foot pounds of energy. Arrows or bolts used with a pre-charged pneumatic device shall only be used with well sharpened broadhead points and may be used to hunt deer only during modern firearm deer season. Handguns may be used for hunting.

7. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

8. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. A dog may be used to trail and retrieve wounded or unrecovered deer. The dog must be leashed during legal hunting hours, but may be unleashed after legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address, and phone number.

9. It is illegal to take deer while deer are swimming or while the hunter is in a boat with motor attached in operating position; however the restriction in this Paragraph shall not apply to any person who has lost one or more limbs.

10. Areas not specifically designated as open are closed.

11. It is unlawful to import, sell, use or possess scents or lures that contain natural deer urine or other bodily fluids, except natural deer urine products produced by manufacturers or entities that are actively enrolled and participating in either the Responsible Hunting Scent Association (RHSA) or Archery Trade Association Deer Protection Program, which has been tested using real-time quaking induced conversion (RT-QuIC) and certified that no detectable levels of Chronic Wasting Disease (CWD) are present and is clearly labeled as such.

12. Primitive Firearms Season: Still Hunt Only. Specific WMAs will also be open, check WMA schedule for specific details. A deer or senior license, whichever is appropriate, is required for all hunters 18 years of age and older. Additionally, any person younger than 18 years of age

hunting the primitive firearms season shall have in their immediate possession a valid, original youth license. Either-sex deer may be taken in all areas open for deer hunting except when a Bucks Only season is in progress. In such cases, hunters must conform to the bucks only regulations except antlerless deer may be harvested any day of the deer season on property enrolled in DMAP provided that a DMAP tag is possessed by the hunter at the time of harvest.

a. Legal Firearms for Primitive Firearms Season

i. Rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle, use black powder or approved substitute only, take ball, shot, or bullet projectile only, including sabot bullets, and may be fitted with magnified scopes.

ii. Single shot, breech loading rifles or single shot, breech loading pistols, .35 caliber or larger, having an exposed hammer, that use metallic cartridges loaded either with black powder or modern smokeless powder, and may be fitted with magnified scopes.

iii. Single shot, breech loading shotguns, 10 gauge or smaller, having an exposed hammer, loaded with buckshot or slug.

iv. Youths 17 or younger may hunt deer with any legal weapon during the primitive firearms season in each deer hunting area.

13. Archery Season. A deer or senior license, whichever is appropriate, is required for all bow hunters 18 years of age and older. Additionally, any person younger than 18 years of age archery deer hunting shall have in their immediate possession a valid, original youth license. Either-sex deer may be taken in all areas open for deer hunting except when a bucks only season is in progress for gun hunting, and except in areas 6 and 9 from October 1-15. Archers must conform to the bucks only regulations except antlerless deer may be harvested any day of the deer season on property enrolled in DMAP provided that a DMAP tag is possessed by the hunter at the time of harvest. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMA.

a. Bow and Arrow Regulations. Traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means will be a legal means of take for all properly licensed hunters. Hunting arrows for deer must have well-sharpened broadhead points. Bow and arrow fishermen must have a sport fishing license and may not carry any arrows with broadhead points unless a deer or turkey season is in progress.

i. It is unlawful:

(a). to have in possession or use any poisoned or drugged arrow or arrows with explosive tips;

(b). to hunt deer with a bow having a pull less than 30 pounds;

(c). to hunt with a bow or crossbow fitted with an infrared, laser sight, electrically-operated sight or device specifically designed to enhance vision at night (does not include non-projecting red dot sights) [R.S. 56:116.1.B.(4)].

14. Hunter Orange or Blaze Pink. Any person hunting any wildlife during the open gun deer hunting season and possessing buckshot, slugs, a primitive firearm, or a centerfire rifle shall display on his head, chest and/or back a

total of not less than 400 square inches of “hunter orange” or “blaze pink”. Persons hunting on privately owned land may wear a “hunter orange” or “blaze pink” cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned or to archery deer hunters hunting on lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting deer on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a “hunter orange” or “blaze pink” cap or hat while walking to and from elevated stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring “hunter orange” or “blaze pink”.

15. Physically Challenged Firearms Season on Private Lands (Either-Sex): first Saturday of October for two days. Restricted to individuals with physically challenged hunter permit.

16. Youth and Honorably Discharged Veterans Season on Private Lands (Either-Sex). Areas 1, 4, 5, 6 and 9: last Saturday of October for seven days; area 2: second Saturday of October for seven days; and areas 3, 7, 8 and 10: fourth Saturday of September for seven days. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Additionally, any person younger than 18 years of age shall have in their immediate possession a valid, original youth license. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. Except youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. One of the following must be carried by veterans while hunting:

- a. Louisiana OMV issued U.S. Veterans Driver’s License; or
- b. U.S. Department of Defense Form 214 or one of the following DD_214 equivalents:
 - i. pre DD 214 era documents (1941_1950):
 - (a). WE AGO (war department adjutant general) forms, to include WD AGO 53, WD AGO 55, WD AGO 53_55;
 - (b). JAVPERS (naval personnel) discharge documents, to include NAVPERS 553, NAVMC78PD, NAVCG 553;
 - ii. National Personnel Records Center NPRC "statement of service," issued as a result of a destroyed discharge record during the 1973 National Archives fire;
 - iii. National Guard/Air National Guard must have NGB_22 with 6 or more years of service.

F. Description of Areas, 2021-2023

1. Area 1

a. All of the following parishes are open: Concordia, East Carroll, Franklin, Madison, Richland, Tensas, West Carroll.

b. Portions of the following parishes are also open:

i. Catahoula—east of Boeuf River to Ouachita River, east of Ouachita River from its confluence with Boeuf River to LA 8, south and east of LA 8 southwesterly to parish line;

ii. Grant—east of US 165 and south of LA 8;

iii. LaSalle—south of a line beginning where Little River enters Catahoula Lake following the center of the lake eastward to Old River then to US 84, east of US 84 northward to LA 8, south of LA 8 eastward to parish line;

iv. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Brake;

v. Rapides—east of US 165 and north of Red River.

c. Still hunting only in all or portions of the following parishes:

i. Catahoula—south of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to LA 8 at Harrisonburg, west of LA 8 to LA 913, west of LA 913 and LA 15 to Deer Creek;

ii. East Carroll—all;

iii. Franklin—all;

iv. Morehouse—east of US 165 (from Arkansas state line) to Bonita, south and east of LA 140 to junction of LA 830-4 (Cooper Lake Road), east of LA 830-4 to Bastrop, east of LA 139 at Bastrop to junction of LA 593, east and north of LA 593 to Collinston, east of LA 138 to junction of LA 134 and south of LA 134 to Ouachita line at Wham Brake;

v. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Brake;

vi. Richland—all;

vii. West Carroll—all.

2. Area 2

a. All of the following parishes are open:

i. Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Jackson, Lincoln, Natchitoches, Red River, Sabine, Union, Webster, Winn;

ii. except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as area 2, except still hunting only for deer.

b. Portions of the following parishes are also open:

i. Allen—north of US 190 from parish line westward to Kinder, east of US 165 from Kinder northward to LA 10 at Oakdale, north of LA 10 from Oakdale westward to the parish line;

ii. Avoyelles—that portion west of I-49;

iii. Catahoula—west of Boeuf River to Ouachita River, west of Ouachita River from its confluence with

Boeuf River to LA 8, north and west of LA 8 southwesterly to parish line;

iv. Evangeline—all except the following portions: east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte, and north of US 167 east of Ville Platte;

v. Grant—all except that portion south of LA 8 and east of US 165;

vi. Jefferson Davis—north of US 190;

vii. LaSalle—north of a line beginning where Little River enters Catahoula Lake, following the center of the lake eastward to Old River then to US 84, west of US 84 northward to LA 8, north of LA 8 eastward to parish line;

viii. Morehouse—west of US 165 (from Arkansas state line) to Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to Bastrop, west of LA 139 to junction of LA 593, west and south of LA 593 to Collinston, west of LA 138 to junction of LA 134 and north of LA 134 to Ouachita Parish line at Wham Brake;

ix. Ouachita—all except south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse Parish line at Wham Brake;

x. Rapides—all except north of Red River and east of US 165, south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill, and north of LA 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and US 167 to junction of US 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line;

xi. Vernon—north of LA 10 from the parish line westward to LA 113, south of LA 113 eastward to parish line. Also the portion north of LA 465 west of LA 117 from Kurthwood to Leesville and north of LA 8 from Leesville to Texas state line.

c. Still hunting only in all or portions of the following parishes:

i. Claiborne and Webster—Caney, Corney and Middlefork tracts of Kisatchie National Forest (see Kisatchie National Forest regulations);

ii. Ouachita—east of Ouachita River;

iii. Rapides—west of US 167 from Alexandria southward to I-49 at Turkey Creek exit, west of I-49 southward to parish line, north of parish line westward to US 165, east of US 165 northward to US 167 at Alexandria. North of LA 465 from Vernon Parish line to LA 121, west of LA 121 to I-49, west of I-49 to LA 8, south and east of LA 8 to LA 118 (Mora Road), south and west of LA 118 to Natchitoches Parish line;

iv. Vernon—east of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to LA 465, east and north of LA 465 to Rapides Parish line.

3. Area 3

a. Portions of the following parishes are open:

i. Acadia—north of I-10;

ii. Allen—west of US 165 and south of LA 10;

iii. Beauregard—east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;

iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;

v. Jefferson Davis—north of I-10 and south of US 190;

vi. Lafayette—west of I-49 and north of I-10;

vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line;

viii. St. Landry—west of US 167;

ix. Vernon—east of LA 113 to Pitkin, south of LA 10 to Allen Parish line, west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

b. Still hunting only for portions of the following parishes:

i. Acadia—north of I-10;

ii. Allen—south of US 190 and west of LA 113;

iii. Beauregard—west of LA 113 and east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;

iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;

v. Jefferson Davis—north of I-10 and south of US 190;

vi. Lafayette—west of I-49 and north of I-10;

vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line;

viii. St. Landry—west of US 167;

ix. Vernon—west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

4. Area 4

a. All of St. Helena and Washington Parishes are open.

b. Portions of the following parishes are also open:

i. East Baton Rouge—all except that portion west of I-110 and west of US 61;

ii. East Feliciana—east of US 61;

iii. Livingston—north of I-12;

iv. Tangipahoa—north of I-12;

v. St. Tammany—all except that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

c. Still hunting only in all or portions of the following parishes:

i. East Feliciana and East Baton Rouge—east of Thompson Creek from the Mississippi state line to LA 10, north of LA 10 from Thompson Creek to LA 67 at Clinton, west of LA 67 from Clinton to Mississippi state line, south of Mississippi state line from LA 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of LA 67 from LA 64 north to Parish Line, south of Parish Line from LA 64 eastward to Amite River, west of Amite River southward to LA 64, north of LA 64 to LA 37 at Magnolia, east of LA 37 northward to LA 64 at Indian Mound, north of LA 64 from Indian Mound to LA 67. Also, that portion of East Feliciana Parish east of LA 67 from parish line north to LA 959, south of LA 959 east to LA 63, west of LA 63 to

Amite River, west of Amite River southward to parish line, north of parish line westward to LA 67;

ii. St. Helena—north of LA 16 from Tickfaw River at Montpelier westward to LA 449, east and south of LA 449 from LA 16 at Pine Grove northward to Rohner Road, south of Rohner Road to LA 1045, south of LA 1045 to the Tickfaw River, west of the Tickfaw River from LA 1045 southward to LA 16 at Montpelier;

iii. Tangipahoa—that portion of Tangipahoa Parish north of LA 10 from the Tchefuncte River to LA 1061 at Wilmer, east of LA 1061 to LA 440 at Bolivar, south of LA 440 to the Tchefuncte River, west of the Tchefuncte River from LA 440 southward to LA 10;

iv. Washington and St. Tammany—east of LA 21 from the Mississippi state line southward to the Bogue Chitto River, north of the Bogue Chitto River from LA 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi state line, south of the Mississippi state line from the Pearl River westward to LA 21. Also, that portion of Washington Parish west of LA 25 from the Mississippi state line southward to the Bogue Chitto River, then west of the Bogue Chitto River to its junction with the St. Tammany Parish line, north of the St. Tammany Parish line to the Tangipahoa Parish line, east of the Tangipahoa Parish line to the Mississippi state line, south of the Mississippi state line to its junction with LA 25.

5. Area 5

a. Portions of the following parishes are open:

i. St. Martin—south of I-10 and east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;

ii. Iberville—south of I-10 and west of the East Atchafalaya Basin Protection Levee;

iii. Iberia—east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;

iv. St. Mary—east of the West Atchafalaya Basin Protection Levee;

v. High water benchmark closure. Deer hunting in those portions of Iberville and St. Martin parishes south of I-10, west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee, and north of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches 18 feet msl at Butte LaRose, and will reopen when the river stage recedes to 17 feet msl at Butte LaRose. Deer hunting in those portions of Iberville, St. Martin, St. Mary and Iberia parishes west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee and south of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches 15 feet msl at Butte LaRose, and will reopen when the river stage recedes to 14 feet msl at Butte LaRose.

6. Area 6

a. All of West Feliciana and Pointe Coupee Parishes are open.

b. Portions of the following parishes are also open:

i. Avoyelles—all except that portion west of I-49;

ii. East Baton Rouge—that portion west of I-110 and west of US 61;

iii. East Feliciana—west of US 61;

iv. Evangeline—that portion east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte and north of US 167 east of Ville Platte;

v. Iberville—all north of I-10, and that portion south of I-10 at the Atchafalaya Basin protection levee south to Upper Grand River, then north of Upper Grand River to the Intracoastal Canal at Jack Miller, then west of the Intracoastal Canal northward to Bayou Plaquemine, then north of Bayou Plaquemine to the Mississippi River;

vi. Lafayette—north of I-10 and east of I-49;

vii. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;

viii. St. Landry—east of US 167;

ix. St. Martin—north of I-10;

x. West Baton Rouge—north of I-10.

c. Still hunting only in all or portions of the following parishes:

i. Avoyelles—north of LA 1 from Simmesport westward to LA 115 at Marksville, east of LA 115 from Marksville northward to the Red River near Moncla, south and west of the Red River to LA 1 at Simmesport;

ii. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;

iii. West Feliciana—west of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of US 61 and LA 966, east of LA 966 from US 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

7. Area 7

a. Portions of the following parishes are open:

i. Iberia—south of LA 14 and west of US 90;

ii. St. Mary—all except that portion north of US 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River.

8. Area 8

a. Portions of the following parishes are open:

i. Beauregard—that portion west of LA 27 from parish line northward to DeRidder, south of US 190 from DeRidder to Texas state line;

ii. Calcasieu—that portion west of LA 27 from the parish line southward to Sulphur and north of I-10 from Sulphur to the Texas state line.

9. Area 9

a. All of the following parishes are open: Ascension, Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John, Terrebonne.

b. Portions of the following parishes are open:

i. Iberia—east of US 90 and west of the West Atchafalaya Basin Protection Levee and east of the East Atchafalaya Basin Protection Levee;

ii. Iberville—east of the East Atchafalaya Basin Protection Levee and south of Upper Grand River to the Intracoastal Canal to Bayou Plaquemines, then south of Bayou Plaquemines to the Mississippi River;

iii. Lafayette—south of I-10 and east of US 90;

iv. Livingston—south of I-12;

v. St. Martin—west of the Atchafalaya Basin Protection Levee and south of I-10. East of the East Atchafalaya Basin Protection Levee and south of I-10;

vi. St. Mary—east of US 90 from Iberia Parish line to the Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River except for portion within the East and West Atchafalaya Basin Protection Levees;

vii. St. Tammany—that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain;

viii. Tangipahoa—south of I-12.

c. Still hunting only in all or portions of the following parishes:

i. Iberville—east of the Mississippi River;

ii. Plaquemines—east of the Mississippi River;

iii. St. Bernard—all of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre;

iv. St. John—south of Pass Manchac from Lake Pontchartrain to US 51, east of US 51 from Pass Manchac to LA 638 (Frenier Beach Road). North of LA 638 from US 51 to Lake Pontchartrain, west of Lake Pontchartrain from LA 638 to Pass Manchac.

10. Area 10

a. All of Cameron and Vermillion Parishes are open.

b. Portions of the following parishes are open:

i. Acadia—south of I-10;

ii. Calcasieu—south of I-10;

iii. Iberia—west of US 90 and north of LA 14;

iv. Jefferson Davis—south of I-10;

v. Lafayette—south of I-10 and west of Hwy 90.

G. WMA Regulations

1. General

a. The following rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in *Louisiana Revised Statutes* of 1950, section 109 of title 56. Failure to comply with these regulations will subject individual to citation and/or expulsion from the management area.

b. Citizens are cautioned that by entering a WMA managed by the LDWF they may be subjecting themselves and/or their vehicles to game and/or license checks, inspections and searches.

c. WMA seasons may be altered or closed anytime by the LDWF secretary in emergency situations (floods, fire or other critical circumstances).

d. Hunters may enter the WMA no earlier than 4 a.m. unless otherwise specified. Hunters must check out and

exit the WMA no later than two hours after sunset, or as otherwise specified.

e. All privately owned property which is completely surrounded by a wildlife management area shall be subject to all state hunting and fishing provisions, including those provisions regarding seasons. Such private property shall not be subject to the special hunting and fishing provisions which govern the wildlife management area, except that deer may not be taken with the aid of dogs. However, the owner or lessee of such property shall be required to participate in the deer management assistance program provided for in R.S. 56:110. In addition, the owner or lessee of such property shall not be allowed to hunt, trap or take resident game by the aid of baiting or placing bait intended to attract or entice the resident game to the area where hunters are attempting to take them.

f. Dumping garbage or trash on WMAs is prohibited. Garbage and trash may be properly disposed of in designated locations if provided.

g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.

h. Damage to or removal of trees, shrubs, hard mast (including but not limited to acorns and pecans), wild plants, non-game wildlife (including reptiles and amphibians) or any species of butterflies, skippers or moths is prohibited without a permit from the LDWF. Gathering and/or removal of American lotus (*grande volée*, *Nelumbo lutea*) seeds and pods, soft fruits, mushrooms and berries shall be limited to five gallons per person per day.

i. Burning of marshes is prohibited. Hunting actively burning marsh is prohibited.

j. Nature Trails. Trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, bicycles, etc. allowed. Removal of vegetation (standing or down) or other natural material prohibited.

k. Deer seasons are for legal antlered deer unless otherwise specified.

l. Small game, when listed under the WMA regulations may include both resident game animals and game birds as well as migratory species of birds.

m. Oysters may not be harvested from any WMA, except that oysters may be harvested from private oyster leases and state seed grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health.

n. Free ranging livestock prohibited.

o. Operation of drones or unmanned aerial vehicles (UAV) on WMAs is prohibited.

p. Operating, modifying, tampering with or altering any water control structures on WMAs is prohibited.

q. Limited Access Areas (LAA): Operation of internal combustion powered vessels prohibited September through January. Operation of trolling motors allowed. A *trolling motor* is defined as a self-contained unit that includes a completely submerged electric motor at the end of the shaft, propeller and controls, and is affixed to a vessel, either at the bow or stern. Vehicles prohibited November through January. Limited access areas are on Atchafalaya Delta, Boeuf, Dewey W. Wills, Joyce, Manchac, Pass-a-Loutre, Pointe-aux-Chenes, Pomme de Terre and Russell Sage WMAs. See WMA maps for specific locations.

2. Permits

a. A valid WMA access permit shall be required for use of department-administered lands including wildlife refuges, Wildlife Management Areas (WMA) and Wildlife Conservation Areas (WCA). Persons under 18 years of age are exempt from this requirement. WMA access permits are not required for persons only traveling through the department-administered lands provided that the most direct route is taken and no activities or stops take place.

b. Self-Clearing Permits. A self-clearing permit is required for all activities (hunting, fishing, hiking, bird watching, sightseeing, etc.) on WMAs. The self-clearing permit will consist of two portions: check in, check out. All persons must either check in/check out electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal or obtain a WMA self-clearing permit from an information station. Users may check in one day in advance of use. Users that check in by electronic means are required to possess proof of check in and must check out within 24 hours. If utilizing paper Self-Clearing Permit from an information station, check in portion must be completed and put in a permit box before each day's activity. The check-out portion must be carried by each person while on the WMA and must be completed and put in a permit box immediately upon exiting the WMA. No permit is required of fishers and boaters who do not travel on a WMA road and/or launch on the WMA as long as they do not get out of the boat and onto the WMA. When mandatory deer checks are specified on WMAs, hunters must check deer at a check station. When mandatory check in for deer seasons is specified on WMAs, hunters must check in at designated locations, and obtain a daily hunt permit. Self-clearing permits are not required for persons only traveling through the WMA provided that the most direct route is taken and no activities or stops take place.

3. Special Seasons

a. Youth Deer Hunt. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult was born before September 1, 1969 and has a valid hunting license or who is 18 years of age or older and has proof of successful completion of a firearm and hunter education course approved by the department, this requirement is waived for the youth. Additionally, any youth participating in the hunt shall have in their immediate possession a valid, original youth license. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Contact the appropriate region office for maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts.

NOTE: Some hunts may be by pre-application lottery.

b. Youth Squirrel Hunt (on selected WMAs only). Only youths 17 or younger may hunt. Squirrel, rabbit, raccoon, hogs and opossum may be taken. No dogs allowed. All other seasons will remain open to other hunters. Youths must possess a hunter safety certification or proof of

successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult was born before September 1, 1969 and has a valid hunting license or who is 18 years of age or older and has proof of successful completion of a firearm and hunter education course approved by the department, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Self-clearing permits are required. Consult the regulations pamphlet for WMAs offering youth squirrel hunts.

c. Youth Mourning Dove Hunt. A youth mourning dove hunt will be conducted on specific WMAs and will follow the same regulations provided for youth deer hunts on the first or second weekend of the mourning dove season (Saturday and/or Sunday only). Consult the regulations pamphlet for WMAs offering youth mourning dove hunts.

d. Physically Challenged Season. An either-sex deer season will be held for hunters possessing a physically challenged hunter permit on WMAs during the dates specified under the individual WMA. Participants must possess a physically challenged hunter permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering physically challenged seasons.

e. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. Contact region offices for more details.

f. Waterfowl Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadline. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division office for more details.

g. Mourning Dove Lottery Hunts. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division office for more details.

h. Trapping. Consult annual trapping regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. Hunter orange required when a deer gun season is in progress.

i. Raccoon Hunting. A licensed hunter may take raccoon or opossum, two per person per day, during daylight hours only, during the open hunting season in progress on WMAs.

Nighttime Experimental—all nighttime raccoon hunting where allowed is with dogs only. There is no bag limit. Self-clearing permit required.

j. Sport Fishing. Sport fishing, crawfishing and frogging are allowed on WMAs when in compliance with current laws and regulations except as otherwise specified under individual WMA listings.

k. Small Game Emphasis Areas. Specially designated areas on certain WMAs will allow small game hunting with dogs, confined to that specific area when the remainder of the WMA is restricted to still hunt only. Additionally, off season training of rabbit and bird dogs may be allowed on some of the small game emphasis areas. Small game emphasis areas are offered on Big Colewa Bayou,

Bayou Macon, Bodcau, Boeuf, Dewey W. Wills, Marsh Bayou, Pomme de Terre, Richard K. Yancey, Russell Sage, Sandy Hollow, Sherburne, Tunica Hills and Walnut Hill WMAs.

4. Firearms

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms and crossbows cocked in the ready position are not allowed in or on vehicles, boats under power, motorcycles, ATVs, UTVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after permitted hours except in authorized camping areas and except as may be permitted for authorized trappers.

b. Firearms and bows and arrows are not allowed on WMAs during closed seasons except on designated shooting ranges or as permitted for trapping and except as allowed pursuant to R.S. 56:109(C) and R.S. 56:1691. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or as permitted for bowfishing. Active and retired law enforcement officers in compliance with POST requirements, federal law enforcement officers and holders of Louisiana concealed handgun permits or permit holders from a reciprocal state who are in compliance with all other state and federal firearms regulations may possess firearms on WMAs provided these firearms are not used for any hunting purpose.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under WMA listing.

d. Loaded firearms are not allowed near WMA check stations.

e. The following cannot be carried onto any WMA except during modern and primitive firearm deer seasons and during special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador/Timken WMAs (consult regulations pamphlet for specific WMA regulations):

i. centerfire rifles;

ii. centerfire break-action and centerfire bolt-action handguns;

iii. centerfire scoped handguns;

iv. shotgun slugs or shot larger than BB lead or F steel.

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or across, or hunting from designated roads, ATV/UTV trails, nature trails, hiking trails, and their rights-of-way is prohibited during the modern firearms and primitive firearms deer seasons.

5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drives and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On WMAs, except Floy McElroy WMA, the daily limit shall be one antlered deer and one antlerless deer (when legal) per day, not to exceed the Deer Area limit for the Deer Area that a WMA is contained within (all segments included) by all methods of take.

c. Baiting, hunting over bait, or possession of bait is prohibited on all WMAs, except bait may be kept in a vehicle traversing a WMA road or parked on a WMA road. Bait is defined as any substance used to attract game via ingestion.

d. During mandatory deer check hunts, deer may not be skinned nor have any external body parts removed including but not limited to feet, legs, tail, head or ears before being checked out.

e. Deer hunting on WMAs is restricted to still hunting only.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting time each day. Blinds with frames of wood, plastic, metal poles, wire, mesh, webbing or other materials may be used but must be removed from the WMA within two hours after the end of legal shooting time each day. Blinds made solely of natural vegetation and not held together by nails or other metallic fasteners may be left in place but cannot be used to reserve hunting locations. Natural vegetation (including any material used as corner posts) is defined as natural branches that are two inches or less in diameter. All decoys must be removed from the WMA daily. Permanent tree stands are any stands that use nails, screws, spikes, etc., to attach to trees and are strictly prohibited. Deer stands may not be left on WMAs unless the stands are removed from trees, placed flat on the ground, and left in a non-hunting position (a non-hunting position is one in which a hunter could not hunt from the stand in its present position). Also, all stands left must be legibly tagged with the user's name, address, phone number and LDWF ID number. No stand may be left on any WMA prior to the day before deer season opens on that WMA and all stands must be removed from the WMA within one day after the close of deer hunting on that WMA. Free standing blinds must be disassembled when not in use. Stands left will not reserve hunting sites for the owner or user. All portable stands, blinds, tripods, etc., found unattended in a hunting position, not placed flat on the ground, or untagged will be confiscated and disposed of by the LDWF. LDWF is not responsible for unattended stands left on an area.

g. Physically Challenged Wheelchair Confined Deer and Waterfowl Hunting Areas: special deer and waterfowl hunting areas, blinds and stands identified with LDWF logos, have been established for physically challenged hunter permit (PCHP) wheelchair confined hunters on WMAs. Hunters must obtain a PCHP permit and are required to make reservations to use blinds and stands. PCHP wheelchair hunting areas are available on Alexander State Forest, Bayou Pierre, Big Colewa Bayou, Buckhorn, Clear Creek, Floy McElroy, Fort Polk-Vernon, Maurepas Swamp, Sherburne, and West Bay WMAs. Check WMA hunting schedules or call the LDWF field offices in Pineville, Lafayette, Lake Charles, Minden, Monroe or Hammond for information.

h. Hunting from utility poles and structures, and oil and gas exploration facilities or platforms is prohibited.

i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc. are illegal.

j. Tree climbing spurs, spikes or screw-in steps are prohibited.

k. Unattended decoys will be confiscated and forfeited to the LDWF and disposed of by the LDWF. This action is necessary to prevent preemption of hunting space.

l. Spot lighting (shining) from vehicles is prohibited on all WMAs.

m. Horses and mules may be ridden on WMAs except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails depicted on WMA map, self-clearing permit is required. Organized trail rides prohibited except allowed by permit only on Camp Beauregard. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified. Horse-drawn conveyances are prohibited.

n. All hunters (including archers and small game hunters) except waterfowl hunters and mourning dove hunters on WMAs must display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during open gun season for deer. Quail and woodcock hunters and hunters participating in special dog seasons for rabbit, squirrel and feral hogs are required to wear a minimum of a "hunter orange" or "blaze pink" cap. All other hunters and archers (while on the ground) except waterfowl hunters also must wear a minimum of a "hunter orange" or "blaze pink" cap during special dog seasons for rabbit and squirrel and feral hogs. Also all persons afield during hunting seasons are encouraged to display "hunter orange" or "blaze pink". Hunters participating in special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador/Timken WMAs must display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap.

o. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches of "hunter orange" or "blaze pink" above or around their blinds which is visible from 360 degrees.

p. Archery Season for Deer. The archery season on WMAs is the same as outside and is open for either-sex deer except as otherwise specified on individual WMAs. Archery season restricted on Atchafalaya Delta and closed on certain WMAs when special seasons for youth or physically challenged hunts are in progress. Consult regulations pamphlet for specific seasons.

q. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.

r. Primitive Firearms Season for Deer. Either-sex unless otherwise specified. See WMA deer schedule. Except youths 17 or younger may use any legal weapon during the primitive firearm season.

6. Camping

a. A WMA camping permit is required for all persons camping on LDWF operated campgrounds on WMAs. Camping on WMAs, including trailers, houseboats, vessels, recreational vehicles and tents, is allowed only in

designated areas and for a period not to exceed 16 consecutive days, regardless if the camp is attended or unattended. At the end of the 16-day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities. Camping is available on a first-come, first-serve basis unless otherwise specified.

b. Houseboats and vessels utilized for recreational activities are prohibited from overnight mooring within WMAs except on stream banks adjacent to designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. Houseboats and vessels shall not impede navigation. On Atchafalaya Delta WMA houseboats may be moored by permit only in designated areas during hunting season. Permits are available by lottery annually or by five-year lease through a bid program.

c. Discharge of human waste onto lands or waters of any WMA is strictly prohibited by state and federal law. In the event public restroom facilities are not available at a WMA, the following is required. Anyone camping on a WMA in a camper, trailer, or other unit (other than a houseboat or tent) shall have and shall utilize an operational disposal system attached to the unit. Tent campers shall have and shall utilize portable waste disposal units and shall remove all human waste from the WMA upon leaving. Houseboats moored on a WMA shall have a permit or letter of certification from the Health Unit (Department of Health) of the parish within which the WMA occurs verifying that it has an approved sewerage disposal system on board. Further, that system shall be utilized by occupants of the houseboats when on the WMA.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area unless otherwise specified.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Trash must be contained at all times while camping.

h. Burning of trash is prohibited.

i. Glass containers prohibited on campgrounds.

j. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

k. Swimming is prohibited within 100 yards of boat launching ramps.

7. Restricted Areas

a. For your safety, all oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or unauthorized hunting in restricted areas, refuges, or limited use areas unless otherwise specified.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is experimental as required by law. Having or using dogs on any WMA is prohibited except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting, hog hunting and bird dog training when allowed; see individual WMA season listings for WMAs that allow dogs. Dogs

running at large are prohibited on WMAs. The owner or handler of said dogs shall be liable. Only recognizable breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons. A leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

9. Vehicles

a. An all-terrain vehicle is a wheeled or tracked off-road vehicle (not legal for highway use) with specifications not to exceed the following: weight-750 pounds, length-85", and width-48". ATV tires are restricted to those no larger than 26 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 12 psi. as indicated on the tire by the manufacturer. Use of all other ATVs or ATV tires are prohibited on a WMA.

b. *Utility Type Vehicle (UTV, also Utility Terrain Vehicle)*—any recreational motor vehicle other than an ATV, wheeled or tracked, not legal for highway use, designed for and capable of travel over designated unpaved roads, traveling on four or more low-pressure tires or tracks, with specifications not to exceed the following: weight-1900 pounds, length-128" and width-68". UTV tires are restricted to those no larger than 27 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 12 psi. UTV's are commonly referred to as side by sides and may include golf carts.

c. Vehicles having wheels with a wheel-tire combination radius of 17 inches or more measured from the center of the hub and horizontal to ground are prohibited.

d. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within WMAs due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

e. Tractor or implement tires with farm tread designs R1, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles.

f. Airboats, aircraft, personal water craft, "mud crawling vessels" (commonly referred to as crawfish combines which use paddle wheels for locomotion) and hover craft are prohibited on all WMAs and refuges, except type A personal water craft, model year 2003 and beyond, which are eight feet in length and greater, may be operated within WMAs except Bussey Brake WMA from April 1 until the Monday of Labor Day weekend, from sunrise to sunset only, and except personal water craft allowed on designated portions of Alexander State Forest WMA year-round. Personal water craft are defined as a vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. No person shall operate such water craft at a speed

greater than slow/no wake within 100 feet of an anchored or moored vessel, shoreline, dock, pier, or persons engaged in angling or any other manually powered vessel.

g. Driving or parking vehicles on food or cover plots and strips is prohibited.

h. Blocking the entrance to roads and trails is prohibited.

i. Licensed motorized vehicles (LMVs) legal for highway use, including motorcycles, are restricted entirely to designated roads as indicated on WMA maps. UTVs are restricted to marked UTV trails only, except that those UTVs in which the manufacturer's specifications do not exceed the weight, length, width, and tire restrictions for ATVs are allowed on ATV trails. ATVs are restricted to marked ATV trails only. When WMA roads are closed to LMVs, ATVs and UTVs may then use those roads when allowed. This restriction does not apply to bicycles.

NOTE: Only ATV and UTV trails marked with signs and/or paint, and depicted on WMA maps are open for use.

j. Use of special ATV trails for physically challenged persons is restricted to ATV physically challenged permittees. Physically challenged ATV permittees are restricted to physically challenged ATV trails or other ATV trails only as indicated on WMA maps or as marked by sign and/or paint. Persons 60 years of age and older, with proof of age, are also allowed to use special physically challenged trails and need not obtain a permit. However, these persons must abide by all rules in place for these trails. Physically challenged persons under the age of 60 must apply for and obtain a physically challenged hunter program permit from the LDWF.

k. Entrances to ATV trails will be marked with peach colored paint. Entrances to physically challenged-only ATV trails will be marked with blue colored paint. Entrances to ATV trails that are open year round will be marked with purple paint. The end of all ATV trails will be marked by red paint. WMA maps serve only as a general guide to the route of most ATV trails, therefore all signage and paint marking as previously described will be used to determine compliance.

l. Roads and trails may be closed due to poor condition, construction or wet weather.

m. ATVs, and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 4 a.m., except raccoon hunters may use ATVs during nighttime raccoon take seasons only. ATVs are prohibited from March 1 through August 31 except squirrel hunters are allowed to use ATV trails during the spring squirrel season on the WMA and except certain trails may be open during this time period to provide access for fishing or other purposes and some ATV trails will be open all year long on certain WMAs.

n. Caution. Many LDWF-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads, unless specific signage otherwise allows or restricts.

o. Hunters are allowed to retrieve their own downed deer and hogs with the aid of an ATV or electric bicycle except on Thistlethwaite, Sherburne, Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes, Salvador/Timken, Lake Boeuf, Biloxi, and the Crusel Tract of Maurepas Swamp WMAs under the following conditions:

i. no firearms or archery equipment is in possession of the retrieval party or on the ATV;

ii. the retrieval party may consist of no more than one ATV and one helper;

iii. ATVs may not be used to locate or search for wounded game or for any other purpose than retrieval of deer and hogs once they have been legally harvested and located;

iv. UTV's may not be used to retrieve downed deer or hogs.

p. No wake zones. Operation of vessels beyond bare steerage speed (the slowest speed a vessel can travel while allowing the operator to maintain directional control of the vessel) in posted no wake zones is prohibited.

q. Electric bicycles are restricted to designated roads and ATV/UTV trails.

r. Factory OEM installed or OEM equivalent exhausts are required for all boat/powercraft motors. No person shall operate or allow to be operated a powercraft with an altered muffler or muffler cutout or in a manner that bypasses or reduces the effectiveness of the muffler system.

10. Commercial Activities

a. Hunting Guides/Outfitters. No person or group may act as a hunting guide, outfitter or in any other capacity for which they are paid or promised to be paid directly or indirectly by any other individual or individuals for services rendered to any other person or persons hunting on any WMA, regardless of whether such payment is for guiding, outfitting, lodging or club memberships.

b. Except for licensed activities otherwise allowed by law, commercial activities are prohibited without a permit issued by the secretary of the LDWF.

c. Commercial Fishing. Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Drag seines (except minnow and bait seines) are prohibited except experimental bait seines allowed on Dewey Wills WMA north of LA 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Richard K. Yancey WMA. Commercial fishing is prohibited on Salvador/Timken, Pointe-aux-Chenes, and Russell Sage WMAs except commercial fishing on Pointe-aux-Chenes is allowed in Cut Off Canal. No commercial fishing activity shall impede navigation and no unattended vessels or barges will be allowed. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

11. WMAs Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

12. Resident Small Game (squirrel, rabbit, quail, mourning dove, woodcock, snipe, rail and gallinule). Same as outside except closed during modern firearm either-sex deer seasons on certain WMAs (see WMA schedule) and except non-toxic shot, size 6 or smaller must be used for dove, rail, snipe, and gallinule. Unless otherwise specified under a specific WMA hunting schedule, the use of dogs for

rabbit and squirrel hunting is prohibited. Spring squirrel season with or without dogs: first Saturday of May for nine days. Consult regulations pamphlet for specific WMAs.

13. Waterfowl (ducks, geese and coots). Consult regulations pamphlet. Hunting after 2 p.m. prohibited on all WMAs except for Atchafalaya Delta, Biloxi, and Pass-a-Loutre. Consult specific WMA regulations for shooting hours on these WMAs.

14. Archery. Consult regulations pamphlet.

15. Hogs. Feral hogs may be taken during any open hunting season on WMAs by properly licensed and/or permitted hunters using only guns or bow and arrow legal for specified seasons in progress, except take of hogs is prohibited during nighttime raccoon seasons. Hogs may not be taken with the aid of dogs, except feral hogs may be taken with the aid of dogs during the month of February on Attakapas, Bodcau, Clear Creek, Little River, Pearl River, Sabine, Sabine Island, and West Bay and that portion of Dewey W. Wills north of the Catahoula Lake Diversion Canal by self-clearing permit. All hogs must be killed immediately and may not be transported live under any conditions. During the February dog season hunters may use centerfire handguns in addition to using guns allowed for season in progress. Additionally, feral hogs may be taken on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador/Timken WMAs from February 16 through March 31 with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber. Additional requirements may be specified under individual WMAs, see regulation pamphlet.

16. Outlaw Quadrupeds and Birds. Consult regulations pamphlet. During hunting seasons specified on WMAs, except the turkey and spring squirrel seasons, take of outlaw quadrupeds and birds, with or without the use of electronic calls, is allowed by properly licensed hunters and only with guns or bows and arrows legal for season in progress on WMA. However, crows, blackbirds, grackles and cowbirds may not be taken before September 1 or after January 1. As described in 50 CFR Part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special depredation order. In addition an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

17. WMAs Hunting Schedule and Regulations

a. Acadiana Conservation Corridor. Self-Clearing Permit required for all activities.

i. Archery only: Oct. 1 - 15 bucks only, Oct. 16 - Feb. 15, either sex.

ii. All other seasons closed. No motorized vehicles allowed and no access via I-49 right-of-way.

b. Alexander State Forest. From December through February all hunters must check daily with the Office of Forestry for scheduled burning activity. No hunting or other activity will be permitted in burn units the day of the burning. Call 318-487-5172 or 318-487-5058 for information on burning schedules. Attaching stands to Red Cockaded Woodpecker cavity trees is prohibited. Cavity trees are marked with painted, double white bands. Self-Clearing Permits required for hunters only. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires except in recreational areas. Physically Challenged Wheelchair

Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Pineville or Baton Rouge Offices for details and applications. PCHP blind hunting by reservation for Class I, III and IV PCHP permittees only.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Firearms: first Sat. of Nov. for 2 days, either sex. Mandatory Deer Check; Fri. after Thanksgiving Day for 3 days, bucks only.

(c). Primitive Firearms: second Sat. of Oct. for 2 days. Mandatory Deer Check.

(d). Youth Lottery: last Sat. of Oct. for 2 days, Fri. after Thanksgiving for 3 days, third Sat. in Dec. for 2 days, either-sex.

(e). PCHP Blinds: first Sat. of Nov. for 2 days, Mandatory Deer Check, second Sat. in Dec. for 2 days.

ii. Small Game: same as outside except closed during primitive firearms season and open to squirrel hunting during the spring season, first Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

iii. Waterfowl: same as outside. (Certain areas may be closed as posted).

c. Atchafalaya Delta. Self-Clearing Permit required for all activities. All persons must either check in/check out electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal or obtain a WMA Self-Clearing Permit from an information station located at Main Delta campground, Wax Delta Campground, Cul-de-sac on Big Island, and Berwick Public Boat Launch (Jesse Fontenot Boat Launch). Camping and houseboat mooring allowed ONLY in designated campgrounds. Houseboat mooring allowed by permit only during hunting season (see Subparagraph G. 6. Camping b. for details) and by normal means during remainder of the year. Vessels/Vehicles: Mudboats or air-cooled propulsion vessels powered by more than 36 total horsepower are prohibited on the WMA. All ATVs/UTVs, motorcycles, horses and mules prohibited except as permitted for authorized WMA trappers. Big Island: Except for youth deer hunting (provided for below), all other hunting closed from October 1 through the last day of youth deer seasons. Main Delta area closed to all hunting except for youth deer hunting during youth deer seasons.

i. Deer Archery (either-sex): Oct. 1 - Jan. 31 on Main Delta only; no deer hunting on Wax Lake Delta.

ii. Deer Youth Shotgun (buckshot only, either-sex) and Archery (either-sex): first Sat. of Oct. for 2 days; second Sat. of Oct. for 2 days on Main Delta only; no deer hunting on Wax Lake Delta.

iii. Small Game: same as outside except Rabbit Only:

(a). Wax Lake Delta: first Sat. of Oct. through last day of Feb. Beagles prohibited November through January.

(b). Main Delta: first day of Feb. through last day of Feb. with or without beagles. Closed October through January.

iv. Waterfowl: same as outside, except shooting hours shall be 1/2 hour before sunrise to 2 p.m. during opening weekends of teal and duck season and 1/2 hour before sunrise to sunset the remainder of the season, and

except shooting hours are the same as outside for the Youth Hunt weekend.

v. Feral Hogs: May be taken by properly licensed hunters Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.

d. Attakapas. Area closed to all except Youth Deer Hunters when the Youth deer season is open.

i. Deer

(a). Deer hunting will be closed when the river stage of the Atchafalaya River reaches 15 feet msl at Butte LaRose and will reopen when the river stage recedes to 14 feet msl at Butte LaRose.

(b). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

(c). Youth: last Sat. of Oct. for 2 days, either-sex.

(d). Firearms Either-Sex: Fri. after Thanksgiving Day for 2 days.

(e). Firearms Bucks Only: fourth Sat. of Dec. for 9 days.

(f). Primitive Firearms (Bucks only): third Sat. of Jan. for 2 days.

ii. Turkey: closed.

iii. Small Game and Waterfowl: same as outside except small game hunting closed during either-sex modern firearms seasons closed during youth deer seasons and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iv. Raccoon (Nighttime): second Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

e. Bayou Macon. Area Closed: To all except Youth Deer Hunters last Sat. of Oct. for 2 days. All night activities prohibited except as otherwise provided.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: last Sat. of Oct. for 2 days, either-sex.

(c). Firearms: Either sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Primitive Firearms: third Sat. of Dec. for 9 days.

ii. Turkey: General Lottery: last Sat. of Area B season for 2 days.

iii. Small Game and Waterfowl: same as outside except closed during either-sex modern firearms season and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after third Sat. of Oct.-Sun. prior to firearms either-sex deer, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon: (Nighttime): Sept. 1 for 16 days and first Sat. of Jan. to the last day of Feb.

f. Bayou Pierre. Waterfowl Refuge is closed to all hunting, trapping and fishing except for archery hunting for deer, which is allowed on the entire area. Refuge is marked with "Waterfowl Refuge" signs. Contact Minden Office for details for lottery hunts listed below at 318-371-3050.

i. Deer

(a). Archery only: Oct. 1-Jan. 31, either-sex. Archery hunting is allowed in the waterfowl refuge.

ii. Waterfowl Lottery Only: (designated portion)

(a). Lottery Youth Hunt: same as outside youth waterfowl hunt.

(b). General Lottery Hunt: second weekend of first split and first weekend of second and third splits of the West Zone season.

iii. Other Small Game: same as outside and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to last day of Feb.

iv. Raccoon (Nighttime): Sat. before Christmas to last day of Feb.

g. Big Colewa Bayou. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Monroe or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Fri. after Thanksgiving for 3 days, either-sex and second Sat. of Dec. for 16 days, bucks only.

i. Deer

(a). Archery only: Oct. 1-Jan. 31, either-sex.

ii. Small Game and Waterfowl: same as outside and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbit hunting Jan. first to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after third Sat. of Oct. - Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1 - August 31.

iii. All nighttime activities prohibited.

h. Big Lake. Area closed to all south of Big Lake and Crystal Roads when youth deer season is open. North of Big Lake and Crystal Roads open to all activities.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: last Sat. of Oct. for 2 days, either-sex. Youth hunt on designated portion. See WMA map for specific location.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: second Sat. of Dec. for 14 days.

(e). Primitive Firearms: day after firearms bucks only season closes for 14 days.

ii. Turkey: opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens on Good Friday.

(a). Youth: Sat. before opening day of statewide season for 2 days, except when that Sat. falls on Easter weekend then season will open on Good Friday for 3 days.

iii. Small Game: same as outside except closed during either-sex firearms seasons and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iv. Waterfowl: same as outside except closed during either-sex modern firearms seasons.

v. Raccoon (Nighttime): the day after primitive firearms season ends to the last day of Feb.

vi. Sport Fishing: yoyos, limblines and trotlines prohibited on Big and Chain Lakes.

vii. Commercial fishing: commercial fishing is prohibited.

i. Biloxi. Self-Clearing Permits required for all activities. Vessels/Vehicles: all airboats, ATVs/UTVs, motorcycles, horses, and mules are prohibited. Mud boats or air cooled propulsion vessels can only be powered by straight shaft "long-tail" air-cooled mud motors that are 25 total horsepower or less. All other types of mud boats or air cooled propulsion vessels, including "surface-drive" boats, are prohibited. Overnight mooring of all vessels 50 feet in length or more is prohibited. Dogs are prohibited except retrievers allowed for waterfowl hunting. No structures may be erected including fixed or permanent blinds of any type.

i. Deer

(a). Archery (bucks only): Oct. 1 - 15.

(b). Deer Archery (either-sex): Oct. 16 - Jan. 31.

ii. Small Game and Waterfowl: same as outside except closed to squirrel hunting during the spring season.

j. Bodcau. Area closed to all except Youth deer hunters during the Youth Deer Hunt on designated portion. Limited Use Area: Small game and waterfowl same as rest of WMA. Deer hunting archery only. See WMA map for specific location.

i. Deer

(a). Archery: Oct. 1 - Jan. 31, either-sex.

(b). Youth: Sat. after second Fri. of Oct. for 2 days, either-sex on designated portion.

(c). Firearms either-sex: last Sat. of Oct. to the Sun. after Thanksgiving Day. Last Sat. of Oct. and Sun. after last Sat. of Oct., Mandatory Deer Check.

(d). Primitive Firearms: Mon. after Thanksgiving Day for 7 days.

ii. Turkey

(a). Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

(b). Youth: Sat. before opening day of statewide season for 2 days except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days. fourth Sat. of April for 2 days.

iii. Small Game and Waterfowl: same as outside except closed during the youth deer hunt on designated portion and entire area first 2 days of modern firearms deer season except spring squirrel season will be open the first Sat. of May for 9 days only, with or without dogs. Beagles

allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms deer season ends to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles allowed for rabbit and dogs allowed for squirrel from the first Sat. of Oct. through the Fri. immediately prior to the opening day of firearms deer season, and training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): day after primitive firearms deer season ends to the last day of Feb. and May 1-Sept. 30.

v. Bird Dog Training Area: open all year except closed during WMA Turkey Season. Contact Minden Office for information.

vi. Fishing: Nets and traps prohibited on Ivan Lake.

k. Boeuf. Area Closed to all south of LA 4 except Youth Deer Hunters when youth deer season is open. North of LA 4 open to all activities. Internal combustion engines and craft limited to 10 hp rating or less in the Greentree Reservoir.

i. Deer

(a). Archery: Oct. 1 - Jan. 31, either-sex.

(b). Youth: second Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. - Mandatory Deer Check, Sun. - Self-Clearing Permit.

(d). Firearms Bucks Only: first Sat. of Dec. for 14 days.

(e). Primitive Firearms: day after the close of Firearms Bucks Only for 14 days. second Sat. of Nov. for 7 days.

ii. Turkey: opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: same as outside except closed during Deer Either-sex modern firearms season, and except spring squirrel season will be open the first Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb. Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after third Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1 - August 31.

iv. Raccoon (Nighttime): second Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

l. Buckhorn. Area Closed: last Sat. of Oct. for 2 days to all except Youth and Physically Challenged Deer hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit; and second Sat. of Dec. for 2 days.

(d). Firearms Bucks Only: third Sat. of Dec. for 14 days.

(e). Primitive Firearms: day after firearms bucks only season ends for 14 days.

(f). Youth and Physically Challenged Wheelchair Confined Deer Hunting Area: check map for location. Access restricted. Call Monroe or Baton Rouge Offices for further details.

(g). Youth Lottery: second weekend and last consecutive Sat. and Sun. of Dec. except when either of those days falls on Dec. 24 or 25, then it will be the third weekend of Dec. and first consecutive Sat. and Sun. in Jan. Either-sex. Hunting by pre-application lottery only.

(h). Physically Challenged Wheelchair Confined: second weekend and last consecutive Sat. and Sun. of Dec. except when either of those days falls on Dec. 24 or 25, then it will be the third weekend of Dec. and 1 consecutive Sat. and Sun. in Jan. Either-sex. Hunting by reservation for wheelchair confined. PCHP permittees only.

ii. Small Game and Waterfowl: same as outside except closed during either-sex modern firearm season and open to squirrel hunting during the spring season, First Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iii. Raccoon (Nighttime): day after primitive firearms season ends to the last day of Feb.

m. Bussey Brake. Area closed to all hunting and trapping activity. Area closed to all activities between two hours after sunset until 4 a.m. with the exception of rod and reel or cane pole fishing. Fishing may take place between these hours at the north fishing pier or by boat. Access to all other areas are prohibited between these hours. Recreational fishing and all other allowed non-consumptive uses only. No personal watercraft or water skiing. No camping. No ATVs/UTVs or electric bicycles allowed. No motorized vehicles of any type allowed on reservoir levee except at boat launch for purpose of launching boat or to access fishing pier. Pulling boats over levees or any other activities that cause detriment to the levees is prohibited. Horseback riding and non-motorized bicycles are allowed only on the designated trail named Levee Trail (see map at boat launch kiosk). Access is granted at two marked locations, adjacent to the boat launch and just beyond the boat launch parking area. No tying boats to channel marker poles. A No-Wake Zone is in effect in the harbor inside the wave break. No boats allowed within 30 feet of fishing piers.

i. Fishing: Fish may be taken only by rod and reel or cane pole for recreational purposes. All types of nets, including but not limited to gill nets, trammel nets, hoop nets, wire nets, fyke nets and fish seines are prohibited. Trotlines, yo-yos, limb lines, stump lines, slat traps, jugs, cans, and pipes are prohibited. Shoreline (non-boat) fishing only allowed at designated locations. No fishing or lake access from rocks along interior of reservoir levee.

(a). Black Bass (*Micropterus spp.*)

(i). Daily limit: recreational daily creel limit shall be five fish, in the aggregate;

(ii). Possession limit: possession limit shall be five fish while on water and ten fish while off water, in the aggregate;

(iii). Length: the maximum total length limit shall be 16 inches, with the exception that one fish over 16 inches may be kept.

(b). Crappie (*Pomoxis spp.*)

(i). Daily limit: recreational daily limit shall be 25 fish in the aggregate;

(ii). Possession limit: possession limit shall be 25 fish while on water and 50 fish while off water, in the aggregate;

(iii). Length: the minimum total length shall be 10 inches.

(c). Bream (*Lepomis spp.*)

(i). Daily limit: recreational daily creel limit shall be 50 fish, in the aggregate;

(ii). Possession limit: possession limit shall be 50 fish while on the water and 100 while off the water in the aggregate;

(iii). Length: no minimum length.

n. Camp Beauregard. All or portions of the area may be closed daily due to military activities. All game harvested must be reported on self-clearing checkout permit. No hunting in Restricted Areas. Swimming in Twin Lakes prohibited. Retriever training allowed on selected portions of the WMA. Area Closed: To all except Youth Deer Hunters second full weekend in November.

i. Deer

(a). Archery: Oct. 1 - Jan. 31, either-sex.

(b). Youth Deer Hunt: second full weekend in Nov., either-sex on designated portion of the WMA.

(c). Firearms Bucks Only: Dec. 26 - Jan. 1.

(d). Primitive Firearms: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit. All deer harvested must be brought to Rifle Range Road Weigh Station. Second Sat. of Dec. for days days Self-Clearing Permit.

ii. Turkey: opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: same as outside, except closed during either-sex gun hunts for deer and except closed to squirrel hunting during the spring season. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. after Jan. 1 to the last day of Feb.

iv. Raccoon (Nighttime): last consecutive Sat. and Sun. in Jan. to last day of Feb.

v. Fishing: Special regulations to be posted at Twin Lakes.

o. Clear Creek. Area Closed to all except Youth Deer Hunters when the Youth Deer Season is open. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lake Charles or Baton Rouge Offices for details and applications. Hunting blind reservations for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer

(a). Archery: third Sat. of Sept. to Jan. 15, either-sex.

(b). Youth Deer Hunt: next to last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: last Sat. of Oct. for 2 days, Mandatory Deer Check and Fri. after Thanksgiving for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: Mon. after close of Primitive Season to Thanksgiving Day, and second Sat. of Dec. to Jan. 1.

(e). Primitive Firearms: Mon. after first either-sex firearms weekend for 7 days.

ii. Turkey

(a). Mon. after second Sat. of April for 21 days.

(b). General Lottery: opening day of statewide season for two days, second Sat. of April for 2 days.

(c). Youth Lottery: Sat. before opening day of statewide season for 2 days.

iii. Small Game and Waterfowl: same as outside except closed during either-sex gun hunts and except spring squirrel season will be open first Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after firearms bucks only season closes to the last day of Feb.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): day after firearms bucks only season closes to the last day of Feb.

p. Dewey Wills. Area Closed: to all except Youth and Physically Challenged Deer Hunters during the Physically Challenged and Youth Deer Hunt only on that portion of the area north of the Diversion Canal. High Water Benchmark Road Closures: Hunt Road (South of the Catahoula Lake Diversion Canal) and Muddy Bayou Road east of Nolan Bayou Road will be closed when water levels at the Larto Lake gauge reaches 45.0 ft. msl, and will reopen when water levels recede to 43.0 ft. msl, and Muddy Bayou Road west of the intersection of Nolan Bayou Road and Sandy Bayou Road will be closed when water levels at the Larto Lake gauge reaches 42.0 ft. msl and will reopen when water levels recede to 40.0 ft. msl.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Physically Challenged and Youth: last Sat. of Oct. for 2 days, either-sex. Only that portion of the area north of the Diversion Canal shall be open only to Physically Challenged and youth deer hunters. The remainder of the area is open to all.

(c). Youth Lottery: first Sat. of Dec. for 2 days, first Sat. of Jan. for 2 days except when Jan. 1 falls on one of those days, then there will be no hunt that weekend, second Sat. of Jan. for 2 days, and third Sat. of Jan. for 2 days, either-sex. Contact Pineville Office (318-487-5885) for details and applications.

(d). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit. No hunting allowed in the greentree impoundment or within 100 feet of the greentree levee if duck season is in progress.

(e). Firearms Bucks Only: fourth Sat. of Dec. for 16 days.

(f). Primitive Firearms: second Sat. of Dec. for 2 days.

ii. Turkey: closed.
iii. Small Game and Waterfowl: same as outside except closed during Physically Challenged and Youth Deer Season north of the Diversion Canal and the entire area during the either-sex firearm hunt except waterfowl hunting will be allowed in the greentree impoundment and Catahoula Basin during the firearm either-sex season and open to squirrel hunting during the spring season first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after Firearms Bucks-Only season ends to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel first Sat. of Oct. to the third Sun. of Nov., and training of beagles for rabbit and dogs for squirrel allowed June 1 - August 31.

iv. Raccoon

(a). Nighttime: day after primitive firearms season ends to the last day of Feb.

(b). Nighttime Chase only: May 1-Sept. 25, Tuesdays and Thursdays only. Raccoon hunters may use ATVs on designated trails during take season only.

v. Crawfish: limited to 100 pounds per person per day.

vi. Larto Tracts: all season dates on Larto Tracts (see WMA map) same as outside, except deer hunting restricted to archery only. All vehicles, including ATVs, are prohibited.

q. Elbow Slough

i. Mourning Dove: Saturdays, Sundays and Wednesdays only during first and second split of the outside season, and except by lottery only opening Sat. and second Sat. of first 8 days of first split. Applications available at Pineville office and online. Contact Pineville office for details.

ii. Rabbit: Feb. 1 to the last day of Feb. Beagles allowed.

iii. Crawfish: March-July. Limit: 100 lbs. per person per day. Recreational crawfishing only. No traps or nets left overnight.

iv. Woodcock: same as outside.

v. All other seasons closed. Non-toxic (minimum size #6) shot only for all hunting. All motorized vehicles prohibited.

r. Elm Hall. ATVs/UTVs prohibited.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

(b). Firearms Either-sex: Fri. after Thanksgiving Day for 2 days.

(c). Firearms Bucks Only: Sun. after Thanksgiving Day and the fourth Sat. of Dec. for 9 days.

(d). Primitive Firearms: next to last Sat. in Jan. for two days.

ii. Small Game and Waterfowl: same as outside except closed during either-sex firearm seasons for deer, beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the close of primitive firearms to the end of Feb. and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs.

s. Floy Ward McElroy. Access restricted. Contact Monroe Wildlife Field Office at 318-343-4045 for information.

i. Deer: limit 1 deer per participant per weekend for all hunts.

(a). Youth Lottery: second weekend and last consecutive Sat. and Sun. of Dec. except when either of those days falls on Dec. 24 or 25, then it will be the third weekend of Dec., and second consecutive Sat. and Sun. in Jan., either-sex. Restricted to those selected as a result of the pre-application lottery.

(b). Physically Challenged Wheelchair Confined Lottery: first Sat. of Nov. for 2 days, either-sex. Restricted to wheelchair confined PCHP permittees only selected as a result of the pre-application lottery.

(c). Beyond Becoming an Outdoors Woman (BOW) Lottery Deer Hunt: first weekend in Dec. Hunt restricted to those that have successfully completed the Becoming an Outdoors Woman Deer Management Course. Must be Hunter Education certified. Contact LDWF Education Section, 318-343-1241, for more information.

t. Fort Polk-Vernon. Self-clearing permit required daily for all activities. All or portions of the area may be closed daily due to military activities. Check LDWF Hunting Pamphlet for information on open areas and special ATV regulations. Hunters are cautioned not to pick up any foreign material or objects while hunting on the WMA. Also, it is mandatory for hunters to check the open area maps, located at check stations, daily for sudden closures. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lake Charles Office for details and applications. Hunting blind reservations for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer

(a). Archery: third Sat. of Sept. to Jan. 15, either-sex. Special Archery regulations for Archery Only Area, check locally at Building 2396 on Twenty-second Street, either-sex deer legal the entire season. Remainder of WMA restricted to bucks only when bucks only gun season is in progress.

(b). Primitive Firearms: second Sat. of Oct. for 7 days, Self-Clearing Permit required.

(c). Firearms Either-Sex: last Sat. of Oct. for 2 days mandatory deer check, and Fri. after Thanksgiving Day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(d). Firearms Bucks Only: Mon. after last Sat. of Oct. to Thanksgiving Day, Second Sat. of Dec. to Jan. 1.

ii. Turkey: same as outside.

(a). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts for deer and except closed to squirrel hunting during the spring season. "Hunter orange" or "blaze pink" must be worn when bucks only gun hunts for deer are in progress. Squirrel hunting with dogs allowed Mon. after Thanksgiving Day for 12 days and Jan. 2 to the last day of Feb.

iv. Feral Hogs: may be taken by properly licensed hunters from beginning of Archery Season to Jan. 1. Hunters may hunt feral hogs with shotguns loaded with buckshot or slugs from Jan. 2 to the end of Feb. Hunters must also display 400 square inches of "hunter orange" or "blaze pink"

and wear a “hunter orange” or “blaze pink” cap during special shotgun season for hogs.

v. Fishing: special regulations pertaining to fishing are posted at specific lakes.

u. Grassy Lake. Area Closed: to all except Youth Deer Hunters during Youth Deer Hunt.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth: last Sat. of Oct. for 2 days.

(c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: fourth Sat. of Dec. for 9 days.

(e). Primitive Firearms (either-sex): second Saturday of Dec. for 2 days.

ii. Turkey: closed.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts for deer and open to squirrel hunting during the spring season first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.

iv. Sport Fishing: same as outside except allowed after 2 p.m. during waterfowl season, and except allowed after 10 a.m. during early Teal Season on Smith Bay, Red River Bay and Grassy Lake proper.

v. Commercial Fishing: Permitted except on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor Spring Bayou Headquarters or Lafayette Field Office.

vi. Raccoon (Nighttime): second Sat. of Sept. for 16 days, day after primitive firearms season ends for 12 days, and day after bucks only firearm season ends to the last day of Feb.

vii. Crawfish: March 15-July 31. Recreational only. 100 pounds per person daily. No nets or traps may be left overnight.

v. Hutchinson Creek.

i. Deer: same as outside, Archery Only, Either-sex.

ii. Turkey: same as outside.

iii. Small Game and Waterfowl: same as outside. Open to squirrel hunting during the spring season first Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting first Sat. of Jan to the last day of Feb.

iv. Raccoon: second Sat. of Sept. for 16 days and first Sat. of Jan to the last day of Feb.

w. J. C. Sonny Gilbert. Area Closed: last Sat. of Oct. for 2 days to all except Youth Deer Hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, self-clearing permit.

(d). Firearms Bucks Only: first Sat. of Dec. for 14 days.

(e). Primitive Firearms: day after close of Firearms Bucks Only for 14 days.

ii. Turkey

(a). General Lottery: opening day of statewide season for 9 days, with 3 consecutive 3 day hunts.

(b). Youth Lottery: Sat. before opening day of statewide season for 2 days, except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days.

iii. Small Game and Waterfowl: same as outside except closed during either-sex modern firearms seasons for deer and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

iv. Raccoon (Nighttime): the day after the last deer firearms season (bucks only or primitive) to last day of Feb.

v. Sport Fishing: Restricted to rod and reel, and pole fishing only. All other gear prohibited.

x. John Franks

i. Deer

(a). Archery Only: Oct. 1-Jan. 31, either-sex.

ii. Small Game and Waterfowl: same as outside. Beagles allowed for rabbits and dogs allowed for squirrel Sat. before Christmas to end of Feb. Open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs.

y. Joyce. Swamp Walk: closed from 30 minutes after sunset to 30 minutes before sunrise. No loaded firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth: first Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms bucks only: third Sat. of Dec. for 16 days.

(e). Primitive Firearms (either-sex): second Sat. of Jan. for 2 days and Mon. after the next to last Sun. of Jan. for 7 days.

ii. Small Game and Waterfowl: same as outside and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms ends to the last day of Feb.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): day after primitive firearms ends to last day of Feb.

iv. Crawfish: limited to 100 pounds per person per day.

z. Lake Boeuf. Self-Clearing Permit required for all activities. Self-Clearing Permit available at Theriot Canal boat landing off LA 308. All nighttime activities prohibited. ATVs/UTVs, motorcycles, horses and mules are prohibited.

i. Deer

(a). Archery (bucks only): Oct. 1-15

(b). Archery (either-sex): Oct. 16 - Jan. 31

- ii. Waterfowl: same as outside.
- iii. Small Game: first day of Nov. to the last day of Feb. and open to squirrel hunting during the spring season from the first Sat. of May for 9 days, with or without dogs. Beagles prohibited November and December.
 - aa. Lake Ramsey. All vehicles restricted to Parish Roads and designated parking areas.
 - i. Deer
 - (a). Archery only, Oct. 1-Jan. 31, either-sex.
 - ii. Turkey: opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.
 - iii. Small Game and Waterfowl: same as outside and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. after Jan. 1 to last day of Feb.
 - iv. Foot traffic only—all vehicles restricted to Parish Roads, except ATVs allowed for hunters retrieving downed deer or feral hogs.
 - v. Bird Dog Training Area: open all year except closed during WMA Turkey Season. Contact Hammond Office (985-543-4777) for information.
 - bb. Little River
 - i. Deer
 - (a). Archery: Oct. 1-Jan. 31, either-sex.
 - (b). Firearms Bucks Only: last Sat. of Oct. for 16 days.
 - (c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, and second Sat. of Dec. for 2 days.
 - ii. Turkey: opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.
 - iii. Raccoon
 - (a). Nighttime: Mon. after second Sat. of Jan. to last day of Feb.
 - (b). Nighttime Chase Only: May 1-Sept. 25, Tuesdays and Thursdays only. Raccoon hunters may use ATVs on designated trails during take seasons only.
 - iv. Small Game and Waterfowl: same as outside except spring squirrel season will be open the first Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.
 - (a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.
 - v. Crawfish: March-July. Limit: 100 pounds per person per day. Recreational crawfishing only. No traps or nets left overnight.
 - cc. Loggy Bayou. Limited Use Area: Small game and waterfowl same as rest of WMA. Deer hunting archery only. See WMA map for specific location.
 - i. Deer
 - (a). Archery: Oct. 1-Jan. 31, either-sex.
 - (b). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.
 - (c). Primitive Firearms: Mon. after Thanksgiving Day for 7 days.
 - ii. Small Game and Waterfowl: same as outside except closed during either-sex firearms seasons for deer and open to squirrel hunting during the spring season, first Sat.

- of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.
 - iii. Raccoon (Nighttime): Sat. before Christmas to the last day of Feb.
 - dd. Manchac.
 - i. Deer
 - (a). Archery: Oct. 1-15 bucks only; Oct. 16-Feb. 15 either-sex.
 - ii. Small Game and Waterfowl: same as outside except steel shot required for rails, snipe and gallinules and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Feb. 1 to the last day of Feb.
 - iii. Raccoon (Nighttime): Feb. 1 to the last day of Feb.
 - iv. Crabs: No crab traps allowed. Attended lift nets are allowed.
 - ee. Marsh Bayou
 - i. Deer: same as outside, Archery Only, Either-Sex.
 - ii. Small Game: same as outside. Open to squirrel hunting during the spring season first Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting first Sat. of Jan. to the last day of Feb. On that portion designated as Small Game Emphasis Area, training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.
 - iii. Raccoon: second Sat. of Sept. for 16 days and first Sat. of Jan. to the last day of Feb.
 - ff. Maurepas Swamp. Camping limited to tent camping in designated areas. See WMA map for locations. No loaded firearms or hunting allowed within 100 yards of Nature Trail. Benchmark Closure: Area Closed to all deer hunting when USGS water level gauge CRMS 5373, available at <http://waterdata.usgs.gov/la/nwis/rt> is at or above 3.0 ft. gage height and reopens to deer hunting when water levels recede to 2.5 ft. gage height following a closure. Motorized vehicles prohibited on Crusel Tract (see WMA map for Crusel Tract). Limited Use Area: Small game same as outside except shotgun only. Deer hunting archery only. See WMA map for specific location. Area Closed to all hunters except Youth Deer Hunters during Youth Deer Season. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Hammond Office for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.
 - i. Deer
 - (a). Archery: Oct. 1-15 bucks only; Oct. 16-Feb. 15 either sex.
 - (b). Youth: first Sat. of Nov. for 2 days, either-sex.
 - (c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, and Sun. Self-Clearing Permit
 - (d). Firearms Bucks Only: third Sat. of Dec. for 16 days.
 - (e). Primitive Firearms (either-sex): second Sat. of Jan. for 2 days and Mon. after the next to last Sun. of Jan. for 7 days.

ii. Small Game and Waterfowl: same as outside except closed Friday after Thanksgiving Day for 3 days during either-sex firearms hunts and closed during youth deer season and except spring squirrel season will be open the first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms ends to the last day of Feb.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): day after primitive firearms ends to last day of Feb.

iv. Crawfish: limited to 100 pounds per person per day.

gg. Pass-A-Loutre. Self-Clearing Permit required for all activities. Permits available at Pass-a-Loutre Headquarters, Camp Canal and all designated camping areas. Oyster harvesting is prohibited. Camping allowed ONLY in designated areas. See self-clearing permit station at headquarters and WMA map for designated camping areas. Vessels/Vehicles: all ATVs/UTVs, motorcycles, horses and mules are prohibited. Mud boats or air-cooled propulsion vessels powered by more than 36 total horsepower prohibited. Operation of mud boats and air-cooled propulsion engines prohibited after 2 p.m. Sept. 1-Jan. 31, except allowed after 2 p.m. in South Pass, Pass-a-Loutre, Southeast Pass, Loomis Pass, Dennis Pass, and Cadro Pass.

i. Deer

(a). Archery (bucks only): Oct. 1- Feb.15.

(b). Youth Shotgun bucks only: second to last Sat. in Oct. for 2 days.

(c). Deer Shotgun: Bucks only may be taken with shotguns with either slugs or buckshot for seven days starting the day after the closure of the first split of duck season.

ii. Small Game and Waterfowl: same as outside. Beagles prohibited October through last day of waterfowl season.

iii. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16-March 31. Hogs may be taken with the aid of dogs Feb. 16-March 15. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.

iv. Commercial Fishing: same as outside. Commercial mullet fishing open only in: South Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay, Northshore Bay, East Bay (west of barrier islands) and oil and gas canals as described on the LDWF Pass-a-Loutre WMA map.

hh. Pearl River. Shooting range: Self-clearing permit not required but all range users must obtain a daily check in validation slip at the range upon sign-in at the range. For dates, time or more information call 985-643-3938 or www.honeyisland.org. No loaded firearms or hunting within 100 yards of Boardwalk. All roads closed 8 p.m. - 4 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at

Pearl River, Louisiana, reaches 16.5 feet. All hunting except waterfowl hunting south of Hwy. 90 will be closed when the river stage at Pearl River reaches 16.5 feet. No hunting in the vicinity of the Nature Trail. Observe "No Hunting" signs. Area Closed to all hunters except Youth Hunters during Youth deer hunt.

i. Deer

(a). Archery: Oct. 1 - Jan. 31, either-sex.

(b). Youth Deer Hunt: first Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: first Sat. of Dec. for 16 days.

(e). Primitive Firearms: Two Sats. prior to Thanksgiving for 7 days and day after firearms bucks only season closes for 14 days.

ii. Turkey

(a). General Lottery: opening day of statewide season for 2 days.

(b). Youth: Sat. and Sun. before opening day of statewide season.

iii. Small Game: same as outside except closed the Friday after Thanksgiving Day for 3 days during either-sex firearms hunts for deer, and closed during youth deer hunt, and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.

iv. Waterfowl: same as outside except no hunting in Waterfowl Refuge Area and except closed Fri. after Thanksgiving for 3 days, and during youth deer hunt north of U.S. Hwy. 90.

v. Raccoon (Nighttime): second Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vi. Crawfish: Commercial crawfishing prohibited. Limited to 100 pounds per person per day.

ii. Peason Ridge. Self-clearing permit required daily for all activities. All or portions of the area may be closed daily due to military activities. Check LDWF Hunting Pamphlet for information on open areas and special ATV regulations. Hunters are cautioned not to pick up any foreign material or objects while hunting on the WMA. Also, it is mandatory for hunters to check the open area maps, located at check stations, daily for sudden closures.

i. Deer

(a). Archery: third Sat. of Sept. to Jan. 15, either-sex except restricted to bucks only when bucks only gun season is in progress.

(b). Primitive Firearms: second Sat. of Oct. for 7 days. Self-Clearing Permit required.

(c). Firearms Either-Sex: last Sat. of Oct. for 2 days mandatory deer check, and Fri. after Thanksgiving Day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(d). Firearms Bucks Only: Mon. after last Sat. of Oct. to Thanksgiving Day, second Sat. of Dec. to Jan. 1.

ii. Turkey: same as outside.

(a). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts for deer and except closed to squirrel hunting during the spring season. "Hunter orange" or "blaze pink" must be worn when bucks only gun hunts for deer are in progress. Squirrel hunting with dogs allowed Mon. after Thanksgiving Day for 12 days and Jan. 2 to last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from beginning of Archery Season to Jan. 1. Hunters may hunt feral hogs with shotguns loaded with buckshot or slugs from Jan. 2 to the end of Feb. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for hogs.

jj. Pointe-Aux-Chenes. All nighttime activities prohibited. Possession of more than one daily limit of fish/crab/shrimp while on the WMA is prohibited. Self-clearing permits available at Grand Bayou Boat Launch and at Point Farm gate behind Montegut Middle School. Parking of vehicles on levees prohibited. Vessels/Vehicles: all boats powered by internal combustion engines having total horsepower above 25 Hp are not allowed in the Grand Bayou, Montegut and Pointe-aux-Chenes water management units. Public is permitted to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue, Grand Bayou Blue, St. Louis Canal, and Bayou Pointe-aux-Chenes unless authorized by LDWF. All ATVs/UTVs, motorcycles, horses and mules are prohibited. Fishing, crabbing, cast netting or any other activities or trespassing on water control structures are prohibited.

i. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16-March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs. All Point-aux-Chenes Property except Point Farm Unit and Restricted Areas

ii. Deer

(a). archery (bucks only): Oct. 1-15.

(b). archery (either-sex): Oct. 16-Feb. 15.

(c). firearms (bucks only): Fri. after Thanksgiving Day for 3 days and second Sat. of Dec. for 7 days.

iii. Waterfowl: same as outside.

iv. Small Game: same as outside except closed during bucks only firearms season and open to squirrel hunting during the spring season from the first Sat. of May for 9 days, with or without dogs. Beagles prohibited October through December.

v. Recreational Fishing: The harvest of all fish, shrimp, crabs and crawfish is for recreational purposes only and any commercial use is prohibited. All cast net contents shall be contained and bycatch returned to the water immediately.

vi. Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 lbs. per boat or vehicle per day (heads on) maximum shall be permitted.

Size count to conform with open season requirements. During the inside closed season, 10 lbs. per boat or vehicle per day (heads on) may be taken for bait.

vii. Oyster Harvesting Prohibited.

viii. Fish may be taken only by rod and reel or hand lines for recreational purposes only.

ix. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. No drop net is allowed to be left unattended at any time. A maximum of 12 drop nets may be possessed/attended per boat or vehicle. Twelve dozen crabs maximum are allowed per boat or vehicle per day.

x. Crawfish: may be harvested in unrestricted portions of the WMA and shall be limited to 100 lbs. per person per day. Gear used to catch crawfish shall not remain set overnight.

xi. Point Farm Unit (Pointe-aux-Chenes). An approximately 1300-acre area inside the Pointe-aux-Chenes WMA which is generally bounded on the west by the double gates behind the Montegut Middle School, the Point Farm levee and the WMA boundary, and on the north by the WMA boundary, and is bounded on the east and south by the Point Farm ridge levee. The boundary of Point Farm is more accurately marked with signs. Point Farm gate will be open all Saturdays during the month of February, weather permitting. Parking in designated areas required for mourning dove hunting. No motorized vessels allowed in the drainage ditches. Except for mourning dove hunting, (provided for below) all other hunting activities closed until after the last day of youth deer hunts.

(a). Deer

(i). Youth Lottery (either-sex): first Sat. of Oct. for 2 days, second Sat. of Oct. for 2 days, daily youth hunt permit required. Call the Lafayette Field Office, Coastal WMAs, 337-735-8667 for details.

(ii). Archery (either-sex): Oct. 16-Jan. 14.

(b). Waterfowl: closed.

(c). Small Game: same as outside, except closed until the day after the last youth deer hunt day and open to squirrel hunting during the spring season from the first Sat. of May for 9 days, with or without dogs. Beagles prohibited October and November. Non-toxic shot only south of the dove field gate.

(d). Mourning Dove: Hunting will be permitted each day during the September split and each day of the second and third splits (AFTER the last youth deer hunt day). Gates will be opened on Saturdays during the first and second segments, weather permitting, except during waterfowl season and Youth Deer Hunt weekends. Parking will be allowed in designated areas only. Non-toxic shot only south of the dove field gate.

kk. Pomme de Terre. Area Closed: To all except Youth Deer Hunters during Youth Deer Hunt.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth: last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: fourth Sat. of Dec. for 9 days.

(e). Primitive Firearms: second Sat. of Dec. for 2 days.

ii. Turkey: fourth Sat. of April for 9 days.

(a). Youth Lottery: third Sat. of April for 2 days.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunt for deer and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel first Sat. of Oct. - day before last Sat. of Oct., Mon. after Thanksgiving for 12 days, and Mon. after primitive firearms season for 12 days and training of beagles for rabbit and dogs for squirrel allowed June 1 - August 31.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): second Sat. of Sept. for 16 days and day after firearms bucks only season ends to last day of Feb.

v. Commercial Fishing: Permitted Monday through Friday except closed during duck season. Commercial Fishing Permits available from area supervisor, Lafayette Wildlife Field Office or Spring Bayou Headquarters.

vi. Sport Fishing: same as outside except allowed after 2 p.m. during waterfowl season, and except allowed after 10 a.m. during early Teal Season.

vii. Crawfish: March 15 - July 31. Recreational only. 100 lbs. per person daily. No nets or traps may be left overnight.

ii. Richard K. Yancey. Area closed on that portion of the area south of Black Hawk Acme Levee Road, west of LA Hwy. 15, southward to Old River Control Structure, thence south to Sugar Mill Chute, last Sat. of Oct. for 2 days to all except Youth and Physically Challenged Deer Hunters. The remainder of the WMA is open to all users.

i. Deer

(a). Archery: Oct. 1 - Jan. 31, either-sex.

(b). Youth Lottery: third and fourth Sat of Dec. except if the fourth Sat. is Christmas Day, then the hunt will be the second and third Sat. of Dec. and the first and second Sat. in Jan. except when the first Sat. of Jan. is New Year's Day then the hunt will be the second and third Sat. of Jan., either-sex.

(c). Youth and Physically Challenged: last Sat. of Oct. for 2 days, either-sex.

(d). Firearms Either-Ex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(e). Firearms Bucks Only: last Sat. of Dec. for 9 days.

(f). Primitive Firearms (Either-Sex): second Saturday in December for 2 days.

ii. Turkey: closed.

iii. Small Game and Waterfowl: same as outside except closed during the either-sex firearms season and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms bucks only season ends to last day of Feb. On that portion

designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel first Sat. of Oct. - Oct. 31, and Mon. after Thanksgiving for 12 days, and training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.

iv. Quail: closed.

v. Raccoon (Nighttime): second Sat. of Sept. for 16 days and day after firearms bucks only season ends to last day of Feb.

vi. Crawfish: Recreational crawfishing allowed west of the Mississippi River Levee only Mar. 15 to July 31, recreational crawfishing only. Crawfish harvested limited to 100 pounds per person per day. No traps left overnight. No motorized watercraft allowed.

vii. Sport Fishing and Commercial Fishing: same as outside except closed from 30 minutes before sunrise until 2 p.m. on: Grand Bay, Silver Lake, Lower Sunk Lake, Lac A' Sostien, and Moreau Lake during open waterfowl seasons, except during early Teal Season, recreational fishing allowed after 10 a.m.

mm. Russell Sage. Area Closed: last Sat. of Oct. for 2 days South of I-20 only to all except youth and physically-challenged deer hunters. North of I-20 open to all other allowable activities. Wham Brake: September 1 - Jan. 31 all motorized vessels prohibited 2 p.m. - 4 a.m., and all nighttime activities prohibited during open waterfowl season. Waterfowl Refuge: North of LA Highway 15 closed to all hunting, fishing, trapping and ATV use during duck season including early teal season, except hunting allowed during Falconry Waterfowl Season. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided. Chauvin Tract: all season dates on Chauvin Tract (US 165 North) same as outside, except still hunt only, except deer hunting restricted to archery only, and except small game shotgun only. All vehicles including ATVs prohibited. Wham Brake Area: Waterfowl hunting open during either-sex deer season.

i. Deer

(a). Archery: Oct. 1 - Jan. 31, either-sex.

(b). Youth and Physically Challenged: last Sat. of Oct. for 2 days, either-sex, south of I-20 only.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: second Sat. of Dec. for 14 days.

(e) Primitive Firearms: Mon. after Firearms either-sex season for 7 days.

ii. Small Game and Waterfowl: same as outside except closed during either-sex firearms deer seasons, except Wham Brake area, South Bosco Tract and Pintail Alley area will remain open during either-sex firearms deer seasons, and except spring squirrel season will be open the first Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after third Sat. of Oct. - Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1 - August 31. Snipe hunting after 2 p.m. prohibited during duck season.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): first Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to last day of Feb.

iv. Crawfish: 100 pounds per person per day limit.

nn. Sabine. Area Closed: To all activities third Sat. of Oct. for 2 days to all but Youth Deer Hunters.

i. Deer

(a). Archery: Oct. 1 - Jan. 31, either-sex.

(b). Youth and Physically Challenged: third Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: fourth Sat. of Oct. for 2 days, Fri. after Thanksgiving Day for 3 days, Self-clearing Permit.

(d). Firearms Bucks Only: day after primitive firearm season to day before Thanksgiving Day. First Sat. of December for 9 days.

(e). Primitive Firearms: Monday after the fourth Sat. in Oct. for 7 days.

ii. Turkey

(a). General Lottery: second Fri. of April for 3 days, fourth Fri. of April for 3 days.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts for deer and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to last day of Feb.

iv. Raccoon (Nighttime): Sat. before Christmas to last day of Feb.

oo. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east. Self-Clearing Permits required for hunters only. Area Closed: fourth Sat. of Sept. for 2 days to all except Youth Deer Hunters.

i. Deer

(a). Same as Area 8 Deer Season except still hunt only.

(b). Archery: third Sat. of Sept. to Jan. 15, either-sex.

(c). Youth: fourth Sat. of Sept. for 2 days, either-sex.

ii. Small Game and Waterfowl: same as outside except closed fourth Sat. of Sept. for 2 days and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Squirrel hunting with dogs allowed day after Area 8 deer season ends to last day of Feb.

iii. Raccoon (Nighttime): day after Area 8 deer season ends to last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from third Sat. of Sept. to last day of Feb. Hogs may be taken with the aid of dogs Feb. 1 to last day of Feb.

pp. Salvador/Timken. Self-Clearing Permit required for all activities. Permits available at Pier 90, Bayou Gauche, Bayou Segnette State Park landings, and at Airboat Adventures in Lafitte. Vessels/Vehicles: all ATVs/UTVs, motorcycles, horses and mules prohibited. Use of mud boats powered by internal combustion engines with more than four cylinders is prohibited. Pulling boats over levees, dams or water control structures or any other activities which cause

detriment to the integrity of levees, dams and water control structures is prohibited. AREA Closed: During the month of October to all activities except fishing, Youth Deer Hunters and Youth Waterfowl Hunters, if the latter is provided for.

i. Deer

(a). Archery (either-sex): Nov. 1 - Jan. 31.

(b). Youth (either-sex): last 4 Sats. of Oct. for 2 days each except when the last Sat. is the thirty-first in which case the season will be the first four Sats. of Oct. for 2 days each, either sex.

(c). Firearms (either-sex): Fri. before Thanksgiving for 3 days.

(d). Firearms (bucks only): Mon. before Thanksgiving Day for 28 days.

(e). Deer Primitive Firearms (either-sex): day after Firearms Bucks Only for 7 days.

ii. Waterfowl: same as outside.

iii. Small Game: same as outside except closed October through December. Beagles allowed for rabbits Jan. through last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.

v. Recreational Fishing: The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited.

vi. Shrimp: may be taken by the use of cast nets only. During the inside open shrimp season, 25 lbs. per boat per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 lbs. per boat per day (heads on) maximum may be taken for bait. All cast net contents shall be contained and bycatch returned to the water immediately.

vii. Fish: may be taken only by rod and reel or hand lines for recreational purposes.

viii. Crabs: may be taken only through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day.

ix. Crawfish: may be harvested in unrestricted portions of the WMA and shall be limited to 100 lbs. per person per day. Fishing gear used to catch crawfish shall not remain set overnight.

x. Experimental Nighttime Activity Season:

(a). 12 a.m., June 1 through official sunrise Aug. 15. Nighttime activities LIMITED to the take of frogs and fishing with a rod and reel. All other nighttime activities prohibited. Daily limit of 50 frogs per vessel in aggregate (bull frogs/pig frogs). If engaged in frogging on or while traversing the WMA, all frogs in possession will be deemed to have been taken from the WMA. At no time may anyone possess more than one daily limit of frogs while on the water.

(b). Size Limit: (Measured from the tip of the muzzle to the posterior end of the body between the hind legs). Bull frogs harvested must be 5 inches or larger. Pig frogs harvested must be 3 inches or larger.

(c). Check out portion of self-clearing permit must include boat registration number under the comments section. Possession of firearms while participation in any experimental nighttime activity is prohibited.

qq. Sandy Hollow. No hunting with any firearm south of Jackson Road, except school board tract, on days of scheduled field trials. Dates of field trials are listed on the check stations or can be obtained from the Hammond office (985-543-4777). Area Closed: North tract closed to all hunters first Sat. of Nov. for 2 days, except Youth and Physically Challenged Deer Hunters.

i. Deer

(a). Youth/Physically Challenged: first Sat. of Nov. for 2 days, either-sex.

(b). Archery: Oct. 1 - Jan. 31, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, and third Sat. of Dec. for 2 days.

(d). Primitive Firearms: second Sat. of Dec. for 7 days, fourth Sat. of Dec. for 7 days, and the first Sat. of Jan. for 2 days.

ii. Turkey: opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

(a). Youth Lottery: Sat. and Sun. before opening day of statewide season.

iii. Small Game and Waterfowl: same as outside except closed Fri. after Thanksgiving for 3 days and Youth/Physically Challenged hunt, and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days. On that portion designated as Small Game Emphasis Area, training of beagles for rabbit and dogs for squirrel allowed June 1 - August 31.

iv. Raccoon (Nighttime): day after primitive firearms season ends to last day of Feb.

v. Mourning Dove: first day and second Sat. through end of first split. Closed remainder of first split. Second and third splits are same as outside except Youth Hunt on Northern tract during the opening day of the first segment. Hunt restricted to youths younger than 18 years of age and supervising adult who must be 18 years of age or older. The supervising adult must maintain visual and voice contact with the youth at all times.

vi. Bird Dog Training: Mon. after opening day of Mourning Dove Season to the Sun. before opening of Quail Season and Feb. 1 to last day of Feb., except restricted to that portion south of LA Hwy. 10 only and except blank pistols only. Wild birds only (use of pen-raised birds prohibited).

vii. Bird Dog Training Area: An area has been designated to allow use of released birds for dog training purposes. Open all year except closed during either-sex modern firearm hunts for deer, WMA turkey season and opening weekend of the first segment of dove season. Contact Hammond office (985-543-4777) for information.

viii. Bird Dog Field Trials: Permit required from Hammond Office.

ix. Horseback Riding: Self-clearing Permit required. Organized trail rides prohibited. Riding allowed only on designated roads and trails (see WMA map). Horses and mules are specifically prohibited during turkey and gun season for deer except as allowed for bird dog field trials. No horses and mules on green planted areas. Horse-drawn conveyances prohibited.

rr. Sherburne. The area known as the South Farm is located on the East Side of Sherburne WMA. No hunting will be allowed except specified lottery hunts, within the levee system of the farm from the Fri. before the first lottery youth deer hunt on the South Farm until the day after the last lottery duck hunt on the South Farm. Waterfowl hunting will be allowed by lottery only during the open regular duck hunting season. Hunting will be allowed in the wooded portions east of the waterfowl impoundments. Consult the WMA maps for exact locations. No hunting allowed within the levee system of the farm. Area Closed: last Sat. of Oct. for 2 days except to Youth and Physically Challenged Deer Hunters and South Farm closed to all hunters except youth lottery deer hunters. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lafayette or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons as listed below. Physically Challenged Wheelchair Confined Waterfowl Hunting Area: Access restricted. Call Lafayette or Baton Rouge Offices for further details. Hunting by reservation for wheelchair confined PCHP permittees only.

i. Deer

(a). Archery: Oct. 1 - 15 bucks only, Oct. 16 - Feb. 15 either sex.

(b). Youth and Physically Challenged: last Sat. of Oct. for 2 days, either-sex, all other seasons closed, Self-Clearing Permit.

(c). Youth Lottery: last Sat. and Sun. of Oct., fourth Mon. of Dec., and first and second Sun. of Jan. except no hunt on Christmas Day or Christmas Eve, either-sex. Contact Lafayette office, 337-262-2080 for details and applications.

(d). Firearms Either-Sex: Fri. after Thanksgiving Day for 2 days Mandatory Deer Check and Sun. after Thanksgiving, Self-Clearing Permit, and second Sat. after Thanksgiving for 2 days, Self-Clearing Permit.

(e). Firearms Bucks Only: fourth Sat. of Dec. for 9 days.

(f). Primitive Firearms: Fri. after close of Firearms Bucks only for 3 days.

ii. Turkey: closed.

iii. Small Game: same as outside except closed during Firearms Either-Sex Deer and except spring squirrel season will be open the first Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.

(b). On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are

allowed for squirrel first Sat. of Oct. - Oct. 31, and Mon. after close of second firearms either-sex deer season for 9 days, except closed last Sat. of Oct. for 2 days, and training of beagles for rabbit and dogs for squirrel allowed June 1 - August 31.

iv. Waterfowl, Snipe, Rail, and Gallinules: same as outside except closed during Firearms Either-Sex Deer and except hunting after 2 p.m. prohibited except no hunting in Waterfowl Refuge. That portion of Sherburne WMA known as the South Farm restricted to lottery hunts only. South Farm waterfowl hunting limited to one hunt per calendar week per person. All other hunting closed on South Farm complex from the Friday before Youth Lottery Deer Hunt until the day after the last Waterfowl hunt on the South Farm. Contact the Wildlife Field Office for details and description of "South Farm."

(a). Youth Waterfowl Lottery: Contact Lafayette office for details and applications.

(b). Disabled Veterans Waterfowl Lottery: Contact Lafayette office for details and applications.

v. Quail: closed.

vi. Raccoon (Nighttime): second Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vii. Crawfish: March 15 - July 31, Recreational crawfishing only. Crawfish harvest limited to 100 pounds per person per day. No traps or nets left overnight. No motorized watercraft allowed on farm complexes. Retriever training allowed on selected portions of the WMA. Contact the Wildlife Field office for specific details.

viii. Vehicular traffic prohibited on East Atchafalaya River levee within Sherburne WMA boundaries.

ix. Rifle and Pistol/Handgun Range open Tuesday - Sunday. Skeet ranges: manual thrower range open Tuesday through Sunday. High and low house open by appointment only, contact Lafayette office, 337-262-2080. No trespassing in restricted areas.

NOTE: Atchafalaya National Wildlife Refuge and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne Wildlife Management Area will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area.

x. Bird Dog Training Area: open to bird dog training all year except closed during either-sex modern firearm hunts for deer, WMA turkey season, and opening weekend of first and second segments of dove season.

ss. Soda Lake.

i. Deer

(a). Archery Only, Oct. 1 - Jan. 31, either-sex.

ii. Small Game and Waterfowl: Portion West of Twelve Mile Bayou same as outside, falconry only and open to squirrel hunting during the spring season, first Sat. of May for 9 days, Falconry only. Portion east of Twelve Mile Bayou open same as outside. Beagles allowed for rabbits and dogs allowed for squirrel Sat. before Christmas to end of Feb. Open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs.

tt. Spring Bayou. Area Closed: last Sat. of Oct. for 2 days to all except Youth Deer Hunters. No hunting allowed in Headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and Regulations posted at campsite. Water skiing permitted only in Old River and Grand Lac.

i. Deer

(a). Archery: Oct. 1 - 15 bucks only, Oct. 16 - Feb. 15 either sex.

(b). Youth: last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: fourth Sat. of Dec. for 16 days.

(e). Primitive Firearms: Mon. after close of Firearms Bucks only for 7 days.

ii. Turkey

(a). Youth Lottery: fourth Sat. of April for 2 days.

iii. Small Game and Waterfowl: same as outside except small game closed during either-sex firearms hunts for deer. Waterfowl to remain open during either-sex firearms hunts for deer. Open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): second Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

v. Commercial Fishing: Gill nets and trammel nets 3.5 inches and greater permitted Monday through Friday except slat traps and hoop nets permitted any day. The take and possession of grass carp is prohibited. Permits available from area supervisor or Lafayette Wildlife Field Office. Closed until after 2 p.m. during waterfowl season.

vi. Sport Fishing: same as outside except only allowed after 2 p.m. during waterfowl season, except during early Teal Season, recreational fishing allowed after 10 a.m.

vii. Crawfish: March 15 - July 31. Recreational only, 100 lbs. per person per day.

uu. Tangipahoa Parish School Board. Self-Clearing Permits required for all activities. No horseback riding during gun season for deer or turkey. ATVs are not allowed except as otherwise specified.

i. Deer same as outside.

ii. Turkey: same as outside.

iii. Small Game and Waterfowl: same as outside and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to the last day of Feb.

iv. Raccoon (Nighttime): day after primitive firearms season ends to last day of Feb.

vv. Thistlethwaite. Restricted Area: Small game hunting allowed with shotgun only loaded with shot no larger than BB lead or F steel. Deer hunting allowed by archery only. Area Closed: last Sat. of Oct. for 2 days, except to Youth Deer Hunters. All motorized vehicles restricted to improved roads only. All users must enter and leave through Main Gate only.

i. Deer

(a). Archery: Oct. 1 - 15 bucks only, Oct. 16 - Feb. 15 either-sex.

(b). Youth Deer Hunt: last. Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, first Saturday of Dec. for 9 days, and fourth Saturday of Dec. for 2 days.

(d). Firearms Bucks Only: Mon. after the last Either-Sex Firearm hunt in Dec. for 14 days.

(e). Primitive Firearms: second Sat. in Nov. for 2 days and Mon. after close of Firearms Bucks Only for 7 days.

ii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts for deer and open to squirrel hunting during the spring season, first Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting February 1 - 28.

ww. Tunica Hills. Area Closed Fri. through Sun. before opening day of statewide turkey season except youth turkey hunters and remain closed through the first nine days of the statewide turkey season except for turkey hunters. Area Closed: first Sat. of Nov. for 2 days to all except Youth Deer Hunters. Camping limited to tents only in designated areas.

i. Deer

(a). Archery: Oct. 1 - 15, bucks only, Oct. 16-Jan. 31, either sex, Feb. 1 - 15, bucks only.

(b). Youth Hunt: first Sat. of Nov. for 2 days, either-sex.

(c). Primitive Firearms: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit, either-sex, second Sat. of Dec. for 9 days, except when there are five Sats. in Dec. then it will open on the third Sat. of Dec., the initial Sat. and Sun. either-sex, the remaining 7 days bucks only, self-clearing permit.

ii. Turkey: opening day of statewide season for 9 days.

(a). Youth Lottery: Sat. and Sun. before opening day of statewide season.

iii. Small Game and Waterfowl: same as outside except closed during Youth Deer Hunt and Primitive Firearms Deer Hunt and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs, South Tract only. Beagles allowed for rabbits and dogs allowed for squirrel hunting third Saturday of Oct. for 7 days and Feb. 1 to last day of Feb. on South Tract only. On that portion designated as Small Game Emphasis Area (South Tract Only), training of beagles for rabbit and dogs for squirrel allowed June 1 - August 31.

iv. Raccoon (Nighttime): Feb. 1 to last day of Feb. on South Tract only.

xx. Walnut Hill

i. Deer same as outside, Archery Only, Either-sex.

ii. Turkey: same as outside.

iii. Small Game: same as outside. Open to squirrel hunting during the spring season first Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting first Sat. of Jan. to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel first Sat. of Oct. - Feb. 28, and training of beagles for rabbit and dogs for squirrel allowed June 1 - August 31.

iv. Raccoon: second Sat. of Sept. for 16 days and first Sat. of Jan. to the last day of Feb.

yy. West Bay. Area Closed: next to last Sat. of Oct. for 2 days to all except Youth and Physically Challenged Deer Hunters. Limited Use Area: Small game same as outside except shotgun only and deer hunting—Archery only. See WMA map for specific location. PCHP Limited Use Area (PCHP Wheelchair Bound Hunting Area): Access restricted. Check WMA map for location and call Lake Charles or Baton Rouge offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer season listed below.

i. Deer

(a). Archery: third Sat. of Sept. to Jan. 15, either-sex.

(b). Youth and Physically Challenged: next to last Sat. of Oct. for 2 days, either-sex, for physically challenged and youth hunters only.

(c). Firearms Either-sex: last Sat. of Oct. for 2 days Mandatory Deer Check and Fri. after Thanksgiving Day for 3 days, Self-Clearing.

(d). Firearms Bucks Only: Mon. after close of Primitive Season to Thanksgiving Day, and second Sat. of Dec. to Jan. 1.

(e). Primitive Firearms: Mon. after first either-sex firearms weekend for 7 days.

ii. Turkey:

(a). General Lottery: opening day of statewide season for 2 days, second Sat. of April for 2 days, third Sat. of April for 2 days.

(b). Youth Lottery: Sat. before opening day of statewide season for 2 days.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts and open to squirrel hunting during the spring season, first Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms bucks only season closes to last day of Feb.

(a). Youth Squirrel Hunt: fourth Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): day after firearms bucks only season closes to last day of Feb.

18. Other Areas

a. Camp Avondale Scout Reservation

i. Deer

(a). Firearms Either-sex: second Sat. in Nov. for 3 days. Restricted to scout program.

19. U.S. Forest Service Areas

a. Kisatchie National Forest (KNF)

i. Vehicles

(a). Motorized travel off designated roads and trails and outside designated areas is prohibited on the entire KNF. Motor Vehicle Use Maps (MVUM) showing designated roads and trails and associated vehicles and travel seasons are available in all Forest Service offices and on the Kisatchie website (www.fs.usda.gov/kisatchie).

(b). ATV/UTV (50" maximum width); operation is prohibited on public roads and road rights-of-ways. Use is allowed on Forest roads designated as open seasonally to ATV/UTV use. Use is prohibited in some campsites and

recreation areas; see bulletin boards for additional information. (Also see MVUM)

(c). Nighttime ATV/UTV travel is prohibited. ATV/UTV travel is allowed between one hour before sunrise and one hour after sunset.

(d). Game retrieval with an ATV/UTV is only allowed within designated 300-foot corridors (see MVUM).

(e). Camping corridors for highway legal vehicles to drive within 100 feet of the road and camp are designated on the Caney District and in the National Red Dirt Wildlife Management Preserve.

ii. Firearms

(a). Hunting or discharging a firearm is prohibited as follows:

(i). In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area;

(ii). Across/on/from a National Forest System Road (NFSR) legally open to motorized use;

(iii). Across a body of water where any person/property is exposed to injury/damage as a result of such a discharge;

(iv). Hunting within 50 feet of any NFSR.

(b). It is prohibited to possess a firearm having live ammunition in the chamber, magazine, cylinder or clip (when attached to a firearm), or crossbow cocked and in the ready position in or on any type vehicle while on KNF.

(c). All deer must be tagged as required by LDWF regulations.

(d). Active and retired law enforcement officers in compliance with POST requirements, federal law enforcement officers, holders of Louisiana concealed handgun permits or permit holders from a reciprocal state, who are in compliance with all other state and federal firearms regulations, may possess firearms while on KNF lands, provided these firearms are not used for any hunting purposes.

(e). The following cannot be carried while hunting on KNF lands except during modern and primitive deer seasons.

(i). centerfire rifles;

(ii). break-action centerfire and bolt-action centerfire handguns;

(iii). scoped centerfire handguns;

(iv). shotgun slugs or shot larger than BB lead or F steel.

iii. Hunter Orange: LDWF WMA regulations for hunter orange and blaze pink apply.

iv. General: Hunting or discharging a firearm in or within 150 yards of a residence, building, campsite, developed recreation site or occupied area, across/on a NFSR legally open to motorized use, across a body of water where any person/property is exposed to injury/damage as a result of such discharge, is prohibited.

v. Hunting General:

(a). Deer Bag Limit: 1 per day up to the statewide seasonal limit.

(b). All deer hunting is still-hunting only.

(c). All deer must be tagged as required by LDWF regulations.

(d). Hunting stand, blind, tripod, baiting, spot-lighting, etc. regulations applicable to LDWF WMAs are in

effect on KNF (unless otherwise specified, refer to "Methods of Taking Game" section of the LDWF WMA Regulations) excluding the "Bag Limit" section and "Horses and Mules" section.

(e). Hunting from a permanent stand prohibited. Placing or leaving a temporary stand limited to 24 hours.

(f). The training of deer dogs is prohibited year round.

(g). LDWF Youth Deer Hunt regulations apply for all KNF lands except that archery and open season small game hunting is allowed (excluding those portions of the Vernon Unit within Fort Polk-Vernon WMA).

vi. Archery Deer Hunting:

(a). Either-sex deer may be taken at any time by archers during the archery season except when bucks-only firearms seasons are in progress on KNF (archers must hunt only bucks during bucks-only firearm seasons).

(b). Archers must adhere to the full hunter orange requirements during any firearm season for deer.

(c). Vernon Unit of the Calcasieu Ranger District (Vernon Parish, excluding Fort Polk-Vernon WMA): same as outside.

(d). Catahoula (Grant and Rapides Parishes), Winn (Winn, Grant and Natchitoches Parishes), Kisatchie Ranger Districts (Natchitoches Parish), Evangeline Unit of the Calcasieu Ranger District (Rapides Parish), and Caney Range District (Webster and Claiborne Parishes): same as outside (including Catahoula and Red Dirt National Wildlife Management Preserves).

vii. Firearms for Deer Hunting (excludes the Catahoula and Red Dirt National Wildlife Management Preserves):

(a). Catahoula (Grant and Rapides Parishes), Winn (Winn, Grant and Natchitoches Parishes), Kisatchie Ranger Districts (Natchitoches Parish), Evangeline Unit of the Calcasieu Ranger District (Rapides Parish), and the Vernon Unit of the Calcasieu Ranger District (Vernon Parish, excluding Fort Polk-Vernon WMA).

(b). Youth only, either-sex, same as outside, still hunt only; LDWF regulations for hunter orange apply.

(c). Primitive Firearms, either-sex: next to last Sat. of Oct. through Sun. after the next to last Sat. of Oct., Sat. after close of Dec. firearms bucks only hunt for 2 days, still hunt only.

(d). Firearms, either-sex: last Sat. of Oct. through Sun. after the last Sat. of Oct., Fri. after Thanksgiving, still hunt only.

(e). Firearms, bucks only: Sat. after the last Sat. of Oct. through Thanksgiving, Sat. after Thanksgiving through Sun. after Thanksgiving, second Sat. of Dec. for 16 days, still hunt only.

viii. Caney Ranger District (Webster and Claiborne Parishes): same as outside including Youth Only Hunt and Primitive Firearms (Area 2) except still hunt only. Either-sex entire season.

ix. Turkey: opening day of statewide season for 23 days except season will open for 24 days when statewide season opens Good Friday (on all ranger districts except the Caney Ranger District); Caney Ranger District: opening day of statewide season for 16 days except season will open for 17 days when statewide season opens Good Friday.

x. Turkey Youth: Sat. before opening day of statewide season for 2 days except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days (on all Ranger Districts except Vernon Unit lands within Fort Polk-Vernon WMA).

xi. Other seasons on entire KNF (See Catahoula/Red Dirt National Wildlife Management Preserve section for additional information):

(a). Rabbit, Squirrel, Quail and Migratory Game Birds: Same dates and bag limits as outside except closed to squirrel hunting during the spring season. Youth squirrel: fourth Sat. of Sept. for 2 days.

(b). Waterfowl: same as outside except waterfowl hunting ceases at 2 p.m. If hunting on Corney Lake (Caney Ranger District), a permit (free of charge) is required for the use of a duck blind on the lake.

(c). Feral Hogs, Coyotes, Armadillos and Beavers: May be taken during daylight hours only, on any KNF hunt by properly licensed hunters with weapons legal for that hunt.

(d). Raccoons, Opossums, Fox (chase only) (nighttime, chase only): May be hunted during daylight or nighttime from Oct. 1 through Feb. 28 unless otherwise stated. A licensed hunter may take raccoon or opossum, two per person per day, except during the trapping season when there shall be no limit. (Please see Louisiana Trapping Regulations pamphlet for additional information. Also please see "Hunting-dog usage during deer firearm seasons" section below for exceptions).

(e). Bobcat and Nutria: LDWF regulations apply.

(f). Crows: May be taken Sept. 1 through Jan. 1 only.

(g). Fishing: LDWF state creel limits apply (See Louisiana Fishing Regulations pamphlet for additional information).

(h). Trapping: See LDWF Trapping Regulations pamphlet for additional information.

(i). Hunting Dog Usage: Hunting dog usage during deer firearm seasons (only for KNF areas outside the Catahoula and Red Dirt National Wildlife Management Preserves): Hunting dogs that are legal for hunting species other than deer, and that stay within voice-command distance of handler are allowed during deer gun hunts. Hunting dogs that range beyond voice-command distance of handler are prohibited during deer gun hunts. The training of deer or hog dogs is prohibited year-round. Hunting with recognized bird-hunting dogs during quail and woodcock seasons, recognized raccoon-hunting dogs during raccoon hunting season and recognized pointer/retriever dogs during migratory bird season is permissible. Only beagles which do not exceed 15 inches at the front shoulder may be used for rabbit hunting. All dogs must be collared with owner's name and phone number attached. Dogs running at large are prohibited. The owner/handler shall be liable.

(j). Hunting-dog training: March 1 through Sept. 30 (except all dogs prohibited during turkey hunting season), allowed only in the following circumstances: dogs are within voice-command distance of handler; dogs are participating in nighttime raccoon chases mentioned above; dogs are participating in licensed events conducted by nationally-recognized kennel clubs (KNF permit required-contact Forest Supervisor's office); dogs are under close control of

hikers; and any dog on a leash. No firearms allowed while training dogs. Hunting-dog training prohibited in Catahoula and Red Dirt National Wildlife Management Preserves.

(k). Bird Dog Training Area: only that portion of the Vernon Unit known as the "dove field". Bird dogs may be trained year round except closed during turkey season. Permit required from LDWF to use pen-raised quail.

(l). Hunting-Dog Nighttime Chase Only: (All breeds allowed, no deer dogs or hog dogs). May 1 through Sept. 30, Tuesdays and Fridays only. No firearms allowed. Nighttime ATV/UTV travel is prohibited. Hunting-dog nighttime chase is prohibited in the Catahoula and Red Dirt National Wildlife Management Preserves during this period.

xii. Catahoula and Red Dirt National Wildlife Management Preserves (NWMP). Owner: U.S. Forest Service: Catahoula NWMP – 36,000 acres in Grant and Winn Parishes; Red Dirt NWMP – 38,000 acres in Natchitoches Parish.

(a). Season Permit required for hunting, fishing and/or trapping on the preserve; for a permit or to get additional information contact the Forest Supervisor's Office, Winn, Catahoula or Kisatchie Ranger District offices or www.fs.fed.us/r8/kisatchie/hunting/index.html. In addition to the Season Permit, a Self-Clearing Daily Permit is required for all hunters during all deer gun hunts and turkey hunts. The Self-Clearing Daily Permits will be available at the main check stations, hunter-camps within the NWMPs, Kisatchie, Winn and Catahoula district offices, and at the Forest Supervisor's Office. Permits are free of charge. The Self-Clearing Permit consists of two portions: check-in and check-out. The check-in portion must be completed and put in the permit box before each hunt on the day of the hunt. The check-out portion must be carried by each person while on the NWMP and must be completed and put in the permit box immediately at the end of the day's hunt. Hunters can also check in/check out electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal. Users that check in by electronic means are required to possess proof of check in and must check out within 24 hours. Note: When Mandatory Deer Checks are specified (see below), all hunters must check deer at the NWMPs main check stations.

(b). Hunting with Dogs: Hunting with recognized bird-hunting dogs during quail and woodcock seasons, recognized raccoon-hunting dogs during raccoon hunting season, and recognized pointer/retriever dogs during migratory bird season is permissible. Only beagles which do not exceed 15 inches at the front shoulder may be used for rabbit hunting. All dogs must be collared with owner's name and phone number attached. Dogs running at large are prohibited. The owner/handler shall be liable. No training of dogs in the NWMPs outside of pertinent seasons.

(c). Select Prohibitions: Additional information and prohibitions are provided on Season Permit for the NWMPs.

(d). Deer

(i). Archery Season: Same as Area 2. Archers are required to check harvested deer at the main check station during the mandatory deer check days, see dates below.

(ii). Youth Only Hunt, Either-Sex: same as outside, still hunt only. Self-Clearing Daily Permit required.

(iii). Physically Challenged Hunt, Either-Sex: second Sat. of Oct. through Sun. after the second Sat. of Oct., still hunt only, Self-Clearing Daily Permit required; hunters must also have in possession a LDWF Physically Challenged Hunters Permit.

(iv). Primitive Firearms, Either-Sex: next to last Sat. of Oct. through Sun. after the next to last Sat. of Oct., still-hunt only, Self-Clearing Daily Permit required. Mandatory deer check at main check stations.

(v). Firearms, Either-Sex: last Sat. of Oct. through Sun. after the last Sat. of Oct., and Fri. after Thanksgiving, still-hunt only, Self-Clearing Daily Permit required. Mandatory deer check at main check stations.

(vi). Firearms, Bucks Only: Sat. after Thanksgiving through Sun. after Thanksgiving, still-hunt only, self-clearing daily permit required.

(e). Turkey:

(i). Opening day of statewide season for 23 days except season will open for 24 days when statewide season opens Good Friday.

(ii). Youth: Sat. before opening day of statewide season for 2 days except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days.

(f). Squirrel, Rabbit, Quail, Dove, Woodcock and Waterfowl (without dogs): all seasons same as outside (unless otherwise stated) except closed during deer firearm hunts. Consult LDWF hunting pamphlet for additional information. No spring squirrel season.

(g). Youth Squirrel: fourth Sat. of Sept. for 2 days.

(h). Squirrel/Rabbit (with dogs): first Sat. of Jan. through last day of Feb.

(i). Quail (with dogs): same as outside.

(j). Raccoon/Opossum (non-dog season/daylight hours): May be taken by properly licensed hunter as incidental take with gear legal for the season in progress.

(k). Raccoon (nighttime, with dogs): first Sat. of Jan. through last day of Feb.

(l). Fishing: closed to fishing during deer gun hunts.

20. Bayou Teche National Wildlife Refuge: Owned by U.S. Fish and Wildlife Service, 9,028 acres within St. Mary Parish

a. Deer

i. Archery: same as outside, except closed during youth and firearms deer seasons, limit one deer per day; Franklin Unit closed.

ii. Youth Firearms: last Sat. of Oct. for 2 days, either-sex, limit one deer per day; Franklin and Bayou Sale Units closed.

iii. Firearms: Fri. after Thanksgiving for 3 days, either-sex, limit one deer per day; Franklin and Bayou Sale Units closed.

b. Small Game: same as outside, except closed during youth and firearms deer seasons; Franklin Unit closed.

c. Waterfowl: same as outside except closed after 12 noon, and except closed during firearms deer season; Franklin Unit closed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR 30:1495 (July 2004), LR 31:1611 (July 2005), LR 32:1251 (July 2006), LR 33:1382 (July 2007), LR 34:1429 (July 2008), LR 35:1264 (July 2009), LR 36:1566 (July 2010), LR 37:2190 (July 2011), LR 38:1732 (July 2012), LR 39:2292 (August 2013), LR 40:1540 (August 2014), LR 41:963 (May 2015), LR 42:1112 (July 2016), LR 43:1423 (July 2017), LR 44:1277 (July 2018), LR 45:938 (July 2019), LR 46:961 (July 2020), LR 47:904 (July 2021), LR 48:511 (March 2022), LR 48:1867 (July 2022), LR 49:

§113. General and WMA Turkey Hunting Regulations

A. General Regulations. Only gobblers (male turkeys) may be taken. Taking of hen (female) turkeys, including bearded hens, is prohibited; still hunting only. Use of dogs, electronic calling devices, motorized decoys and live decoys is illegal. Turkeys may be hunted with shotguns, including muzzleloading shotguns, using shot not larger than #2 lead, #2 non-toxic, or BB steel shot, and approved archery equipment but by no other means. Shooting turkeys from a moving or stationary vehicle is prohibited. Shotguns capable of holding more than three shells prohibited. The running of coyote with dogs is prohibited in all turkey hunting areas during the open turkey season. No person shall hunt, trap or take turkeys by the aid of baiting or on or over any baited area. Baiting means placing, exposing, depositing or scattering of corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed so as to constitute a lure, attraction or enticement to, on or over any areas where hunters are attempting to take turkeys. A baited area is any area where corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed capable of luring, attracting or enticing turkeys is directly or indirectly placed, exposed, deposited, distributed or scattered. Such areas remain baited areas for 15 days following complete removal of all such corn, wheat or other grain, salt, or other feed. Wildlife agents are authorized to close such baited areas and to place signs in the immediate vicinity designating closed zones and dates of closures. No person hunting turkeys more than 200 yards from a baited area will be in violation of the turkey baiting regulation.

B. Tags

1. Prior to hunting turkeys, all turkey hunters, regardless of age or license status, must obtain turkey tags and have them in their possession while turkey hunting. Immediately upon killing a turkey, hunters must attach a carcass tag to or electronically tag the turkey before it is moved from the site of the kill and must document the kill on the turkey harvest report card. If using carcass tags, the date of kill and parish of kill must be recorded on the carcass tag, and the tag must remain attached to the turkey while kept at camp or while it is transported to the domicile of the hunter or to a cold storage facility. Hunters who keep the carcass or meat at a camp must also comply with game possession tag regulations. Within 72 hours of the kill, the hunter must report the kill. Hunters may report turkeys electronically, calling the validation phone number, or using the validation website.

2. Turkey hunters purchasing licenses by phone will be given an authorization number and a LDWF identification number that will serve as their license and tags

until the physical license and tags arrive by mail. Turkey hunters who have purchased a license with tags, but have not yet received their physical license and tags, must immediately tag their kill with a possession tag before moving it from the site of the kill. The authorization number and LDWF identification number must be recorded on the possession tag. Hunters must retain documentation of any turkeys killed and upon receiving their physical tags and harvest report card, validate their kill as required in these regulations. The tags for turkeys killed prior to receiving the physical tags must be removed from the turkey harvest report card and discarded.

3. Tags removed from the turkey harvest report card prior to killing a turkey are no longer valid and if lost will not be replaced. Duplicate tags and turkey harvest report cards are available to replace lost report cards and attached tags. Hunters will be charged a fee for duplicate turkey harvest report cards and tags. Hunters that have killed a turkey prior to losing their remaining tag and harvest report card must remove and discard the duplicate tag to account for the original tag that was used and validated. Hunters must record any previously validated turkey on the duplicate turkey harvest report card.

C. Possession of Live Wild Turkeys. No person shall take live wild turkeys or their eggs from the wild. No person shall possess captive live wild turkeys, (*Meleagris gallopavo silvestris*, *M.g. osceola*, *M.g. intermedia*, *M.g. merriami*, *M.g. mexicana*) or their eggs, regardless of origin, without a valid game breeder license. No pen-raised turkeys from within or without the state shall be liberated (released) within the state.

D. Statewide Youth and Physically Challenged Season Regulations. Only youths 17 years of age or younger or hunters possessing a physically challenged hunter permit with wheelchair classification may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Additionally, any person younger than 18 years of age shall have in their immediate possession a valid, original youth license. Adults accompanying youth may not possess a firearm or bow. Youths may possess only one firearm or bow while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Only one gobbler (male turkey) per day may be taken and any gobbler (male turkey) taken by the hunter during this special season counts towards their season bag limit of two.

E. Shooting Hours—one-half hour before sunrise to one-half hour after sunset.

F. Turkey Hunting Area Descriptions

1. Area A

- a. All of the following parishes are open:
 - i. Beauregard;
 - ii. Bienville;
 - iii. Bossier;

iv. Claiborne;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

- v. East Baton Rouge;
- vi. East Feliciana;
- vii. Grant;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates;

- viii. Jackson;
- ix. LaSalle;
- x. Lincoln;
- xi. Livingston;
- xii. Natchitoches;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

- xiii. Sabine;
- xiv. St. Helena;
- xv. St. Tammany;
- xvi. Tangipahoa;
- xvii. Union;
- xviii. Vernon;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

- xix. Washington;
- xx. Webster
- xxi. West Feliciana (including Raccourci Island);
- xxii. Winn.

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

b. Portions of the following parishes are also open:

- i. Allen—north of US 190 east of Kinder, west of US 165 south of Kinder;
- ii. Calcasieu—north of I-10;
- iii. Caldwell—west of Ouachita River southward to Catahoula Parish line;
- iv. Catahoula—south and west of the Ouachita River from the Caldwell Parish line southward to LA 8 at Harrisonburg, north and west of LA 8 from Harrisonburg to the LaSalle Parish line, also that portion lying east of LA 15;
- v. Evangeline—north and west of LA 115, north of LA 106 west of LA 115 to US 167, west of US 167 south to LA 10, north of LA 10 west of US 167 to LA 13, west of LA 13 south of LA 10 to Mamou and north of LA 104 west of Mamou;
- vi. Jefferson Davis—north of US 190 from junction with LA 26 to Kinder, west of US 165 and north of I-10 west from junction of US 165;
- vii. Morehouse—west of US 165 from the Arkansas line to the junction of LA 140 at Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to US 165 at Bastrop, south of US 165 to junction of LA 3051 (Grabault Road) south of LA 3051 to junction of LA 138, west of LA 138 to junction of LA 134, north of LA 134 to the Ouachita Parish line;
- viii. Ouachita—all west of the Ouachita River. That portion east of the Ouachita River lying north of US 80;
- ix. Rapides—all west of Red River and north of LA 28 east from Pineville, LA east to LaSalle Parish line

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

2. Area B

a. All of the following parishes are open:

- i. Caddo;
- ii. DeSoto;
- iii. Red River.

3. Area C

a. All of the following parishes are open:

- i. Ascension;
- ii. Concordia;
- iii. Franklin;
- iv. Iberville;
- v. Pointe Coupee;
- vi. Tensas;
- vii. West Baton Rouge.

b. Portions of the following parishes are open:

i. Avoyelles—that portion bounded on the east by the Atchafalaya River, on the north by Red River to the Brouillette Community, on the west by LA 452 from Brouillette to LA 1, on the south by LA 1, eastward to Hamburg, thence by the west Atchafalaya Basin protection levee southward;

ii. Caldwell—all east of the Ouachita River;

iii. Catahoula—all of the parish except for that portion located in area A;

iv. Iberia—east of the west Atchafalaya Basin protection levee;

v. Madison—that portion lying east of US 65 from East Carroll Parish line to US 80 and south of US 80. Also, all lands east of the main channel of the Mississippi River;

vi. Richland—west of LA 17 from Franklin Parish line to Ringle Road, south of Ringle Road to Ferguson Road, south of Ferguson Road to Little Road, south of Little Road to Big Creek, east of Big Creek to Franklin Parish line and that portion south of US 80 and east of LA 17;

vii. St. Landry—that portion bounded on the west by the west Atchafalaya Basin Protection Levee and on the east by the Atchafalaya River;

Exception: the Indian Bayou area; see federal lands hunting schedule for Indian Bayou area dates.

viii. Upper St. Martin—all within the Atchafalaya Basin; in addition, that area bounded on the North by LA 352; on the West by LA 349, to LA 3039, to LA 347, to the Catahoula Hwy. (LA 96), to LA 679, to LA 345; and on the south by LA 3242;

Exceptions: Indian Bayou area, see federal lands hunting schedule for Indian Bayou dates.

4. Turkey season dates on wildlife management areas, national wildlife refuges, Kisatchie National Forest and U.S. Army Corps of Engineers land located within areas A, B, and C may vary from the season set for the parish in which they are located. Seasons for these lands are specified in LAC 76:XIX.115.

G. WMA Turkey Hunting Regulations

1. WMAs with youth turkey hunts are closed to all activities except turkey hunting by authorized youth hunt participants, shooting range use, and fishing on the day(s) of the youth hunt.

2. Rules Specific to Certain WMAs

a. Sandy Hollow. No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2263 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2375 (November 2002), LR 29:2512 (November 2003), LR 30:2874 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2469 (November 2007), LR 35:91 (January 2009), LR 35:2478 (November 2009), LR 36:2581 (November 2010), LR 37:3535 (December 2011), LR 38:2941 (November 2012), LR 40:96 (January 2014), LR 40:1554 (August 2014), LR 41:977 (May 2015), LR 42:1127 (July 2016), LR 43:1426 (July 2017), LR 44:1303 (July 2018), LR 45:964 (July 2019), LR 46:988 (July 2020), LR 47:934 (July 2021), LR 48:1897 (July 2022), LR 49:

§115. Turkey Hunting Areas, Seasons, and Bag Limits

A. Daily limit is one gobbler (male turkey). Season limit is two gobblers (male turkey). Turkeys taken on WMAs are part of the season bag limit. Only one turkey may be taken during spring WMA lottery hunts.

B. Turkey season will open on the first Saturday in April. The area A turkey season will be 30 consecutive days in length, the area B turkey season will be 23 consecutive days in length, and the area C turkey season will be 16 consecutive days in length. Wildlife management areas, national forests, national wildlife refuges, and U.S. Army Corps of Engineers land may vary from this framework. On those years when the first Saturday in April falls the day before Easter, then the season will open the Friday before the first Saturday in April.

C. Statewide youth turkey and physically challenged season on private lands shall be the weekend prior to the start of the regular turkey season. On those years when the weekend prior to the start of regular turkey seasons falls on Easter weekend, then the youth and physically challenged season will open on Good Friday.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2264 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2376 (November 2002), LR 29:2512 (November 2003), LR 30:2875 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2470 (November 2007), LR 35:90 (January 2009), LR 35:2481 (November 2009), LR 36:2583 (November 2010), LR 37:3541 (December 2011), LR 38:2944 (November 2012), LR 40:99 (January 2014), LR 40:1556 (August 2014), LR 41:980 (May 2015), LR 42:1129 (July 2016), LR 43:1426 (July 2017), LR 44:1306 (July 2018), LR 45:966 (July 2019), LR 46:990 (July 2020), LR 47:936 (July 2021), LR 48:1899 (July 2022), LR 49:

§117. Migratory Bird Seasons, Regulations, and Bag Limits

A. Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	South Zone: Sept. 2-Sept. 17 Oct. 14-Nov. 26 Dec. 16-Jan. 14 North Zone: Sept. 2-Sept. 24 Oct. 7-Nov. 12 Dec. 23-Jan. 21	15 (in aggregate)	45 (in aggregate)
Woodcock	Dec. 18-Jan. 31	3	9
Teal (Blue-winged, Green-winged and Cinnamon)	Sept. 15-Sept. 30	6	18
King and Clapper Rails	Sept. 15-Sept. 30 Nov. 11-Jan. 3	15 (in aggregate)	45 (in aggregate)
Sora and Virginia Rails	Sept. 15-Sept. 30 Nov. 11-Jan. 3	25 (in aggregate)	75 (in aggregate)
Gallinules	Sept. 15-Sept. 30 Nov. 11-Jan. 3	15	45
Snipe	West Zone: Nov. 2-Dec. 3 Dec. 16-Feb. 28 East Zone: Nov. 2-Dec. 3 Dec. 16-Feb. 28	8	24
Ducks, Coots and Mergansers	West Zone: Nov. 4-Nov. 5 (youth and veterans only) Nov. 11-Dec. 3 Dec. 16-Jan. 2 Jan. 13-Jan. 31 East Zone: Nov. 11 (youth and veterans only) Nov. 18-Dec. 3 Dec. 16-Jan. 28 Feb. 3 (youth and veterans only)	Daily bag limit on ducks is 6 and may include no more than 4 mallards (no more than 2 females), 3 wood ducks, 2 canvasbacks, 2 redheads, 1 black duck and 1 pintail. Only 1 scaup may be taken for the first 15 days of the season with 2 per day allowed for the remainder. No mottled ducks may be taken for the first 15 days of the season with 1 per day allowed for the remainder. Daily bag limit on coots is 15. Mergansers- The daily bag limit for mergansers is 5, only 2 of which may be hooded mergansers, in addition to the daily bag limit for ducks.	Three times the daily bag limit.

Species	Season Dates	Daily Bag Limit	Possession Limit
Light Geese (Snow, Blue, and Ross') and White-Fronted Geese	East Zone: Nov. 4-Dec. 3 Dec. 16-Jan. 28 West Zone: Nov. 4-Dec. 3 Dec. 16-Jan. 2 Jan. 13-Feb. 7	Daily bag limit on Light Geese (snow, blue, and ross') is 20. Daily bag limit on White-Fronted Geese is 3.	No possession limit on Light Geese (snow, blue, and ross') Possession limit on White-Fronted Geese is 9.
Canada Geese	East Zone: Nov. 4-Dec. 3 Dec. 16-Jan. 28 West Zone: Nov. 4-Dec. 3 Dec. 16-Jan. 2 Jan. 13-Feb. 7	1	3

B. Conservation Order for Light Geese Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Light Geese (Snow, Blue, and Ross')	East Zone: Dec. 4-Dec. 15 Jan. 29-March 3 West Zone: Dec. 4-Dec. 15 Jan. 3-Jan. 12 Feb. 8-March 3	No daily bag limit.	No possession limit.

C. Extended Falconry Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	Sept. 15-Oct. 1	Falconry daily bag and possession limit for all permitted migratory game birds must not exceed 3 and 9 birds, respectively, singly or in aggregate, during the extended falconry seasons and regular hunting seasons.
Woodcock	Nov. 4-Jan. 31	
Rails and Gallinule	Nov. 4-Jan. 25	
Ducks	Nov. 4-Jan. 31	

D. Dove Hunting Regulations

1. Shooting hours one-half hour before sunrise to sunset.

2. There is no bag limit on Eurasian collared-doves or Ringed Turtle-doves provided that a fully feathered wing and head remain attached to the carcass of the bird. Fully dressed Eurasian collared-doves and ringed turtle doves (those without a fully feathered wing and head naturally attached to the carcass) shall be included in the aggregate bag.

3. The following boundary divides the dove season zones: beginning at the Texas-Louisiana border on LA Hwy. 12; thence east along LA Hwy 12 to its intersection with U.S. Hwy 190; thence east along U.S. Hwy 190 to its intersection with I-12; thence east along I-12 to its intersection with I-10; then east along I-10 to the Mississippi state line.

E. Snipe Hunting Regulations. Shooting hours one-half hour before sunrise to sunset, except at the Spanish Lake recreation area in Iberia Parish where shooting hours, including the conservation end at 2 p.m.

F. Conservation Order for light geese. Only snow, blue, and Ross' geese may be taken under the terms of the conservation order. Electronic calls and unplugged shotguns allowed. No daily bag or possession limit. Shooting hours one-half hour before sunrise until one-half hour after sunset.

G. Canada Goose Season Closure. The Canada goose season will be open statewide except for a portion of southwest Louisiana described as follows: beginning at the Texas State Line, proceeding east along LA Hwy. 82 to the Calcasieu Ship Channel, then north along the Calcasieu Ship Channel to its junction with the Intracoastal Canal, then east along the Intracoastal Canal to its juncture with LA Hwy. 82, then south along LA Hwy. 82 to its juncture with Parish Road 3147, then south and east along Parish Road 3147 to Freshwater Bayou Canal, then south to the Gulf of Mexico, then west along the shoreline of the Gulf of Mexico to the Texas State Line, then north to the point of beginning at LA Hwy. 82. Open waters of Lake Arthur and the Mermentau River, from the Hwy 14 bridge southward, will also be closed.

H. Statewide Youth Waterfowl and Veterans Season Regulations.

1. Only youths 17 years of age or younger may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times.

2. Veterans refers to those persons who served in the active military, naval or air service who were discharged or released under conditions other than dishonorable, and members of the Armed Forces on active duty including members of the National Guard and Reserves on active duty (other than for training). Veterans and active duty military personnel must possess a valid proof of service such as DD214 form, Active Military ID, Retired Military ID, Veterans Administration ID, or Veterans designation on their Driver's License as well as mandatory waterfowl license(s), HIP certification, and Federal duck stamp to participate on these hunt days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 42:1130 (July 2016), amended LR 43:1427 (July 2017), LR 44:1306 (July 2018), LR 45:966 (July 2019), LR 46:991 (July 2020), LR 47:937 (July 2021), LR 48:1899 (July 2022), LR 49:

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, 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).

Poverty Impact Statement

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Public Comments

Interested persons may submit written comments relative to the proposed Rule until Thursday, March 2, 2023 to Tommy Tuma, Wildlife Division, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000 or via e-mail to ttuma@wlf.la.gov.

Joe McPherson
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Hunting Regulations for the 2023-2025 Seasons

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The various proposed rule changes have no anticipated impact on state or local governmental units.

The proposed rule changes make calendar adjustments for the 2023-2024 and 2024-2025 hunting seasons and sets regulations for multiple wildlife management areas (WMA) including the following:

(1) alters the timing of deer hunting season in Area 5 and Area 9 in years during which there are five Saturdays in November

(2) clarifies the prohibition on the recreational hunting of blackbirds, grackles, and cowbirds

(3) adds pre-charged pneumatic guns as allowable firearms for hunting exotics and deer to make the rule consistent with recent legislation.

(4) clarifies the rule that allows persons who have not completed the Louisiana Department of Wildlife and Fisheries (LDWF) firearm and hunter safety course to participate in youth deer hunts and youth squirrel hunts and to obtain restricted hunting licenses as long as that person is under the supervision of a licensed hunter who is compliant with hunter education requirements

(5) replaces a prohibition on discharging a firearm on or near a public levee road with a prohibition on discharging a firearm on or near an open licensed motor vehicle (LMV) road or its right of way

(6) clarifies the prohibition of the use of rimfire firearms smaller than .30 caliber to harvest deer

(7) adds a limited access area on the Pomme de Terre WMA

(8) clarifies the rule that exempts persons travelling through WMA from holding WMA access permits

(9) clarifies regulations requiring WMA camping permits

(10) reduces the number of Physically-Challenged Handicapped Permit (PCHP) hunting days from 13 days over five weekends to four days over two weekends and adds seven days of Youth Lottery hunting over three weekends on the Alexander State Forest WMA

(11) eliminates the Small Game Emphasis Area on the Bayou Pierre WMA and removes references to dove hunting season on the WMA

(12) adds a Small Game Emphasis Area on the Bodcau WMA, expands the hunting season for raccoons on the WMA,

and clarifies the area's regulations for primitive firearms hunting and hunting with dogs

(13) closes Bussey Brake WMA to all activities other than fishing with a cane pole or rod and reel from two hours after sunset to 4:00 a.m.

(14) expands the portion of the Dewey Wills WMA on which waterfowl hunting is permitted during firearm either-sex deer hunting season

(15) eliminates regulations for the experimental hunting area on the Fort Polk-Vernon WMA

(16) establishes small game, waterfowl, and archery deer-hunting seasons on the newly-created John Franks WMA

(17) expands modern firearm and primitive firearm deer-hunting season from bucks only to either-sex on the Joyce WMA and the Maurepas Swamp WMA

(18) expands the type of firearms that may be used and the sex of deer that may be harvested during five days of deer hunting on the Little River WMA

(19) replaces a youth lottery turkey hunt with a general youth turkey hunt on the Pearl River WMA

(20) removes the noon opening of mourning dove hunting on opening day on the Point Farm Unit within the Pointe-aux-Chenes WMA

(21) reduces the number of open days of the Small Game Emphasis Area within the Pomme de Terre WMA and clarifies the timing of raccoon season on the WMA

(22) closes turkey season, eliminates the youth lottery turkey hunt, and allows fishing on Hog Pen Lake during waterfowl season on the Richard K. Yancey WMA

(23) moves the opening of deer season on the Salvador/Timken WMA from the Monday to the Friday before Thanksgiving, adding three more days of hunting opportunities, and expands deer primitive firearms season from bucks only to either-sex

(24) adds a two-day youth hunt for turkey on the Sandy Hollow WMA

(25) shortens either-sex deer season from nine to two days, firearms bucks only season from 16 to nine days, and primitive firearms season from seven to three days on Sherburne WMA and closes the WMA to turkey hunting

(26) closes the Sherburne WMA rifle and pistol/handgun range and the manual skeet-thrower range on Monday

(27) removes obsolete language assessing a fee for the Boggy Bayou Camping area within the Spring Bayou WMA

(28) adjusts the schedule for the closure of the Tunica Hills WMA for all purposes other than turkey hunting, expanding the closure reserved for youth turkey hunting from two days to three days and reducing the closure reserved for general turkey

hunting from 13 days across several weekends in April to nine consecutive days at the beginning of turkey season

(29) eliminates a general lottery for turkey hunting on the Tunica Hills WMA

(30) establishes a Physically Challenged Hunting Permit Area on the West Bay WMA

(31) transfers portions of Franklin, Madison, and Tensas parishes from Turkey Hunting Area A to Area C, reducing the number of turkey-hunting days within the affected area by 14 days

(32) removes a requirement to check all turkeys at WMA headquarters on the Sherburne WMA

(33) adopts calendar adjustments for dove, snipe, teal, rail, gallinules, light geese, and white-fronted geese seasons and duck, coot, and merganser season

(34) prohibits the harvest of mottled ducks during the first 15 days of duck hunting season and sets a bag limit of one mottled duck per day for the remainder of the season

(35) shortens falconry season for woodcock, ducks, rails, and gallinules from 90 to 89 days

(36) defines shooting hours on the opening day of dove season as one half-hour before sunrise to sunset on all WMA and portions of WMA

(37) requires factory original equipment manufacturer (OEM)-installed exhausts or the equivalent for all boat and powercraft motors on WMA. It prohibits the operation of powercraft with alterations that are intended to bypass or reduce the effectiveness of the muffler system.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is expected to have no effect on revenue collections of the Louisiana Department of Wildlife and Fisheries or other state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes are not expected to have significant impacts on receipts or incomes of affected persons or groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule changes.

Bryan McClinton
Undersecretary
2301#049

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

Administrative Code Update

CUMULATIVE: JAN-DEC 2022

LAC Title	Part #.Section #	Action	Location:		LAC Title	Part #.Section #	Action	Location:	
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4	V.1501,1502,1503,1504,1505,1506,1507,1508	Amended	June	1458	28	I.103,301,307,309,311,501,503,1101,1105	Amended	Mar.	410
	V.1501,1503,1504,1505,1506,1507,1508,1509	Amended	Oct.	2515		I.103,305,501,1103	Amended	Oct.	2558
	V.1502	Repromulgated	Oct.	2515		I.503	Amended	Aug.	2085
	V.1509,1510,1511	Amended	June	1458		I.505	Adopted	Aug.	2085
	V.1510	Amended	Oct.	2515		I.1313,1315	Adopted	Aug.	2087
	V.1511	Repealed	Oct.	2501		III.2301	Amended	Sep.	2287
	V.2701,2703,2707,2709,2711,2715,2719	Amended	Oct.	2527		IV.103,301,509,701,703,1203,1403,1501	Amended	Mar.	479
	V.2705,2708	Adopted	Oct.	2527		IV.703	Amended	July	1761
	XXI.101,103,105,201,203,301,303,305,307	Adopted	June	1503		IV.703	Amended	Nov.	2732
	XXI.309,311,313,315,401,403,405,501,601	Adopted	June	1503		IV.1701,1807,1901,1903	Amended	Mar.	479
	XXI.603,701,703,705,707,709	Adopted	June	1503		IV.2103	Amended	Nov.	2731
						IV.2201,2203,2205,2207,2209,2211,2213	Adopted	Apr.	1093
						VI.315	Amended	Oct.	2561
						XI.103	Adopted	Aug.	2089
						XI.305	Amended	Apr.	997
						XI.801	Amended	Mar.	412
7	III.131	Amended	July	1744	XI.5303,5305,5309,5311,5312	Amended	July	1744	
	III.901,903,905,907,909,911,913,915	Adopted	Feb.	296	XI.5701,6803	Amended	Jan.	037	
	III.1303,1315,1319,1321,1327,1329,1335	Amended	July	1743	XI.6821	Amended	Oct.	2559	
	III.1337,1341	Amended	July	1743	XI.6913	Amended	Apr.	997	
	V.1201,1203,1205,1207,1209,1211,1213	Adopted	Mar.	393	XI.9901	Adopted	May	1269	
	V.1215,1217,1219,1221,1223,1225,1227	Adopted	Mar.	393	XXIX.2111	Amended	Oct.	2559	
	V.1229,1231,1233	Adopted	Mar.	393	XXXIX.501	Amended	Jan.	035	
	XIII.1303	Repromulgated	Aug.	2083	XXXIX.503,701	Amended	July	1761	
	XV.127	Amended	Apr.	993	XXXIX.700	Adopted	July	1761	
	XV.173,175	Adopted	Nov.	2727	XLIII.101,401,450,460,461,462,463,464,466	Amended	Jan.	035	
	XXI.401,403,405,407,409,411,413,415,417	Adopted	Mar.	391	XLIII.905,1101	Amended	Jan.	035	
	XXI.419,421,423,425	Adopted	Mar.	391	XLV.101,749,1301	Amended	Apr.	1088	
	XXV.101,107,109,141	Amended	Nov.	2728	XLV.303,743,745	Amended	July	1757	
	XXV.141	Amended	Apr.	994	XLV.401,403,405	Amended	July	1756	
	XXIX.117	Amended	Sep.	2287	XLV.501,503,505,507,509,511,513	Adopted	Apr.	1088	
	XXXV.103,117	Amended	Apr.	995	XLV.743,745	Amended	May	1274	
	XXXIX.907,909	Amended	Aug.	2084	LXV.109	Adopted	Aug.	2087	
	XLIX.101,501,513,701,907,1101,1505,1507	Amended	Jan.	023	LXXIX.119	Amended	May	1273	
	XLIX.512	Adopted	Jan.	023	LXXIX.303,3303	Amended	Oct.	2553	
	XLIX.1701,1711,2301,2303,2501,2705	Amended	Jan.	023	LXXIX.2109,2331	Amended	Jan.	034	
XLIX.2901,2903	Amended	Jan.	023	LXXIX.2109	Amended	Aug.	2098		
10	I.1901,1903,1905,1907,1909,1913,1915,1917	Adopted	Oct.	2562	LXXIX.2111	Amended	Jan.	037	
	I.1919,1921,1923,1925,1927,1929,1931,1933	Adopted	Oct.	2562	CXV.337	Amended	May	1272	
	I.1935,1937	Adopted	Oct.	2562	CXV.502,901,911,1103,1111,2305,2317	Amended	Jan.	031	
					CXV.509	Adopted	July	1747	
13	I.3901,3931	Amended	Mar.	403	CXV.1119,1151,1153,	Adopted	Apr.	1011	
	I.3915,3937,3999	Repealed	Mar.	403	CXV.1301,1302,1305,1307,1309,1311	Amended	Apr.	1011	
	I.3945,3947,3949,3951,3953,3955,3957	Adopted	Mar.	403	CXV.1319	Adopted	Aug.	2095	
	I.3959	Adopted	Mar.	403	CXV.2307	Amended	July	1747	
17	I.101,103,105,107,109,111,113,115	Amended	Oct.	2577	CXV.2318,2320,2363,2397,3703	Amended	Jan.	031	
					CXV.2318,2319	Amended	Jan.	037	
					CXV.2318,2319	Repromulgated	Apr.	1092	
					CXV.2318	Amended	Aug.	2097	
19	VII.101,103,105,107,109,111	Amended	July	1917	CXV.2318,2319	Amended	Oct.	2559	
	VII.101,103,105,107,109,111	Amended	June	1469	CXXI.101,301,303,305,307,309,501,503,505	Adopted	July	1764	
	VII.501,503,505,507,509,511,513,515,517	Amended	July	1927	CXXI.103,107,109,1105,1107,1109,1111,1113	Repealed	July	1764	
	VII.501,503,505,507,509,511,513,515,517	Adopted	June	1472	CXXI.303,507,515,1305,1307,1309,1323,1327	Amended	Oct.	2554	
	VII.2901,2903,2905,2907,2909,2911,2913	Adopted	June	1490	CXXI.507,509,701,703,705,707,709,901,903	Adopted	July	1764	
	VII.2915,2917,2919	Adopted	June	1490	CXXI.905,907,909,1101.1103,1301,1303,1501	Adopted	July	1764	
	VII.7601,7603,7605,7607,7609,7611,7613	Amended	July	1920	CXXI.1115,1117,1119,1121,1123,1125,1127	Repealed	July	1764	
	VII.7601,7603,7605,7607,7609,7611,7613	Adopted	June	1479	CXXI.1129	Repealed	July	1764	
	VII.7615,7617	Amended	July	1920	CXXI.1329,2309	Amended	Oct.	2554	
	VII.7615,7617	Adopted	June	1479	CXXI.1503,1701,1703,1901,1903,2101,2103	Adopted	July	1764	
	VII.8901,8903,8905,8907,8909,8911,8913	Adopted	June	1486	CXXI.2301,2303,2501,2503,2701,2703,2901	Adopted	July	1764	
	VII.8915	Adopted	June	1486	CXXI.2903,2905,2907	Adopted	July	1764	
	VII.9101,9103,9105,9107,9109,9111,9113	Amended	July	1904	CXXXI.101,301,303,305,307,309,311,313	Repromulgated	Apr.	1014	
	VII.9101,9103,9105,9107,9109,9111,9115	Adopted	June	1460	CXXXI.101,301,303,305,307,309,311,313	Amended	Mar.	414	
	VII.9115,9117	Amended	July	1904	CXXXI.201,203,204,205,207,209,211,213,215	Repealed	Apr.	1014	
	VII.9117	Adopted	June	1460	CXXXI.217,219,221,223,225,227,229,231,233	Repealed	Apr.	1014	
22	I.207	Amended	Aug.	2150	CXXXI.235,237,239,241,243,245,314,326,328	Repealed	Apr.	1014	
	I.315	Amended	Aug.	2157	CXXXI.303,1349,1505,1543	Amended	Aug.	2098	
	I.331	Amended	May	1291	CXXXI.303,1360	Amended	Nov.	2730	
	I.1101	Amended	Aug.	2153	CXXXI.309,323,325	Amended	July	1756	
	III.101,5101,5301	Amended	June	1503	CXXXI.315,317,319,321,323,325,327,329	Repromulgated	Apr.	1014	
	III.4733	Adopted	May	1275	CXXXI.315,317,319,321,323,325,327,329	Amended	Mar.	414	
	III.4750,4761	Amended	May	1275	CXXXI.331,333,335,337,339,341,343,345	Repromulgated	Apr.	1014	
	III.4761	Amended	Feb.	298	CXXXI.331,333,335,337,339,341,343,345	Amended	Mar.	414	
	XIII.503	Amended	Jan.	039	CXXXI.344,348,349,350,351,361,346,401,403	Repealed	Apr.	1014	
					CXXXI.347,501,503,505,507,509,511,513,515	Repromulgated	Apr.	1014	
25	IX.500	Amended	Jan.	028	CXXXI.347,501,503,505,511,513,515,517	Amended	Mar.	414	
					CXXXI.405,407,408,409,410,411,413,414,415	Repealed	Apr.	1014	

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28	CXXXI.417,421,504,506, 601,603,604,605,607	Repealed	Apr.	1014	33	XV.1410,1421	Adopted	July	1805		
	CXXXI.507,521,1369,1371	Adopted	Mar.	414		XV.1416,1417,1418,1420,1499	Amended	July	1805		
	CXXXI.507	Amended	May	1273		XV.2599	Amended	June	1499		
	CXXXI.517,519,521,523,525,527,529,531,533	Repromulgated	Apr.	1014		IX.1113	Amended	June	1497		
	CXXXI.519,523,525,527,529,531,533,535	Amended	Mar.	414		35	VII.8902	Adopted	Sep.	2291	
	CXXXI.525,536	Amended	July	1749			XI.9911,9913,	Amended	Sep.	2288	
	CXXXI.535,537,539,541,543,545,547,549,551	Repromulgated	Apr.	1014			XI.9914,9949	Adopted	Sep.	2288	
	CXXXI.537,539,541,543,545,547,549,551	Amended	Mar.	414			XVII.13101,13103,13105,13107,13109,13111	Adopted	July	1810	
	CXXXI.553,555,557,701,703,705,707,709,711	Repromulgated	Apr.	1014			XVII.13113,13115,13117,13119,13121,13123	Adopted	July	1810	
	CXXXI.553	Amended	Aug.	2098			XVII.13125,13127,13129,13131,13133,13135	Adopted	July	1810	
	CXXXI.553,555,557,701,703,705,707,709	Amended	Mar.	414			XVII.13137,13139,13141,13143,13145,13147	Adopted	July	1810	
	CXXXI.609,611,613,615,621,623,625,627,630	Repealed	Apr.	1014			XVII.13149,13151	Adopted	July	1810	
	CXXXI.631,633,641,643,645,647,648,649,651	Repealed	Apr.	1014			37	XI.501,503,505,507,509,511,513,515,517,519	Repealed	Nov.	2760
	CXXXI.655,655,659,661,663,665,666,667,668	Repealed	Apr.	1014				XI.521,523,525,527,529,531	Repealed	Nov.	2760
	CXXXI.669,671,673,675,706,708,710,712,741	Repealed	Apr.	1014		XI.703,705,709,711,715,717,719,721,727,729		Amended	Nov.	2764	
	CXXXI.711,713,715,717,719,721,723,725	Amended	Mar.	414		XIII.133,135		Amended	Aug.	2135	
	CXXXI.713,715,717, 719,721,723,725,1101	Repromulgated	Apr.	1014		XIII.10701,10703,10705,10707,10709,10711		Amended	Sep.	2296	
	CXXXI.743,745,747,749,751,753,755,781,783	Repealed	Apr.	1014		XIII.10713,10717		Amended	Sep.	2296	
	CXXXI.785,787,801,803,1001,1003,1201,1203	Repealed	July	1749		XIII.14101,14111,14115,14117		Amended	Sep.	2298	
	CXXXI.901,903,904,905,906,907,908,909	Repealed	July	1749		XIII.16101		Amended	Sep.	2299	
	CXXXI.910,913	Amended	Mar.	414		XIII.16501,16503,16505,16507,16509,16511		Repealed	Dec.	2984	
	CXXXI.1101,1103,1105,1107,1109,1301	Repromulgated	Apr.	1014		XIII.16513,16515,16517,16519,16521,16523		Repealed	Dec.	2984	
	CXXXI.1103,1105,1107,1109,1301,1303,1305	Repealed	Apr.	1014		XIII.16525,16527,16529,16531,16533,16535	Repealed	Dec.	2984		
	CXXXI.1205,1207,1209,1211,1213,1215,1219	Repealed	Apr.	1014		XIII.16537	Repealed	Dec.	2984		
	CXXXI.1305,1307,1309,1311,1313,1315	Amended	Mar.	414		XIII.18101,18103,18105,18107,18109,18111	Adopted	Apr.	1104		
	CXXXI.1307,1309,1311,1313,1315,1317,1321	Repromulgated	Apr.	1014		XIII.18113,18115,18117,18119	Adopted	Apr.	1104		
	CXXXI.1317,1321,1323,1325,1327,1329	Amended	Mar.	414		XIII.18301,18303,18305,18307,18309,18311	Adopted	June	1583		
	CXXXI.1323,1325,1327,1329,1331,1333,1335	Repromulgated	Apr.	1014		XIII.18313,18315,18317	Adopted	June	1583		
	CXXXI.1331,1333,1335,1337,1339,1341	Amended	Mar.	414		XIII.18501,18503,18505,18507,18509,18511	Adopted	Sep.	2299		
	CXXXI.1337,1339,1341,1343,1345,1347,1349	Repromulgated	Apr.	1014		XIII.18701,18703,18705,18707,18709,18711	Adopted	Dec.	2985		
	CXXXI.1343,1345,1347,1349,1351,1354	Amended	Mar.	414		XIII.18713,18715,18717,18719	Adopted	Dec.	2985		
	CXXXI.1351,1353,1355,1357,1359,1361,1363	Repromulgated	Apr.	1014		40	I.2301,2303,2307,2309,2313	Amended	Mar.	512	
CXXXI.1355,1357,1359,1361,1363,1365	Amended	Mar.	414	I.5537	Amended		Dec.	2995			
CXXXI.1360	Adopted	Aug.	2098	IV.379	Amended		Dec.	2995			
CXXXI.1365,1367,1369,1371,1501,1503,1505	Repromulgated	Apr.	1014	XXVII.101	Amended		Oct.	2548			
CXXXI.1367,1501,1503,1505,1507,1509	Amended	Mar.	414	42	III.102,104,105,107,120,2737		Amended	Jan.	045		
CXXXI.1507,1509,1511,1513,1515,1517,1519	Repromulgated	Apr.	1014		III.103,108		Amended	Sep.	2359		
CXXXI.1511,1513,1515,1517,1519,1521	Amended	Mar.	414		III.109		Adopted	Sep.	2359		
CXXXI.1521,1523,1525,1527,1529,1531,1533	Repromulgated	Apr.	1014		III.301,303,304		Amended	July	1857		
CXXXI.1523,1525,1527,1529,1531,1533	Amended	Mar.	414		VI.101,103,105,107,301,303,305,307,309,311		Adopted	Jan.	045		
CXXXI.1535,1537,1539,1541,1543,1545,1547	Repromulgated	Apr.	1014		VI.103,501,503,505,509,517,707		Amended	July	1857		
CXXXI.1535,1537,1539,1541,1543,1545	Amended	Mar.	414		VI.313,315,317,501,503,505,507,509,511,513	Adopted	Jan.	045			
CXXXI.1547,1701,1703,2101,2103,2105	Repromulgated	Apr.	1014		VI.515,517,519,521,523,525,527,529,701,703	Adopted	Jan.	045			
CXXXI.1701,1703,2101,2103,2105,2301,2303	Amended	Oct.	2557		VI.705,707,709,901,903,905,907,909,1101	Adopted	Jan.	045			
CXXXI.1703	Amended	Mar.	414		VI.1103,1115,1301,1303	Adopted	Jan.	045			
CXXXI.1901,1903,1905,1907,1909,1911	Adopted	July	1749	43	XVII.301,303,305,307,309,311,313,315,317	Amended	Sep.	2345			
CXXXI.1913,1915,1917,1919	Adopted	July	1749		XVII.319,321,323,325,327,329,331,333,337	Amended	Sep.	2345			
CXXXI.2301,2303,2305,2307,2309,2311	Amended	Mar.	414		XVII.335	Repromulgated	Sep.	2345			
CXXXI.2305,2307,2309,2311,2313,2315,2317	Repromulgated	Apr.	1014		XVII.3301,3303,3305,3307,3309,3311,3313	Amended	Sep.	2300			
CXXXI.2313,2315,2317,2319,2501,2503	Amended	Mar.	414		XVII.3315,3317,3319,3321,3323,3325,3327	Amended	Sep.	2300			
CXXXI.2319,2501,2503	Repromulgated	Apr.	1014		XVII.3329,3333,3335,3337	Amended	Sep.	2300			
CXXXIX.2715,2717,2719,4301,4303,4305	Adopted	Apr.	998		XVII.3701,3703,3705,3707,3709,3711,3713	Adopted	Sep.	2317			
CXXXIX.4003	Amended	May	1269		XVII.3715,3717,3719,3721,3723,3725,3727	Adopted	Sep.	2317			
CXXXIX.4307,4309,4311,4313,4315,4317	Adopted	Apr.	998		XVII.3729,3731,3733,3735,3737,3739	Adopted	Sep.	2317			
CXXXIX.4319,4321,4323	Adopted	Apr.	998		46	I.1525	Amended	Nov.	2734		
CXLVII.105,301,323	Amended	Mar.	413	III.1001,1101,1120,1123,1125,1127		Adopted	Mar.	490			
CXLVII.301	Amended	Apr.	1005	III.1102,1103,1109,1113,1117,1119		Amended	Mar.	490			
CXLVII.323,905	Amended	Jan.	028	III.1706,2501		Repealed	Mar.	490			
CLIII.101,303,1305	Amended	Jan.	029	VIII.305,401,402		Amended	Dec.	2950			
CLVII.303	Amended	Oct.	2549	VIII.803,807,1001		Amended	Dec.	2949			
CLXI.1723,1815	Amended	Jan.	030	XXXIII.120,306,419		Amended	Feb.	298			
CLXI.1903	Amended	Oct.	2549	XXXIII.322,1607		Amended	Sep.	2292			
CLXV.103,701,703,705,707,709,901,902,903	Amended	Apr.	1006	XXXIII.702		Adopted	Oct.	2566			
CLXV.103,310,509,515,519	Amended	Jan.	030	XL.113,115,121,123,139,305		Amended	Sep.	2288			
CLXV.509,515	Amended	May	1269	XLI.321	Adopted	Sep.	2291				
CLXV.902,903	Amended	Oct.	2549	XLVI.144	Adopted	Jan.	074				
CLXV.1101,1103,1105,1107,1109	Amended	Apr.	1006	LI.509	Adopted	Feb.	299				
CLXVII.303,313,314,512	Amended	May	1270	LIII.115	Adopted	July	1901				
CLXVII.309,311	Amended	Aug.	2094	LIII.521,709,907,1103,2701,2705	Amended	Mar.	494				
CLXVII.310	Adopted	Aug.	2094	LIII.711,913	Adopted	Mar.	494				
CLXVII.503,509	Amended	Apr.	1010	LIII.1107	Amended	Aug.	2105				
CLXVII.903	Amended	Nov.	2730	LIII.2440,2443,2453,2457	Amended	July	1902				
CLXVII.1101	Adopted	Aug.	2091	LIII.2447,2449,2451,2457	Amended	Aug.	2102				
CLXXII.101,103,104,105,107,109,111	Repealed	July	1748	LIII.3001	Repealed	Aug.	2104				
32	I.1509	Repealed	Dec.	2948	LIII.3005	Amended	Aug.	2104			
	33	1.803,805,807	Amended	July	1790	LV.1001,1002	Amended	June	1597		
		I.4707	Amended	June	1499	LXI.903,909,1107,2101,2103,2305,2503,3105	Amended	Sep.	2362		
		III.223	Amended	June	1499	LXI.3109,3121	Amended	Sep.	2362		
		III.505,507,2160,3003,5116,5122,5311,5901	Amended	Mar.	487	LXVII.31101	Amended	Nov.	2769		
		V.10105	Amended	Oct.	2577	LXXV.101,105,107,109,111,113,115,117,119	Amended	Nov.	2735		
		VII.1501,1503,1505,10535	Amended	June	1499						
		XV.602,603,604,605,606,607,610,699	Amended	Dec.	2928						
		XV.611	Adopted	Dec.	2928						
		XV.1403,1404,1407,1408,1409,1411,1412	Amended	July	1805						

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46	LXXV.103,105,107,109,111,113,117,119,121	Repromulgated	Dec.	2951	50	XXI.13935,13937,14101,14202,14301	Amended	June	1545	
	LXXV.121,123,125,127,129,131,133,135,137	Amended	Nov.	2735		XXI.13939,13941	Adopted	June	1545	
	LXXV.123,125,127,129,131,133,135,137,139	Repromulgated	Dec.	2951		XXI.14301	Amended	Jan.	041	
	LXXV.139,141,301,501,503,505,507,512,701	Amended	Nov.	2735		XXI.16101,16103,16104	Amended	June	1558	
	LXXV.141,301,501,503,505,507,512,701	Repromulgated	Dec.	2951		XXI.16105	Repromulgated	June	1558	
	LXXXV.303,803	Amended	Oct.	2547		XXI.16106,16109,16301,16303,16305,16307	Amended	June	1558	
						XXI.16309,16311,16313,16317,16319,16321	Amended	June	1558	
						XXI.16323,16325,16327,16329,16333,16335	Amended	June	1558	
						XXI.16337,16339,16341,16343,16345,16501	Amended	June	1558	
						XXI.16701,16703,16901	Amended	June	1558	
48	I.4273	Amended	Aug.	2105	51	XXI.16903	Amended	Jan.	042	
	I.4401,4431	Amended	June	1540		XXI.30101,30103,30105,30107,30109,30301	Repealed	Apr.	1098	
	I.4541	Amended	Aug.	2106		XXI.30303,30501,30503,30701,30703,30705	Repealed	Apr.	1098	
	I.5025,5213,5233,5265,5281	Amended	Dec.	2973		XXI.30707,30901,30903,30905,30907	Repealed	Apr.	1098	
	I.5303,5309,5397	Amended	Feb.	301		XXIX.107	Amended	June	1582	
	I.5415	Adopted	Feb.	301		XXIX.111,119	Amended	Dec.	2975	
	I.5601,5603,5605,5606,5607,5615,5643,5645	Amended	May	1276		XXXIII.6307	Amended	Apr.	1098	
	I.5603,5605,5606,5641,5643,5689	Amended	Nov.	2755						
	I.5669,5673,5677,5691,5695,5697,5698,5699	Amended	May	1276		II.701	Amended	Sep.	2295	
	I.5670,5684,5692,5712	Adopted	May	1276		IX.101,103,105,107,109,111,113,115,123,125	Repealed	Aug.	2132	
	I.5701,5703,5705,5707,5709,5711,5723,5725	Amended	May	1276		IX.101,105,107,109,111,113,115,123,125,127	Amended	July	1844	
	I.5727,5729	Amended	May	1276		IX.127,129,131,133,135,139,141,143,145,147	Repealed	Aug.	2132	
	I.5733	Adopted	Nov.	2755		IX.129,131,133,135,139,141,143,145,147,149	Amended	July	1844	
	I.6701,6703,6705,6707,6709,6711,6713,6715	Adopted	Aug.	2106		IX.149,303,311,313,317,323,329,330,331,333	Repealed	Aug.	2132	
	I.6717,6719,6721,6723,6725,6727,6729,6735	Adopted	Aug.	2106		IX.303,311	Repromulgated	July	1844	
	I.6737,6743,6745,6747,6749,6751,6757,6759	Adopted	Aug.	2106		IX.313,317,323,329,331,333,337,343	Amended	July	1844	
	I.6761,6767,6769,6771,6773,6774,6775,6779	Adopted	Aug.	2106		IX.337,339	Repealed	Aug.	2132	
	I.6781,6783,6785,6787,6789,6793,6795	Adopted	Aug.	2106		IX.339	Repealed	July	1844	
	I.6882	Amended	Mar.	497		IX.343,501,503,505,507,509	Repromulgated	Aug.	2132	
	I.9101,9103,9105,9107,9109,9111,9113,9115	Amended	July	1826		IX.501,503,505,507,509	Adopted	July	1844	
	I.9101	Repromulgated	Oct.	2567		XXIX.101,301,501,503,505,701,703,705,707	Adopted	Dec.	2976	
	I.9102,9110,9116,9118,9120	Adopted	July	1826		XXIX.709,711,713,715,901,903,905,907	Adopted	Dec.	2976	
	I.9117,9119,9121,9123,9125,9127,9129,9131	Amended	July	1826						
	I.9336	Adopted	June	1580		I.1309	Amended	Nov.	2729	
	I.9391	Amended	June	1580		I.1703	Amended	July	1904	
	I.9505,9511,9513,9515	Amended	Oct.	2568						
	I.9517,9519,9521,9523	Adopted	Oct.	2568		III.108	Amended	Mar.	503	
	I.9573	Adopted	Mar.	498		VII.335	Amended	Aug.	2159	
	I.9767	Amended	May	1289		VII.807	Amended	Jan.	073	
	I.12529	Amended	Feb.	302						
V.6303	Amended	Mar.	501							
49	I.501	Repromulgated	June	1583	56	I.117,119	Amended	Jan.	044	
	I.501,517,519,523,525,527,531,533	Amended	May	1290		I.303,503	Amended	June	1588	
	I.501,517,519,535,537	Amended	Dec.	2981		V.707,1107	Amended	June	1502	
	I.529	Adopted	May	1290		V.1301,1303,1305	Adopted	June	1502	
	I.531,533	Adopted	Dec.	2981						
50	I.305	Amended	Sep.	2293	58	XVIII.1701	Adopted	Aug.	2190	
	I.501,503	Amended	July	1825		XXV.101,105,108,201,203,205,207,210,215	Adopted	Sep.	2366	
	I.505	Adopted	July	1825		XXV.220,301,401,501,503,505,601,605,701	Adopted	Sep.	2366	
	II.10154,10156	Amended	Aug.	2130		XXV.705,710,801,901,1001,1003,1005,1101	Adopted	Sep.	2366	
	II.20003	Amended	Feb.	303		XXV.1201,1301,1401,1403,1501	Adopted	Sep.	2366	
	III.2315,2327	Amended	Mar.	499						
	III.2330	Adopted	Mar.	499		I.103	Amended	Aug.	2160	
	V.1901,1903	Adopted	Nov.	2758		I.601,1307	Repealed	Nov.	2765	
	V.5301,5501,5701,5901,6101,6915,7115	Adopted	July	1842		I.1001	Amended	Dec.	2991	
	V.5313,5513,5713,6115	Amended	July	1842		I.1122	Amended	Dec.	2987	
	V.7301,7303	Adopted	Nov.	2759		I.1124,1125	Repealed	Dec.	2987	
	VII.32901	Amended	June	1581		I.1304,1305,1520	Amended	Mar.	507	
	VII.32904	Amended	Aug.	2129		I.1310,1501	Amended	Aug.	2161	
	VII.32915	Amended	Sep.	2294		I.1515	Amended	May	1294	
	VII.32917	Amended	Dec.	2972		I.1520	Amended	Nov.	2765	
	IX.15113	Amended	Apr.	1100		I.1525	Amended	Mar.	503	
	XII.101,151,169,177,319,335,1905	Amended	Apr.	1101		I.1921	Adopted	Mar.	504	
	XII.401,403,405,407,409,411	Adopted	Apr.	1101		I.1925,1927,1929	Adopted	Dec.	2988	
	XIII.104	Adopted	Sep.	2293		I.4427	Adopted	Mar.	506	
	XIII.10301	Amended	Sep.	2293		I.5103	Adopted	Nov.	2765	
	XV.301	Amended	Nov.	2755		I.6101,6103,6105,6107,6109,6119	Amended	July	1914	
	XV.3503,4309	Amended	Sep.	2294		I.6101,6103,6105,6107,6109,6119	Amended	June	1494	
	XV.7107	Amended	Dec.	2971		I.6111,6115,6117,6121	Repealed	July	1914	
	XV.10701	Amended	Dec.	2976		I.6111,6115,6117,6121	Repealed	June	1494	
	XV.14101,14103,14105,14107,14109,14113	Repealed	Aug.	2131		I.6763,6765,6767,6768	Amended	Mar.	406	
	XV.14115,14117	Repealed	Aug.	2131		I.6991,6992,6993,6994,6997	Amended	Mar.	407	
	XV.16303	Amended	Mar.	499		I.6995,6996,6998	Repealed	Mar.	407	
	XV.28101	Amended	Dec.	2975		III.1507,2505	Amended	Apr.	1106	
	XXI.5301	Amended	June	1574		III.1527	Amended	Mar.	507	
	XXI.5303	Adopted	June	1574		III.1533,1534	Amended	Nov.	2764	
	XXI.5501,5503,5505,5701,5703,5705,5707	Amended	June	1574		III.2905	Adopted	Sep.	2360	
	XXI.5709,5713,5715,5717,5719,5721,5901	Amended	June	1574		V.100,111,113,117,118,121,123,203,213,301	Amended	June	1516	
	XXI.5903,6101	Amended	June	1574		V.303,304,307,703,903,907,1103,1307,1503	Amended	June	1516	
	XXI.6101	Amended	Jan.	043		V.2501,2503,3101, 3103,3105,3106,3107,3501	Amended	June	1516	
	XXI.11105,11301,11303,11501,11529,12101	Amended	June	1543		V.3102	Adopted	June	1516	
	XXI.12101	Amended	Jan.	040						
	XXI.12301	Amended	June	1543						
	XXI.13701,13702,13703,13704,13705,13706	Amended	June	1545		67	III.1953,1987, 5571	Amended	June	1459
	XXI.13707,13901,13902,13903,13905,13907	Amended	June	1545		VII.101,103,107,109,110,115,117,207,213	Amended	Feb.	304	
	XXI.13909,13911,13913,13915,13917,13919	Amended	June	1545		VII.109	Repromulgated	Mar.	518	
	XXI.13921,13923,13925,13927,13929,13931	Amended	June	1545		VII.219,223,505,507,1501,1503,1505,1713	Amended	Feb.	304	
						VII.1717,1723,1735,2105,2115	Amended	Feb.	304	

LAC Title	Part #.Section #	Action	Location:		LAC Title	Part #.Section #	Action	Location:	
			Month	Page #				Month	Page #
70	II.1509	Amended	Aug.	2189	76	VII.197	Amended	Nov.	2766
	IX.1509,1513,1521	Amended	Aug.	2187		VII.307	Amended	June	1588
76	I.312	Amended	Apr.	1107	VII.351,353	Amended	July	1862	
	III.111,113	Adopted	June	1589	VII.355	Amended	Dec.	2993	
	III.331,335,337,339	Amended	June	1589	VII.357	Amended	Dec.	2994	
	V.137	Adopted	Aug.	2190	VII.367	Amended	Nov.	2767	
	V.701	Amended	Mar.	508	VII.377	Amended	May	1295	
	V.701	Amended	Dec.	2991	VII.900,901,903,911,913,915,919	Amended	Mar.	509	
	VII.114	Adopted	Sep.	2372	VII.900,913	Amended	Oct.	2607	
	VII.116	Amended	Oct.	2610	VII.921	Adopted	Oct.	2607	
	VII.134	Repealed	Oct.	2610	XIX.101,103,111,113,115,117	Amended	July	1863	
					XIX.111	Amended	Mar.	511	

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Department of Children and Family Services

Temporary Assistance for Needy Families (TANF) Caseload Reduction

The Department of Children and Family Services, hereby gives notice that, in accordance with federal regulations at 45 CFR 261.40, the Temporary Assistance for Needy Families (TANF) Caseload Reduction Report for Louisiana is now available to the public for review and comment.

In order to receive a caseload reduction credit for minimum participation rates, the agency must submit a report based on data from the Family Independence Temporary Assistance Program (FITAP) and the Strategies to Empower People Program (STEP) containing the following information:

1. a listing of, and implementation dates for, all State and Federal eligibility changes, as defined at §261.42, made by the State after FY 2005;
2. a numerical estimate of the positive or negative impact on the applicable caseload of each eligibility change (based, as appropriate, on application denials, case closures, or other analyses);
3. an overall estimate of the total net positive or negative impact on the applicable caseload as a result of all such eligibility changes;
4. an estimate of the State's caseload reduction credit;
5. a description of the methodology and the supporting data that it used to calculate its caseload reduction estimates;
6. a certification that it has provided the public an appropriate opportunity to comment on the estimates and methodology, considered their comments, and incorporated all net reductions resulting from Federal and State eligibility changes; and
7. a summary of all public comments.

Copies of the TANF Caseload Reduction Report may be obtained by writing Brandy Bonney, Department of Children and Family Services, P.O. Box 94065, Baton Rouge, Louisiana 70804-9065, by telephone at (225) 342-4096, or via e-mail at brandy.bonney.dcf@la.gov.

Written comments regarding the report should also be directed to Ms. Bonney. These must be received by close of business on February 19, 2023.

Terri Ricks
Secretary

2301#022

POTPOURRI

Office of the Governor Coastal Protection and Restoration Authority

2023 Draft Coastal Master Plan and Fiscal Year 2024 Draft Annual Plan—Public Hearings

The Louisiana Coastal Protection and Restoration Authority (CPRA) will hold the following public hearings to receive public comments on Louisiana's "2023 Draft Coastal Master Plan" and Louisiana's "Fiscal Year 2024 Draft Annual Plan".

Tuesday, Jan. 31	3:30 PM – 7:30 PM	East Baton Rouge Parish Library 9200 Bluebonnet Blvd Baton Rouge, LA 70810
Thursday, Feb. 2	3:30 PM – 7:30 PM	Houma Municipal Auditorium 880 Verret St. Houma, LA 70360
Tuesday, Feb. 7	3:30 PM – 7:30 PM	University of New Orleans 2000 Lakeshore Dr. New Orleans, LA 70148
Thurs, Feb. 16	3:30 PM – 7:30 PM	Burton Coliseum Complex 7001 Gulf Hwy. Lake Charles, LA 70607

CPRA will receive written comments and recommendations on the 2023 Draft Coastal Master Plan and the Fiscal Year 2024 Draft Annual Plan until March 25, 2023. Written comments should be mailed (to arrive no later than March 25, 2023) to the following address:

Coastal Protection and Restoration Authority
Public Comments
150 Terrace Avenue
Baton Rouge, LA 70802

If, because of a disability, you require special assistance to participate, please contact the CPRA Administrative Assistant at 150 Terrace Avenue, Baton Rouge, LA 70802 or by telephone at (225) 342-7308 at least five working days prior to the hearing.

Interpretation and translation services can also be provided upon request by contacting coastal@la.gov.

Please visit coastal.la.gov/calendar/ for more detailed information and copies of the 2023 Draft Coastal Master Plan and the Fiscal Year 2024 Draft Annual Plan which will be posted prior to the public hearings.

For questions regarding the hearings, please contact Marina Gelpi Clay at Marina.Clay@la.gov or (225) 342-0168.

Bren Haase
Executive Director

2301#045

POTPOURRI

**Department of Health
Bureau of Health Services Financing
and
Office of Aging and Adult Services**

Public Hearing—Substantive Changes to Proposed Rule
Home and Community-Based Services Waivers
Adult Day Health Care Waiver
Direct Support Worker Wages and Bonus Payments
(LAC 50:XXI.2901)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services published a Notice of Intent in the September 20, 2022 edition of the *Louisiana Register* (LR 48:2416-2418) to adopt LAC 50:XXI.Chapter 29 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Notice of Intent proposed to continue the provisions of the July 31, 2022 Emergency Rule which adopted provisions governing reimbursement in the Adult Day Health Care (ADHC) Waiver in order to establish a direct wage floor and workforce bonus payments for direct support workers at ADHC centers along with audit procedures and sanctions. Upon further discussion with various stakeholders, the department has determined that revisions are necessary to the provisions governing the bonus payments approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) under section 9817 of the American Rescue Plan Act of 2021.

Taken together, all of these revisions will closely align the proposed Rule with the department’s original intent and the concerns brought forth during subsequent discussions with stakeholders relative to the Notice of Intent as originally published.

**Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community-Based Services
Waivers
Subpart 3. Adult Day Health Care Waiver
Chapter 29. Reimbursement
§2901. Adult Day Health Care (ADHC) Direct Support
Worker Wages, Other Benefits, and Workforce
Bonus Payments**

- A. - A.5. ...
- B. Establishment of Direct Support Worker Workforce Bonus Payments
 - 1. ADHC providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each ADHC direct support worker that worked with participants for those months.

2. The ADHC direct support worker who provided services from April 1, 2021 to October 31, 2022 to participants must receive at least \$250 of this \$300 monthly bonus payment paid to the provider. This bonus payment is effective for all affected ADHC direct support workers of any working status, whether full-time or part-time.

3. - 4. Repealed.

C. Audit Procedures for ADHC Direct Support Worker Wage Floor, Other Benefits, and Workforce Bonus Payments

1. - 5.b ...

D. Sanctions for ADHC Direct Support Worker Wage Floor, Other Benefits and Workforce Bonus Payments

1. ...

a. failure to pass 70 percent of the ADHC provider rate increases directly to the ADHC direct support workers in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments;

b. the number of employees identified that the ADHC provider has not passed 70 percent of the ADHC provider rate increases directly to the ADHC direct support workers in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments;

c. the persistent failure to not pass 70 percent of the ADHC provider rate increases directly to the ADHC direct support workers in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments; or

d. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 49:

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

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding these substantive changes to the proposed Rule. A public hearing on the substantive changes to the proposed Rule is scheduled for Tuesday, February 28, 2023 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. 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 receipt of all written comments is 4:30 p.m., March 1, 2023.

Dr. Courtney N. Phillips
Secretary

2301#058

POTPOURRI

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

Public Hearing—Substantive Changes to Proposed Rule
Home and Community-Based Services Waivers
Children’s Choice Waiver
Direct Service Worker Wages and Bonus Payments
(LAC 50:XXI.12101)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities published a Notice of Intent in the September 20, 2022 edition of the *Louisiana Register* (LR 48:2418-2421) to amend LAC 50:XXI.12101 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Notice of Intent proposed to continue the provisions of the July 31, 2022 Emergency Rule which amended the provisions governing reimbursement in the Children’s Choice Waiver in order to establish workforce bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions. Upon further discussion with various stakeholders, the department has determined that revisions are necessary to the provisions governing the bonus payments approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) under section 9817 of the American Rescue Plan Act of 2021.

Taken together, all of these revisions will closely align the proposed Rule with the department’s original intent and the concerns brought forth during subsequent discussions with stakeholders relative to the Notice of Intent as originally published.

**Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community-Based Services
Waivers
Subpart 9. Children’s Choice Waiver
Chapter 121. Reimbursement Methodology
§12101. Unit of Reimbursement**

A. ...

1. Establishment of Support Coordination Workforce Bonus Payments

a. Support coordination providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each support coordination worker that worked with participants for those months.

b. The support coordination worker who provided services to participants from April 1, 2021 to October 31, 2022 must receive at least \$250 of this \$300 bonus payment paid to the provider. This bonus payment is effective for all affected support coordination workers of any working status, whether full-time or part-time.

c. - d. Repealed

2. Audit Procedures for Support Coordination Workforce Bonus Payments

a. - e.ii. ...

3. Sanctions for Support Coordination Workforce Bonus Payments

a. The support coordination provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

i. failure to pay support coordination workers the \$250 monthly bonus payments;

ii. the number of employees identified as having been paid less than the \$250 monthly workforce bonus payments;

iii. the persistent failure to pay the \$250 monthly bonus payments; or

A.3.a.iv. - B.3. ...

4. Direct Service Worker Wages and Workforce Bonus Payments

a. - a.ii. ...

iii. LDH established a mandatory hourly wage enhancement for all DSW’s employed in I-DD HCBS Services. The wage enhancement shall be a direct wage increase of 70 percent of the \$2.50 rate increase, equal to \$1.75 per hour.

iv. ...

v. The wage being received by DSW’s who were working for an agency prior to October 1, 2021 and are still employed by the agency shall amount to a total of \$1.75 more per hour than they were receiving prior to October 1, 2021. In cases where this is applicable, the rate increase is not retroactive to October 1, 2021. If the current wage paid to DSWs who were working for an agency prior to October 1, 2021 and are still employed by that agency totals at least \$1.75 more per hour than the wage paid to the DSWs prior to October 1, 2021, no change to the DSW’s wage is necessary to comply with the mandatory hourly wage enhancement.

vi. The Department of Health reserves the right to adjust the direct support worker wage floor as needed through appropriate rulemaking promulgation consistent with the Louisiana Administrative Procedure Act.

b. Establishment of Direct Service Worker Workforce Bonus Payments.

i. Providers providing services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each direct service worker that worked with participants for that month.

ii. The direct service worker providing services from April 1, 2021 to October 31, 2022 that worked with participants must receive at least \$250 of this \$300 bonus payment paid to providers. This bonus payment is effective for all affected direct service workers of any working status, whether full-time or part-time.

iii. Bonus payments will end October 31, 2022.

iv. ...

v. - v.(b). Repealed.

c. Audit Procedures for Direct Service Worker Wage Floor and Workforce Bonus Payments

- i. ...
- (a). - (d). Repealed.
- ii. - v.(b). ...

d. Sanctions for Direct Service Worker Wage Floor and Workforce Bonus Payments

i. The provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

- (a). failure to pay I/DD HCBS direct service workers the floor minimum of \$9 per hour and/or the \$250 monthly bonus payments;
- (b). the number of employees identified as having been paid less than the floor minimum of \$9 per hour and/or the \$250 monthly bonus;
- (c). the persistent failure to pay the floor minimum go \$9 per hour and/or the \$250 monthly bonus payments; or
- (d). ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1987 (September 2002), LR 33:1872 (September 2007), amended by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 34:250 (February 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 36:324 (February 2010), LR 36:2280 (October 2010), LR 37:2157 (July 2011), LR 39:2504 (September 2013), LR 40:68 (January 2014), LR 41:128 (January 2015), LR 42:896 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:40 (January 2022), LR 48:1544 (June 2022), LR 49:

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

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding these substantive changes to the proposed Rule. A public hearing on the substantive changes to the proposed Rule is scheduled for Tuesday, February 28, 2023 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. 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 receipt of all written comments is 4:30 p.m., March 1, 2023.

Dr. Courtney N. Phillips
Secretary

2301#059

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**Department of Health
Bureau of Health Services Financing
and
Office of Aging and Adult Services**

**Public Hearing—Substantive Changes to Proposed Rule
Home and Community-Based Services Waivers
Community Choices Waiver
Direct Support/Service Worker Wages and
Bonus Payments
(LAC 50:XXI.Chapter 95)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services published a Notice of Intent in the September 20, 2022 edition of the *Louisiana Register* (LR 48:2421-2423) to adopt LAC 50:XXI.Chapter 95 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Notice of Intent proposed to continue the provisions of the July 31, 2022 Emergency Rule which adopted the provisions governing reimbursement in the Community Choices Waiver in order to establish workforce bonus payments for direct support/service workers and personal assistance service providers along with audit procedures and sanctions. Upon further discussion with various stakeholders, the department has determined that revisions are necessary to the provisions governing the bonus payments approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) under section 9817 of the American Rescue Plan Act of 2021.

Taken together, all of these revisions will closely align the proposed Rule with the department’s original intent and the concerns brought forth during subsequent discussions with stakeholders relative to the Notice of Intent as originally published.

**Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community-Based Services
Waivers
Subpart 7. Community Choices Waiver
Chapter 95. Reimbursement
§9503. Direct Support/Service Worker Wages, Other
Benefits, and Workforce Bonus Payments**

- A. - A.6. ...
- B. Establishment of Direct Support/Service Worker Workforce Bonus Payments
 - 1. PAS and ADHC providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each direct support/service worker that worked with participants for those months.
 - 2. The PAS and ADHC direct support/service worker who provided services from April 1, 2021 to October 31, 2022 to participants must receive at least \$250 of this \$300 monthly bonus payment paid to the provider. This bonus

payment is effective for all affected direct support/service workers of any working status, whether full-time or part-time.

3. - 4. Repealed

C. Audit Procedures for Direct Support/Service Worker Wage Floor, Other Benefits, and Workforce Bonus Payments

1. - 5.b....

D. Sanctions for Direct Support/Service Worker Wages, Other Benefits, and Workforce Payments

1. Providers will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend on the following factors:

a. failure to pass 70 percent of the PAS and ADHC provider rate increases directly to the direct support/service workers in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments;

b. the number of employees identified that the PAS and ADHC provider has not passed 70 percent of the provider rate increases directly to the direct support/service workers in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments;

c. the persistent failure to not pass 70 percent of the PAS and ADHC provider rate increases directly to the direct support/service workers in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments; or

d. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 49:

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

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding these substantive changes to the proposed Rule. A public hearing on the substantive changes to the proposed Rule is scheduled for Tuesday, February 28, 2023 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. 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 receipt of all written comments is 4:30 p.m., March 1, 2023.

Dr. Courtney N. Phillips
Secretary

2301#060

POTPOURRI

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

Public Hearing-Substantive Changes to Proposed Rule
Home and Community-Based Services Waivers
New Opportunities Waiver
Direct Service Worker Wages and Bonus Payments
(LAC 50:XXI.14301)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities published a Notice of Intent in the September 20, 2022 edition of the *Louisiana Register* (LR 48:2423-2425) to amend LAC 50:XXI.14301 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Notice of Intent proposed to continue the provisions of the July 31, 2022 Emergency Rule which amended the provisions governing reimbursement in the New Opportunities Waiver in order to establish workforce bonus payments for direct service workers along with audit procedures and sanctions. Upon further discussion with various stakeholders, the department has determined that revisions are necessary to the provisions governing the bonus payments approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) under section 9817 of the American Rescue Plan Act of 2021.

Taken together, all of these revisions will closely align the proposed Rule with the department's original intent and the concerns brought forth during subsequent discussions with stakeholders relative to the Notice of Intent as originally published.

**Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community-Based Services
Waivers
Subpart 11. New Opportunities Waiver
Chapter 143. Reimbursement
§14301. Unit of Reimbursement**

A. - E. ...

F. Direct Service Worker Wages and Bonus Payments

1. - 1.b....

c. LDH established a mandatory hourly wage enhancement for all DSW's employed in I-DD HCBS Services. The wage enhancement shall be a direct wage increase of 70 percent of the \$2.50 rate increase equal to \$1.75 per hour.

d. ...

e. The wage being received by DSWs who were working for an agency prior to October 1, 2021 and are still employed by that agency shall amount to a total of \$1.75

more per hour than they were receiving prior to October 1, 2021. In cases where this is applicable, the rate increase is not retroactive to October 1, 2021. If the current wage paid to DSWs who were working for an agency prior to October 1, 2021 and are still employed by that agency totals at least \$1.75 more per hour than the wage paid to the DSWs prior to October 1, 2021, no change to the DSW's wage is necessary to comply with the mandatory hourly wage enhancement.

f. The Department of Health reserves the right to adjust the direct service worker wage floor as needed through appropriate rulemaking promulgation consistent with the Louisiana Administrative Procedure Act.

2. Establishment of Direct Service Worker Workforce Bonus Payments

a. Providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each direct service worker that worked with participants for those months.

b. The direct service worker who provided services to participants from April 1, 2021 to October 31, 2022 must receive at least \$250 of this \$300 bonus payment paid to the provider. This bonus payment is effective for all affected direct service workers of any working status, whether full-time or part-time.

c. Bonus payments will end October 31, 2022.

d. ...

e. - e.ii. Repealed.

3. Audit Procedures for Direct Service Worker Wage Floor and Workforce Bonus Payments

a. ...

i. - iv. Repealed.

b. - e.ii. ...

4. Sanctions for Direct Service Worker Wage Floor and Workforce Bonus Payments

a. The provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

i. failure to pay I/DD HCBS direct service workers the floor minimum of \$9 per hour and/or the \$250 monthly bonus payments;

ii. the number of employees identified as having been paid less than the floor minimum of \$9 per hour and/or the \$250 monthly bonus payments;

iii. the persistent failure to pay the floor minimum of \$9 per hour and/or the \$250 monthly bonus payments; or

F.4.a.iv. - G. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 30:1209 (June 2004), amended by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 34:252 (February 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 35:1851 (September 2009), LR 36:1247 (June 2010), LR 37:2158 (July 2011), LR 39:1049 (April 2013), LR 40:80 (January 2014), LR 42:898 (June 2016), amended by the Department of Health, Bureau of Health Services

Financing and the Office for Citizens with Developmental Disabilities, LR 44:58 (January 2018), LR 45:44 (January 2019), LR 46:1682 (December 2020), LR 48:41 (January 2022), LR 48:1558 (June 2022), LR 49:

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding these substantive changes to the proposed Rule. A public hearing on the substantive changes to the proposed Rule is scheduled for Tuesday, February 28, 2023 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. 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 receipt of all written comments is 4:30 p.m., March 1, 2023.

Dr. Courtney N. Phillips
Secretary

2301#061

POTPOURRI

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

Office for Citizens with Developmental Disabilities

Public Hearing-Substantive Changes To Proposed Rule
Home and Community-Based Services Waivers
Residential Options Waiver
Direct Service Worker Wages and Bonus Payments
(LAC 50:XXI.16903 and 16905)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities published a Notice of Intent in the September 20, 2022 edition of the *Louisiana Register* (LR 48:2425-2428) to amend LAC 50:XXI.16903 and adopt §16905 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Notice of Intent proposed to continue the provisions of the July 31, 2022 Emergency Rule which amended the provisions governing reimbursement in the Residential Options Waiver in order to establish workforce bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions. Upon further discussion with various stakeholders, the department has determined that revisions are necessary to the provisions governing the bonus payments approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) under section 9817 of the American Rescue Plan Act of 2021.

Taken together, all of these revisions will closely align the proposed Rule with the department's original intent and the concerns brought forth during subsequent discussions with stakeholders relative to the Notice of Intent as originally published.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community-Based Services
Waivers

Subpart 13. Residential Options Waiver
Chapter 169. Reimbursement
§16903. Direct Service Worker Wages and Bonus Payments

A. - A.2. ...

3. LDH established a mandatory hourly wage enhancement for all DSW's employed in I-DD HCBS services. The wage enhancement shall be a direct wage increase of 70 percent of the \$2.50 rate increase equal to \$1.75 per hour.

4. ...

5. The wage being received by DSWs who were working for an agency prior to October 1, 2021 and are still employed by that agency shall amount to a total of \$1.75 more per hour than they were receiving prior to October 1, 2021. In cases where this is applicable, the rate increase is not retroactive to October 1, 2021. If the current wage paid to DSWs who were working for an agency prior to October 1, 2021 and are still employed by that agency totals at least \$1.75 more per hour than the wage paid to the DSWs prior to October 1, 2021, no change to the DSW's wage is necessary to comply with the mandatory hourly wage enhancement.

6. The Department of Health reserves the right to adjust the direct service worker wage floor as needed through appropriate rulemaking promulgation consistent with the Louisiana Administrative Procedure Act.

B. Establishment of Direct Service Worker Workforce Bonus Payments

1. Providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each direct service worker that worked with participants for those months.

2. The direct service worker who provided services to participants from April 1, 2021 to October 31, 2022 must receive at least \$250 of this \$300 bonus payment paid to the provider. This bonus payment is effective for all affected direct service workers of any working status, whether full-time or part-time.

3. Bonus payments will end October 31, 2022.

4. ...

5 - 5.b. Repealed.

C. Audit Procedures for Direct Service Worker Wage Floor and Workforce Bonus Payments

1. ...

a. - d. Repealed.

2. - 5.b....

D. Sanctions for Direct Service Worker Wage Floor and Workforce Bonus Payments

1. ...

a. failure to pay I/DD HCBS direct service workers the floor minimum of \$9 per hour and/or the \$250 monthly bonus payments;

b. the number of employees identified as having been paid less than the floor minimum of \$9 per hour and/or the \$250 monthly bonus payments;

c. the persistent failure to pay the floor minimum of \$9 per hour and/or the \$250 monthly bonus payments; or

d. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2456 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2169 (October 2015), LR 42:900 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:42 (January 2022), LR 49:

§16905. Support Coordination

A. Establishment of Support Coordination Workforce Bonus Payments

1. Support coordination providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for those months.

2. The support coordination worker who provided services to participants from April 1, 2021 to October 31, 2022 must receive at least \$250 of this \$300 bonus payment paid to the provider. This bonus payment is effective for all affected support coordination workers of any working status, whether full-time or part-time.

3. - 4. Repealed.

B. Audit Procedures for Support Coordination Workforce Bonus Payments

1. - 5.b....

C. Sanctions for Support Coordination Workforce Bonus Payments

1. The support coordination provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

a. failure to pay support coordination workers the \$250 monthly bonus payments;

b. the number of employees identified as having been paid less than the \$250 monthly bonus payments;

c. the persistent failure to pay the \$250 monthly bonus payments; or

d. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 49:

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding these substantive changes to the proposed Rule. A public hearing on the substantive changes to the proposed Rule is scheduled for Tuesday, February 28, 2023 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. 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 receipt of all written comments is 4:30 p.m., March 1, 2023.

Dr. Courtney N. Phillips
Secretary

2301#062

POTPOURRI
Department of Health
Bureau of Health Services Financing
and
Office of Aging and Adult Services

Public Hearing—Substantive Changes to Proposed Rule
Home and Community-Based Services Waivers
Support Coordination Workforce Bonus Payments
(LAC 50:XXI.553)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services published a Notice of Intent in the September 20, 2022 edition of the *Louisiana Register* (LR 48:2428-2430) to adopt LAC 50:XXI.553 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Notice of Intent proposed to continue the provisions of the July 31, 2022 Emergency Rule which adopted provisions in order to establish workforce bonus payments for support coordination agencies along with audit procedures and sanctions. Upon further discussion with various stakeholders, the department has determined that revisions are necessary to the provisions governing the bonus payments approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) under section 9817 of the American Rescue Plan Act of 2021.

Taken together, all of these revisions will closely align the proposed Rule with the department's original intent and the concerns brought forth during subsequent discussions with stakeholders relative to the Notice of Intent as originally published.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community-Based Services
Waivers
Subpart 1. General Provisions
Chapter 5. Support Coordination Standards for
Participation for Office of Aging and
Adult Services Waiver Programs
Subchapter C. Provider Responsibilities
§553. Workforce Bonus Payments

A. Establishment of Support Coordination Workforce Bonus Payments

1. Support coordination agencies (SCAs) who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each SCA staff member that worked directly with participants for those months.

2. The SCA staff member who worked directly with participants from April 1, 2021 to October 31, 2022 must receive at least \$250 of this \$300 bonus payment paid to the agency. This bonus payment is effective for all affected SCA staff members of any working status, whether full-time or part-time.

3. - 4. Repealed.

B. Audit Procedures for Support Coordination Workforce Bonus Payments

1. - 5.b. ...

C. Sanctions for Support Coordination Workforce Bonus Payments

1. The support coordination agencies will be subject to sanctions or penalties for failure to comply with this Rule. The severity of such action shall depend upon the following:

a. failure to pay SCA staff members the \$250 monthly bonus payments;

b. the number of employees identified as having been paid less than the \$250 monthly bonus payments; or

c. the persistent failure to pay the \$250 monthly bonus payments; or

d. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 49:

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding these substantive changes to the proposed Rule. A public hearing on the substantive changes to the proposed Rule is scheduled for Tuesday, February 28, 2023 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. 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 receipt of all written comments is 4:30 p.m., March 1, 2023.

Dr. Courtney N. Phillips
Secretary

2301#063

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

Public Hearing—Substantive Changes to Proposed Rule
Home and Community-Based Services Waivers
Supports Waiver
Direct Service Worker Wages and Bonus Payments
(LAC 50:XXI.6101)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities published a Notice of Intent in the September 20, 2022 edition of the *Louisiana Register* (LR 48:2430-2432) to amend LAC 50:XXI.6101 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Notice of Intent proposed to continue the provisions of the July 31, 2022 Emergency Rule which amended the provisions governing reimbursement in the Supports Waiver in order to establish workforce bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions. Upon further discussion with various stakeholders, the department has determined that revisions

are necessary to the provisions governing the bonus payments approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) under section 9817 of the American Rescue Plan Act of 2021.

Taken together, all of these revisions will closely align the proposed Rule with the department's original intent and the concerns brought forth during subsequent discussions with stakeholders relative to the Notice of Intent as originally published.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXI. Home and Community-Based Services

Waivers

Subpart 5. Supports Waiver

Chapter 61. Reimbursement

§6101. Unit of Reimbursement

A. - H.1.b. ...

c. The Department of Health (LDH) established a mandatory hourly wage enhancement for all direct service workers (DSWs) employed in I/DD HCBS services. The wage enhancement shall be a direct wage increase of 70 percent of the \$2.50 rate increase, equal to \$1.75 per hour.

d. ...

e. The wage being received by DSWs who were working for an agency prior to October 1, 2021 and are still employed by that agency shall amount to a total of \$1.75 more per hour than they were receiving prior to October 1, 2021. In cases where this is applicable, the rate increase is not retroactive to October 1, 2021. If the current wage paid to DSWs who were working for an agency prior to October 1, 2021 and are still employed by that agency totals at least \$1.75 more per hour than the wage paid to the DSWs prior to October 1, 2021, no change to the DSW's wage is necessary to comply with the mandatory hourly wage enhancement.

f. LDH reserves the right to adjust the DSW wage floor as needed through appropriate rulemaking promulgation consistent with the Louisiana Administrative Procedure Act.

2. Establishment of Direct Support Worker Workforce Bonus Payments

a. Providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each direct service worker that worked with participants for those months.

b. The direct service worker who provided services to participants from April 1, 2021 to October 31, 2022 must receive at least \$250 of this \$300 bonus payment paid to the provider. This bonus payment is effective for all affected direct service workers of any working status, whether full-time or part-time.

c. Bonus payments will end October 31, 2022.

d. ...

e. - e.ii. Repealed.

3. Audit Procedures for Direct Service Worker Wage Floor and Workforce Bonus Payments

a. ...

i. - iv. Repealed.

b. - e.ii. ...

4. Sanctions for Direct Service Worker Wage Floor and Workforce Bonus Payments

a. The provider will be subject to sanctions or penalties for failures to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such an action will depend upon the following factors:

i. failure to pay I/DD HCBS direct service workers the floor minimum of \$9 per hour and/or the \$250 monthly bonus payments;

ii. the number of employees identified as having been paid less than the floor minimum of \$9 per hour and/or the \$250 monthly bonus payments;

iii. the persistent failure to pay the floor minimum of \$9 per hour and/or the \$250 monthly bonus payments; or

H.4.a.iv. - I. ...

1. Establishment of Support Coordination Workforce Bonus Payments

a. Support coordination providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each support coordination worker that worked with participants for those months.

b. The support coordination worker who provided services to participants from April 1, 2021 to October 31, 2022 must receive at least \$250 of this \$300 bonus payment paid to the provider. This bonus payment is effective for all affected support coordination workers of any working status, whether full-time or part-time.

c. - d. Repealed.

2. Audit Procedures for Support Coordination Workforce Bonus Payments

a. - e.ii. ...

3. Sanctions for Support Coordination Workforce Bonus Payments

a. The support coordination provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

i. failure to pay support coordination workers the \$250 monthly bonus payments;

ii. the number of employees identified as having been paid less than the \$250 monthly bonus payments;

iii. the persistent failure to pay the \$250 monthly bonus payments; or

I.3.a.iv. - J....

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 32:1607 (September 2006), amended LR 34:662 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 36:2281(October 2010), LR 37:2158 (July 2011), LR 39:1050 (April 2013), LR 40:82 (January 2014), LR 40:2587 (December 2014), LR 42:900 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:43 (January 2022), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:43(January 2022), LR 48:1579 (June 2022), LR 49:

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding these substantive changes to the proposed Rule. A public hearing on the substantive changes to the proposed Rule is scheduled for Tuesday, February 28, 2023 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. 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 receipt of all written comments is 4:30 p.m., March 1, 2023.

Dr. Courtney N. Phillips
Secretary

2301#064

POTPOURRI

Department of Health Bureau of Health Services Financing

Public Hearing—Substantive Changes to Proposed Rule
Nurse Aide Training and Competency Evaluation Program
Medication Attendant Certified—Licensing Standards
(LAC 48:I.Chapter 100)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health, Bureau of Health Services Financing published a Notice of Intent in the October 20, 2022 edition of the *Louisiana Register* (LR 2666-2673) to amend LAC 48:I.Chapter 100 as authorized by R.S. 36:254 and R.S.37:1026.1 et seq. This Notice of Intent proposed to amend the provisions governing the Nurse Aide Training and Competency Evaluation Program in order to update the licensing requirements for medication attendants certified that provide services in licensed long-term care facilities in compliance with Act 112 of the 2022 Regular Session of the Louisiana Legislature. As a result of comments received in response to the proposed Rule, the department determined that additional, non-technical revisions are necessary to the provisions of §10081 and §10082 of the October 20, 2022 Notice of Intent.

Taken together, these revisions will closely align the proposed Rule with the department's original intent and the concerns brought forth during the comment period for the Notice of Intent as originally published.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 100. Nurse Aide Training and Competency Evaluation Program

Subchapter G. Medication Attendant Certified

§10081. General Provisions

A. - A.1. ...

2. successfully completed a state-approved MAC training course and competency evaluation administered by a state-approved testing source; and

A.3. - F. ...

1. - 3. Repealed

G. - J. ...

J.1. - M. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1413 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1248 (May 2012), repromulgated LR 38:1412 (June 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:30 (January 2020), LR 49:

§10082. General Requirements

A. - B.2. ...

C. All MAC training and competency evaluation programs must be approved by the department. Each state-approved MAC training and competency evaluation program shall:

C.1. - D. ...

1. - 4. Repealed.

E. ...

F. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1414 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1249 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:30 (January 2020), LR 49:

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding these substantive changes to the proposed Rule. A public hearing on the substantive changes to the proposed Rule is scheduled for Tuesday, February 28, 2023 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. 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 receipt of all written comments is 4:30 p.m., March 1, 2023.

Dr. Courtney N. Phillips
Secretary

2301#065

POTPOURRI

Department of Health Bureau of Health Services Financing and Office of Aging and Adult Services

Public Hearing—Substantive Changes to Proposed Rule
Personal Care Services—Long Term
Direct Service Worker Wages and Bonus Payments
(LAC 50:XV.12917 and 12921)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services published a Notice of Intent in the September 20, 2022 edition of the *Louisiana Register* (LR 48:2438-2440) to amend LAC 50:XV.12917 and adopt 12921 as authorized by R.S. 36:254 and pursuant to Title

XIX of the Social Security Act. This Notice of Intent proposed to continue the provisions of the July 31, 2022 Emergency Rule which amended and adopted provisions governing LT-PCS in order to establish a wage floor and workforce bonus payments for direct service workers along with audit procedures and sanctions. Upon further discussion with various stakeholders, the department has determined that revisions are necessary to the provisions governing the bonus payments approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) under section 9817 of the American Rescue Plan Act of 2021.

Taken together, all of these revisions will closely align the proposed Rule with the department's original intent and the concerns brought forth during subsequent discussions with stakeholders relative to the Notice of Intent as originally published.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 9. Personal Care Services

Chapter 129 Long Term Care

§12917. Reimbursement

A. - B. ...

C. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:913 (June 2003), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:253 (February 2008), LR 34:2581 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:1901 (September 2009), LR 36:1251 (June 2010), LR 37:3267 (November 2011), LR 39:1780 (July 2013), LR 42:904 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR:47:594 (May 2021), LR 49:

§12921. Direct Service Worker Wages, Other Benefits, and Workforce Bonus Payments

A. - A.5....

B. Establishment of Direct Service Worker Workforce Bonus Payments

1. LT-PCS providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each DSW that worked with participants for those months.

2. The DSW who provided services from April 1, 2021 to October 31, 2022 to participants must receive at least \$250 of this \$300 bonus payment paid to the provider. This bonus payment is effective for all affected DSWs of any working status, whether full-time or part-time.

3. - 4. Repealed.

C. Audit Procedures for Direct Service Worker Wage Floor, Other Benefits, and Workforce Bonus Payments

1. - 5.b. ...

D. Sanctions for Direct Service Worker Wage Floor, Other Benefits, and Workforce Bonus Payments

1. The LT-PCS provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

a. failure to pass 70 percent of the LT-PCS provider rate increases directly to the DSWs in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments;

b. the number of employees identified that the LT-PCS provider has not passed 70 percent of the LT-PCS provider rate increases directly to the DSWs in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments;

c. the persistent failure to not pass 70 percent of the LT-PCS provider rate increases directly to the LT-PCS DSWs in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments; or

d. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 49:

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding these substantive changes to the proposed Rule. A public hearing on the substantive changes to the proposed Rule is scheduled for Tuesday, February 28, 2023 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. 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 receipt of all written comments is 4:30 p.m., March 1, 2023.

Dr. Courtney N. Phillips
Secretary

2301#066

POTPOURRI

Department of Health Bureau of Health Services Financing

Public Hearing—Substantive Changes to Proposed Rule
Targeted Case Management
Reimbursement Methodology
Workforce Bonus Payments
(LAC 50:XV.10704)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. the Department of Health, Bureau of Health Services Financing published a Notice of Intent in the September 20, 2022 edition of the *Louisiana Register* (LR 48:2444-2445) to adopt LAC 50:XV.10704 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Notice of Intent proposed to continue the provisions of the July 31, 2022 Emergency Rule which adopted provisions governing targeted case management services in order to establish workforce bonus payments for case managers along with audit procedures and sanctions. Upon further discussion with various stakeholders, the department has determined that revisions are necessary to the provisions governing the bonus payments approved by the U.S. Department of Health and

Human Services, Centers for Medicare and Medicaid Services (CMS) under section 9817 of the American Rescue Plan Act of 2021.

Taken together, all of these revisions will closely align the proposed Rule with the department’s original intent and the concerns brought forth during subsequent discussions with stakeholders relative to the Notice of Intent as originally published.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XV. Services for Special Populations
Subpart 7. Targeted Case Management
Chapter 101. General Provisions
§10704. Targeted Case Management Workforce Bonus Payments

A. Establishment of Targeted Case Management Workforce Bonus Payments

1. Case management agencies for the early and periodic screening, diagnosis, and treatment (EPSDT) targeted population and for participants in the New Opportunities Waiver (NOW) who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for the case manager that worked with participants for those months.

2. The case manager who provided services to participants from April 1, 2021 to October 31, 2022 must receive at least \$250 of this \$300 bonus payment paid to the agency. This bonus payment is effective for all affected case managers of any working status, whether full-time or part-time.

3. - 4. Repealed.

B. Audit Procedures for Targeted Case Management Workforce Bonus Payments

1. - 5.b. ...

C. Sanctions for Targeted Case Management Workforce Bonus Payments

1. The case management agency will be subject to sanctions or penalties for failure to comply with this Rule. The severity of such action will depend upon the following:

- a. failure to pay case managers the \$250 monthly bonus payments;
- b. the number of employees identified as having been paid less than the \$250 monthly bonus payments;
- c. the persistent failure to pay the \$250 monthly bonus payments; or
- d. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

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

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding these substantive changes to the proposed Rule. A public hearing on the substantive changes to the proposed Rule is scheduled for Tuesday, February 28, 2023 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge,

LA. 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 receipt of all written comments is 4:30 p.m., March 1, 2023.

Dr. Courtney N. Phillips
Secretary

2301#067

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
B & D Operating Company	Haynesville, East	S	EHA KSU; Longino et al Unit	001	31507(30)
C. L. Morris, Inc.	Caddo Pine Island	S	Mason R P swd	001	57347
Ew McGoldrick & McGoldrick Oc	Caddo Pine Island	S	United Oil and Gas Company	004	56286
Ew McGoldrick & McGoldrick Oc	Caddo Pine Island	S	United Oil and Gas	005	56932
Ew McGoldrick & McGoldrick Oc	Caddo Pine Island	S	Dreyfuss-Lane	009	64307
F.E.Hargraves & Sons Drl.Co.Inc.	Caddo Pine Island	S	Woolbert	002	156715
F.E.Hargraves & Sons Drl.Co.Inc.	Caddo Pine Island	S	Noel est B	001	162135
Lamar Hunt Trust Est et al	Haynesville, East	S	Longino-Goode et al Unit	001	31681(29)
Lamar Hunt Trust Est et al	Haynesville, East	S	Longino Goode	006	43476(30)
Lamar Hunt Trust Est et al	Haynesville, East	S	Longino Goode	006D	44565(30)
Lee & Markham Prod Co	Caddo Pine Island	S	K M Spell	001	990557
McGoldrick Oil Co.	Caddo Pine Island	S	Thacker	003	55164
McGoldrick Oil Co.	Caddo Pine Island	S	Gamm "F"	F2	61935
Ross Exploration, Inc.	Caddo Pine Island	S	Bickham	002	24366(30)
Ross Exploration, Inc.	Caddo Pine Island	S	Bickham	014	44344(30)

Operator	Field	District	Well Name	Well Number	Serial Number
Ross Exploration, Inc.	Caddo Pine Island	S	Bickham	018	48619(30)
Shallow Oil Co Inc.	Caddo Pine Island	S	Gamm	B-3	40404
W. B. White Oil Properties	Wildcat-So La Lafayette Dist	L	A Richard	001	59808

Richard P. Ieyoub
Commissioner

2301#031

POTPOURRI

**Department of Revenue
Policy Services Division**

Notice of Public Hearing—Changes to Proposed Rule
Income Tax Filing Extension
(LAC 61:III.2501, 2503, 2505, and 2507)

The Department of Revenue (the Department) published a Notice of Intent to promulgate LAC 61:III.2501, 2503, 2505, and 2507, Income Tax Filing Extension in the October 20, 2022 edition of the *Louisiana Register* (LR 48:2689-2691). Written comments were received from the Council on State Taxation and the Society of Louisiana Certified Public Accountants; no one appeared at the public hearing held on November 29, 2022. Based on these written comments, the Department of Revenue is amending the proposed rule to remove and add certain language relative to section LAC 61:III.2503.

As amended, the proposed rule no longer contains language providing the secretary the authority to grant a “reasonable” extension of time to file, given that La. R.S. 47:103(D) and 287.614(D) mandate the allotted time to file. Furthermore, the proposed rule provides that taxpayers should retain Federal Form 6513, *Extension of Time to File*, verifying approval for a federal filing extension. The Department has decided to add language providing that taxpayers may retain material other than Federal Form 6513 evidencing approval of their federal filing extension application.

Title 61

REVENUE AND TAXATION

Part III. Administrative and Miscellaneous Provisions

Chapter 25. Returns

§2501. Individual Income Tax Filing Extensions

A. Pursuant to R.S. 47:103(D), the secretary may grant a reasonable extension of time to file a state income tax return, not to exceed six months from the date the return is due.

1. To obtain a filing extension, the taxpayer must make the request on or before the tax return's due date.

2. A taxpayer may request a state filing extension by submitting one of the following:

- a. a paper Louisiana Department of Revenue form requesting a filing extension;
 - b. a paper copy of the taxpayer’s Internal Revenue Service form requesting an extension to file a federal income tax return for the same taxable period; or
 - c. an electronic application.
3. An electronic application may be submitted by:
- a. the Department of Revenue's web site;
 - b. tax preparation software; or
 - c. any other electronic method authorized by the secretary.

B. For taxable periods beginning on or after January 1, 2022, the secretary shall grant an automatic extension of time to file a state income tax return, not to exceed six months from the date the return is due, with no extension request required.

C. Filing Extension Does Not Extend Time to Pay Tax

1. A filing extension granted by the secretary only allows for an extension of time to file the tax return. The extension does not allow an extension of time to pay the tax due.

2. To avoid interest and penalty assessments, estimated taxes due must be paid on or before the original due date.

D. For taxable periods prior to January 1, 2022 a tax preparer subject to the electronic filing mandate under LAC 61:III.1501.B must file an electronic application for a state filing extension for individual income taxes.

E. Failure to file the return by the extended due date shall result in the extension being null and void and shall result in delinquent filing penalties being assessed from the original due date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:103(D) and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 35:1137 (June 2009), amended LR 36:73 (January 2010), LR 39:103 (January 2013), LR 45:1809 (December 2019), amended LR 49:

§2503. Corporation Income and Franchise Tax Filing Extensions

A. *Louisiana Revised Statute* Title 47, Section 287.614(D) provides that the secretary may grant an extension of time to file a state corporation income and franchise tax return, not to exceed seven months, from the date the return is due.

1. To obtain a filing extension, the taxpayer must make the request on or before the tax return’s due date.

2. A taxpayer must request a state filing extension by submitting an electronic application.

3. An electronic application may be submitted via:
- a. the Department of Revenue's web site at www.revenue.louisiana.gov/extensions;
 - b. tax preparation software; or
 - c. any other electronic method authorized by the secretary.

B. For taxable periods beginning on or after January 1, 2022 the secretary shall grant a reasonable extension of time to file a state corporation income and franchise tax return for the same extended period of time as the taxpayer’s federal

extension, or six-months, whichever is later, with no state extension request required.

1. A taxpayer who files a corporation franchise tax return without a corporate income tax return is ineligible for a filing extension pursuant to R.S. 47:612.

2. A taxpayer must mark the box on the CIFT-620, *Louisiana Corporation Income and Franchise Tax Return*, noting that they have timely applied for a federal extension for the same taxable period.

a. If approved for a federal extension, a taxpayer should retain a copy of their approval determination letter Federal Form 6513, *Extension of Time to File* or other material evidencing that their federal extension has been approved.

b. Failure to obtain an approved federal extension shall result in the Louisiana extension being null and void and shall result in delinquent filing penalties being assessed from the original due date.

i. If a taxpayer requested reconsideration of a denied federal extension and the extension is subsequently approved, the taxpayer must attach all documents required by the IRS for approving the reconsideration request to their return in addition to a statement from the IRS or the taxpayer that the reconsidered extension request has been approved.

ii. If a taxpayer requested reconsideration of a denied federal extension and the extension request remains denied, the taxpayer must file their return without further delay and attach the IRS statement informing the taxpayer that their reconsidered extension request remains denied.

C. Filing Extension Does Not Extend Time to Pay Tax

1. A filing extension granted by the secretary only allows for an extension of time to file the tax return. The extension does not allow an extension of time to pay the tax due.

2. To avoid interest and penalty assessments, income and franchise taxes due must be prepaid on or before the original due date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.614(D), 612 and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 36:552 (March 2010), amended LR 39:99 (January 2013), amended LR 49:

§2505. Filing Extensions for Partnerships

A. Revised Statute Title 47, Section 1514 provides that the secretary may grant a reasonable extension to file any tax return due under this subtitle, not to exceed six months, from the date the return is due.

1. To obtain a filing extension for filing a partnership/partnership composite return, partnerships must make the request on or before the tax return's due date.

2. A partnership must request a state filing extension by submitting an electronic application.

3. An electronic application may be submitted via:

- a. the Department of Revenue's web site at www.revenue.louisiana.gov/extensions;
- b. tax preparation software; or

c. any other electronic method authorized by the secretary.

B. For taxable periods beginning on or after January 1, 2022, the secretary shall grant an automatic extension of time to file a state income tax return, not to exceed six months from the date the return is due, with no extension request required.

C. Filing extension does not extend time to pay tax.

1. A filing extension granted by the secretary only allows for an extension of time to file the tax return. The extension does not allow an extension of time to pay the tax due.

2. To avoid interest and penalty assessments, income taxes due must be prepaid on or before the original due date.

D. Failure to file by the extended due date shall result in the extension being null and void and shall result in delinquent filing penalties assessed from the original due date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:103(D), 1511 and 47:1514.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 40:801 (April 2014), LR 48:1106 (April 2022), amended LR 49:

§2507. Fiduciary Income Tax Filing Extensions

A. Pursuant to R.S. 47:103(D), the secretary may grant a reasonable extension of time to file a state income tax return, not to exceed six months from the date the return is due.

1. To obtain a filing extension for filing a fiduciary return, estates and trusts must make the request on or before the due date of the tax return.

2. For taxable periods beginning on or after January 1, 2019, an estate or trust must request a state filing extension by submitting an electronic application.

3. An electronic application may be submitted via:

- a. the Department of Revenue's web site;
- b. tax preparation software; or
- c. any other electronic method authorized by the secretary.

B. For taxable periods beginning on or after January 1, 2022, the secretary shall grant an automatic extension of time to file a state income tax return, not to exceed six months from the date the return is due, with no extension request required.

C. Filing extension does not extend time to pay tax.

1. A filing extension granted by the secretary only allows for an extension of time to file the tax return. The extension does not allow an extension of time to pay the tax due.

2. To avoid interest and penalty assessments, income taxes due must be prepaid on or before the original due date.

D. Failure to file by the extended due date shall result in the extension being null and void and shall result in delinquent filing penalties assessed from the original due date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:103(D) and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 45:1810 (December 2019), amended LR 49:

Public Comments

Any interested person may submit written data, views, arguments or comments regarding these proposed amendments to Christina Junker, Attorney, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be received no later than 4:00 p.m., Sunday, February, 26, 2023.

Public Hearing

A public hearing will be held on Monday, February, 27, 2023, at 9:00 AM in the LaBelle Room, on the first floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Kevin J. Richard, CPA
Secretary

2301#023

POTPOURRI

**Workforce Commission
Office of Workers' Compensation Administration**

Mileage Update

Pursuant to R.S. 23:1203(D), effective October 1, 2022 the workers' compensation mileage reimbursement is updated to reflect modified language established by the state of Louisiana in the Division of Administration's PPM 49 guide.

Mileage Reimbursement
\$0.625 per mile

This information updates R.S. 23:1203 of the Louisiana Workers Compensation Act.

Tavares A. Walker
Deputy Assistant Secretary

2301#013

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